PART II
CORPORATION

CHAPTER I

CONSTITUTION AND COMPOSITION OF THE CORPORATION

3. (1) As soon as may be after the commencement of this Ordinance, there shall be constituted, in accordance with the provisions of this Ordinance, for the City of Dhaka a Corporation to be called the Dhaka [City] Corporation.

(2) The Corporation shall be a body corporate, having perpetual succession and a common seal, with powers, subject to the provisions of this Ordinance and the rules, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

3A. The Corporation area shall be an administrative unit of the Republic for the purpose of Article 59 of the Constitution of the People’s Republic of Bangladesh.

4. (1) The Corporation shall consist of-

(a) a Mayor;

(b) such number of Commissioners as may be fixed by the Government; and

(c) such number of Commissioners as are reserved exclusively for women under sub-section (3).

(2) The Mayor and the Commissioners shall be elected by direct election on the basis of adult franchise in accordance with the provisions of this Ordinance and the rules.

1 The word “City” was substituted for the word “Municipal” by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990).
2 Section 3A was inserted by section 2 of the Dhaka City Corporation (Amendment) Act, 2004 (Act No. XVIII of 2004).
3 Section 4 was substituted by section 2 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999).
(3) There shall be reserved, exclusively for women, such number of seats, hereinafter referred to as reserved seats, as is equivalent to one-third of the number of Commissioners fixed by the Government under clause (b) of sub-section (1).

Explanation.- In calculating the number of reserved seats under this sub-section, if the number comprises a fraction of less than point five zero such fraction shall be ignored, and if the number comprises a fraction of point five zero or above such fraction shall be rounded off as a whole number.

(4) Nothing in this section shall prevent a woman from being elected as a Commissioner specified in clause (b) of sub-section (1).

(5) The Mayor shall be deemed to be a Commissioner.

4A. [Mayor.- Omitted by section 4 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993), which was inserted by section 2 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986).]

5. [Deputy Mayors.- Omitted by section 5 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).]

(1) The term of the Corporation shall be a period of five years commencing on the day of its first meeting after its constitution:

Provided that, notwithstanding the expiration of its term, the Corporation shall continue to function until the first meeting of the Corporation constituted to succeed it.

(2) Notwithstanding anything contained in this Ordinance, the Corporation shall be deemed to have been duly constituted

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1 Section 6 was substituted by section 2 of the Dhaka City Corporation (Amendment) Act, 1992 (Act No. IV of 1992).

2 The colon (:) was substituted for the full-stop (.) and thereafter the proviso was added by section 6 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
after the election of seventy five per cent of the total number of its Commissioners has taken place.

Explanation.- For calculating the seventy five per cent of the total number of Commissioners, less than point five zero per cent shall be ignored and point five zero and above per cent shall be rounded off into a whole number.

7. (1) The Mayor and every Commissioner shall, before taking his office or seat, as the case may be, make and subscribe in the presence of such person as the Government may direct an oath or affirmation in the following form, namely:

“I, .........................................having been elected Mayor/Commissioner of the Dhaka City Corporation do solemnly swear/affirm that I will bear true faith and allegiance to Bangladesh and that I will faithfully discharge the duties upon which I am about to enter.”

(2) If a person sits or votes as a Commissioner before he makes or subscribes the oath or affirmation under sub-section (1), he shall be liable in respect of each day on which he sits or votes to a penalty of one hundred Taka to be recovered as an arrear of tax under this Ordinance.

7A. [Oath of Mayor.- Omitted by section 8 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993), which was inserted by section 5 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986).]

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1 The words and commas “Commissioners, other than Commissioners of reserved seats,” were substituted for the words “elected Commissioners” by section 6 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).

2 The commas and words “, other than Commissioners of reserved seats,” were omitted by section 3 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999).

The word “elected” was omitted by section 6 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).

4 Sub-section (1) was substituted by section 7 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).

5 The words “Oath of office” were substituted for the words “Oath of Commissioners” by section 7 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
8. [The Mayor and every Commissioner shall, before entering upon his office or taking his seat,] submit to the Government in such manner as the Government may direct, a declaration in writing of properties, both movable and immovable, whether within or outside Bangladesh, which he or any member of his family owns, or which he has in his possession or under his control, or in which he or any member of his family has any beneficial interest.

**Explanation.-** In this section, “member of his family”, in relation to a person, includes-

(a) the spouse of such person, and

(b) such of the children, parents, brothers and sisters as reside with and are wholly dependent upon such person.

9. (1) The Mayor may resign his office by writing under his hand addressed to the Government.

(2) A Commissioner may resign his seat by writing under his hand addressed to the Mayor.

(3) A resignation under sub-section (1) or sub-section (2) shall become effective on the date on which the notice of resignation is received by the addressee.

10. (1) The Mayor or a Commissioner shall render himself liable to removal from his office or seat, as the case may be, if-

(a) he, without reasonable excuse, absents himself from three consecutive meetings of the Corporation; or

(b) he is involved in any activity prejudicial to the interest of the Corporation or of the state or is convicted for any offence relating to corruption or misconduct; or

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1 The words and commas “The Mayor and every Commissioner, other than official Commissioner, shall, before entering upon his office or taking his seat,” were substituted for the words and commas “Every Commissioner other than official Commissioners, shall, before taking his seat,” by section 6 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986).

2 The commas and words “, other than official Commissioner,” were omitted by section 9 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).

3 Section 9 was substituted by section 10 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).

4 Section 10 was substituted by section 11 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
(c) he refuses to perform or becomes disabled from performing his functions; or

(d) he is guilty of misconduct or abuse of power or is responsible for any loss or misapplication of money or property of the Corporation.

Explanation.- In this sub-section, “misconduct” means misuse of powers, corruption, jobbery, favouritism, nepotism and wilful maladministration and includes any attempt at, or abetment of, such misconduct.

(2) The Mayor or a Commissioner shall not be removed from his office or seat, as the case may be, on any ground mentioned in sub-section (1), unless, after such inquiry as may be considered necessary, the Government declares, by an order in writing, that he is liable to be so removed:

Provided that no such declaration shall be made unless the Mayor or Commissioner concerned has been given a reasonable opportunity of showing cause against the declaration proposed to be made with respect to him.

(3) The Mayor or the Commissioner shall stand removed from his office or seat, as the case may be, as soon as a declaration under sub-section (2) is made and approved by the President.

(4) Notwithstanding anything contained in any other provisions of this Ordinance, a person who has been removed from his office or seat, as the case may be, under this section shall not, during the unexpired period of the term of the Corporation, be eligible for election to such office or seat.]

11. (1) A person shall, subject to the provisions of sub-section (2), be qualified to be elected or \[as Mayor or a Commissioner\] if-

(a) he or she is a citizen of Bangladesh;

(b) he or she has attained the age of twenty-five years of age in accordance with the existing electoral roll;

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1 The words “as Mayor or a Commissioner” were substituted for the words “or nominated as a Commissioner” by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).

2 The words “as Mayor and Commissioner” were substituted for the words “and nomination as Commissioner” by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
(c) his or her name appears on the electoral roll for any ward in the Corporation.

(2) A person shall be disqualified for being elected [as Mayor or] a Commissioner if-

(a) he or she is declared by a competent Court to be of unsound mind;

(b) he or she is an undischarged insolvent;

(c) he or she has ceased to be a citizen of Bangladesh;

(d) he or she has been,-

   (i) on conviction for any offence, sentenced to imprisonment for a term of not less than two years; or

   (ii) on conviction for any offence relating to corruption or criminal misconduct, sentenced to imprisonment for any term, unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his or her release;

(e) he or she holds any full-time office of profit in the service of the Republic or of the Corporation or of any other local authority; or

(f) he or she is a party to a contract for work to be done for, or goods to be supplied to, the Corporation, or has otherwise any pecuniary interest in its affairs, or is a dealer, for any area within the Corporation in essential commodities appointed by the Government [;]

(g) he or she has defaulted in repaying any loan taken by him or her from any specified bank within the time allowed by the bank therefore.

**Explanation.**- For the purposes of clause (g), “specified bank” means the Sonali Bank, the Agrani Bank and the Janata Bank constituted under the Bangladesh Banks (Nationalisation) Order, 1972 (P.O. No. 26 of 1972), the Shilpa Rin Sangstha established under the Shilpa Rin Sangstha Order, 1972 (P.O. No. 128 of 1972), the Bangladesh Shilpa Bank established

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1. The words “as Mayor or” were substituted for the words “or nominated as” by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
2. The semi-colon (;) was substituted for the full-stop (.) and clause (g) and explanation was inserted by section 5 of the Local Government Laws (Amendment) Act, 1987 (Act No. XXIII of 1987).
under the Bangladesh Shilpa Bank Order, 1972 (P.O. No. 129 of 1972), the House Building Finance Corporation established under the House Building Finance Corporation Order, 1973 (P.O. No. 7 of 1973), the Krishi Bank established under the Krishi Bank Order, 1973 (P.O. No. 27 of 1973), the Investment Corporation of Bangladesh established under the Investment Corporation of Bangladesh Ordinance, 1976 (XL of 1976), the Rajshahi Krishi Unnayan Bank established under the Rajshahi Krishi Unnayan Bank Ordinance, 1986 (LVIII of 1986), and the Rupali Bank Limited 1;

2[(h) he or she is a defaulter in paying any of the tax, rate, cess, toll or fee levied under this Ordinance;

(i) he or she has been dismissed from the service of the Republic or of any local authority for misconduct involving moral turpitude and a period of five years has not elapsed since his or her dismissal.]]

3[(2A) A person shall not at the same time, be a candidate for election to the office of Mayor or, as the case may be, seat of Commissioner.

(2B) If a person offers himself, at the same time, to be a candidate for election to the office of Mayor or, seat of Commissioner, all his nomination papers shall stand void.]

(3) No person shall, at the same time, be a Commissioner in respect of two or more wards:

Provided that nothing in this sub-section shall prevent a person from being at the same time a candidate for two or more wards, but in the event of his being elected for more than one ward-

(i) within seven days after his last election, the person elected shall deliver to the Election Commission a signed declaration specifying the ward which he wishes to represent, and the seats of other wards for which he was elected shall thereupon become vacant;

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1 The semi-colon (;) was substituted for the full-stop (.) and clause (h) was inserted by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990).
2 Clauses (h) and (i) were substituted for former clause (h) by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
3 Sub-sections (2A) and (2B) were inserted by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
(ii) if the person elected fails to comply with clause (i), all seats for which he was elected shall fall vacant; and

(iii) the person elected shall not make or subscribe oath or affirmation of a Commissioner until the foregoing provisions of this proviso have been complied with.

\[1\] ((4) When the office of Mayor falls vacant during the term of the Corporation, a Commissioner may contest the election to the office of Mayor, and if he is elected, his Commissionership shall cease on the date he makes the oath of office of Mayor.)

12. (1) The office of Mayor and seat of a Commissioner shall become vacant if-

(a) he fails to make the oath referred to in section 7 within the period of thirty days after the date of publication of his name in the official Gazette, unless the Government, for good cause shown, extends the period;

(b) he resigns his seat under section 9;

(c) he is removed from his seat under section 10;

(d) he becomes subject to any of the disqualifications mentioned in section 11(2); or

(e) he dies.

(2) and (2A) [Omitted by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).]

(3) If any question arises as to whether the Mayor or a Commissioner has, after his election, become subject to any of the disqualifications mentioned in section 11(2), the Chief Executive Officer shall refer the question to the District Judge of

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1 Sub-section (4) was added by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
2 The words “office of Mayor and seat of Commissioners” were substituted for the words “seats of Commissioner and offices of Mayor and Deputy Mayor” by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
3 The words “office of Mayor and seat of a Commissioner” were substituted for the words and commas “seat of Commissioner, other than an Official Commissioner, ” by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
4 The words “the Mayor or a Commissioner” were substituted for the words “a Commissioner” by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
Dhaka and, if the District Judge is of the opinion that [the Mayor or the Commissioner] has become subject to any such disqualification, [the Mayor or the Commissioner] shall cease to be [the Mayor or a Commissioner], and his seat shall become vacant, with effect from the date on which the opinion is given.

\[(4)\] Vacation of office of the Mayor or the vacation of every seat of a Commissioner shall be notified in the *official Gazette*.

13. (1) Where the seat of a Commissioner becomes vacant not later than one hundred and eighty days before the [term of Corporation] is due to expire, an election to fill the seat shall be held within ninety days of the occurrence of the vacancy, and the person elected in such election shall hold office for the residue of such term.

(2) Where the office of [Mayor or] Mayor becomes vacant before the term of his office is due to expire, an election to fill the office shall be held within [ninety days] of the occurrence of such vacancy, and the person elected in such election shall hold office for the residue of such term.

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1. The words “the Mayor or the Commissioner” were substituted for the words “the Commissioner” by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
2. The words “the Mayor or the Commissioner” were substituted for the words “the Commissioner” by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
3. The words “the Mayor or a Commissioner” were substituted for the words “a Commissioner” by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
4. Sub-section (4) was substituted by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
5. The words “term of Corporation” were substituted for the words “term of his office” by section 14 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
6. The words “Mayor or” were omitted by section 10 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986).
7. The word “Deputy” was omitted by section 14 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
8. The words “ninety days” were substituted for the words “one month” by section 14 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).
14. A Commissioner shall be entitled to receive a daily allowance for attending any meeting of the Corporation or of any Standing Committee or other Committee thereof at such rate as may be fixed by the Corporation with the approval of the Government.

15. The [* * *] [the Mayor] may be given such honorarium and other privileges as may be determined by the Corporation with the approval of the Government.

16. (1) The Mayor may obtain report from the Chief Executive Officer or any other officer on any matter connected with municipal administration of the City.

(2) A Commissioner shall have access during office hours to the records of the Corporation after giving due notice in writing to the Chief Executive Officer.

Provided that if the Chief Executive Officer is of the opinion that such access should not be allowed in any case he may submit the matter to the Mayor whose decision thereon shall be final.

17. (1) When the Mayor is absent from his duties on account of illness or any other cause, a Commissioner authorised in writing by the Mayor shall perform the functions of the Mayor till the Mayor resumes his duties.

(2) When the office of Mayor becomes vacant caused by resignation, removal or death, such Commissioner as may be directed by Government shall perform the functions of the Mayor till a new Mayor is elected and assumes his duties.]