

The Town Improvement Act, 1953 (East Bengal Act)

(ACT NO. XIII OF 1953)

¹♣ ♠An Act to provide for the development, improvement and expansion of the ²[Capital of the Republic and Narayanganj and Tongi Municipalities] and certain areas in their vicinity and the constitution of a [Kartripakkha] therefore.

WHEREAS it is expedient to make provision for the development, improvement and expansion of the [Capital of the Republic and Narayanganj and Tongi Municipalities] and certain areas in their vicinity by opening up congested areas, laying out or altering streets, providing open spaces for purposes of ventilation or recreation, demolishing or constructing buildings, acquiring land for the said purposes and for the re-housing of persons displaced by the execution of improvement schemes, and otherwise as hereinafter appearing;

AND WHEREAS it is expedient that a [Kartripakkha] should be constituted and invested with special powers for carrying out the objects aforesaid;

It is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

**Short title,
extent and
commencement**

1. (1) This Act may be called the Town Improvement Act, 1953.

(2) It extends to the areas comprised within the limits of the ³[Dhaka City]; but the Government may, by notification under the procedure prescribed by section 162, extend this Act or any provision thereof to the areas comprised within the limits of the Narayanganj Municipality ⁴[and Tongi Municipality] and such other area in the vicinity of ⁵[the said City and] those two Municipalities as may be specified in the notification.

(3) It shall come into force in such areas and on such dates as the Government may, by notification, specify.

Definitions

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

- ⁶[(a) “betterment fee” means the fee declared under section 94 in respect of an increase in the value of land resulting from execution of an improvement or re-housing scheme;
- (b) “City” means the Dhaka City;
- (bb) “Corporation” means the Dhaka Municipal Corporation;]
- (c) “Building Line” means a line (in the rear of a street alignment), up to which the main wall of a building abutting on a projected public street may lawfully extend;
- (d) “Chairman” means the Chairman of the Kartripakkha;
- ⁷[(e) “Deputy Commissioner” includes an Additional Deputy Commissioner, and also a Upazila Nirbahi Officer or an Assistant Commissioner authorised by the Deputy Commissioner to exercise any power conferred, or to perform any duty imposed, on the Deputy Commissioner by or under this Act;]
- (f) “Improvement Scheme” means any scheme under Chapter III, but does not include a re-housing scheme or a projected public street referred to in section 69;
- ⁸[(g) “Kartripakkha” means the Kartripakkha constituted under section 4;
- (h) “member” means a member of the Kartripakkha;
- (hh) “Municipality” means the Narayanganj Municipality or the Tongi Municipality;]
- (i) “Notification” means a notification published in the official Gazette;
- ⁹[(j) “Paurashava” means Narayanganj Paurashava or Tongi Paurashava;
- (jj) “prescribed” means prescribed by rules or regulations made under this Act;]
- (k) “Secretary to the Kartripakkha” means the person for the time being appointed by the Kartripakkha, to discharge the functions of Secretary to the Kartripakkha;
- (l) “Tribunal” means the Tribunal constituted under section 82;

(n) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sullage or rainwater;

(o) "public street" means any street, road, lane, gally, alley, passage, pathway, square or court, whether a thoroughfare or not, over which the public have a right of way and includes-

(a) the access or approach to a public ferry,

(b) the roadway over any public bridge or cause-way,

(c) the footway attached to any such street, public bridge or cause-way,

(d) the passage connecting two public streets, and

(e) the drains attached to any such street, public bridge or cause-way, and, where there is no drain attached to any such street, shall be deemed to include also, unless the contrary is shown, all land up to the boundary wall, ail, hedge or pillar of the premises, if any, abutting on the street, or if a street alignment has been fixed, then up to such alignment;

(p) "street alignment" means the line dividing the land comprised in and forming part of a street from the adjoining land; and

¹¹[(q) "Upazila Parishad" means the Upazila Parishad of a Upazila in which this Act is in force;

(r) "Union Parishad" means the Union Parishad of a Union in which this Act is in force;

(s) "Zila Parishad" means the Zila Parishad of a district in which this Act is in force.]

CHAPTER II THE KARTRIPAKKHA

Constitution of the Kartripakkha

Establishment and incorporation

3. The duty of carrying out the provisions of this Act shall, subject to the conditions and limitations hereinafter contained, be vested in a ¹²[Kartripakkha, to be called the Rajdhani Unnayan Kartripakkha; and such

of

Kartripakkha

Kartripakkha] shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued.

Kartripakkha

¹³[4. (1) The Kartripakkha shall consist of a Chairman and not more than five other members.

(2) The Chairman and other members shall be appointed by the Government on such terms and conditions as it may determine.

(3) The Chairman and other members shall be the whole-time officers of the Kartripakkha.

(4) The Chairman shall be the chief executive officer of the Kartripakkha.

(5) The Chairman and other members shall exercise such powers and perform such functions as may be prescribed, or as may be assigned to them by the Government from time to time.

(6) If a vacancy occurs in the office of the Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, the Government shall make such arrangement for discharging the functions of the office of Chairman as it may consider expedient.

**Meetings of
the
Kartripakkha**

5. (1) The meetings of the Kartripakkha shall be held at such times and places as may be prescribed:

Provided that, until so prescribed, such meetings shall be held at such times and places as may be determined by the Chairman.

(2) To constitute a quorum at a meeting of the Kartripakkha, the number of members present shall be two, if the Kartripakkha consists of not more than three members, and three, if the Kartripakkha consists of more than three members.

(3) All meetings of the Kartripakkha shall be presided over by the Chairman and, in his absence by a member authorised in writing by the Chairman.

(4) At a meeting of the Kartripakkha, each member shall have one vote and, in the event of equality of votes, the person presiding shall have a second or casting vote.

(5) No act or proceeding of the Kartripakkha shall be invalid or be called in question on the ground of any vacancy in, or any defect in the constitution of the Kartripakkha.]

Conduct of Business

Temporary association of members with the Kartripakkha for particular purposes

21. (1) The Kartripakkha may associate with themselves, in such manner and for such period as may be prescribed by ¹⁴[rules or regulations] made under section 152, any person whose assistance or advice they may desire in carrying out any of the provisions of this Act.

(2) A person associated with themselves by the Kartripakkha under subsection (1) for any purpose shall have a right to take part in the discussions of the Kartripakkha relative to that purpose, but shall not have a right to vote at a meeting of the Kartripakkha, and shall not be a member of the Kartripakkha for any other purpose.

[Omitted.]

22. [Constitution and functions of Committees.- Omitted by section 9 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).]

[Omitted.]

23. [Meetings of Committees.- Omitted by section 9 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).]

[Omitted.]

24. [Fees for attendance at meetings.- Omitted by section 9 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).]

[Omitted.]

25. [Trustees and associated members of Board or Committee not to take part in proceedings in which they are personally interested.- Omitted by section 9 of the Town Improvement (Amendment) Act, 1987 (Act No. XXIX of 1987).]

Power to make and perform contracts

26. The Kartripakkha may enter into and perform all such contracts as they may consider necessary or expedient for carrying out any of the purposes of this Act.

Execution of contracts