

The Dacca



Gazette

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PART I—Orders and Notifications by the Governor of East Pakistan, the High Court, Government Treasury, etc.

GOVERNMENT OF EAST PAKISTAN

BASIC DEMOCRACIES AND LOCAL GOVERNMENT DEPARTMENT

Section IX

NOTIFICATION

No. S-IX/1A-11/66/794—6th August 1966—In exercise of the power conferred by section 52, read with sub-section (3) of section 42, of the East Pakistan Water Supply and Sewerage Authority Ordinance, 1963 (East Pakistan Ordinance No. XIX of 1963), the Governor is pleased to make the following rules, namely:—

**THE DACCA/CHITTAGONG WATER SUPPLY AND SEWERAGE AUTHORITY (EXERCISE OF POWER BY AUTHORISED OFFICER) RULES, 1966.**

1. Short title and commencement—(1) These rules may be called The Dacca/Chittagong Water Supply and Sewerage Authority (Exercise of Power by Authorised Officer) Rules, 1966.

(2) They shall come into force at once.

2. Definitions—(1) In these rules, unless there is anything repugnant in the subject or context,—

(a) "Authorised Officer" means the Officer specified by the Provincial Government to be officer by whom the power under sub-section (2) of section 42 of the Ordinance shall be exercised;

Provided that such an officer shall not be below the rank and status of an Assessment Officer.

(b) "Ordinance" means the East Pakistan Water Supply and Sewerage Authority Ordinance, 1963 (East Pakistan Ordinance No. XIX of 1963);

(2) The other words and expressions used in these rules shall have the same meanings as are assigned to them in section 2 of the Ordinance.

3. Recovery of arrears of water rate and sewer rate, etc.—(1) If any person fails to pay any water or sewer rate, or any instalment thereof, or any other dues within the specified time, the Authority shall cause a list of such arrears to be prepared and shall display it on its notice board and shall simultaneously serve a notice on the defaulter personally. Where the defaulter cannot be found for service of the notice or where the defaulter refuses to receive the notice, the notice shall be served by affixing a copy thereof on the outer door or some other conspicuous part of the house in which the defaulter ordinarily resides or carries on business or works for gain in presence of two local witnesses.

(2) On the expiry of thirty days from the date on which the arrear list is displayed or the notice served, whichever is later, the authority may proceed to recover the arrears as a public demand or, where the authority has been empowered under sub-section (2) of section 42 of the Ordinance, it may proceed to recover the arrears by distress and sale of movable property belonging to the person concerned:

Provided that no representation is received from the defaulter within this time explaining the difficulty with regard to his failure to pay off any arrear to the authority.

4. Postponement of realisation of water and sewer rate and remission thereof—Notwithstanding anything contained in sub-rule (1) of rule 3, the authority may postpone the realisation of any water or sewer rate or any other sum due to it on account of hardship for a period not exceeding four months. If a building remains vacant for more than sixty days, the assessee may be granted a remission to the extent of three-fourths of the amount due for such period on his application before the Chairman.

5. Power under sub-section 2 of section 42 of the Ordinance by whom to be exercised—(1) The power to recover arrears of water rate, sewer rate, etc., by distress and sale of movable property under sub-section (2) of section 42 of the Ordinance shall be exercised by the Authorised Officer.

(2) The Authorised Officer shall issue the warrant of distress and sale of movable property:

Provided that no recovery of arrears by issuing warrant of distress shall be made unless and until such a course of action has been approved by the Chairman of the Authority.

(3) Any salaried employee of the Authority duly empowered by the Authorised Officer in this behalf shall execute the warrant.

(4) In case there is any apprehension of breach of peace in the execution of the warrant, the Authorised Officer may ask for police assistance. Any extra cost incurred in securing the assistance of police shall be added to the arrears to be recovered.

6. Distress and sale how to be made—(1) The employee empowered to execute the warrant of distress and sale of movable property under sub-rule (3) of rule 5 may orally require the defaulter to pay up the arrear, then and there. On the refusal of the defaulter, such employee may attach the defaulter's movable property and shall grant a receipt thereof to the defaulter:

Provided that no property exempted under the proviso to section 60 of the Civil Procedure Code, 1908 (Act V of 1908), from attachment or sale shall be so attached.

(2) The amount of the arrear dues, with costs incurred in executing the warrant, shall be recovered by sale of the attached property.

(3) The attachment shall be made by actual seizure of the property, between the hours of sunrise and sunset, and in the presence of two witnesses and an inventory of the seized property shall be drawn up which shall be attested by the witnesses and a copy of the inventory shall be given to the defaulter. The employee executing the warrant shall be responsible for the safe custody of all the properties distrained until they are sold or released to the defaulter on payment of the arrears and cost before the sale.

(4) If the value of the attached property is estimated to be less than Rs. 25 or the property is of a perishable nature the employee executing the warrant may sell it on the spot by public auction. If the value of the attached property is estimated to be more than Rs. 25 the employee executing the warrant may entrust it to any reliable person of the locality on his executing a bond (Zimma Nama) to produce the same on the date and at the time and place fixed for sale. If no such person is forthcoming the property shall be deposited at the Office of the Authority and the cost thereof shall be added to the arrears to be recovered.

(5) The employee executing the warrant shall fix a date and time, not later than ten days from the date of seizure of the property, and a place for sale and shall orally intimate the same to the defaulter and the executant of the bond (Zimmader), if any, and shall announce the sale in the locality by beat of drums.

(6) On the date and at the time and place fixed for sale the employee executing the warrant or any other employee of the Authority empowered in this behalf by the Authorised Officer shall put the property to public auction. The auction shall take place in presence of at least one member of the Authority or Union Committee concerned. No Chairman, Vice-Chairman, member or employee of the Authority or Union Committee shall be entitled to bid for the property in his own name or in the name of any other person.

(7) The sale-proceeds shall be applied for the recovery of the arrears and the cost incurred in executing the warrant of distress and sale. The excess amount, if any, shall be returned to the defaulter. If the defaulter is not present such amount shall be credited to the Authority's fund from where it may be claimed by the defaulter within one year after which it will be forfeited to the Authority.

(8) If the defaulter pays up before the auction, the arrears together with the cost incurred in executing the warrant up to the time of payment, the distrained property shall be released to him.

7. Door and window when to be broken open—The employee empowered to execute the warrant of distress and sale of movable property may, between sunrise and sunset, break open any outer or inner door or window of a house, if he has reasonable ground to believe that such house contains any movable property belonging to the defaulter, and if, after intimation of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance:

Provided that he shall not enter or break open the door of any room appropriated to women, except after reasonable notice and opportunity given to enable the women to move to some other part of the premises where their privacy may be preserved.

8. Sale of property beyond limit of the authority—If the Authority is unable to recover any arrear with cost under rule 6 by distress and sale of property of a defaulter within the area notified under sub-section (1) of section 3 of the Ordinance and if the defaulter has any movable property outside the limits of such area, the Subdivisional Officer, may, on the application of the Authorised Officer, issue a warrant to the Chairman of any local council or Municipal Committee for the distress and sale of any such movable property belonging to the defaulter within any part of his own jurisdiction or within the jurisdiction of any other Subdivisional Officer. The Subdivisional Officer shall cause the amount, if realised, to be remitted to the Authorised Officer at whose instance the proceedings were instituted.

9. Account of distress and sale—The Authority shall cause a regular account to be kept of all distresses issued and sales made for the recovery of arrear dues.

10. Irrecoverable dues—The Authority may order to be struck off the books the amount of any water rate, sewer rate or any other sum due to the Authority which has become irrecoverable.

By order of the Governor,

A. M. S. AHMAD,

Secretary to the Government of  
East Pakistan.