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On

**Abandoned Property Management System in Bangladesh: A Case Study on  
Abandoned Buildings**

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## **Title**

# **Abandoned Property Management System in Bangladesh: A Case Study on Abandoned Buildings**

## **Abstract**

Abandoned Property is defined as certain property abandoned by persons absent from Bangladesh including any property owned by any person who is citizen of a state which at any time after the 25th day of March in 1971. Due to lack of proper management, many of the valuable abandoned properties of the government are being destroyed. The property is maintained through Abandoned Property Management Boards in 34 districts of Bangladesh. This study aims to explore the nature and impacts of Abandoned Property Management System of Bangladesh. The research methodology that is used for this study is qualitative and descriptive in nature. The data collection was conducted through interviews and critical analysis of existing knowledge and laws. Everyone's opinion has been received in favour of record specification with dag, khatian number and data automation, including preparation of lease deeds instead of sale deed. If the amount of land is more, then the allotment can be made for setting up offices of the governmental departments. Otherwise, if the amount of land is less, then the flat-based allotment can be made between more than one applicant by constructing a high-rise building on behalf of the government. The findings of this study suggested that incorporation of Google Map may be introduced with automated data regarding abandoned buildings. Further study is also recommended for investigating Abandoned Property Management in a vaster approach.

**Keywords:** Abandoned property, abandoned building, automation, upgradation of law, sale deed vs. lease deed.

## **1. Introduction**

Abandoned Property is defined as certain property abandoned by persons absent from Bangladesh, or whose whereabouts were not known, or who had ceased to occupy or supervise, or manage in person their property, including any property owned by any person who is citizen of a state which at any time after the 25th day of March in 1971, was at war with or engaged in military operations against the People's Republic of Bangladesh (Banglapedia 2021). To make provisions for control, management and disposal of such property, the President of Bangladesh promulgated on 28th February 1972 the Bangladesh Abandoned Property (Control, Management and Disposal) Order which is PO 16 of 1972 (GoB 1972). Abandoned “building” means any residential or other building or structure of any kind in an urban area and includes the land adjunct thereto, and the court-yard, tank, place of worship and private burial or cremation ground appertaining to such building (GoB 1985). Where any abandoned property was in possession of any person, Deputy Commissioner or Sub-Divisional Magistrate was authorized to take possession of the property under Article 7 of PO 16 in 1972.

A memorandum issued by the Department of Land Administration and Land Reforms on 13th September 1982, lays down the detailed policy of disposing of abandoned properties under the effective control of the department. Some of its policy issues are as follows: (a) Houses used as residences of government offices and government officials/employees, which are in well maintainable condition, will be kept and handed over to the Ministry of Public Works for maintenance; (b) Dilapidated and kutcha houses, that the government does not need, will be offered to be given to those who are now on lease at an estimated price, subject to the condition that they or their pets do not have houses or plots of land in the city area.

Notwithstanding anything contained in the President's Order, no notice for surrendering or taking possession of any building as abandoned property shall be issued under the said Order after the 31st day of December, 1988. The government shall, after the commencement of this Ordinance and before the 31st day of December in 1988 publish, from time to time, in the official gazette: (a) lists of buildings the possession of which have been taken as abandoned property under the President's Order; (b) lists of buildings in respect of which notices for surrendering or taking possession as abandoned property under the said Order have been issued (GoB 1985). Abandoned properties are divided into two groups; schedule “Ka” is under the possession of government whereas schedule “Kha” is not under the possession of government (GoB 1986 to 1988). On September 23, 1986, the publication of the Gazette listed the abandoned buildings “Ka” and

“Kha” in the city area. The abandoned property can be transferred in favour of any person or organization in a prescribed manner with the prior approval of the head of the government.

Any person claiming any right or interest in any building which is included in any list published under section 5 may, within a period of one hundred and eight days from the date of publication of the list in the official gazette, make an application to the Court of Settlement for exclusion of the building from such list or return or restoration of the building to him or for any other relief on the ground that the building is not an abandoned property and has not vested in the government under the President's Order (GoB 1985).

At present, there are 34 abandoned property management boards in Bangladesh; 3 boards are headed by Divisional Commissioner (Dhaka, Khulna and Chattogram) and the rest 31 boards are headed by Deputy Commissioner. Member Secretary is concerned Executive Engineer of PWD (Public Works Department) in that division/district. Among 8 divisions of Bangladesh, Barisal division has no abandoned property. Almost 13,000 abandoned buildings were listed whereas about 6,500 buildings were situated in Dhaka city including Narayanganj (MoHPW 2020). Among 6,068 acres of abandoned property under the nine ministries, 5,465 acres 38 decimals of the land under the Ministry of Land. Apart from the Ministry of Land, the land under eight other ministries has been gazetted. 493 acres 33 decimals are under MoHPW (The Samakal 2019).

After liberation war, there was provision to allot abandoned buildings to 3rd and 4th class government employees. In that time, government employees were issued D/N (Demand Notice) by appropriate authority. Since 28th December of 1983, buildings can only be allotted to wounded freedom fighters and family members of martyred freedom fighters (Khan 2020). Abandoned buildings are transferred via sale deed at estimated rate as per PWD Schedule of Rates (SoR) of 1972 and gazette notification on 25/08/2015 about land price. Before conducting sale deed, there are step by step procedures; such as issue of allotment letter, sale proposal and sale agreement.

War wounded freedom fighter means that person, who was wounded during his/her duty in 1971 between 25 March and 16 December, became crippled or lost hand, leg or eye. The definition of a martyr's family, enacted in 1972, states that the family in which an earning member has been martyred, whereas the definition of a martyr indicates that person who was killed by Pakistani occupation forces in 1971 between 25 March and 16 December. A martyred public servant means

a public servant who has been martyred. Martyred freedom fighters' family include wife, unmarried daughter, son under the age of 21 and dependent parents (GoB 1972).

Applicants for abandoned buildings are of three categories: D/N (Demand Notice) holder or temporary allotment recipient or application for fresh allotment. On receipt of the application, the field report is asked to submit by the concerned executive engineer and the report is accompanied by a certificate of updated rent collection. At the same time, the certificate of the martyred or war wounded freedom fighter is sent to the Ministry of Liberation War Affairs for confirmation. After receiving the report at the field level and the report from the Ministry of Liberation War Affairs, the property is evaluated and approved at the evaluation meeting. Later, it was included in the agenda of the board meeting and sent to the MoHPW with the approval of the board meeting. After scrutiny of supporting documents, the ministry gives administrative approval for issue of allotment letter/sale proposal/sale agreement/sale deed. Subject to receipt of administrative approval, after payment of 20% of the total value and after receipt of rent clearance certificate, the sale proposal is issued by the board. The remaining 80% of the total value can be paid in one-time or 05 installments. If paid in installments, 10% interest has to pay per installment. In case of freedom fighter, there is an opportunity to pay the money in 25 installments (MoHPW).

The purpose of the study is to assess the abandoned property management system with recommendations by setting some research questions followed by study objectives.

### **1.1 Problem statement**

Availability of residential area in capital city, Dhaka along with district head quarter continuously follow a declining trend. Due to this reason, land pricing is increasing day by day. In this context, abandoned buildings are really valuable with high price. So, there is a vested interested group, running after these buildings. Government moto is to show respect and gratitude in honor of war wounded and family member of martyred freedom fighters by allotting them abandoned building at a very cheap rate that means PWD SoR (Schedule of Rates) of 1972. Sometimes, vested interested groups try to influence allottee to transfer property to them just after getting the sale deed from government. Not only this, but also it is seen that for a specific plot there are several applicants. If one plot is allotted to one, then others might be deprived. Government, in many times, fail to protect abandoned buildings in legal cases due to barred by limitation or not taking timely correspondence. Another issue is that a number of different acts and rules are available for management, but integrated act with consecutive rules is needed for simplification.

Structural condition of most of the buildings are worn out (Office of the Deputy Commissioner, Sirajganj 2022). Because of no allocated budget, renovation work is not possible. But if it is allotted to someone, then allottee get chance to renovate at his/her own cost. Plots may go under illegal possession due to lack of monitoring and forged deed also. Allottees do not deposit rent regularly and record of rights that means Khatians are not properly recorded against controlling ministry name (Office of the Deputy Commissioner, Rajbari 2022). Huge number of plots are gazette according to city corporation/municipality holding number; no mention about Dag, Khatian number. Registers regarding abandoned buildings are not up-to-date. Board meeting is not held at regular basis. Case files are very old in age; case files and registers may not be found due to lack of proper docketing. Manpower shortage is also a drawback.

## **1.2 Rationale of the study**

Abandoned Property Management System (APMS) is a complex system with various types of stakeholders. This empirical study aims at examining the effectiveness of APMS with critical analysis to identify the factors affecting APMS. In this study, the effectiveness was also measured according to perspectives of various groups of stakeholders. Moreover, in Bangladesh a very few studies were conducted before concerning this issue. This paper will significantly contribute to generate new dimension to concerned authority and other relevant bodies and open a window for further research.

## **1.3 Objectives of the study**

The study is designed to achieve two objectives which are:

- a) To evaluate the process of Abandoned Buildings Management System and
- b) To find out options for betterment of management system.

## **1.4 Research questions**

- a) What items can be included for upgradation of existing law or rules regarding abandoned property?
- b) What mechanism will be required for betterment of management system?
- c) Sale deed od lease deed – which will be applicable to protest vested interested groups?
- d) What will be the remedial procedure for regular rent collection and Khatian record correction?

## **2. Literature review**

In Bangladesh, the research studies on abandoned buildings management are very few to enhance the understanding about the issue, a limited number of very relevant studies have been reviewed.

After the partition of India in 1947, the government of India became the custodian of properties left behind by those who migrated to Pakistan. The properties left behind by them are known as evacuee properties in India. The Evacuee Property Administration Act 1950 was issued in India for citizens who migrated from India to Pakistan. Later, the India Enemy Property Act, 1968 was enacted. The act of 1950 was replaced by this act. In 2017, the Enemy Property Act was amended to block recourse to the courts (The law I also need to know 2021). On the other hand, Pakistan had made Pakistan (Administration of Evacuee Property) Ordinance, 1949 followed by The Abandoned Properties (Taking Over and Management) Act, 1975 (GoB 1949 & 1975). In the later act, abandoned property means any property, movable or immovable (including share in industrial units and firms, investments, deposits, policies of insurance and all other interests and rights in or to or arising out of any such property), belonging to a specified person and includes any such property sold or transferred to, or placed under the supervision or control of, any other person on or after the sixteenth day of December, 1971. Bangladesh also initiated The Bangladesh (Restoration of Evacuee Property) Order, 1972 (P.O. 13 of 1972) which was repealed in 1975.

The governments of India and Pakistan made a joint effort to settle the property interests of refugees. Declaring that the illegal seizure of property would not be recognized, they agreed to appoint a Custodian of Refugee Property who would protect property left behind. Believing that the sudden flight of people was temporary, the principal aim was to ensure the property would be restored to the refugees once they returned (Rohit 2018). After the partition in August 1947 of the subcontinent of India into two independent states, and as a result of subsequent communal disturbances a huge two-way migration occurred. The number of Hindu and Sikh refugees from West Pakistan was 5 million where the number of muslims who have migrated from India to West Pakistan at 7.9 million (Schechtman 1951).

The cabinet has given final approval to the draft of the ‘Abandoned Property House (Supplementary Provisions) Act, 2022’ with the provision that the house of the confiscated war criminal will be considered as abandoned property. At the same time, the Prime Minister will take



the final decision on the distribution of abandoned property or any other issue. Earlier, the decision was taken by MoHPW (The Desh Rupantor 2022).

Most abandoned property cases filed by the government are facing dismissals at the higher court because of delay. The cases are not being moved in time due to the interference of the middlemen (The Daily Star, 2009). Sattar (2021) suggests several views such as employing trained persons in survey works, efficient surveying, documentation, recording and taxation system, combining the functions of record keeping and registration, proper identification of total amount of abandoned properties, amendment of land laws etc.

The problem of abandoned houses, in societies with large numbers of elderly people such as Japan, is increasingly pressing. In France, the recent change in the legislation on the allocation of property without an owner (law of August 13, 2004 relating to local autonomies and liabilities) responds to the repeated demands of local town councilmen to incorporate these assets into municipal property and thus support their local finances assets (Architexturez 2021).

The synthesis literature reveals that abandoned property is spread over the world in different forms and there is a question about right management with right utilization.

### **3. Methodology**

Usually quantitative and qualitative data are utilized to survey the sample. Quantitative data is data that can be counted or measured in numerical values. Qualitative data are collected using questionnaires, Focus Group Discussion (FGD), Key Informant Interviews (KII) or observation, and frequently appears in narrative form. Most of the cases, questionnaire may be open-ended (Elliott 2020).

KII is in-depth interview with people who know what is going on in the community. FGD involves gathering people from similar backgrounds or experiences together to discuss a specific topic of interest. Questions are asked about their perceptions, attitudes, beliefs, opinion or ideas.

This study is based on mostly primary and partially secondary data. A rigorous literature review was done to enhance understanding and to prepare the study design. Qualitative data was collected using a simple random sampling technique and KII was conducted for qualitative data.

In getting primary data, interviews with 25 stakeholders will be recorded from 14/06/2022 to 23/06/2022. The interviewees were ministry level desk officers, administrative officers and wing head, Additional Divisional Commissioner, Deputy Commissioner, Executive Engineer, Assistant

Commissioner (Land), desk level officers of district and divisional administration, learned registrar of Court of Settlement, civil society, learned advocate and allottee of abandoned buildings. Office personnel are mainly involved in delivering services. Moreover, book, paper clips, registers, case files, meeting minutes, monthly reports, inspection reports etc. were scrutinized carefully. Data were gathered from pilot project, initiated by MoHPW, for digitalization of abandon property information.

As abandoned buildings are scattered over whole Bangladesh, so it is difficult to accumulate information in a holistic approach. Due to time constraint, only 25 personnel were included in sample size. Interview with 25 stakeholders were recorded from 14/06/2022 to 23/06/2022. The interviewees were ministry level desk officers and administrative officer, executive engineer, assistant commissioner (land), allottee and tenant of abandoned buildings, additional deputy commissioner and additional divisional commissioner, civil society, ministry panel lawyer, registrar of court of settlement add officers from APMB (Abandoned Property Management Board).

Among the dates, physical survey work was done in ministry, Dhaka Abandoned Management Property Board, court of settlement and PWD maintenance circle between 14/06/2022 and 15/06/2022. Questionnaire forms were fill-up after open discussion with interviewees. Interviewees, outside Dhaka, were requested to send their opinion through e-mail or WhatsApp on 20/06/2022. In some cases, over phone conversation was done to actually figure out the original situation.

There were some limitations also. Some of the interviewees didn't give opinion elaborately rather they send a very short description. On the other hand, board members of Dhaka gave explanatory opinion but six personnel gave the same opinion. Thus, all fill-up questionnaire forms were gathered till 23/06/2022. After that, opinions of different personnel were categorized on the question basis - that means positive opinion or negative, if negative, what is the alternative. Depending their opinions, critical analyzing was work out to focus the actual scenario and also the effective recommendation.

About 25 KIIs with different stakeholders were conducted. The majority of the stakeholders were service providers (17 in number), whereas some respondents from tenants of buildings and allotment holders were service receivers (4 in number). Two respondents were selected from civil

society and others two were panel lawyer and register of court of settlement. It is to be noted here that six types of questionnaires were formulated for 25 stakeholders under six categories. Six categories were as follows: ministry level officers with assistant commissioner land and APMB officials, panel lawyer of the ministry, court of settlement officials, allotment holder, tenant, finally civil society Some of the questions were common for all of them.

#### **4. Data Analysis**

The answers to queries received through KII have been analysed in detail to get an idea of the current management of abandoned properties. In all the questions that were common to all, an attempt has been made to highlight how many people have spoken in favour of what and why. Again, the opinions of the category-wise interviewees were analysed.

##### **4.1 Upgradation and co-ordination of existing acts and rules**

On this question, everyone agrees that the existing acts and rules of abandoned property (buildings) need to be updated by co-ordination. Note that, the acts and rules currently in force for abandoned property (building) are as follows:

- a) The Bangladesh Abandoned Property (Control, Management and Disposal) Order, 1972
- b) The Abandoned Property (Land and Buildings) Rules, 1973
- c) The Abandoned Buildings (Supplementary Provisions) Ordinance, 1985
- d) The Bangladesh Abandoned Property (Taking over Possession) Rules, 1972
- e) The Bangladesh Abandoned Property (Land, Building and Any Other Property) Rules, 1972
- f) The Bangladesh Abandoned Property (Urban Area Buildings) Rules, 1972

All of the above acts and rules are about 35 to 50 years old and were formulated in English. Therefore, the need of the present time is to make it suitable for the age and integrated law including converting it into Bangla. Moreover, The Supreme Court has a direction to make ordinances issued by military decrees into law. As a first step, the Abandoned Property Buildings (Supplementary Provisions) Ordinance, 1985 has been modified and published on the website of the MoHPW named the Abandoned Property Buildings (Supplementary Provisions) Act, 2021 which has been sent to the Law Ministry with the approval of the Cabinet for vetting.

The significant additions made to the draft law are as follows:

- a) The court, under International Criminal Tribunal Act, can rule that the residences of war criminals be attached as abandoned if they wish. If the government wants, he/she can use the land or give it to the freedom fighters.
- b) Building area more than 3 decimals of land will be used for government purposes.
- c) After December 31, 1986, no new property could be gazetted as abandoned property. In the current draft, there is an opportunity for a new gazette.
- d) If a case is pending in a civil court other than the Court of Settlement, it will be quashed. Moreover, the judgment, order or decree of the civil court will be deemed to be void and fruitless.
- e) The head of the government will take a final decision on the disposal of abandoned buildings in place of the government (concerned ministry).

#### **4.2 Lease deed vs. sale deed**

The second question was whether the lease deed or the sale deed would be followed in the transfer of the abandoned property. The question was posed to service providers. Out of the 17 service providers, 13 expressed their views in favour of lease deed and their argument was that it protected the interests of the government. At present, the family members of the martyred freedom fighters and war wounded freedom fighters are given the sale deed at the price evaluated as per the PWD schedule rate of 1972. Evaluated as per 1972 rate, it is much lower than the current price. As a result, it is often seen that, immediately after receiving the sale deed, the deed owner transfers the property to other people at a very high price. There is a vested group behind this, so the great purpose of the government is greatly hampered. Moreover, it is possible to bring the abandoned property back under the control of the government if the leaseholder violates the condition. On the other hand, the argument behind the sale deed is that the present act talks about the sale deed. In order to obtain a lease deed, the act will need to be changed. It has also been said that the new owner or his/her heirs will be saved from harassment in the future if the sale deed is there and the leaseholder does not want to abide by the terms of the lease agreement many times.

#### **4.3 Automation of information**

Almost everyone has opined in favour of automation of information and only one says that the abandoned property requires a permanent settlement like as vested property instead of automation of information. This question was also asked to the service providers. From MoHPW, a pilot project named “Integrated Abandoned Property Management System Software Development, Database Preparation, Implementation and Information Management under E-governance

Program for MoHPW & Other Concern Organizations under MoHPW”, has been taken. This pilot project is underway for abandoned buildings in Kushtia and Dhanmondi areas. They are scanning the files and inserting documents in the system. Besides, all the cases related to the law branch of the ministry are in the process of automation. If there are cases, filed for Dhanmondi and Kushtia area, it is being tagged with the information related to abandoned buildings of Dhanmondi and Kushtia. The buildings’ information include land size, sketch map, photographs, infrastructure details, resident details, etc. The GPS entry of that place is also being given. Files from the Abandoned Property Management Board (APMB), Dhaka and Kushtia are being scanned and inserted. The main features of a specific file are being given entries in different fields so that the entire history of a specific abandoned building can be known at a glance. There are also plans to insert barcode against each file.

#### **4.4 Specifying the records of abandoned property**

Service providers’ opinions have emerged that most of the abandoned buildings are being notified in the gazette against holding number instead of dag, khatian number. If it comes in the person's name in other records including the latest BRS record, it cannot be easily detected. It is to be noted that the abandoned buildings in the city area have to be recorded in the name of the MoHPW. Moreover, if there is a mistake in the record, many valuable properties are lost to the government due to lack of timely registration of record correction cases. To overcome this problem, there is a proposal to conduct survey work for abandoned buildings.

#### **4.5 Allocated to more than one person**

In this case, there were mixed opinions. The question was placed with the allottees, officials of the ministry and the board, Assistant Commissioner (Land) and civil society. The opinion of Assistant Commissioner (Land) is that one or more persons from the same family may be allotted to avoid complications. Civil society has voted for allocation to more than one person. Their opinion is that by constructing multi-storied buildings by the government, flats and commercial spaces can be sold to eligible applicants. Some persons from the Ministry/Board have proposed that multi-storied buildings may be constructed and distributed among the families of war wounded freedom fighters and martyrs; one has to specify the responsibilities of others by making one the lead partner and this can only be done in the case of buildings with multiple units. The opinion received from the board, as an alternative proposal, states that after allotment of flats to the legitimate allottee, the remaining flats can be used as a solution to the housing problems of the

government employees. Another view coming from the district level is to give rent-based allocation of flats of multi-storied buildings without giving a single allotment to anyone.

#### **4.6 Changes in the current management of abandoned building**

Questions were asked to the ministry and board officials, assistant commissioner (land) and civil society. As per all coming opinions, current management needs to be digitally automated. A civil society representative commented that these properties should be vested in the Ministry of Land. There has been a proposal from the board that e-file activities can be launched, as well as a specific time can be fixed for taking up activities of a specific file. Moreover, an executive magistrate can be attached to APMB for eviction of illegal occupants. Member Secretary of APMB that means Executive Engineer of PWD usually conducts the rent collection activities. One Member Secretary mentioned that in the draft of 'Abandoned Buildings (Supplementary Provisions) Act-2021', there is a provision to determine the rent of an abandoned building in accordance with section 10(2) of PO-16/1972. The monthly rent is fixed on the basis of 8% of the value of land and 8% of the value of abandoned building. The rent is several times higher than the real one. The number of cases is constantly increasing due to disproportionate house rent. On the one hand, the government is being deprived of revenue. On the other hand, there are legal complications. In the last few years after the independence of Bangladesh, the price of land has increased at an alarming rate. As a result, the price of the site i.e., adding the value of the land to determine the house rent is increasing excessively. Many residents have applied for reduction of house rent. But due to the non-amendment of Section 10(2) of P.O-16/1972, it is not possible to reduce the house rent. Regarding the rent of 'Abandoned Property (Houses in the City Area) Rules, 1972', there is a provision for fixing the monthly rent of 1/12 of the value of the house, including the price of the site. The value can be determined by omitting the two words or by fixing the partial price of the land. Sale agreement part may be omitted because of simplification of the process. As eligible freedom fighters have chance to get the building at scheduled rate of 1972, so there is no need to provide 25 installments for payment of building price. At the eve of Golden Jubilee of independence, the definition of family member of martyred freedom fighters needs to be changed. Because there is very less possibility of getting unmarried daughter or son under age 21 as the family member of martyred freedom fighter.

The buildings that are illegally occupied may be allocated rent basis to government office or eligible applicants just after eviction to ensure the earning of government revenue. Every files must contain summary sheet describing all facts from the initiating of file.

A representative of the civil society has emphatically stated in his opinion:

*If the lease deed is used as transfer document, the government's property will remain with the government and the government can take it back at any time. For example, the government provided houses to ultra-poor people as part of shelter project. It would not be possible if government has no khas khatian land. Government has to work not only for the welfare of the people, but also government has to give space to various government departments to conduct its activities. Therefore, government properties have to be maintained. If there is a major natural disaster in the country, how can the government support them if it has no property. According to him, if the area permits, government can make hospital, playgrounds, parks, etc. Because people suffer a lot of these facilities in the civic life.*

#### **4.7 Allotment holder**

The comments of the allottees have revealed that most of the houses are dilapidated, compared to which the amount of rent is much higher. Regular rent is not paid; it turns out that rent has paid for two or three years at once, then closed again. Sometimes, influential local people have tried to use their influence to evict them from the house. Regarding the upgradation of the abandoned property law, it was opined that in the absence of war wounded freedom fighter, his heirs will get an opportunity to apply for sale offer. Because in the present law, if the proposal of sale is not received during the lifetime of the war wounded freedom fighter, there is no opportunity to apply for the sale proposal of his heirs after death. At the same time, instead of allocation to more than one person, they have argued in favour of allocating one person, saying that allocating to more than one person can lead to chaos. Referring to the long-standing difficulty in getting permission to make sale proposal, sale agreement and sale deed, online processing would reduce harassment.

#### **4.8 Tenant**

In case of maintenance of abandoned building structure, it has been mentioned in the opinion of the tenants that the buildings will be better maintained if the money received from the rent of the abandoned building is spent on the maintenance of that building. It was also said that the management of abandoned buildings is done by APMB under the chairmanship of the Divisional Commissioner or Deputy Commissioner whereas the allotment is provided by Housing Directorate, the repair and maintenance is done by PWD. So, there is a need for coordination among three departments. The condition of the house, the tenant's information, rent receipt information need to be exchanged among three departments.

#### **4.9 Panel Lawyer and Court of Settlement Officials**

In addition to the court of settlement cases over abandoned property, there are many cases in the High Court and the Supreme Court. In the judgment of the Court of Settlement, the aggrieved party has the opportunity to writ in the High Court. The failure of the government to take timely action on the part of the government often leads to loss of government. Again, many times the copy of the judgment does not reach the government offices in time, as a result of which the government is late in taking the post-verdict proceedings. But nowadays the causelist in the high court is online, so it can be known which day a case has come up. The opinion of the ministry's panel lawyer is to appoint an officer round the clock to keep up-to-date information on the court proceedings. Again, there is a delay in sending statement of facts, grounds of appeal and explanation of the delay from the respective board. According to the opinion received from the Court of Settlement, the court's term is extended on a temporary basis every year and due to this incidence, the court cannot function for three or four months of a year.

#### **4.10 Ministry's Inspection Reports**

What can be seen from the ministry's inspection reports at various times is that many old registers cannot be found and new files have been created as many old files have not been found. The gazettes regarding release order from abandoned list were not properly preserved. Again, at the board level, there is a considerable shortage in the management of abandoned property. The registers that need to be updated regularly are not being done. Monthly reports, which have to be sent to the ministry, are also not sent properly. House rent is not being collected most of the time, illegal occupation remains and board meetings are not being held regularly

In order to protect valuable assets like abandoned buildings, there should be a full-fledged database in the whole of Bangladesh. The organs that are involved in the management of abandoned property will have to devise software to establish interlinks between them which will be protected by block chain technology. Moreover, the e-file system has to be fully executed by scanning all the documents. Although it's a long-term plan, there's no way to back down from it in the 4IR (Fourth Industrial Revolution) era.

According to field inspection report (MoHPW 2022), several instructions were delivered to APMB for betterment of management system. Such as:



- a) Four registers have to be prepared for abandoned buildings and kept one register in Divisional Commissioner's Office/Deputy Commissioner's, one in concerned PWD office, one in Assistant Commissioner's office and the last one in the ministry.
- b) All the buildings that have been sold and sale deeds have been executed must be stored in a separate register.
- c) A register of buildings that have not been sold but have been allotted will have to be maintained and the register will contain detailed information on rent.
- d) A list of buildings of illegal occupation has to be prepared and brought under the control of government immediately.
- e) With the help of the local municipality, all the abandoned buildings in the district should be identified by inspecting the land. The register should record the current holding number and the name of the road along with the previous holding number and the name of the road. In each building, arrangements should be made to install the nameplate with the holding number, khatian and plot number with the amount of land.
- f) All the information that is asked from the Ministry has to be sent quickly. The laws relating to abandoned property should be followed properly.
- g) The meetings of APMB should be regularized and the minutes of the meetings should be sent to the ministry regularly.
- h) After inspecting the premises, the details of the buildings in the reserved list of a district have to be sent to the ministry about how the buildings are being used. If there is an illegal occupation, it should be brought under the control of the government quickly.
- i) The total number of cases related to abandoned buildings should be updated in a register, the current status of the cases should be known and steps should be taken to dispose of the cases expeditiously.

## **5. Conclusion**

This study gives an overview of abandoned property especially abandoned buildings management all over the country and critical issues for management. Proper management of buildings can protect the interests of government as well as bona fide allottees.

Laws relating to abandoned property need to be updated by adjusting them. At the same time, there has been an opinion in favour of introducing the lease deed system instead of sale deed in the transfer of abandoned property. Information regarding abandoned property has been proposed to be included in the list along with automation of records of abandoned properties and with dag khatian number. There is also a need to scan official documents. If the amount of land is more, a multi-storey building can be built for any government agency or to solve the housing problem of government officials/employees without allotting it to one person. If the abandoned buildings can be maintained with the money that have been allotted in exchange for rent, it will be possible to preserve most of the reserved abandoned buildings. The reason behind the lapse of a long time is that there is a long-term delay in the receipt of statement of facts, case documents, appeal grounds, etc. from the government and in getting information from the Ministry of Law. Apart from this, due to the delay in filing the appeal or review on the part of the government in time, it is barred by limitation.

## **6. Recommendations**

- 1) Elaborate research work can be done on abandoned buildings – how it can be managed in an efficient way.
- 2) Full-fledged database with continuous upgradation may be implemented.
- 3) Connecting Google map is a prerequisite for proper monitoring.
- 4) All transfer deed may be done with the approval of head of the government that means honourable prime minister.
- 5) Building area over 3 decimals may be kept under reserved list for high-rise residential building or office compound initiated by government.
- 6) Building area under three decimals can be allocated to DN holder or legal allotment holder at evaluated price within short possible time by initiating government crash programme.
- 7) Regular updating can be done with the preservation of various registers at the management level.

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# Abandoned Property Management in Bangladesh: A case Study on Abandoned Buildings

## First Part : Introduction

Name		Date	
Official Address		Designation	

## Key Informant Interview

(Ministry/Board Officers/AC(Land))

## Second Part : Questionnaire

Serial No.	Question	Answer
1	What is your opinion about coordination including upgradation of rules, regulations, circulars, orders regarding abandoned property?	
2	What's your opinion on automation of information related to abandoned property?	
3	What is your recommendation for specifying the records of abandoned property?	
4	Whether it is a lease deed or a sale deed for the transfer of abandoned property - which do you think would be justified and why do you think?	
5	How changes can be brought in the present management system of abandoned property?	

<b>6</b>	What policy do you think can be followed in allotting abandoned houses to more than one person?	
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## **Abandoned Property Management in Bangladesh: A case Study on Abandoned Buildings**

### **First Part : Introduction**

Name		Date	
Official Address		Designation	

### **Key Informant Interview**

**(Settlement Court Officials)**

### **Second Part : Questionnaire**

<b>Serial No.</b>	<b>Question</b>	<b>Answer</b>
<b>1</b>	What is your recommendation on updating the laws relating to abandoned property?	
	<p>Note: It is requested to use additional paper if necessary.</p> <p>What are the reasons for the government defeats?</p>	<b>Thanks to You</b>
<b>3</b>	What is your recommendation to take timely action on behalf of the government in the abandoned cases?	
<b>4</b>	What is your recommendation on reducing the disposal time of the case?	

5		
6		

## Abandoned Property Management in Bangladesh: A case Study on Abandoned Buildings

### First Part : Introduction

Name		Date	
Official Address		Designation	

### Key Informant Interview

(Lawyer)

### Second Part : Questionnaire

Serial No.	Question	Answer
	<p>Note: It is requested to use additional paper if necessary.</p> <p>be renewed in granting abandoned houses to more than one person?</p>	<b>Thanks to You</b>
<b>2</b>	How can the case number be reduced?	
<b>3</b>	What is the reason behind the cases in which the government defeats?	

<b>4</b>	What is your recommendation to take timely action on behalf of the government in the abandoned cases?	
<b>5</b>	What is your recommendation on reducing the disposal time of the case?	
<b>6</b>	What's your opinion on automation of information related to abandoned property?	

## **Abandoned Property Management in Bangladesh: A case Study on Abandoned Buildings**

### **First Part : Introduction**

Name		Date	
Official Address		Designation	

### **Key Informant Interview**

(Allotment Holder)

Note: It is requested to use additional information if necessary.

**Thanks to You**

### **Second Part : Questionnaire**

Serial No.	Question	Answer
<b>1</b>	How long have you been there? Are you paying the rent regularly?	
<b>2</b>	What is your opinion on the execution of sale proposal, sale agreement and deed of abandoned houses?	

3	What is your opinion on updating the laws of abandoned houses?	
4	Did you face any problem in staying in an abandoned house?	
5	What is your opinion on the allotment of an abandoned house to more than one person?	
6		

## **Abandoned Property Management in Bangladesh: A case Study on Abandoned Buildings**

### **First Part : Introduction**

Name		Date	
Official Address		Designation	

Note: It is requested to use addit **Key Informant Interview** **Thanks to You**

**(Tenant)**

### **Second Part : Questionnaire**

<b>Serial No.</b>	<b>Question</b>	<b>Answer</b>
1	How long have you been living at this home as tenant? Do you pay the rent regularly?	



2	What is your recommendation to maintain the structure of abandoned houses?	
3	What is your recommendation regarding the database of tenants of abandoned houses?	
4		
5		
6		

## **Abandoned Property Management in Bangladesh: A case Study on Abandoned Buildings**

### **First Part : Introduction**

Name		Date	
Note: It is requested to use additional paper if necessary.		<b>Thanks to You</b>	
Address			

### **Key Informant Interview**

**(Civil Society)**

### **Second Part : Questionnaire**

Serial No.	Question	Answer
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1	What's your opinion on automation of information related to abandoned property?	
2	How changes can be brought in the present management system of abandoned property?	
3	What is your recommendation to maintain the structure of abandoned houses?	
4	What policy do you think can be followed in allotting abandoned houses to more than one person?	
5		
6		

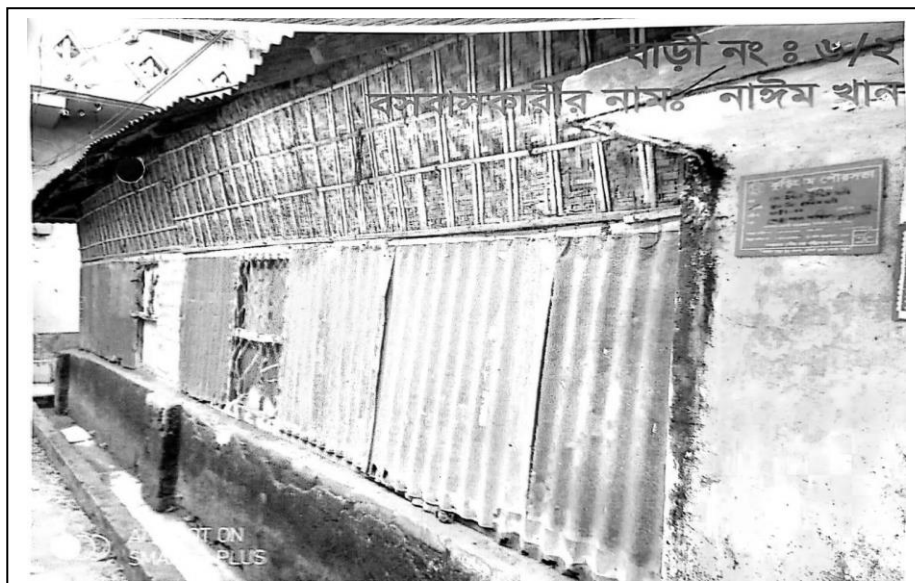
Note: It is requested to use additional paper if necessary.

Thanks to You

মনিটরিং অধিশাখা-১১  
ঢাকাসহ বিভিন্ন জেলাওয়ারী পরিত্যক্ত সম্পত্তির তালিকা.

ক্র নং	বিভাগ	জেলা	ক	ক-১	ক-২	ক-৩	ক-৪	ক-৫	খ	খ-১	খ-২	খ-৩	মোট
০১	ঢাকা বিভাগ	ঢাকা	৪৮৬৩	৩১	২৯	৪৩	৪	৩	১৩৮৫	১১	৬৪		৬৪৩৩
০২		নারায়নগঞ্জ	৩১						৩১				৬২
০৩		নারসিংদী	২										২
০৪		গাজীপুর											২
০৫		রাজবাড়ী	৩৬							৩			৩
০৬		কিশোরগঞ্জ	১										৩৬
সর্বমোট=			৪৯৩৩	৩১	২৯	৪৩	৪	৩	১৪১৬	১৪	৬৪	১	৬৫৩৮
০৭	রাজশাহী বিভাগ	রাজশাহী	২৬৬										২৬৬
০৮		দিনরাজপুর	২৯৭										২৯৭
০৯		সিরাজগঞ্জ	১৮						১				১৯
১০		বগুড়া	২০৬	১					৪৫		৪৩		২৯৫
১১		চাঁপাইনবাবগঞ্জ	১৬										১৬
১২		নওগাঁ	৭৩							৩			৭৬
১৩		নাটোর	৫										৫
১৪		পাবনা	৭৬							১৭			৯৩
সর্বমোট=			৯৫৭	১					৬৬		৪৩		১০৬৭
১৫	চট্টগ্রাম বিভাগ	চট্টগ্রাম	২৬১৭						১৬৮	১৪	১০৩		২৯০২
১৬		কুমিল্লা	৩										৩
১৭		ব্রাহ্মণবাড়িয়া	১	৮									৯
১৮		কক্সবাজার							১		১		২
সর্বমোট=			২৬২১	৮					১৬৯	১৪	১০৪		২৯১৬





শিরোনাম : বাংলাদেশের পরিত্যক্ত সম্পত্তি ব্যবস্থাপনা

প্রথম ভাগ : পরিচিতি

নাম	মুহাম্মদ শরিফুল হক	তারিখ	১৯/০৬/২০১১
দাপ্তরিক ঠিকানা	জেলা প্রশাসকের কার্যালয়, রাজশাহী	পদবি	অতিরিক্ত জেলা প্রশাসক (রাজস্ব)

Key Informant Interview

(মন্ত্রণালয়/বোর্ডের কর্মকর্তা)

দ্বিতীয় ভাগ : প্রশ্নপত্র

ক্রমিক নং	প্রশ্ন	উত্তর
০১.	পরিত্যক্ত সম্পত্তি সংক্রান্ত বিধি, প্রবিধি, সার্কুলার আদেশ সমন্বয় করে হালনাগাদ করার বিষয়ে আপনার মতামত কি?	পরিত্যক্ত সম্পত্তি সংক্রান্ত বিধি, প্রবিধি, সার্কুলার আদেশ সমন্বয় করে হালনাগাদ করার বিষয়টি অতিব জরুরী। অন্যান্য সম্পত্তির ন্যায় পরিত্যক্ত সম্পত্তিরও একটি আইনের বই প্রকাশ হওয়া আবশ্যিক।
০২.	পরিত্যক্ত সম্পত্তি সংক্রান্ত তথ্যের অটোমেশন বিষয়ে আপনার মতামত কি?	পরিত্যক্ত সম্পত্তির আইন, গেজেট, পরিমাণসহ অন্যান্য তথ্য সমন্বয় করার জন্য একটি সফটওয়্যার প্রনয়ণ করা হলে তাৎক্ষণিকভাবে আপলোড করা এবং তথ্য খুঁজে পাওয়া যাবে।
০৩.	পরিত্যক্ত সম্পত্তির রেকর্ড সুনির্দিষ্টকরণের জন্য আপনার সুপারিশ কি?	পরিত্যক্ত সম্পত্তির রেকর্ড সুনির্দিষ্টকরণের ক্ষেত্রে যাদের নামে দলিল রেজিস্ট্রি করে দেয়া হয়েছে তাদের নামে বি.এস. রেকর্ড হওয়া প্রয়োজন এবং যে সম্পত্তিগুলো এখন পর্যন্ত রেজিস্ট্রি হয়নি সেগুলো জন্য আপনার
০৪.	পরিত্যক্ত সম্পত্তি হস্তান্তরে লীজ দলিল নাকি সাফ কবলা দলিল-কোনটি যুক্তিযুক্ত হবে বলে আপনি মনে করেন এবং কেন মনে করেন?	পরিত্যক্ত সম্পত্তি হস্তান্তরে সাফ কবলা দলিল সম্পাদন করে দেওয়াটায় আমি যুক্তিযুক্ত হবে বলে মনে করি। কেননা বর্তমান সিডিউল অব রেইটে সরকারকে চালানোর মাধ্যমে অর্থ প্রদান পূর্বক মালিকানা হস্তান্তর করলে ভবিষ্যতে নতুন মালিক বা তার ওয়ারিশগণ বিভিন্ন হয়রানি হতে রেহাই পাবে।
০৫.	পরিত্যক্ত সম্পত্তির বর্তমান ব্যবস্থাপনায় কীভাবে পরিবর্তন আনা যায় বলে আপনি মনে করেন?	পরিত্যক্ত সম্পত্তির বর্তমান ব্যবস্থাপনায় পরিবর্তন আনতে হলে পরিত্যক্ত সম্পত্তিগুলো বর্তমানে যাদের দখলে আছে, তাদেরকে বর্তমান সিডিউল অব রেইটে মালিকানা হস্তান্তর পূর্বক সাফ কবলা দলিল সম্পাদন করে মালিকানা হস্তান্তর করা যায়। অথবা পরিত্যক্ত সম্পত্তিগুলো যেহেতু জরাজির্ণ অবস্থায় রয়েছে, সেগুলো ভেঙে সেখানে নতুন ধাচে বহুতল ভবন নির্মাণ পূর্বক বর্তমানে রেইটে ভাড়ায় বরাদ্দ দেয়া যেতে পারে।
০৬.	একজনের বেশি ব্যক্তিকে পরিত্যক্ত বাড়ি বরাদ্দের ক্ষেত্রে কী নতি অনুসরণ করা যেতে পারে বলে আপনি মনে করেন?	যেহেতু পরিত্যক্ত বাড়িগুলো জরাজির্ণ অবস্থায় রয়েছে, সেহেতু বাড়িগুলো একজনের বেশি ব্যক্তিকে বরাদ্দ দেয়া যাবে না। কিন্তু নতুন বহুতল ভবন নির্মাণ করলে কয়েকজনের নামে ভাড়ায় বরাদ্দ দেয়া যেতে পারে।