

- (b) if any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the Government, or the levy of development fee on land not previously liable to such fee, the procedure laid down in the foregoing sections of this Chapter shall, so far as applicable, be followed, as if the alteration were a separate scheme or project.

**36.** Any number of areas in respect of which the Corporation has prepared or has proposed to prepare schemes or projects under this Ordinance may, at any time, be included in one combined scheme or project.

Inclusion of different areas in combined scheme or project

**37.** As soon as any scheme or project has been carried out by the Corporation, or at a later date, the Corporation may, by written requisition, call upon a local authority within whose jurisdiction any particular area covered by the scheme or project lies to take over and maintain any of the works and services in that area and the local authority shall comply with such requisition.

Passing over of works and services to local Authorities

## CHAPTER VII

### ACQUISITION, ABANDONMENT OF ACQUISITION AND LEVY OF DEVELOPMENT FEE

**38.** (1) For the purpose of compulsory acquisition of land by the Corporation, the Land Acquisition Act, 1894, hereinafter referred to as the said Act, shall apply subject to the modifications indicated in the Schedule.

Modification of Act I of 1894

(2) In addition to the modifications indicated in Schedule,-

- (a) the first publication of a notice of a scheme or project under section 30 shall be substituted for and have the same effect as publication in the *official Gazette* and in the locality of a notification under sub-section (1) of section 4 of the said Act, except where a notification under section 4 or a declaration under section 6 of the said Act has previously been made and is still in force;
- (b) proceedings under section 31 and sub-section (1) of section 32 shall be substituted for and have the same effect as proceedings under section 5A of the said Act; and

- (c) subject to the provisions of paragraphs 9 and 10 of the Schedule, the publication of a notification under section 34 shall be substituted for and have the same effect as a declaration by the Government under section 6 of the said Act, unless a declaration under the last mentioned section has previously been made and is still in force.

Acquisition in  
urgent cases

**39.** (1) The Government may, by notification in the *official Gazette*, declare any area to be an area required immediately for development or for any other purpose similar to the purposes of a scheme or project, and direct the Corporation to undertake in respect of such area all or any of the measures which may be undertaken under any scheme or project.

(2) After a notification has been issued under sub-section (1) in respect of any area, the Corporation may apply to the Collector, who after giving such reasonable notice as may be prescribed to the owners and occupiers, shall deliver possession of any land in such locality to the Corporation and the land shall thereupon, notwithstanding anything contained in the Land Acquisition Act, 1894, vest absolutely in the Corporation free from all encumbrances subject only to payment of compensation under the Land Acquisition Act, 1894, as modified by this Ordinance.

Tribunals

**40.** (1) For the purpose of performing the functions of the Court in reference to the acquisition of land for the Corporation under the Land Acquisition Act, 1894, as modified by this Ordinance, the Government may, by notification in the *official Gazette*, constitute one or more Tribunals, and may define the local limits of their jurisdiction.

(2) The Tribunal shall consist of a President and two Members chosen by the Government.

(3) The President of the Tribunal shall be a person qualified to be a Judge of the <sup>1</sup>[Supreme Court]:

Provided that no person shall be appointed as President or Member of the Tribunal if he suffers from any of the disqualifications mentioned in sub-section (1) of section 7.

<sup>1</sup> The words "Supreme Court" were substituted for the words "High Court" by section 10 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

(4) The term of office of the President and Members of the Tribunal shall be two years, and they shall be eligible for re-appointment.

(5) The Tribunal shall be deemed to be the Court, and the President thereof shall be deemed to be the Judge for the purpose of compulsory acquisition under the Land Acquisition Act, 1894.

(6) The President of the Tribunal shall have the powers of a Civil Court under the Code of Civil Procedure, 1908 to summon and enforce the attendance of witnesses and to compel the production of documents.

(7) The Government may, in its discretion, remove a Member of the Tribunal on grounds of inefficiency, misconduct, or for any other good and sufficient reasons.

(8) The Government may by rules provide for-

- (a) the method of filling a casual vacancy on a Member becoming incapacitated to work on account of illness or for any other reasons;
- (b) the employment by the President of the Tribunal of such ministerial staff as is necessary to carry on the work of the Tribunal and their scales of pay;
- (c) the emoluments or allowances to be paid to the President and the Members of the Tribunal;
- (d) the grant of leave, promotion, or taking of disciplinary action by the President of the Tribunal in respect of the ministerial staff employed under him; and
- (e) generally, for the conduct of business before the Tribunal.

(9) For the purpose of the award to be made by the Tribunal under the Land Acquisition Act, 1894, the following rules shall apply, that is to say-

- (a) if there is disagreement between the Members of the Tribunal regarding measurement of land, or the amount of compensation or costs, the opinion of the majority shall prevail;

- (b) the decision on questions of law and procedure shall rest solely with the President of the Tribunal;
- (c) the President of the Tribunal shall not be bound to consult the Members in regard to the determination of persons to whom compensation is to be paid, or the apportionment thereof, and may in his discretion dispose of such question singly and in that case his decision shall be deemed to be the decision of the Tribunal.

(10) Every award of the Tribunal shall be deemed to be the award of the Court under the Land Acquisition Act, 1894, and shall be enforced by the Subordinate Judge within whose jurisdiction the land under acquisition is situated as if it were the decree of that Court.

#### Appeals

**41.** (1) Subject to the provision of sub-section (2), an appeal shall lie to the <sup>1</sup>[High Court Division] in any of the following cases, namely:-

- (a) where the decision is that of the President of the Tribunal sitting alone in pursuance of clause (c) of sub-section (9) of section 40; and
- (b) where the decision is that of the Tribunal, and:-
  - (i) the President of the Tribunal grants a certificate that the case is a fit one for appeal; or
  - (ii) the <sup>2</sup>[High Court Division] grants special leave to appeal:

Provided that the <sup>3</sup>[High Court Division] shall not grant such special leave unless the President of the Tribunal has refused to grant a certificate under sub-clause (i) and the amount in dispute is not less than five thousand taka.

<sup>1</sup> The words "High Court Division" were substituted for the words "High Court" by section 11 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

<sup>2</sup> The words "High Court Division" were substituted for the words "High Court" by section 11 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

<sup>3</sup> The words "High Court Division" were substituted for the words "High Court" by section 11 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

(2) An appeal under clause (b) of sub-section (1) shall lie only on one or more of the following grounds, namely:-

- (a) the decision being contrary to law or to some usage having the force of law;
- (b) the decision having failed to determine some material issue of law or usage having the force of law; and
- (c) a substantial error or defect in procedure which may possibly have produced error or defect in the decision of the case upon merits.

(3) Subject to the foregoing provisions, the provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as may be, apply to appeals under this section.

(4) Every order passed by the <sup>1</sup>[High Court Division] on appeal under this section shall be enforced by the Court of the Subordinate Judge within whose jurisdiction the land relating to the award or order appealed against is situated, as if it were a decree of that Court.

(5) An appeal under this section shall be deemed to be an appeal under the Code of Civil Procedure, 1908, within the meaning of Article 156 of the First Schedule to the Limitation Act, 1908.

**42.** (1) An owner of land comprised in any scheme or project sanctioned by the Government, or any other person having land interest therein, may apply to the Corporation that the acquisition of the land which is not required for the execution of the scheme or project be abandoned.

Abandonment  
of acquisition

(2) The Corporation may admit for consideration such application if it is made at any time before the Collector has made an award under section 11 of the Land Acquisition Act, 1894, and if the application is admitted, the Corporation shall intimate this fact to the Collector who shall thereupon stay further proceedings connected with the acquisition of land in respect of which the application is admitted and the same shall not be re-opened until so desired by the Corporation.

---

<sup>1</sup> The words "High Court Division" were substituted for the words "High Court" by section 11 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

(3) The Corporation may, in its discretion, allow such application on payment of such fee and fulfilment of such terms and conditions as it may impose in this behalf.

(4) If any application under sub-section (1) is rejected by the Corporation or the fee imposed under sub-section (3) is not paid by the person concerned within the period specified in that behalf by the Corporation, the Corporation shall intimate the fact to the Collector who shall take up the proceedings for the acquisition of the land from the stage at which they had been stayed.

**Explanation.-** In this section, "Collector" has the same meaning as in the Land Acquisition Act, 1894.

Fresh  
acquisition

**43.** If any land in respect of which any payment has been accepted under the provisions of section 42 or section 45 be subsequently required for any of the purposes of this Ordinance, the payment or any other act done in connection therewith under the rules framed under sub-section (4) of section 45, shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration under section 6 of the Land Acquisition Act, 1894.

## CHAPTER VIII

### FINANCE

Corporation  
Fund

**44.** (1) There shall be a fund to be known as the "Corporation Fund" vested in the Corporation which shall be utilised by the Corporation to meet charges in connection with its functions under this Ordinance, including the payment of salaries and other remunerations to the Chairman, Directors, officers, advisers and servants of the Corporation.

(2) The Corporation Fund shall consist of,-

- (a) grants made by the Government;
- (b) loans obtained from the Government;
- (c) grants made by local authorities;
- (d) sale-proceeds of bonds issued under the authority of the Government;