

Provided that the Government may make arrangements for the continuation of any activities or undertakings of the Corporation in such area after it has ceased to be a Project Area.

CHAPTER VI

SPECIAL PROVISIONS RELATING TO LAND DEVELOPMENT SCHEMES AND PROJECTS

Schemes and projects for development

29. In schemes or projects involving acquisition and development of land or terracing or levelling of land or soil conservation or soil reclamation, the Corporation may provide for all or any of the following matters, that is to say,

- (a) the acquisition under the Land Acquisition Act, 1894, as modified by Chapter VII of this Ordinance, of any land or any interest in land necessary for, or affected by the execution of the scheme or project;
- (b) the acquisition by purchase, lease, exchange or otherwise of such land or interest in land;
- (c) the retention, letting on hire, lease, sale, exchange or disposal otherwise of any land vested in or acquired by the Corporation;
- (d) the relaying of any land comprised in the scheme or project, reservation of any land, not exceeding such portion of the total area as may be specified by regulations, for the common purposes of the village or villages comprised therein, the redistribution of the rest of the land among the owners of the property, and the management of the land reserved for such common purposes;
- (e) the layout and construction of market places, villages and settlements including the demolition of existing buildings and the erection or re-erection of buildings by the Corporation or the owners, or by the Corporation in default of the owners;
- (f) the provision of facilities for communication, including the layout and alteration of roads, streets, foot-paths, bridle paths, aerodromes and waterways;
- (g) the provision of open spaces, national parks, nature reserves, forests and forest parks;

- (h) the breaking up, cultivation, afforestation or plantation of lands, and the raising, lowering or reclamation of any land for the production of food-grains, fruits, vegetables, fuel, fodder and similar other things, and the provision of means of irrigation and irrigation channels by the Corporation, or the owners, or by the Corporation in default of the owners;
- (i) the draining, water-supply and lighting of streets and sanitation of villages and settlement, and market places;
- (j) the provision of a system of drains or sewers for the improvement of Oil-drained and insanitary localities;
- (k) the provision of fisheries, poultry farms, livestock farms, dairy farms, sheep farms, bee farms and similar other farms;
- (l) the installation, management, maintenance and encouragement of public utility undertakings, rural trades and crafts, industries, and works connected with agriculture;
- (m) the doing of all acts intended to promote the well-being and prosperity of the Project Area; and
- (n) the advancing as loan to the owners, occupiers or tenants of land comprised in the scheme or project upon such terms and conditions as to interest and sinking fund and other matters as may be specified in the scheme or project, of the whole or part of the capital requisite for breaking up and cultivation of land, construction of water courses, sinking of wells, purchase of cattle and of agricultural implements and machinery, for seeds and for any purpose subsidiary to agriculture and for erection of houses, godowns and cattle-sheds.

30. (1) When any such scheme or project as is contemplated in section 29 has been prepared, the Corporation shall prepare a notice stating-

- (a) the fact that the scheme or project has been prepared;
- (b) the boundaries of the area comprised in the scheme or project; and

Notice of scheme or project and supply of documents

- (c) the place at which details of the scheme or project, including a statement of the land proposed to be acquired or on which it is proposed to charge a development fee, and a general map of the area may be inspected during reasonable hours.

(2) The Corporation shall-

- (a) cause the said notice to be published weekly for three consecutive weeks in the *official Gazette* and in a local newspaper or local newspapers with a statement of the period which shall not be less than thirty days, within which objections shall be received; and
- (b) send a copy of the notice to the ¹[²Deputy Commissioner of the district, and to the Zilla Board and] the Union Parishad constituted under the Bangladesh Local Government (Union Parishad and Paurashava) Order, 1973,] having jurisdiction in the area with the request to send to the Corporation, within six weeks of receiving the copy of the notice, any representation, comments or suggestions they may wish to make.

(3) The Chairman shall cause copies of the documents referred to in clause (c) of sub-section (1) to be delivered to any applicant on payment of such fees as may be prescribed.

Notice of
proposed
acquisition of
land or levy of
development fee

31. (1) During the thirty days next following the first day on which any notice is published under section 30 in respect of any scheme or project under this Chapter, the Corporation shall serve a notice on-

- (a) every person whom the Corporation has reason to believe, after due enquiry, to be the owner of any immovable property which it proposes to acquire in executing the scheme or project, or in respect of which it is proposed to charge a development fee; and

¹ The words, commas and figure "Governor of the district, the Thana Council and to the Union Parishad constituted under the Bangladesh Local Government (Union Parishad and Paurashava) Order, 1973," were substituted for the words, commas and figure "Deputy Commissioners of the district, and to the District Council, the Thana Council and the Union Council constituted under the Basic Democracies Order, 1959," by section 9 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

² The words and comma "Deputy Commissioner of the district, and to the Zilla Board and" were substituted for the words and comma "Governor of the district, the Thana Council and to" by section 4 of the Bangladesh Agricultural Inputs (Supply and Services) Corporation (Amendment) Ordinance, 1976 (Ordinance No. XI of 1976).

- (b) the occupier or tenant (who need not be named) of such premises or land as the Corporation proposes to acquire in executing the scheme or project.

(2) Such notice shall-

- (a) state that the Corporation proposes to acquire such property or to recover a development fee in respect of such property, for the purposes of carrying out a scheme or project under this Chapter; and
- (b) require such person, if he objects to such acquisition or recovery of Development fee, to state his reasons in writing (in duplicate), within a period of thirty days from the service of the notice.

(3) Every such notice shall be signed by, or by the order of, the Chairman.

32. (1) After the expiry of the period respectively mentioned in clauses (a) and (b) of sub-section (2) of section 30 and clause (b) of sub-section (2) of section 31, the Corporation shall consider any objection or representation received thereunder and after hearing all persons making any such objection or representation who may desire to be heard or their representative, the Corporation may either abandon the scheme or project or apply to the Government for sanction of the scheme or project with such modifications, if any, as the Corporation may deem necessary.

Abandonment
of project or
application to
the Government
to sanction it

(2) Every application submitted to the Government under sub-section (1) shall be accompanied by-

- (a) complete plans and details of the scheme or project and an estimate of the cost of executing it;
- (b) a statement of the reasons for modifications, if any, made in the scheme or project as originally prepared;
- (c) a statement of objections and representations, if any, received under section 30;
- (d) a list of the names of all persons, if any, who have objected under clause (b) of sub-section (2) of section 31 to the proposed acquisition of their property, or the proposed recovery of development fee, and a statement of the reasons given for such objections; and

- (e) a statement of the arrangements made or proposed to be made by the Corporation for the resettlement or re-housing of persons who are likely to be displaced by the execution of the scheme or project.

Power to sanction, reject or return a scheme or project

33. (1) The Government may sanction, with or without modifications, or may refuse to sanction, or may return for reconsideration, any scheme or project submitted to it under section 32.

(2) If a scheme or project returned for reconsideration under sub-section (1) is modified by the Corporation, it shall be republished in accordance with the provisions of section 30, in every case in which the modification affects the boundaries of the area comprised in the scheme or project or involves the acquisition of any land not previously proposed to be acquired, or the levy of development fee on land which was not previously proposed to be liable to such development fee.

Notification of sanction of any scheme or project

34. (1) Whenever the Government sanctions any scheme or project under this Chapter, it shall announce the fact, by notification in the *official Gazette*, and the Corporation shall forthwith proceed to execute the scheme or project.

(2) A notification under sub-section (1) in respect of any scheme or project shall be conclusive evidence that the scheme or project has been duly prepared and sanctioned and shall not be called in question in any Court.

Alteration of scheme or project after sanction

35. A scheme or project under this Chapter may be altered by the Corporation at any time between its sanction by the Government and its execution:

Provided that,-

- (a) if any alteration is estimated to increase the net estimated cost of executing a scheme or project by more than five lakhs of taka or by ten per cent of the said estimated net cost, whichever is less, such alteration shall not be made without the previous sanction of the Government; or

- (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