

## **The Bangladesh Abandoned Property (Taking over possession)**

**Rules, 1972. (Notification No 6E-2:/72/247- Gueral-9th March,1972).**

In exercise of the power conferred by Article 25 of the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972, (P. O 16 of 1972). the president is pleased to make the following rules namely;

**The Bangladesh Abandoned Property (Taking over possession Rules, 1972).**

1. Short Title: These rules may be called the Bangladesh Abandoned Property (Taking over possession) Rules, 1972.

2. Definitions: In these rules, unless there is anything repugnant in the subject or context : -

(a) "Abandoned Property" means any abandoned property within the meaning of the order;

(b) "Article" means an Article of the Order;

(c) "Form" means a form appended to these rules;

(d) "The Order" means the Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972 (P.O No. 16 of 1972).

(e) "Property" means any property within the meaning of the order.

3. Manner of taking possession of abandoned property under Article7:-

(1) Where any abandoned Property is not in possession of any person or where a person surrenders any abandoned property under clause (2) of Article 7 or in pursuance of a notice under clause (3) or of an order under clause (4) of the said Article, the Deputy Commissioner or the Sub-divisional Magistrate shall pass an order in Form No1 and depute an officer for taking possession of such property.

(2) The officer so deputed shall affix an another copy of such order on the notice board of the office of the local union Panchayat/Saher Committee/Paurashava where the property consists of immovable property, another copy to some conspicuous part of such property.

(3) The order may if the Deputy Commissioner or Sub-divisional Magistrate deem fit, be proclaimed by beat of drum in the locality in which the property is situated.

(4) The officer deputed to take possession shall take such steps as he may consider necessary for securing possession of the property including breaking open any lock or door, if necessary, and make an inventory in duplicate, containing the full particulars of the property, including machineries installations, fixtures, fittings, stock in trade, furniture, equipments, cash, bullions, books, documents, papers, house-hold effects, standing crops, trees and all other things found there in;

(5) The inventory so made shall be signed by the officer himself and by two witnesses.

(6) On the completion of these formalities, the possession of property shall be deemed to have been taken by the Deputy Commissioner or the Sub-Divisional Magistrate.

(7) The officer shall submit a report to the Deputy Commissioner or the Sub-divisional Magistrate about taking possession of the property in the aforesaid manner, along with the both copies of the inventory prepared by him.

(8) The notice referred to in clause (3) of Article 7 shall be in Form Note-11 and shall be served on the person in possession or any adult male member of his family or, where none of them is available or they refuse to receive the notice, by affixing a copy of the notice to a conspicuous part of the residence of such person and also, where the abandoned property consists of any immovable property on conspicuous part of such immovable property in the presence of two witnesses.

(9) Where the person in possession fails to surrender the abandoned property or to show cause in pursuance of the notice under clause (3) of Article 7 or where he shows cause, but fails to surrender the property in accordance with an order passed under clause (4) of the Article, the Deputy Commissioner or the Sub-divisional Magistrate shall pass an order in form No, III and depute an officer to take possession of the property, by taking all steps necessary in that behalf, including evicting such person and for such eviction, such force may be used as may be necessary.

(10) The officer so deputed shall also publish the order entered upon the property and prepare an inventory in the same manner as prescribed in sub-rules (2), (3) and (4).

(11) After eviction and on completion of these formalities the possession of the property shall be deemed to have been taken by the deputy Commissioner or the Sub-divisional Magistrate.

(12) The officer shall submit a report to the Deputy Commissioner or the Sub-Divisional Magistrate about taking possession of the property in the aforesaid manner, along with both copies of the inventory prepared by him.

4. Manner of taking possession of abandoned property under clause (3) of Article-1:-

(1) For taking possession of any abandoned property under clause (3) of Article 10, the Deputy Commissioner or the Sub-divisional Magistrate, to whom the power of Government has been delegated under Article-22, shall pass an order in Form No, IV and depute an officer to take possession of the property who shall take all necessary steps in that behalf including eviction of the person in possession and for such eviction, such force may be used as may be necessary.

(2) The officer so deputed shall publish the order, enter upon the Property and prepare an Inventory in the same manner as prescribed in sub-rules (2), (3) and (4) of rule 3.

(3) After eviction and on completion of those formalities the possession of the property shall be deemed to have been taken by the Deputy Commissioner or the Sub-divisional Magistrate.

(4) The officer shall submit a report to the Deputy Commissioner or the Sub-Divisional Magistrate about taking possession of the property in the aforesaid manner, along with both copies of the inventory prepared by him.

5. Custody of abandoned property The Deputy Commissioner or Sub-Divisional Magistrate shall make proper arrangement for the safe custody and guarding of all abandoned property during the time of taking its possession to the time of making it over to the Ministry concerned under Rule 6.

6. Report and making over of an abandoned property to the Ministry concerned for control, management and disposal:-

(1) The Deputy Commissioner or the Sub-divisional Magistrate shall submit a report to the Ministry concerned as mentioned below setting out the particulars of the property, Possession of which has been taken over by the Deputy Commissioner or the Sub- divisional Magistrate:-

Category of abandoned property	Name of Ministry to whom the property is to be made over
1. Agricultural, horticultural and non agricultural lands not connected with any commercial or industrial under taking.	Ministry of Revenue
2. Residential and other building in urban areas	Ministry of Works
2A. Properties connected with the film industry and trade including cinema houses and equipment and distribution of the films and other institutions and agencies connected with film trade and industry.	Ministry of Information and Broadcasting
3. Shops, Godowns and other commercial undertakings with or without stock in trades, (other then those mentioned in items 2A & 3A)	Ministry of Commerce
3A. Shops, Godowns and other commercial undertakings with or without stock in trade located in buildings owned by any ministry or statutory body under it.	Ministry to which the building belongs.

4. Industrial undertakings (including Jute Industry) other than those mentioned in item 2A. : Ministry of Industry.
5. Tea Gardens : Ministry of Commerce
6. Trucks, buses and other means of transport. : Ministry of Communication.
7. Negotiable instruments and securities i.e., shares, scrip, stocks, bonds, debentures, stock or other marketable securities of a like nature in or of any body corporate and Government security. : Ministry of Commerce.
8. Goods in transit or at port, railway stations and terminals. : Ministry of Communication
9. Cash, ornaments and bullion not connected with any commercial or industrial under takin. : Ministry of Finance.
10. Any other property not covered by the above classifications. : Ministry of Revenue.

(2) An abandoned property taken possession of by the Deputy Commissioner or the Sub-divisional Magistrate under the order along with a copy of the inventory, shall be made over, under proper receipt, to the Ministry concerned in such manner as is directed by that Ministry for control, management and disposal according to the rules to be framed by such Ministry.