

**THE ACQUISITION AND REQUISITION OF  
IMMOVABLEPROPERTY ACT, 2017**

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**THE ACQUISITION AND REQUISITION OF  
IMMOVABLE PROPERTY ACT, 2017  
ACT NO. XXI OF 2017**

*[21<sup>st</sup> September, 2017]*

**An Act to repeal and re-enact with expedience the Acquisition and Requisition of  
Immovable Property Ordinance, 1982**

Whereas all the Ordinances promulgated by Martial Law Proclamation between the period from 24th March 1982 to 11th November 1986 have ceased to have effect due to omission of paragraph 19 of the Fourth Schedule to the Constitution of the People's Republic of Bangladesh regarding ratification and confirmation of the said Ordinances by the Constitution (Fifteenth Amendment) Act, 2011 (Act No. XIV of 2011) and the Constitution (7th Amendment) Act, 1986 (Act No. I of 1986) validating the Martial Law being declared void in the judgment pronounced by the Appellate Division of the Supreme Court declaring the Martial Law unconstitutional in Civil Appeal No. 48/2011; and

Whereas certain Ordinances of such are kept in force by the Act VII of 2013; and

Whereas Government has decided to make new laws in Bangla by way of necessary amendment and modification of such Ordinances as may be considered necessary after reviewing the necessity and relevancy of such Ordinances and taking opinions thereon from all stake-holders and concerned Ministries or Divisions; and

Whereas in the light of the abovementioned decision of the Government, it is necessary and expedient to repeal and re-enact with expedience the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982);

Therefore, it is hereby enacted as follows:-

**Chapter I**

**PRELIMINARY**

1. **Short title and commencement.**-(1) This Act may be called the Acquisition and Requisition of Immovable Property Act, 2017.

(2) This Act shall come into force at once.

2. **Definitions.**- In this Act, unless there is anything repugnant in the subject or context,-

- (1) “acquisition” means acquiring the ownership and possession of any immovable property for any requiring person or organization in exchange of compensation or rehabilitation or both;
- (2) “Arbitrator” means an Arbitrator appointed under section 29;
- (3) “Commissioner” means the Divisional Commissioner and also includes the Additional Divisional Commissioner;
- (4) “national important project” means any project declared by the Government as national important project;
- (5) “Deputy Commissioner” means the Deputy Commissioner and also includes the Additional Deputy Commissioner or any officer authorized by the Deputy Commissioner, as the case may be;
- (6) “Code of Civil Procedure” means the Code of Civil Procedure, 1908 (Act V of 1908);
- (7) “prescribed” means prescribed by rules;
- (8) “requiring person or organization” means any governmental or non-governmental person or organization who proposes for the acquisition or requisition of any immovable property;
- (9) “owner” includes the owner and lawful possessor of any immovable property;
- (10) “joint list” means a list with the all description of the ownership or rights over the land proposed for acquisition or requisition, and any infrastructure built therein, and crops and trees growing thereon;
- (11) “immovable property” means any land and ownership or rights over any permanent thing affixed therein;
- (12) “person interested” means any person claiming or entitled to claim compensation or rehabilitation or both payable on account of acquisition or requisition of the immovable property;

- (13) “requisition” means acquiring the possession of any immovable property provisionally for a specific period in exchange of compensation forrequiring person or organization.

3. **Act to override.**- Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall prevail.

## Chapter II

### ACQUISITION

4. **Service of preliminary notice of acquisition of immovable property.**-(1) Whenever it appears to the Deputy Commissioner that any immovable property is required or is likely to be required for any public purpose or in the public interest, he shall cause a notice to be served in the prescribed form and manner at a convenient places on or near the property stating that the property is proposed to be acquired.

(2) In case of acquisition of immovable property for any non-governmental person or organization, whatever be the amount of the immovable property, prior approval of the Government shall be taken before initiating acquisition process.

(3) The Deputy Commissioner shall,-

- (a) before service of notice under sub-section (1), prepare a report in prescribed manner and form recording the real condition and nature of the proposed immovable property, and all other things including the infrastructures, crops and trees remaining thereon, by taking video and still pictures or by means of any other technology; and
- (b) after service of notice under sub-section (1), prepare a joint list together with the requiring persons or organizations and the persons interested in the prescribed manner and form.

(4) If the class of land is altered in reality from its recent record of rights, the Deputy Commissioner shall, at the time of preparation of the joint list, decide about such alteration of the class of the land.

(5) The Deputy Commissioner shall, in the prescribed manner, mention in the joint list whether any house or infrastructure has been built or is likely to be built for illegal

gain in the immovable property which is under the process of acquisition for the purpose against public interest.

(6) The joint list prepared under clause (b) of sub-section (3) shall be affixed in the notice board of the local land office and in the convenient place of the project.

(7) If, after the initiation of proceeding under clause (b) of sub-section (3), the class of the land, which is under the process of acquisition or is likely to be acquired, is altered by constructing houses or infrastructures with dishonest intention, the Deputy Commissioner shall not record such alteration in the joint list.

(8) If any person is aggrieved by the decision of the Deputy Commissioner under sub-section (7), he may prefer an appeal to the Commissioner within the next 7 (seven) working days.

(9) The Commissioner shall, in the prescribed manner, hear the appeal received under sub-section (8) and give decision within next 15 (fifteen) working days and, in case of national important project, within the next 10 (ten) working days.

(10) The decision given by the Commissioner under sub-section (9) shall be final.

(11) If any appeal under sub-section (9) is disposed of, or no appeal is preferred within the period prescribed under sub-section (8), the concerned person shall in his own cost remove all the illegal houses or infrastructures from the immovable property proposed for acquisition within the next 24 (twenty four) hours; otherwise, the Deputy Commissioner shall take steps to evict those houses or infrastructures in accordance with the existing rules and regulations.

(12) After selecting the site for national important project, the Deputy Commissioner may, by order, impose control over the sale of lands, and construction of infrastructures thereon.

(13) Generally no property used by the public for the purpose of religious worship, graveyard and cremation ground shall be acquired:

Provided that such property may be acquired subject to relocation and reconstruction, as the case may be, with own cost of the requiring person or organization, where it is needed for any public purpose or in the public interest.

**Explanation.**-In this section, “purpose against public interest” means the purpose for gaining monetary benefit by way of compensation or in any other means by doing any act or taking any steps to obstruct, impede or slow down the implementation of a project.

**5. Objections against acquisition.-** (1) Any person interested may make an objection against the acquisition to the Deputy Commissioner within 15 (fifteen) working days after the service of notice under section 4.

(2) The Deputy Commissioner shall,expeditiously, hear the objection made under sub-section (1)giving the objector an opportunity of being heard either in person or by a representative nominated by him, and after hearing such objection and after making further inquiry as he thinks if necessary, prepare a report together with his opinion on the objectionwithin 30 (thirty) working days in general case, and in case of a national important project, within 15 (fifteen) working days, following the expiry of the period specified under sub-section (1).

(3) The Deputy Commissioner shall-

- (a) if the property exceeds 50 [fifty] standard bighas (or 16.50 acre) of land, submit the record of the proceedings held by him, together with his opinion, for the decision of the Ministry of Land; and
- (b) if the property does not exceed 50 [fifty] standard bighas (or 16.50 acre) of land, submit the record of the proceedings held by him, together with his opinion, for the decision of the Commissioner:

Provided that if no objection is raised within the period specified in sub-section (1), the Deputy Commissioner shalltake decision within 10 (ten)working days, or subject to written permission ofthe Commissioner,within 30 (thirty) working days, and in case of a national important project, within 15 (fifteen) working days,after expiry of the aforesaid period, and in this regard, the decision of the Deputy Commissioner shall be final.

**6. Final decision regarding acquisition.-** (1) After considering the report submitted by the Deputy Commissioner under sub-section (3) of section 5, as the case may be-

- (a) theGovernment shall, within a period not exceeding 60 (sixty) working days, after submission of the report, and
- (b) the Commissioner shall,within 15 (fifteen) working days after submission of the report,or for reasons to be recorded in writing,within a period not exceeding 30 (thirty) working days,

take final decision.

(2) When the Government, the Commissioner or the Deputy Commissioner, as the case may be, takes any decision for acquisition of the immovable property under sub-section (1) or sub-section (3) of section 5, such decision shall be conclusive evidence that the property is acquired for a public purpose or in the public interest.

**7. Notice to persons interested.**-(1) When the Government, the Commissioner or the Deputy Commissioner, as the case may be, has made a decision for acquisition of any property under section 5 or section 6, the Deputy Commissioner shall accordingly, stating the desire of taking acquisition of the property, cause public notice to be given in the prescribed manner at convenient and on some conspicuous places on or near such immovable property.

(2) The notice given under sub-section (1) shall state the particulars of the property to be acquired and taken possession of, and shall require all persons interested in the property to appear personally or by nominated representative before the Deputy Commissioner at a time, not being earlier than 15 (fifteen) working days or, in case of a national important project, after 7 (seven) working days, after the date of service of the notice, and place mentioned therein and to state the nature of their respective interests in the property and the amount and particulars of their claims to compensation for such interests.

(3) The notice shall also be served to the same effect in the prescribed form on the occupier, if any, of the immovable property proposed for acquisition and on all persons known or believed to be interested therein.

(4) The Deputy Commissioner may also, by notice, require any such person to make or deliver to him at a time, not being earlier than 15 (fifteen) working days or, in case of a national important project, 7 (seven) working days after the date of service of the notice, and place mentioned therein a statement containing, so far as may be practicable, the name of every other person possessing any interest in the property or any part thereof as co-sharer, mortgagee or otherwise, and of the nature of such interest and profits, if any, received or receivable on account thereof.

(5) Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Penal Code (Act XLV of 1860).

**8. Award of compensation by Deputy Commissioner.** -(1) On the date fixed for hearing, or on any other adjourned date, the Deputy Commissioner shall proceed to enquire into the statement, if any, which any person has made pursuant to a notice given

under section 7 and into the value of the property at the date of the service of the notice under section 4, and into the respective interests of the persons claiming the compensation and apportionment thereof and shall make an award of-

- (a) the compensation which, in his opinion, shall be allowed for the immoveable property; and
- (b) the apportionment of the said compensation among all the persons known or believed to be interested in the property, of whom, or of whose claims, he has information from the latest record of the proposed *mouja* for acquisition.

(2) The award made under sub-section (1) by the Deputy Commissioner shall, subject to the provisions of this Act or rules made thereunder, be deemed to be final.

(3) The Deputy Commissioner shall, within 7 (seven) working days from the date of making award of compensation,-

- (a) give notice of his award to the person interested; and
- (b) send the estimate of the award of compensation to the requiring person or organization.

(4) The requiring person or organization shall have to deposit the estimated amount of the award with the Deputy Commissioner, in the prescribed manner, within 120 (one hundred twenty) working days after receiving the estimation under sub-section (3).

(5) The formalities of preparation of the estimation shall be completed within 30 (thirty) working days or, in case of a national important project, within 15 (fifteen) working days after the service of notice under section 7.

**9. Matters to be considered in determining compensation.-** (1) In determining the amount of compensation to be awarded for any immoveable property to be acquired under this Act, the Deputy Commissioner shall take into consideration of the following matters, namely:-

- (a) the market value of the immoveable property at the date of service of the notice under section 4:

Provided that in determining such market value, the average value, to be calculated in the prescribed manner, of the properties of similar description and with similar advantages in the vicinity during

the 12 (twelve) months preceding the date of service of the notice under section 4 shall be taken into account;

- (b) the damage that may be sustained by the person interested for taking of any standing crops or trees which may be on the immovable property at the time of the making of the joint list;
- (c) the damage that may be sustained, in consequence of the acquisition, by the person interested by reason of parting the proposed immovable property from his other existing immovable property;
- (d) the damage that may be sustained, in consequence of the acquisition, by the person interested harmfully affecting his other movable or immovable properties or earnings; and
- (e) in consequence of the acquisition, the person interested is likely to be compelled to shift his residence or place of business, the reasonable expenses incidental to such shift.

(2) In case of acquisition of land for the requirement of the Government, the persons interested shall be awarded an additional compensation of 200 (two hundred) per centum on the market value of the property as mentioned in clause (a) of sub-section (1):

Provided that in case of acquisition of land is made for the requirement of a non-governmental organization, the amount of such additional compensation shall be 300 (three hundred) per centum on the market value.

(3) In cases of damages mentioned in clauses (b), (c), (d) and (e) of sub-section (1), an additional compensation of 100 (one hundred) per centum on the market value shall be awarded.

(4) Save as any compensation provided under this section, necessary steps may be taken to rehabilitate, in prescribed manner, the families evicted due to acquisition.

**10. Matters not to be considered in determining compensation.**- In determining the amount of compensation to be awarded for any immovable property to be acquired under this Act, the Deputy Commissioner shall not take into consideration of the following matters, namely:-

- (a) the degree of necessity which has led to the acquisition;

- (b) any disinclination of the person interested to part with the immovable property to be acquired;
- (c) any damage caused by a private person which would not render such person liable to a suit and he himself can compensate such damage;
- (d) any damage caused in consequence of use to the immovable property to be acquired, after the date of service of notice under section 7;
- (e) any increase to the value of the immovable property to be acquired for facilitating the use of the property after the service of notice under section 7; or
- (f) any alteration, improvement in or sale of the immovable property proposed to be acquired, without the sanction of the Deputy Commissioner after the date of service of the notice under section 4.

**11. Payment of compensation.**- (1) On making of an award under section 8, the Deputy Commissioner shall, before taking possession of the property, pay the compensation to the person interested, subject to sub-section (2), within not exceeding 60 (sixty) working days from the date of submission of the estimated amount of compensation by the requiring person or organization according to sub-section (3) of section 8.

(2) If the persons entitled to compensation disagree to receive compensation, or if there be no person competent to receive the compensation, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Deputy Commissioner shall keep the amount of the compensation in a deposit account in the Public Account of the Republic which shall be deemed payment for the purpose of taking over possession of the property without any prejudice to the claim of the parties to be determined by the Arbitrator:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who have received the amount otherwise than under protest shall be entitled to make any application under section 30.

(3) The person who may have received the whole or any part of the compensation awarded under this Chapter shall be bound to return the compensation money to the

person lawfully entitled person to the concerned immoveable property, and the Deputy Commissioner shall, realizing the compensation from the recipient, take measures to give the same to the person lawfully entitled thereto.

**12. Payment of compensation to bargadar.-** Notwithstanding anything contained in this Act, when any immoveable property acquired contains standing crops cultivated by *bargadar*, such portion of the compensation as may be determined by the Deputy Commissioner for the crops shall be paid to the bargadar.

**Explanation.-** In this section “*bargadar*” means a person who under the system generally known as *adhi, barga or bhag* cultivates the land of another person on condition of delivering a share of produced crops of such land to that person.

**13. Acquisition and possession.-** (1) When the compensation mentioned in the award has been paid or is deemed to have been paid in pursuance of section 11, the property shall stand acquired and vest absolutely in the Government free from all encumbrances, and the Deputy Commissioner shall thereupon take possession of the property.

(2) Upon acquisition of the property under sub-section (1), a declaration by the Deputy Commissioner in the prescribed form to that effect shall be published in the official Gazette.

**14. Abatement or revocation of acquisition proceedings.-** (1) Notwithstanding anything contained in this Act, where in any case the estimated amount of the award of compensation has not been deposited by the requiring person for acquisition of any property under section 6 within the period specified in sub-section (4) of section 8, all proceedings in respect of such acquisition shall, on the expiry of that period, stand abated and a declaration by the Deputy Commissioner to that effect shall be published in the official Gazette.

(2) The Deputy Commissioner may, with the prior approval of the Government, by notification in the official Gazette, revoke all proceedings in respect of acquisition of any property at any time before the payment of compensation.

(3) When any acquisition proceedings stand abated or are revoked, the Deputy Commissioner shall make an award determining the amount of compensation due for the damage suffered by the owner in consequence of any proceedings thereunder and the costs reasonably incurred by him in the prosecution of the proceedings under this Chapter relating to the said property and shall pay the compensation accordingly.

**15. Acquisition of part of a house or building.**-(1) An acquisition of any house, factory or building shall not be made if the owner desires that the whole of such house, factory or building should be so acquired:

Provided that the owner may, at any time, before the Deputy Commissioner has made his award under section 8, by notice in writing, withdraw or modify his expressed desire that the whole of such house, manufactory or building should be so acquired.

(2) If any question arises as to whether any immovable property proposed to be acquired does or does not form part of a house, factory or building within the meaning of this section, the decision of the Deputy Commissioner shall be final.

**16. Acquisition of property in favour of a non-governmental person or organization.**-While any immovable property is acquired in favour of a non-governmental person or organization, the incidental costs that may incur due to such acquisition shall be defrayed from the fund of the person or organization.

**17. Transfer of acquired land to the non-governmental requiring person.**- (1) When any immovable property is acquired for any non-governmental requiring person or organization, such person or organization shall enter into an agreement with the Deputy Commissioner in such form as may be prescribed before a notice under section 4 is issued.

(2) When the immovable property, in respect of which an agreement has been entered into under sub-section (1), is acquired, the Deputy Commissioner shall transfer the property to the non-governmental requiring person or organization by executing a deed in such form as may be prescribed.

**18. Recovery of compensation in certain cases.**- When any compensation paid to a person is in excess of the amount payable or when any compensation is paid to a person other than the rightful owner, the amount of such excess or wrong payment shall be recoverable as a public demand.

**19. Use of acquired property.**- (1) The immovable property acquired shall, without the prior approval of the Ministry of Land, not be used for any purpose other than the purpose for which it is acquired, or be transferred by way of sale, lease, *iwaa* or in any other mode of transfer.

(2) If any requiring person or organization uses any acquired immovable property in contravention of the provision of sub-section (1), or does not use it for the purpose for

which it is acquired, he shall be liable to surrender the property to the Deputy Commissioner on being directed by him to do so.

(3) If any requiring person or organization violates the provision of sub-section (1) or (2), the Deputy Commissioner shall, giving an opportunity of showing cause, with prior approval of the Government, resume the property so given, and shall, by a notification in official Gazette, include it in the *khaskhatiyān*.

### Chapter III

#### REQUISITION

**20. Requisition of immovable property.**- (1) When any property is required temporarily for a public purpose or in the public interest, the Deputy Commissioner may, with the prior approval of the Government, by order in writing, requisition it:

Provided that where it is not possible to take prior approval of the Government, for a reasonable ground, before requisition, the approval of the Government may be taken with retrospective effect:

Provided further that save in the case of emergency requirement for the purpose of maintenance of transport or communication system, no immovable property which is *bona fide* used by the owner thereof as the residence of himself or his family or which is used for religious worship or as an educational institution or orphanage or as a hospital, public library, graveyard or cremation ground shall be requisitioned.

(2) Where an order made under sub-section (1) has been served, the Deputy Commissioner may take possession of the requisitioned property-

- (a) in the case of emergency requirement for the purpose of maintenance of transport or communication system, at any time after the date of service of the order;
- (b) in any other case, after the expiry of 30(thirty) days from the date of service of the order;

and may use the property for the purpose for which it was requisitioned.

(3) Except with the prior approval of the Government, no property shall be kept under requisition for a period exceeding 2 (two) years from the date of taking over possession of such property.

**21. Amendment of order.-** The Government may, of its own motion or on application filed by an aggrieved person, amend an order made under sub-section (1) of section 20:

Provided that no such application shall be entertained unless it is filed within 30 (thirty) working days from the date of service of the order.

**22. Making award of compensation by Deputy Commissioner.-** (1) Where any immovable property is requisitioned under this Chapter, there shall be paid compensation the amount of which shall be determined in the manner and in accordance with the principles set out in this section.

(2) The Deputy Commissioner shall, after giving the persons interested an opportunity of being heard in respect of their respective interests in the property and the amount and particulars of their claims to compensation for such interests and having regard to the provisions of sub-section (5), make an award of-

- (a) the compensation in the manner as may be prescribed; and
- (b) the apportionment of the said compensation among all the concerned persons known or believed to be interested in the property, of whom, or of whose claims, he has information.

(3) The award made by the Deputy Commissioner under sub-section (2) shall, subject to the provisions of this Act and rules made thereunder, be deemed to be final.

(4) The Deputy Commissioner shall give immediate notice of the award made under sub-section (2) to the persons interested.

(5) In determining the amount of compensation payable for the requisition of any immovable property, the following matters shall be considered, namely:-

- (a) a recurring payment of compensation, in respect of the period of requisition, of a sum equal to the rent which would have been payable for the use and occupation of the property; and
- (b) any amount of money to be payable for any of the following reasons, namely:-
  - (i) expenses on account of vacating the requisitioned immovable property;

- (ii) expenses on account of re-occupying the property upon release from requisitioned; and
- (iii) damages, other than normal wear and tear, caused to the property during the period of requisition, including the expenses that may have to be incurred for restoring the property to the condition in which it was at the time of requisition.

(6) Where any property is needed to keep under requisition for more than 2 (two) years, the Deputy Commissioner shall revise his award regarding the amount payable as compensation under clause (a) of sub-section (5).

**23. Payment of compensation.-** (1)The Deputy Commissioner shall pay the compensation awarded by him under section 22 to the claimants according to the award, unless prevented by any of the contingencies mentioned in sub-section (2).

(2) If the persons entitled to compensation disagree to receive or if there be no person competent to receive the compensation, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Deputy Commissioner shall keep the amount of the compensation in a deposit account in the Public Account of the Republic which shall be deemed payment of the compensation for the requisitioned property without any prejudice to the claim of the parties to be determined by the Arbitrator:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

Provided further that no person who have received the amount otherwise than under protest shall be entitled to make any application under section 30.

(3) The person who may have received the compensation awarded under this Chapter, in whole or in part, shall be bound to return the compensation money to the lawful claimant of such property and the Deputy Commissioner shall realizing the said money from him, and take measures to give it to the lawfully entitled person.

**24. Recovery of money from allottee of requisitioned property. -** Where any requisitioned immovable property is allotted to, and placed in possession of, any person, the Deputy Commissioner may recover from such person such amount of money and in such manner as may be prescribed.

**25. Maintenance of requisitioned property.-** (1) The Deputy Commissioner shall be responsible for the proper maintenance of a requisitioned immovable property during the period of requisition.

(2) If the Deputy Commissioner is satisfied that repairs are necessary to prevent deterioration of the property, he may, after giving the owner an opportunity of making the repairs himself, cause the repairs to be made at a cost not exceeding one-sixth of the compensation payable to the owner and such cost shall be adjusted out of such compensation.

**26. Release from requisition.-** (1) Where any requisitioned immovable property is released from requisition, the Deputy Commissioner shall restore it to the person from whom the property was requisitioned or to his successor-in-interest or to such other person as may appear to the Deputy Commissioner to be entitled to such restoration.

(2) The delivery of possession of the requisitioned immovable property to the person referred to in sub-section (1) shall be a full discharge of the Deputy Commissioner from all liability in respect of such delivery, but shall not prejudice any right in respect of the property which any other person may be entitled by the process of law to enforce against the person to whom possession of the property is so delivered.

(3) When the person to whom the requisitioned immovable property is to be restored on release from requisition does not willfully take delivery or willfully refuses to take delivery of the requisitioned property on being directed in writing to take possession of such requisitioned property by the Deputy Commissioner, such requisitioned property shall be deemed to have been restored to such person with effect from the date and time specified in the aforesaid direction.

(4) Where the person to whom possession of any requisitioned immovable property is to be delivered cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Deputy Commissioner shall cause a notice declaring that “the property is released from requisition” to be affixed on some conspicuous part of the property and shall also publish the notice in the official Gazette within 90 (ninety) working days of the affixation of notice to the property.

(5) When a notice referred to in sub-section (4) is published in the official Gazette, the property specified in such notice shall cease to be subject to requisition from the date of such publication and be deemed to have been delivered to the person entitled to possession thereof, and the Deputy Commissioner shall not be liable for any compensation or other claim in respect of the property for any period after the said date.

27. **Eviction of allottee.**- (1) Notwithstanding anything contained in any other law for the time being in force, if the property is used for another purpose other than the purpose for which the immovable property is requisitioned or the allottee fails to pay the compensation for that property or any reason arises for releasing from requisition under section 26, the Deputy Commissioner may, at any time, by order in writing, direct such person or allottee to vacate the property by such date as may be specified in such order.

(2) If the order of the Deputy Commissioner under sub-section (1) is not maintained or is violated, the Deputy Commissioner may evict such person or allottee from such property and may use or cause to be used such force for the purpose as may be necessary.

28. **Not to apply in cantonment area.**- Nothing in this Chapter shall apply to any immovable property within the limits of a cantonment area.

## **Chapter IV**

### **ARBITRATION**

29. **Appointment of Arbitrator.**- For the purposes of this Act, the Government shall, by notification in the official Gazette, appoint a Judicial Officer, not below the rank of Joint District Judge, to be Arbitrator for such area as may be specified therein.

30. **Application to Arbitrator.**- (1) Any person interested who has not accepted any award made by the Deputy Commissioner under this Act may, within 45 (forty five) working days from the date of service of notice of the award, make an application to the Arbitrator for revision of the award.

(2) The applications submitted under sub-section (1) shall state the grounds on which objection to the award is made.

(3) The requiring person or organisation shall also be made a party in the application made under sub-section (1), along with the Deputy Commissioner.

31. **Notice for hearing.**- (1) The Arbitrator shall, on receipt of an application under section 30, cause a notice specifying the date on which he will proceed to hear the application, and directing their appearance before him on that day, to be served on the following persons, namely:-

(a) the applicant;

(b) all persons interested in the objection;

(c) the Deputy Commissioner; and

(d) therequiring person or organization.

(2) The Arbitrator shall, within 90 (ninety) days of the receipt of the application, upon hearing of the application give his order.

**32. Scope of proceedings.**-The scope of the enquiry in every proceeding before the Arbitrator shall be restricted to the matter of objection stating in the application.

**33. Working procedure of the Arbitrator in the assessment of award.**- In determining the amount of compensation to be awarded for any immovable property acquired or requisitioned, the Arbitrator shall be guided by the provisions of sections 9, 10 and 22:

Provided that the compensation determined by the Arbitrator in respect of each owner shall not exceed the amount specified in the award of the Deputy Commissioner by more than 10(ten) per centum.

**34. Award determined by the Arbitrator.**- (1) Every award under this Chapter shall be in writing and signed by the Arbitrator, and the Arbitrator shall,specifying the amounts awarded in light withthe provisions of sub-section (1) of section 9 or sub-section (5) of section 22, as the case may be, inform the Deputy Commissioner together with the grounds of awarding each of the said amounts.

(2) Where the amount of compensation determined by an Arbitrator is higher than the amount specified in the award of the Deputy Commissioner, an additional compensation at the rate of 10 (ten) percent *per annum* on such additional amount shall, subject to the decision of an Appellate Arbitration Tribunal be payable till that amount is paid or offered for payment.

(3) Every such award and the statement of the grounds of every such award shall be deemed to be a decree and judgment respectively within the meaning of clauses (2) and (9) of section 2of the Code of Civil Procedure.

**35. Costs ofproceedings.**- Every such award shall, specifically, state the amount of costs incurred in the proceedings under this Act, and by what persons and in what proportions they are to be paid.

**36. Appeal against the award of Arbitrator.**- (1) An appeal shall lie to the Arbitration Appellate Tribunal constituted under sub-section (2) against an award for compensation of the Arbitrator.

(2) The Government may, by notification in the official Gazette, constitute one or more Arbitration Appellate Tribunals for such areas as may be specified therein.

(3) An Arbitration Appellate Tribunal shall consist of a member who shall be appointed by the Government from among persons who are or have been District Judges.

(4) The decision of the Arbitration Appellate Tribunal shall be final.

(5) Where the amount of compensation determined by an Arbitration Appellate Tribunal is higher than the amount specified in the award of the Arbitrator, an additional compensation at the rate of 10 (ten) percent *per annum* on such additional amount shall be payable till that amount is paid or offered for payment:

Provided that the compensation determined by the Arbitration Appellate Tribunal in respect of each land owner shall not exceed the amount specified in the award of the Arbitrator by more than 10 (ten) percent.

(6) The Arbitration Appellate Tribunal shall dispose of the appeal within 60 (sixty) working days and inform the Deputy Commission thereof in writing.

**37. Payment of additional compensation.-** (1) Where additional compensation is required to be paid in pursuance of an award by the Arbitrator or the Arbitration Appellate Tribunal, as the case may be, the Deputy Commissioner shall send the notice to deposit the amount of additional compensation within 1 (one) month from the date of the award, and the requiring person or organization shall, after the receipt of the notice or within 1(one) month of the award, whichever is earlier, pay the additional compensation.

(2) The Deputy Commissioner shall pay the additional compensation to the persons interested immediately after the submission of the additional compensation by the requiring person or organisation based on the award of the Arbitrator or the Arbitration Appellate Tribunal, as the case may be.

(3) The requiring person or organization shall be liable to pay the additional compensation in pursuance of the award granted by the Arbitrator or the Arbitration Appellate Tribunal, as the case may be.

**38. Act No. I of 2001 not to apply.-** Nothing in the Arbitration Act, 2001 (Act No. I of 2001) shall apply to arbitrations under this Act.

## Chapter V

### MISCELLANEOUS

**39. Deputy Commissioner and Arbitrator to have certain powers of Civil Court.-** The Deputy Commissioner and the Arbitrator, while holding any proceeding under this Act, shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure in the following cases, namely:—

- (a) summoning and enforcing the attendance of any person, and examining him on oath;
- (b) compelling the production of any document or record;
- (c) reception of evidence on affidavit;
- (d) issuing commission for examination of witnesses;
- (e) requisitioning any public record from any office or Court.

**40. Power to enter and inspect.-** (1) With a view to acquiring or requisitioning any property or determining the compensation payable in respect thereof or securing compliance with an order made under this Act, the Deputy Commissioner or any officer, generally or specially authorized by him in this behalf, and any of the assistants and workmen may-

- (a) enter upon and survey and take levels of any immovable property;
- (b) inspect any immovable property or anything therein;
- (c) measure and set out the boundaries and prepare a plan of any immovable property and the intended line of the work, if any, proposed to be made thereon;
- (d) mark such levels, boundaries and line by placing marks and cutting trenches, and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, cut down and clear away any part of any standing crop, tree or jungle:

Provided that no person shall enter upon any property without the consent of the occupier thereof unless at least 24 (twentyfour) hours' previous notice in writing of his intention to do so has been given.

(2) The Deputy Commissioner or any authorized person mentioned in sub-section (1) shall, at the time of entry upon any immovable property, pay or tender payment for all necessary damage to be done in such property, and, in case of dispute as to the sufficiency of the compensation, the decision of the Deputy Commissioner shall be final.

(3) The Deputy Commissioner shall recover the money of compensation mentioned in sub-section (2) from the requiring person or organization on the spot or as conveniently as early as possible and pay it to the affected person or organization.

**41. Power to obtain information.**- With a view to acquiring or requisitioning any immovable property or determining the compensation payable in respect thereof, the Deputy Commissioner may, by order in writing, require any person to furnish to such officer or authority, as may be specified in the order, such information in his possession as may be specified relating to any property which is acquired or requisitioned, or intended to be acquired or requisitioned, under this Act.

**42. Service of notices and orders.**- (1) Save as otherwise expressly provided in this Act and rules made thereunder, it is to be ensured that, every notice or order issued or made under this Act shall be served by delivering or tendering it to the person named therein or the person on whom it is required to be served.

(2) When, due to absence of the competent person, the notice or order cannot be so served, the service of the notice or order may be made by delivering it to any person appointed on behalf of the person concerned or to any adult member of the family of such person residing with him, or if no such appointed person or member can be found, by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person ordinarily resides or carries on business or personally works for gain, and also by affixing a copy thereof in some conspicuous place in the office of the authority or officer issuing or making it and, where possible, in some conspicuous part of the property to which it relates:

Provided that, if concerned authority or employee so directs, the notice or order may be sent by registered post to the payee or at his last known address of residence or place of business.

**43. Penalty.** - Any person who contravenes or opposes or attempts to contravene or oppose or abets or attempts to abet a contravention of any order made under this Act or who wilfully obstructs any person in doing any of the acts authorised or permitted under this Act or any rules made thereunder shall be punishable with imprisonment for a term

which may extend to 6 (six) months, or with fine which may extend to 10 (ten) thousand Taka, or with both.

**44. Enforcement of surrender.**- If the Deputy Commissioner is opposed or impeded in taking possession of any property under this Act, he shall enforce the surrender of the property to himself, and may use or cause to be used such force for the purpose as may be necessary.

**45. Exemption from stamp duty and fees.**- No award made under this Act shall be chargeable with stamp duty, and no fees shall be imposed on the person interested or claimant for a copy of the same.

**46. Protection of acts done in good faith.**- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

**47. Bar to file cases.**-Notwithstanding anything contained in any other Act for the time being in force, no suit or application shall be filed or submitted to any Court other than taking any measures under this Act against any order passed or action taken under the provision of this Act or rule made thereunder, and no Court shall pass any order or grant an injunction against such order or action.

**48. Delegation of powers.**- The Government may, by order notified in the official Gazette, direct that any of its powers or duties under this Act may, in such circumstances and under such conditions, be exercised or discharged by any employee or authority as may be so specified in the order.

**49. Power to make rules.**- (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power of sub-section (1), such rules may provide for all or any of the following matters, namely:-

- (a) the procedure to be followed in taking possession of any property acquired or requisitioned under this Act;
- (b) the procedure to be followed by the Arbitrators and the Arbitration Appellate Tribunals;
- (c) the manner of enforcement of surrender of any property under section 44;

- (d) issuance of file and things to be considered and procedure to be followed in determining the compensation in case of acquisition or requisition; and
- (e) anysuch other matter as may be necessary.

**50. Repeals and savings.-** (1) The Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982), hereinafter referred to as the said Ordinance, is hereby repealed.

(2) Notwithstanding such repeal,

- (a) any act done or any action taken or procedure under the said Ordinance shall be deemed to have been done or taken under this Act;
- (b) all notices, notifications, orders, compensation or award made under the said Ordinance shall be deemed to have been made under this Act; and
- (c) any proceeding pending before any authority, Arbitrator or Arbitration Appellate Tribunal under the said Ordinance shall be continued until disposal as if the said Ordinance had not been repealed.

**51. Publication of authentic English text.-** (1) After the commencement of this Act, the Government may, by notification in the official Gazette, publish an authentic English text of this Act.

(2) In the event of conflict between the Bangla and English text, the Bangla text shall prevail.