Registered No. DA-1.



Extraordinary Published by Authority

WEDNESDAY, JUNE 28, 1972

PART IIIA—Ordinances and Orders promulgated by the President of the People's Republic of Bangladesh.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

NOTIFICATION

No. 532-Pub.—28th June, 1972—The following Order made by the President, on the advice of the Prime Minister, of the People's Republic of Bangladesh on the 27th June, 1972 is hereby published for general information:—

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

President's Order No. 73 of 1972.

THE BANGLADESH GOVERNMENT HATS AND BAZARS (MANAGEMENT) ORDER, 1972.

WHEREAS it is expedient to make provisions for better management of Government hats and bazars in public interest;

Now, Therefore, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

1. (1) This Order may be called the Bangladesh Government Hats and Bazars (Management) Order, 1972.

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- (2) It extends to the whole of Bangladesh, except the district of the Chittagong Hill Tracts.
 - (3) It shall come into force at once.
- 2. In this Order, unless there is anything repugnant in the subject or context,—
 - (a) "Committee" means a Committee constituted under Article 5;
 - (b) "Deputy Commissioner" means the Deputy Commissioner of a district and includes in Additional Deputy Commissioner or a Joint Deputy Commissioner;
 - (c) "Government hat or bazar" means a hat or bazar or any share thereof which is owned by, or in the possession, control or management of, Government or which may be taken possession of by Government under the provisions of this Order;
 - (d) "hat" or "bazar" shall have the same meaning as in clause (12) of section 2 of the East Bengal State Acquisition and Tenancy Act, 1950:
 - (e) "lease" and "lessee" shall have the same meanings as in the Transfer of Property Act, 1882;
 - (f) "management" includes collection of tolls from, and taking measures for sanitation, upkeep and improvement of, and provision of aminities in, a hat or bazar and all other action necessary for securing the welfare of the sellers and buyers in a hat or bazar;
 - (g) "prescribed" means prescribed by rules made under this Order; and
 - (h) "Revenue Officer" means the Officer-in-Charge of a Revenue Circle and such other officer as may be appointed by Government to discharge all or any of the functions of a Revenue Officer under this Order.
- 3. Notwithstanding anything contained in any law for the time being in force or in any contract or agreement, on the commencement of this Order, all leases in respect of Government hats and bazars shall stand cancelled and all proceedings either of executive nature or pending in any court in respect of such leases shall abate.
- 4. The management of a Government hat or bazar shall vest in a Committee constituted for that purpose under Article 5.
- 5. (1) As soon as may be on the commencement of this Order, the Revenue Officer shall, with the prior approval of the Subdivisional Magistrate, constitute a Committee for each Government hat or bazar:

Provided that a Committee may be constituted for more than one such hat or bazar where convenient.

(2) All the members of the Committee shall be non-officials and the number of members of each Committee shall not ordinarily exceed five:

Provided that the Subdivisional Magistrate may increase the number of members of a Committee where he deems it necessary for representing any special interest.

- (3) The members of a Committee shall be selected by the Revenue Officer in such manner as may be prescribed.
- (4) The members of a Committee shall elect a Chairman, a Vice-Chairman and a Secretary from among themselves and for the purpose of such election, the first meeting of the Committee shall be convened and presided over by the Revenue Officer within a week of receipt of the Subdivisional Magistrate's approval of the selection of the members of the Committee under clause (3).
- (5) As soon as a Committee is constituted and its office bearers are elected, the Revenue Officer shall cause a list of the members of the Committee to be published in such manner as may be prescribed.
- 6. (1) A Committee once constituted shall hold office for a period of two years:

Provided that Government shall have the power to supersede any Committee at any time and order the constitution of a new Committee according to the provisions of this Order.

- 7. No person shall be or shall continue to be a member who-
 - (i) is or at any time has been convicted for an offence involving moral turpitude;
 - (ii) fails to attend three consecutive meetings of the Committee without the permission of the Chairman;
 - (iii) is or becomes physically or mentally unfit to hold the office; and
 - (iv) is guilty of indulging in any activity subversive of the State, or prejudicial to public interest or to good management of the hat or bazar and the majority of members of the Committee pass a resoulution to that effect and the said resolution is approved by the Subdivisional Magistrate.
- 8. A member may, at any time before the expiry of his term, upon one menth's notice resign his office:

Provided that such resignation shall not take effect until accepted by the Subdivisional Magistrate.

- 9. Any vacancy in the membership of a Committee due to resignation, death or disqualification shall be filled up in the same manner in which the previous member was selected.
- 10. (1) A Committee shall be responsible for the good management of a hat or bazar in its charge and shall take all measures necessary for the purpose.
 - (2) In particular, it shall-
 - (a) formulate proposals for the fixation of rates of tolls for different classes of commodities/sellers/buyers and for the determination of the classes of commodities/sellers/buyers to be exempted from payment of tolls and submit such proposals to the Revenue Officer for obtaining the approval of the Subdivisional Magistrate.

- (b) prepare the annual budget of estimated receipts and expenditure and submit the same to the Revenue Officer for obtaining the approval of the Subdivisional Magistrate,
- (c) supervise the collection of tolls by toil collecting officers,
- (d) prevent collection of tolls in excess of the approved rates or in respect of commodities/sellers/buyers exempted from payment of tolls,
- (e) prevent any collection other than tolls at the approved rates and any illegal exaction in any other form and harassment to sellers or buyers,
- (f) maintain peace,
- (g) look after cleanliness, upkeep and proper sanitation,
- (h) enquire into all public complaints and take steps for the removal of causes of all genuine grievances,
- (i) check the accounts of toll collection maintained by the toll collecting officers and see that the proceeds are promptly deposited in the Bank,
- (j) formulate proposals for improvement of the hat or bazar and submit the same to the Revenue Officer for obtaining the approval of the Subdivisional Magistrate, and
- (k) submit such periodical returns about income and expenditure to the Revenue Officer as may be prescribed.
- (3) In discharging its functions, the Committee shall abide by such instructions as may be issued from time to time by the Revenue Officer or the Subdivisional Magistrate.
- 11. (1) The rates of tolls for different classes of commodities/sellers/buyers and the classes of commodities/sellers/buyers to be exempted from payment of tolls shall be such as may be approved by the Subdivisional Magistrate and until this is done, the existing rates of tolls shall be deemed to be the rates so approved.
- (2) Collection of tolls shall be made by such persons and in such manner as may be prescribed.
- (3) Collection of tolls in excess of the approved rates or in respect of the commodities or from sellers or buyers exempted from payment of tolls, any collection other than tolls at the approved rates or any other illegal exaction in any other form shall be deemed to be an offence punishable with a fine which may extent to two hundred Taka to be imposed by the Revenue Officer after a summary enquiry in the prescribed manner.
- (4) The entire proceeds from collection of tolls less such amount as may be needed for the permanent advance to the Committee and the payment of remuneration of the casual staff, shall be credited in an account to be opened in the name of the Committee in the nearest branch of any scheduled Bank.

- 12. (1) The accounts opened in the name of the Committee under clause (4) of Article 11 shall belignintly operated by the Chairman or the Vice-Chairman, the Secretary of the Committee and the Government Tahsildar.
- (2) At the end of each quarter of the Bengali year, the total amount accumulated in the account, after deducting the collection expenses to be determined in the prescribed manner, shall be distributed as follows:—
 - (a) one-third shall be drawn and credited to the Thana Development Fund for expenditure on development works within the Thana including grant to educational institutions and hospitals,
 - (b) one-third shall be at the disposal of the Committee for expenditure on upkeep and improvement of the hat or bazar according to such scheme as Imay be approved by the Subdivisional Magistrate, and
 - (c) the remaining one-third together with the amount determined as collection expenses, shall be drawn and credited to Government account under the prescribed head.
 - (3) The Committee shall maintain accounts of all expenditure incurred by it.
- 13. The Committee shall be allowed to operate a permanent advance not exceeding two hundred taka for meeting contingent expenditure in connection with the running of its office and payments to sweepers, etc.
- 14. (1) Where a lease has been cancelled or proceedings for lease of a hat or bazar has been abated under Article 3, the lessee or intending lessee shall be entitled to the refund of the money deposited by him with the Government for such lease:

Provided that where he was put in possession of the hat or bazar, an amount which bears the same proportion to entire amount payable for the lease as the period of his possession bears to the full period of the lease shall be deducted from the amount so deposited and the balance shall be refunded to him.

- (2) The lessee or intending lessee shall have no other claim for compensation for the cancellation of the lease or abatement of the proceedings for lease.
- 15. The accounts in respect of every hat or bazar shall be inspected and audited at such intervals and by such agency as may be prescribed.
- 16. No court shall have any jurisdiction to entertain any suit or application in respect of any orders passed, any action taken or anything done under the provisions of this Order or the rules made thereunder.
- 17. Every member of the Committee shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860).

18. The provisions of Article 3, shall not apply to any hat or bazar which was leased out to a Union Council constituted under the Basic Democracies Order, 1959, or to any hat or bazar which is already being held by any educational, religious or charitable institution under a valid lease from Government for exclusive benefit of such institution:

Provided that notwithstanding anything contained in the deed of lease, Government may, at any time, cancel the lease of any such hat or bazar and on such cancellation, such hat or bazar shall be managed according to the provisions of this Order:

Provided further that where any educational religious or charitable institution paid any salami for the lease of any such hat or bazar, the amount of such salami shall, on cancellation of such lease, be refunded to such institution.

- 19. The Government may, by order published in the official Gazette, direct that any power or duty which is conferred or imposed by this Order upon the Government shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any officer or authority subordinate to it.
- 20. The Govenment may, by notification in the official Gazette, make rules for carrying out the purposes of this Order.

DACCA;
The 27th June, 1972.

ABU SAYEED CHOWDHURY

President of the

People's Republic of Bangladesh.

AZIMUDDIN AHMAD Deputy Secretary.