

THE HATS AND BAZARS (ESTABLISHMENT AND ACQUISITION) ORDINANCE, 1959
(EAST PAKISTAN ORDINANCE NO. XIX OF 1959)
[2nd March, 1959]

An Ordinance to control the establishment of hats and bazars and acquire certain hats and bazars already established.¹

WHEREAS it is expedient to make provisions for controlling the establishment of hats and bazars in Bangladesh and for the acquisition of the hats and bazars established after the final publication of the Compensation Assessment roll under section 42 of the ²[* * *] State Acquisition and Tenancy Act, 1950;

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958 and in exercise of all powers enabling him in that behalf, the Governor is pleased to make and promulgate the following Ordinance, namely:-

Short title, extent and commencement

1. (1) This Ordinance may be called the ³[* * *] Hats and Bazars (Establishment and Acquisition) Ordinance, 1959.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

Establishment of Hats and Bazars

2. (1) No person shall establish any hat or bazar in Bangladesh.

(2) Nothing in sub-section (1) shall prevent the Government or any local authority from establishing any hat or bazar:

Provided that prior approval of the Deputy Commissioner shall, in the case of a local authority, be necessary.

⁴[Explanation:- In sub-section (2), "local authority" shall have same meaning as defined in clause 28 of section 3 of the General Clauses Act, 1897 (X of 1897), or any other authority legally entitled to, or entrusted by the Government with, the control of management of a local fund.]

(3) Any hat or bazar established in contravention of the provisions of sub-sections (1) and (2) including the land on which such hat or bazar is established and all interests therein shall be forfeited to the Government:

Provided that where any hat or bazar has been so established on any land by a person or persons other than the owner of the land without the consent of such owner, the land shall not be forfeited, but it shall be lawful for the Deputy Commissioner,-

(i) to remove the hat or bazar from the land, by using such force as may be necessary, or

(ii) to take over the land on behalf of the Government on payment to the owner the market value of the land immediately before the establishment of the hat or bazar to be determined in the manner prescribed by the rules, or

(iii) to issue a licence to the owner permitting him to continue the hat or bazar for such period and on payment of such fees and on such terms and conditions as may be prescribed by rules.

Power of the Government to acquire hats and bazars and determination of compensation

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Government may, by notification in the official Gazette, acquire with effect from such date as may be specified in that notification, any hat or bazar established in any area after the final publication of the Compensation Assessment-roll under section 42 of the ⁵[* * *] State Acquisition and Tenancy Act, 1950, in respect of that area, on payment of compensation at the rate provided for in clause (b) of sub-section (1) of section 39 of the said Act.

(2) On and from the date specified in the notification under sub-section (1) in respect of any hat or bazar, such hat or bazar shall vest in the Government free from all encumbrances.

(3) The compensation payable under sub-section (1) shall be determined and paid to person or persons interested by the Deputy Commissioner in such manner as may be prescribed by rules made under this Ordinance.

(4) An appeal against the order of the Deputy Commissioner under sub-section (3), if preferred within 30 days of the date of the order, shall lie to the ⁶[Commissioner of the Division].

⁷[(4a) An order of the Commissioner passed under sub-section (4) and, subject only to such order, an order of the Deputy Commissioner passed under sub-section (3) shall be final.]

(5) [Omitted by the Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).]

Interpretation

4. For the purpose of this Ordinance, the expression "Deputy Commissioner" shall include an Additional Deputy Commissioner and a Joint Deputy Commissioner and all other words and expressions used in this Ordinance and defined in the ⁸[* * *] State Acquisition and Tenancy Act, 1950, shall have meanings respectively assigned to them by that Act.

Rule-making power

5. The Government may make rules for carrying out the purposes of this Ordinance.

Annotations

¹ Throughout this Ordinance, the word "Bangladesh" and "Government" were substituted for the words "East Pakistan" and "Provincial Government" respectively by the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and the Second Schedule.

² The words "East Bengal" were omitted by the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972), Article 6.

³ The words "East Pakistan" were omitted by the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972), Article 6.

⁴ The Explanation was substituted by the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and the Second Schedule.

⁵ The words "East Pakistan" were omitted by the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972), Article 6.

⁶ The words "Commissioner of the Division" were substituted for the words "Civil Court" by the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976), section 2 and the Schedule.

⁷ Sub-section (4a) was inserted by the Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976), section 2 and the Schedule.

⁸ The words "East Bengal" were omitted by the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972), Article 6.

Amending Law(s)

The Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).

The Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).

The Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

Provision(s) Repealed/Omitted by

The Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).

Law(s) Referred

The State Acquisition and Tenancy Act, 1950, clause (b) of sub-section (1) of section 39; section 42.

The General Clauses Act, 1897 (X of 1897), clause 28 of section 3.

This law has been updated upto (last amending law):

The Bangladesh Laws (Amending) Ordinance, 1976 (Ordinance No. IX of 1976).