

THE CHITTAGONG HILL TRACTS (LAND ACQUISITION) REGULATION, 1958

A Regulation to provide for the acquisition of land in the Chittagong Hill Tracts.

Whereas by Proclamation dated the 25th day of June, 1958, under Article 193 of the Constitution of the Islamic Republic of Pakistan, The President has assumed to himself all the powers vested in, or exercisable by the Governor of East Pakistan;

And whereas the President has, in pursuance of sub-clause (i) of clause (c) of the said proclamation, been pleased to direct by Notification No. 22/11/58-Pol. (I), dated the 4th July, 1958, publish in the Extraordinary Gazette of Pakistan, dated the 4th July, 1958, that the power vested in, or exercisable by, the Governor under the constitution shall be exercised by the Governor;

AND whereas it is expedient to provide for the acquisition of land in the Chittagong Hill Tracts;

AND whereas by clause (3) of Article 103 of the constitution of the Islamic Republic of Pakistan, the Governor is empowered to make Regulation for the peace and good government of the excluded area in his Province;

NOW, therefore, the Governor of East Pakistan, in exercise of the said powers and all other powers enabling him in this behalf, is pleased to make the following Regulation namely: -

Short title and commencement. 1.

(1) This Regulation may be called the CHTs (Land Acquisition) Regulation, 1958.

(2) It shall come into force at once.

Definitions: 2. In this Regulation, unless there is anything repugnant in the subject of context,

(a) "Deputy Commissioner" means the Deputy Commissioner of the Chittagong Hill Tracts and includes any officer specially appointed by the Provincial Govt. to perform all or any of the functions of the Deputy Commissioner under this Regulation;

(b) "Land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(c) "Person interested" includes all persons claiming an interest in the compensation to be paid on account of the acquisition of land under this Regulation.

Acquisition: 3. (1) When any land held on valid title, which is not resumable under the Chittagong Hill Tracts Regulation, 1900 (Regu. I of 1900) or the rules made thereunder, is required for any public purpose, the Deputy Commissioner may acquire such land by an order in writing.

(2) When an order is made under sub-section (1), the Deputy Commissioner shall serve a copy of such order on the person or persons interested:

Provided that if the Deputy Commissioner is of the opinion that the service of the copy of such order on each such person will cause delay in taking possession of the land, he may dispense with such service and cause a public notice of such order to be given at convenient places in the locality.

(3) On and from the date of service of a copy of the order or publication of a notice under sub-section (2), the land so acquired shall vest absolutely in the Provincial Government free from all incumbrances and the Deputy Commissioner may take possession of such land by using such force as may be necessary.

Compensation: 4. (1) When any land is acquired under sec. 3, the Provincial Government shall pay compensation therefore as may be determined by the Deputy Commissioner and in determining the amount of such compensation, the Deputy Commissioner shall take into consideration, -

Firstly, the market value of the land on the date of the order of acquisition, but he shall not take into consideration the changes in the value of the land resulting from the project to which the acquisition relates;

Secondly, the damage sustained by the person interested by reason of the taking of any structures, bamboos, trees or standing crops which may be on the land at the time of the Deputy Commissioner's taking possession therefore;

Thirdly, the damage, if any, sustained by the person interested at the time of the Deputy Commissioner's taking possession of the land by reason of serving such land from his other land;

Fourthly, the damage, if any, sustained by the person interested at the time of the Deputy Commissioner's taking possession of land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;

Fifthly, if in consequence of the acquisition of the land by the Deputy Commissioner the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and

Sixthly, the damage, if any, bona fide resulting from diminution of the profits of the land between the time of the service of a copy of the order or publication of the notice under sub-section (2) of section 3 and the time of the Deputy Commissioner's taking possession of the land.

(2) In addition of the market value of the land, as above provided, the Deputy Commissioner shall, in every case, award a sum of fifteen per centum on such market value, in consideration of the compulsory nature of the acquisition.

Appeal: 5. (1) An appeal against an order made by the Deputy Commissioner determining the compensation under sec. 4 shall, if presented within thirty days of the date of service of the notice of such determination, lie to the Commissioner of Chittagong Division.

(2) The Board of Revenue may, either on its own motion or on application, revise any order passed by the Commissioner under sub-section (1).

Power to make rules: 6. The Provincial Government may make rules for carrying out the purposes of this Regulation.