

50. The Corporation shall prepare its annual budget estimates and submit the same to the Government by the prescribed date and the Government may modify the said estimates to such extent as it may consider necessary. The Budget

CHAPTER IX

RULES, REGULATIONS AND NOTICES

51. (1) The Government may, by notification in the *official Gazette*, make rules for the purpose of giving effect to the provisions of this Ordinance. Power to make rules

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for-

- (a) the carrying out of continuous evaluation by the Government of the work of the Corporation;
- (b) the reappropriation of funds within the sanctioned budget;
- (c) the maintenance of liaison between the Corporation and other bodies and authorities concerned with administration and development, including the local councils constituted under the ¹[Bangladesh Local Government (Union Parishad and Paurashava) Order, 1973, or under any other law for the time being in force];
- (d) the powers of the Project Directors; and
- (e) any other matters required by the provisions of this Ordinance to be prescribed.

52. (1) Subject to the provisions of this Ordinance and the rules, the Corporation may, by notification in the *official Gazette*, and with the previous approval of the Government, make regulations for carrying out the purposes of this Ordinance. Power to make regulations

¹ The words, commas and figures “Bangladesh Local Government (Union Parishad and Paurashava) Order, 1973, or under any other law for the time being in force” were substituted for the words, comma and figure “Basic Democracies Order, 1959” by section 14 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

(2) In particular, and without prejudice to the generality of the foregoing powers, such regulations may provide for-

- (a) the appointment of Committees to consider particular matter or matters;
- (b) the investment of moneys by the Corporation;
- (c) the meetings of the Board;
- (d) methods of ensuring continuous evaluation by the Corporation of its schemes and projects;
- (e) the determination of the terms and conditions of service of the officers and servants of the Corporation;
- (f) the mode of operation and expenditure of the funds of the Corporation; and
- (g) Any other matters required by the provisions of this Ordinance to be provided by regulations.

Stamping
signature on
notices or bills

53. Every notice or bill issued by the Corporation under this Ordinance shall be signed by the Chairman or by any Director, officer or servant of the Corporation specially or generally authorised by the Chairman and every such notice or bill shall be deemed to be properly signed, if it bears the facsimile of the signature of the Chairman or such Director, officer or servant stamped or printed thereon.

Method of
giving public
notice

54. Subject to the provisions of this Ordinance, every public notice required under this Ordinance shall be deemed to have been duly given if it is published in some local newspaper and posted on a notice board to be exhibited for public information at the building in which the meetings of the Corporation are ordinarily held.

Service of
notice

55. (1) Every notice, other than a public notice, and every bill, issued under this Ordinance shall, unless it is under this Ordinance otherwise expressly provided, be served or presented-

- (a) by giving or tendering the notice or bill, or sending it by registered post, to the person to whom it is addressed; or

- (b) if such person cannot be found, then by leaving the notice or bill at his last known place of abode, or by giving or tendering it to some adult male member or servant of his family, ordinarily residing with him, or by causing it to be affixed on some conspicuous part of the building or land to which it relates.

(2) When a notice is required or permitted under this Ordinance to be served upon an owner, occupier or tenant, as the case may be, of a building or land, it shall not be necessary to name the owner, occupier or tenant therein, and the service thereof, in cases not otherwise specially provided for in this Ordinance, shall be effected either-

- (a) by giving or tendering the notice, or sending it by post to the owner, occupier or tenant, or, if there be more owners, occupiers or tenants than one, to any of them; or
- (b) if such owner, occupier or tenant cannot be found, then by giving or tendering the notice to an adult male member or servant of his family ordinarily residing with him, or by causing the notice to be affixed on some conspicuous part of the building or land to which it relates.

(3) Whenever the person on whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant or his family ordinarily residing with him shall be deemed to be service upon the minor.

56. Where, under this Ordinance or a notice issued thereunder, the public or any person is required to do or to refrain from doing anything, a person who fails to comply with such requisition shall, if such failure is not an offence punishable under any other section of this Ordinance, be liable, on conviction by a Magistrate, to a fine not exceeding five hundred taka for every such failure, and in the case of a continuing breach, to a further fine which may extend to five taka for every day after the date of the last conviction during which the offender is proved to have persisted in the breach:

Disobedience to
Ordinance or
notice

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Ordinance, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this Ordinance.

Powers of the Corporation to execute works on failure to comply with notice

57. If a notice has been given by the Corporation under this Ordinance to a person requiring him to execute a work in respect of any property, movable or immovable, public or private, or to provide or do or refrain from doing anything within a time specified in the notice, and if such person fails to comply with such notice, then the Corporation may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person.

Liability of occupier to pay in default of owner

58. (1) If the person to whom the notice mentioned in section 57 has been given, is the owner of the property in respect of which it is given the Corporation may (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who is the occupier or tenant of such property or a part thereof under such owner, to pay to the Corporation instead of paying to the owner the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under section 57 and any such payment made by the occupier or tenant to the Corporation shall be deemed to have been made to the owner of the property.

(2) For the purpose of deciding whether action should be taken under sub-section (1), the Corporation may require an occupier or tenant of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable, and if the occupier or tenant refuses to furnish such information he shall be liable for the whole of the expenses as if he were the owner.

Right of occupier to execute work in default of owner

59. Whenever default is made by the owner of a building or land in the execution of a work required under this Ordinance to be executed by him, the occupier or tenant of such building or land may, with the written permission of the Corporation, cause such work to be executed and the expense thereof shall be paid by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Procedure upon opposition to execution by occupier

60. (1) If, after receiving information of the intention of the owner of any building or land to take any action in respect thereof in compliance with a notice issued under this Ordinance, the occupier or tenant refuses to allow such owner to take such action, the owner may apply to a Magistrate.

(2) The Magistrate, upon proof of such refusal, may, by order in writing, require the occupier or tenant to give the owner reasonable facility for executing such works, with respect to such building or land, as may be necessary for compliance with the notice, and may also, if he deems fit, order the occupier or tenant to pay to the owner the costs relating to such application or order.

(3) If, after the expiration of eight days from the date of the Magistrate's order, the occupier or tenant continues to refuse to allow the owner to execute such work the occupier or tenant shall be liable upon conviction, to a fine which may extend to twenty-five taka for every day during which he has so continued to refuse.

(4) Every owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in the execution of such works.

61. When the occupier or tenant of a building or land has, in compliance with a notice issued under this Ordinance, executed a work for which the owner of such building or land is responsible, either in pursuance of contract of tenancy or by law, he shall be entitled to recover from the owner, by deduction from the rent payable by him or otherwise, the reasonable cost of such work.

Recovery of cost of works by the occupier

62. (1) When a person, by reason of his receiving or being entitled to receive, the rent of immovable property as trustee or agent of a person or society would, under this Ordinance, be bound to discharge an obligation imposed by this Ordinance on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

Relief to agents and trustees

(2) When an agent or trustee has claimed and established his right to relief under this section, the Corporation may give him notice to apply to the discharge of such obligation as aforesaid the moneys which come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

Penalty for removing fence, etc.

63. If any person, without lawful authority-

- (a) removes any fence or any timber used for propping or supporting any building, wall or other thing or extinguishes any light set up at any place where the surface of a street or other ground has been opened or broken up by the Corporation for the purpose of carrying out any work; or
- (b) infringes any order given, removes any bar, chain or post fixed, by the Corporation for the purpose of closing any street to traffic,

he shall be punishable with fine which may extend to fifty taka.

Penalty for obstructing contractor or removing mark

64. If any person-

- (a) obstructs or molests any person with whom the Corporation has entered into contract under this Ordinance in the performance or execution, of the contract by such person, or
- (b) removes any marks set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Ordinance,

he shall be punishable with fine which may extend to two hundred taka or with imprisonment for a term which may extend to two months.

Power of Corporation in cases of squatters and trespassers

65. When the Chairman is satisfied that any person has taken or is in possession of land comprised in any scheme or project or any other land owned by or vested in the Corporation to which he has no right or title, the Chairman or any person authorised by him in addition to any other powers he may possess, may forthwith, with the use of such force as may be necessary, re-enter upon the land, and resume possession of it and take possession of all crops, trees and buildings thereon on behalf of the Corporation without payment of any compensation whatsoever.

Penalty for unauthorised cultivation, etc.

66. If any person, without the written permission of the Corporation-

- (a) clears or breaks up for cultivation or cultivates any land which is owned by or in the possession of the Corporation and is not included in any tenancy or allocated residential enclosures, or which has been set

apart for the common purposes of a town or a village community or section of the same or for a road, canal or watercourse, or

- (b) erects any building on any such land, or
- (c) fells or otherwise destroys standing trees on such land, or
- (d) otherwise encroaches on any such land, or
- (e) makes an excavation or constructs a water channel on any such land,

he shall be punished on conviction by a Magistrate with a fine not exceeding two hundred taka.

Explanation.- The felling of trees planted by an owner or tenant on any village road or watercourse traversing his holding is not an offence under this section.

67. When the Corporation is satisfied that an act punishable under section 66 has been committed, it may, in lieu of proceeding against the offender under that section, or after conviction of the offender under that section,-

Additional powers of the Chairman of the Corporation in regard to offences

- (i) in the case of an offence under clause (a) of section 66, confiscate the crops growing on any land cultivated in contravention of this Ordinance, or if the crops have been cut, recover such sum as it may assess as the value thereof from the offender;
- (ii) in the case of an offence under clause (c) of section 66, recover such sum as it may assess as the value of the trees destroyed;
- (iii) in the case of an offence under clause (b), (d) or (e) of section 66, cause the building or other encroachment to be demolished or removed or the excavation or channels to be filled up, and levy the cost of so doing from the person responsible for such act.