

GOVERNMENT OF THE PEOPLES REPUBLIC OF BANGLADESH

MINISTRY OF LAW, JUSTICE AND PARLIAMENT AFFAIRS

THE PAURASHAVA ORDINANCE, 1977
(ORDINANCE NO. XXVI OF 1977)

(As modified up to 31st July, 1998)

STATEMENT OF AMENDMENTS

Amended by -

1. Ordinance No. XX X of 1977
2. Ordinance No. L of 1977
3. Ordinance No. XX XVIII of 1978
4. Ordinance No. II of 1979
5. Ordinance No. IX of 1979
6. Act II of 1980
7. Act XVIII of 1980
8. Act XXXIX of 1980
9. Ordinance No. LVI of 1982
10. Ordinance No. X of 1983
11. Ordinance No. XI of 1984
12. Ordinance No. LXIII of 1984
13. Ordinance No. LXVII of 1984
14. Ordinance No. LXXVII of 1984
15. Ordinance No. LVI of 1986
16. Act XXIII of 1987
17. Act VIII of 1988
18. Act XLI of 1988
19. Act XXXI of 1989
20. Act LVI of 1990
21. Act IX of 1992
22. Act LII of 1992
23. Act II of 1998

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THE PAURAHSAVA ORDINANCE, 1977
Ordinance No. XXVI of 1977

[27th June, 1977]

An Ordinance to provide for the constitution of Local government Institutions in urban areas and consolidate and amend certain laws relating to Local Government in such areas.

WHEREAS, it is expedient to provide for the constitutions of local government institutions in urban areas and to consolidate and amend certain laws relating to the local government in such areas;

NOW, THEREFORE, in pursuance of the Proclamation of the 27th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

PART I
PRELIMINARY

1. This Ordinance may be called the Paurashava Ordinance, Short title, 1977.

Short title.

2. The Ordinance, unless there is anything repugnant in the subject or context,-

Definitions.

(1) "annual letting value" means the annual rent at which a building or land exclusive of furniture or machinery contained or situate therein or thereon may reasonably be expected to be let from year to year, and includes made or agreed to be made by a tenant to the owner of the building or land on account of occupation, taxes, insurance or other charges incidental to the occupancy;

(2) "building" includes any shop, house, hut, out-house, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, verandah, platform, plinth and steps;

(3) "building Line" means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;

(4) "by-laws" means by-laws made under this Ordinance;

(5) "Cantonment Board" means a Cantonment Board constituted under the

Cantonments Act, 1924 (II of 1924);

(6) ¹[(6) "Chairman" means the Chairman of a Paurashava;]

(7) "commissioner" means a commissioner of a Paurashava;

(8) "Chief Executive Officer" means a Chief Executive Officer of a Paurashava;

(9) "conservancy" means the removal and disposal of refuse;

²* * * * *

(10) "dairy" includes any farm, cattle-shed, cow-house, milk-store milk-shop, or other place from where milk or milk products and supplied for sale;

(11) "Deputy Commissioner" includes any officer specially appointed by the Government to perform all or any of the functions of a Deputy Commissioner under this Ordinance;

³* * * * *

(12) "district" means a revenue district;

(13) "division" means a revenue division;

(14) "Divisional Commissioner" means the Chief officer in-charge of the revenue administration of the division concerned and includes any officer specially appointed by the Government to perform all or any of the functions of a Divisional Commissioner under this Ordinance;

(15) "drain" includes a sewer, house-drain, tunnel, culvert, ditch, channel and any other device for carrying of sullage or rain water;

(16) "drug" means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use;

(17) "dwelling house" means any building used or adapted to used wholly or principally for human habitation;

¹ Substituted by Ordinance No. LXII of 1984 for clause (6)

² Clause (9A) was omitted by Ordinance No. LXIII of 1984, which was inserted by Ordinance No. XXXVIII of 1978. Clause (9A) runs thus :-
"(9A) Corporation" means the Dhaka Municipal Corporation"

³ Clause (11A) was omitted by Ordinance No. LXIII of 1984, which was inserted by Ordinance No. XXXVIII of 1978. Clause (11A) runs thus:- (11A) "Deputy Mayor" means the Deputy Mayor of the Corporation".

- (18) "Election Commission" means the Election Commission established by the Constitution;
- (19) "erect or re-erect a building" means the construction of a new building and includes such material alterations of a building as may be prescribed;
- (20) "Factory" means a factory as defined in the Factories Act, 1965 (E.P. Act IV of 1965);
- (21) "food" includes every article used for food or drink by human beings but does not include drugs and water;
- (22) "function" includes powers to be exercised and duties to be discharged;
- (23) "Improvement trust" means any body or authority, including a development authority, entrusted with the functions of town improvement;
- (24) "infectious disease" means cholera, plague, small-pox and tuberculosis, and includes such other disease as the Government may, by notification in the official Gazette, declare to be an infectious disease for the purposes of this Ordinance;
- (25) "land" includes land which is being built upon or is built up or is covered with water;
- (26) "local parishad" means a local parishad constituted under the Local Government Ordinance, 1976 (Ordi. XC of 1976)
- (27) "market" means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetable, or any other article of food or for the sale and purchase of livestock, or animals and includes any place which may be notified as a market in accordance with the rules;
- 1 * * * * *
- (28) "municipality" means an urban area, declared to be a municipality under this Ordinance;
- (29) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;
- (30) "occupier" includes an owner in actual occupation of his own land or

¹ Clause (27A) was omitted by Ordinance No. LXIII of 1984, which was inserted by Ordinance No. XXXVIII of 1984, Clause (27A) runs thus :-

"(27A) "Mayor" means the Mayor of the Corporation".

building and also any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used;

- (31) "owner" includes the person for the time being receiving the rent of land and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if land or building were let to a tenant;

¹[(32) "Prescribed Authority" means the Government']

- (33) "Paurashava" means a Paurashava constituted under this Ordinance by whatever name called ²* * *;

- (34) "Paurashava Fund" means fund of the Paurashava;

- (35) "Prescribed" means prescribed by rules made under this Ordinance;

- (36) "public palace" means any building, premises or place to which the public have access;

- ³(36A) "rate" means a levy specified in item numbers 13, 14, 15 and 16 of the First schedule;

- (37) "refuse" includes rubbish, offal, night soil, carcasses of animals, deposits of sewage, waste and any other offensive matter;

- (38) "regulations" means regulations made under this Ordinance;

- (39) "rent" means whatever is lawfully payable in money or kind by a tenant or lessee on account of the occupation of any building or land;

- (40) "rules" means rules made under this Ordinance;

- (41) "rural area" means an area which is not an urban area or is not included within a municipality or cantonment;

- (42) "Street line" means a line dividing the land comprised in, and forming part of, a street from the adjoining land;

- (43) "sullage" includes sewerage, polluted water, rain water, and any other offensive matter carried by a drain;

- (44) "tax" includes any toll, ⁴* fee or other impost leviable under this Ordinance.

¹ Substituted by Ordinance No. XI of 1984, for clause (32).

² The words "including the Corporation" were omitted by Ordinance No. LXIII of 1984 which was added by Ordinance No. XXXVIII of 1978.

³ Clause (36A) was inserted by Act XVIII of 1980 and shall be deemed always to have been so inserted.

⁴ The word and comma "rate" were omitted by Act XVIII of 1980 and shall be deemed always to have been so omitted.

- (45) "urban area" means an area within the jurisdiction of a Paurashava or Cantonment Board, and includes any other area which is declared to be an urban area under section 3;
- (46) "vehicle' means a wheeled conveyance capable of being used on a street;
- ¹ ** ** ** ** **
- (47) "water work" includes a lake, stream, spring, well, pump, reservoir, cisten, tank, duct, sluice, pipe, culvert, engine and other appliance, and anything for supplying or used for supplying water; and
- (48) "ward" means a ward of a Paurashava'.

¹Clause (46A) was omitted by Act LII of 1992. s. 2. which inserted by Act XXXI of 1989
Clause (46A) runs thus :-
"(46A) " Vice-Chairman" means the Vice-Chairman of Paurashava appointed under section 17.

PART II
PAURASHAVAS
CHAPTER I
CONSTITUTION AND COMPOSITION OF PAURAHAVAS

3. (1) Subject To The Provisions Of Sub-Section (2), The Government may, by notification in the official Gazette, declare any rural area to be an urban area; Declaration of urban area
- Provided that notwithstanding the declaration of a rural to be an urban area, the Union Parishad which immediately before such declaration exercised any function in relation to that area shall, until the area is declared to be, or to be included in, a municipality, continue to exercise those functions.
- (2) The Government shall not declare any rural area to be an urban area unless it is satisfied that tree-fourths of the adult make population of the area to which it refers are chiefly employed in pursuits other than agriculture and such area contains not less than fifteen thousand population, and an average number of not less than two thousand inhabitants per square mile ¹[;]
- ¹[Provided that the Government may, for the purpose of extension of the limits of a municipality under section 4(b), declare any rural area to be an urban area, if it is satisfied that three-fourth of the adult male population of such area are chiefly employed in pursuits other than agriculture.]
4. The Government may, in the prescribed manner,- Declaration of municipality and alteration of limits thereof
- (a) declare any urban area, other than a cantonment, to be a municipality;
- (b) extend, curtail or otherwise alter the limits of any municipality; and
- (c) declare that any urban area shall, from a date to be specified, cease to be a municipality.
- ²[4A. Every municipality shall be an administrative unit for the purpose of article 59 of the Constitution of the People's Republic of Bangladesh]. Municipality to be administrative Unit
5. (1) As soon as may be after the commencement of this Ordinance, there shall be constituted a Paurashava for every municipality in accordance with the provisions of this Ordinance. Constitution of Paurashavas.
- (2) Every Paurashava shall be body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance and the rules, to acquire and hold property, both movable and immovable, and shall by its name sue and be sued.
- (3) The Government may, by notification in the official Gazette specify the name by which nay Paurahsava shall be known, and unless the name of a Pourashava is so specified, it shall be known as the Paurashava of the place where its office is situated ³[]

¹ The colon was substituted for the full-stop at the end of sub-section (2) and thereafter the proviso was added by Ordinance No. LVI of 1982,

² Section 4A was inserted by Act XLVI of 1992. s. 2.

³ Substituted by Ordinance No. LXIII of 1984, for the colon.

¹* * * * *
6. ²[1] A [paurashava shall consist of
(a) a Chairman;
(b) such number of ³* commissioners as may be fixed by the Government;
and
⁴[(bb) such number of Commissioners as are exclusively reserved for
women under sub-section (3).]

Composition of
Paurashava

⁵ * * * * *
(2) ⁶[⁷ [The] Chairman and elected commissioners of a Paurashava shall be
elected by direct election on the basis of adult franchise in accordance with the
provisions of this Ordinance and the rules made thereunder ⁸[*]

⁹** * * * *
¹⁰[(3) There shall be one-third reserved seats exclusively for woman of such number
of Commissioners as are fixed by the Government under clause (b) of sub-section (1)
in each Paurashava hereinafter referred to as reserved seats. who shall be elected by
direct electon on the basis of adult franchise in accordance with the provision of this
Ordinance and the rules made hereunder :

Provided that nothing in this sub-section shall prevent a woman from being
elected to any of the seats other than reserved seats.].

(4) The Chairman of a Paurashava shall be deemed to be a Commissioner of the
Paurashava.

(5) There shall be paid to the 6[Chairman and commissioners] of a Paurashava
such honorarium as may he prescribed.

¹¹ * * * * *

¹ The proviso was added by Ordinance No. LXIII of 1984 s. 3(b) which was added by
Ordinance No. XXXVIII of 1978, s.3.

² Substituted by Ordinance No. XI of 1984, for sub-section (1).

³ The Word "elected" was omitted by Act LL of 1992.s.3.

⁴ Clause (bb) was added by Act II of 1998. s.2.

⁵ Clause (c) was omitted by Act LII of 1992. s.3.

⁶The Words within square brackets were substituted, ibid. for "The Chairman and elected
Commissioners". s.3(b).

⁷ Substituted by Act II of 1998.s. 2(b), for the words "Subject to the provisions of sub-
section(3). the".

⁸A full-stop was substituted by Ordinance No. LXIII of 1984. for the colon.

⁹The Proviso was omitted ibid., which was added by Ordinance No. XXX of 1977.

¹⁰Substituted by Act II of 1998. for sub-section(3). s. 2(c).

¹¹Sub-section (6) was omitted by Ordinance No. LXIII of 1984. which was added by
Ordinance No. XXXVII of 1978.

7. ²³[(1) The term of a paurashava shall be a period of five years commencing on the day of its first meeting after its constitution; ¹[Term of Paurashavas]

Provided that, notwithstanding the expiration of its term, a paurashava shall continue to function until the first meeting of the Paurashava constituted to succeed it.

⁴ * * * * *

⁵ [(1AA) Where the election schedule for reconstituting a Paurashava is published. the Paurashava shall cease to exist and the functions of the Paurashava shall, until the holding of the first meeting of the Paurashava constituted to succeed it, be performed by the Thana Nirbahi Officer or Additional Deputy Commissioner concerned as the Government may appoint in this behalf.]

(1B) Notwithstanding anything contained in this Ordinance a Paurashava shall be deemed to have been duly constituted after the election of seventy-five percent of the total number of its Commissioners has taken place.

Explanation - For calculating the seventy-five percent of the total number of ⁶[Commissioners ⁷* * *] less than point five zero percent shall be ignored and point five zero and above percent shall be rounded off into a whole number.]

(2) A Paurashava shall, after its constitution, held its first meeting on such date, not later than thirty days from the day on which the names of its Chairman and commissioners are notified in the official Gazette, as may be appointed by the Prescribed Authority.

8. Every Chairman and commissioner of a Paurashava shall, before he enters upon his office, make in the prescribed manner and within the prescribed period, an oath in the prescribed form.

9. Every Chairman and commissioner of a Paurashava shall, before he enters upon his office, submit to the prescribed Authority in such manner as the Government may direct, a declaration in writing of properties, both movable and immovable, whether within or outside Bangladesh, which he or any member of his family owns, or which he has in his possession or under his control, or in which he or any member of his family has any beneficial interest. Declaration of properties.

¹Substituted by Act IX of 1992. for "Term of Paurashavas" in the marginal heading of section 7. s. 2.

²Substituted *ibid.* for sub-section(1)

³Substituted by Act II of 1998. for sub-section(1).s.3.

⁴Sub-section(1A) was omitted by Act LII of 1992.s.4(b).

⁵Sub-section(1AA) was omitted by Act LII of 1998.s.3(c).

⁶ Substituted by Act LII of 1992. for "elected Commissioners".s.4.(c).

⁷The comma and words. "other than Commissioners of reserved seats. "were omitted by Act II of 1998. s. 3(c).

Explanation.- In this section, the expression "member of his family", in relation to a person, includes -

- (a) the spouse of such person and,
- (b) such of the children, parents, brothers and sisters as reside with and are wholly dependent upon such person.

10. (1) A person shall, subject to the provisions of ¹[subsection (1), be qualified to be elected as, and to be, a Chairman or an elected commissioner, or commissioner], if

Qualifications and disqualifications of Chairman and commissioner of Paurashavas.

- (a) he or she is a citizen of Bangladesh;
- (b) he or she has attained the age of twenty-five years;
- (c) his or her name appears on the electoral roll for any ward in the Paurashava

(2) A person shall be disqualified for election as, or for being, a Chairman or ²[a Commissioner.] if -

³[⁴ * * * * *

- (aa) he or she is declared by a competent court to be of unsound mind;
- (b) he or she is an undischarged insolvent;
- (c) he or she has ceased to be a citizen of Bangladesh or has acquired the citizenship of, or affirmed or acknowledged allegiance to, a foreign state;
- (d) he or she has been, -
 - (i) on conviction for any offence, sentenced to imprisonment for a term of not less than two years; or
 - (ii) on conviction for any offence relating to corruption or criminal misconduct, sentenced to imprisonment for any term, unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his or her release;
- (e) he or she holds any whole-time, office of profit in the service of the Republic or of the Paurashava concerned or of any other local authority; or
- (f) he or she is a party to a contract for work to be done for, or goods to be supplied to, the Paurashava concerned, or has otherwise any pecuniary interest in its affairs, or is a dealer, for any area within the municipality concerned, in essential commodities appointed by the Government ⁵[;]

¹Substituted by Act LII of 1992.s5. for "sub-section (1), be qualified to be elected as, and to be a Chairman or an elected Commissioner. or to be nominated as a woman Commissioner.

² Substituted *ibid.* for an elected Commissioner, or for nomination as a woman Commissioner,"s.5 (b).

³ Clauses (a) and (aa) were substituted for Clause (a) by Act XII of 1990. s.2.

⁴ Clause (a) was omitted by Act LII of 1992.s. 5(b).

⁵The semi-colon was substituted for the full-stop as the end of clause (1) and thereafter clause (g) and the Explanation were inserted by Act XXIII of 1987, s. 2.

¹[(g) he or she has defaulted in repaying any loan taken by him or her from any specified bank within the time allowed by the bank therefore [;]²

Explanation : - For the purposes of clause (g), "specified bank" means the Sonali Bank, the Agrani Bank and the Janata Bank constituted under the Bangladesh Banks (Nationalisation) Order, 1972 (P.O. No. 26 of 1972), the Shilpa Rin Sangstha established under the Shilpa Rin Sangstha Order, 1972 (P.O. No. 128 of 1972), the Bangladesh Shilpa Bank established under the Bangladesh Shilpa Bank Order, 1972 (P.O. No. 129 of 1972), the house Building Finance Corporation established under the House Building Finance Corporation Order, 1973 (P.O. No. 7 of 1973), the Krishi Bank established under the Krishi Bank Order, 1973 (P.O. No. 27 of 1973), the Investment Corporation of Bangladesh Ordinance, 1976 (XL of 1976), the Rajshahi Krishi Unnayan Bank established under the Rajshahi Krishi Unnayan Bank Ordinance, 1986 (LVIII of 1986), and the Rupali Bank Limited.]

²[h) he or she is a member of Parliament [³;]]

³[(i) he or she is a defaulter in paying any of the taxes, rates, tolls or fees levied under this Ordinance;

he or she has been dismissed from the service of the Republic or of any local authority for misconduct involving moral turpitude and a period of five years has not elapsed since his or her dismissal.]

⁴[(3) For the purposes of this section, a person shall not be deemed to hold an office of profit in the service of the Republic by reason only that he is a Prime Minister, deputy Prime Minister, Minister, Minister of State, Deputy Minister, Chief Whip or Whip.]

11. (1) A person shall not, at the same time, be a candidate for election to the offices of Chairman and elected Commissioner or to more than one office of elected Commissioner.

Persons not to be candidate for two offices.

(2) If a person offers himself, at the same time, to be a candidate for election to more than one office in any paurashava, all his nomination papers shall stand void.

¹The semi-colon was substituted for the full-stop as the end of clause (1) and thereafter clause (h) was added by Act LVI of 1990, s. 2.

² The semi-colon was substituted for the full-stop as the end of clause (h) and thereafter clause (i) and the Explanation were inserted by Act LII of 1992, s.5(b).

³Sub-section (3) was added by Act II of 1980, s.3 and shall be deemed always to have been so added.

⁴ The word "elected" was omitted by Act LII of 1992.s.6.

¹[(3) When the office of Chairman falls vacant during the term of Paurashava, a Commissioner may contest the election to the office of Chairman, and if he is elected, his Commissionership shall cease on the date he makes the oath of office of Chairman.]

12. (1) A commissioner may resign his office by notice in writing under his hand addressed to the Chairman

Resignation of
Chairman and
commissioners.

(2) A Chairman may resign his office by notice in writing under his hand addressed to the Prescribed Authority.

(3) A resignation under this section shall become effective and the office concerned shall be come vacant, on the date on which the notice of resignation is received by the addressee.

13. (1) A Chairman or an elected commissioner shall render himself liable from his office if -

Removal of
Chairman and
commissioners

- (a) he, without reasonable excuse, absents himself from three consecutive meetings of the Paurashava;
- (b) he is convicted for any offence relating to corruption, criminal misconduct or prejudicial of anti-state activity;
- (c) he refuses to perform or becomes disabled from performing his functions;
or
- (d) he is guilty of misconduct or is responsible for any loss or misapplication of money or property of the Paurashava.

Explanation : In this sub-section, "misconduct" means misuse of power, corruption, jobbery, favouritism, nepotism and wilful maladministration and includes any attempt at, or abetment of, such misconduct.

(2) A Chairman or ²[a Commissioner] shall not be removed from his office on any ground mentioned in clauses (a) and (b) of sub-section (1) unless the prescribed Authority declares, ³* * * by an order, that he is liable to be so removed;

Provided that no such declaration shall be made unless the Chairman or commissioner concerned has been given a reasonable opportunity of showing cause against the declaration proposed to be made with respect to him.

(3) A Chairman or an elected commissioner shall not be removed from his office on any ground mentioned in clauses (c) and (d) of sub-section (1) unless, at a special meeting of the paurashava called for the purpose in the prescribed manner, a resolution to the effect that he is liable to be so removed is passed by

¹Sub-section (3) was added by Ordinance No. LVI of 1986. s.2.

²Substituted by Act LII of 1992.s.13. "an elected Commissioner".

³The words and comma "with prior approval of the Government," were omitted by Ordinance No. LXIII of 1984.

the votes not less than two-thirds of the ¹[total number of ²[Commissioners] of the paurashava and unless the resolution is approved by the prescribed Authority;

Provided that no such resolution shall be passed unless the Chairman or commissioner concerned has been give a reasonable opportunity of showing cause against the resolution proposed to be passed with respect to him.

(4) A Chairman or an ²[a Commissioner] shall stand removed from his office as soon as a declaration under subsection (2) is made or a resolution passed under subsection (3) is approved by the Prescribed Authority.

³* * * * *

⁴* * * * *

(6) Notwithstanding anything contained in any other provisions of this Ordinance, a person who has been removed from any office under this section shall not, during the unexpired period of the term of the Paurashava concerned, be eligible for election ⁵* * *of that Paurashava.

14. (1) The office of Chairman or an elected commissioner shall become vacant if -

Vacation of office of Chairman and commissioner's

(a) he becomes disqualified for being such Chairman or Commissioner under section 10(2);

⁶* * * * *

(b) he fails to make the oath referred to in section 8 within the prescribed period, unless the prescribed Authority for good cause shown extends the period;

(c) he resigns his office under section 12;

(d) he is removed from his office under section 13; or

(e) he dies

⁷* * * * *

¹Substituted by Ordinance No. LXIII of 1984, for "total number of Commissioners". s.5(b).

² Substituted by Act LII of 1992.s.1(c), for "elected Commissioner).

³ The explanation was omitted by Ordinance No. LXVIII of 1984 which was added by Ordinance No. XXX of 1977.

⁴Sub-section(5) was omitted by Act LII of 1992. s. 7(c).

⁵ The words "or nominations" were omitted, *ibid*.

⁶ Clause (aa) was omitted, *ibid.*, which was inserted by Ordinance No. LVI of 1986.

⁷ Sub-section (1A) was omitted by Ordinance No. XII of 1984, which was inserted by Ordinance No. IX of 1979 (u.e.f. 1-5-1970).

- ¹* * * * *
15. (1) Where the office of a commissioner becomes vacant not later than one hundred and eighty days before the term of the Paurahsava is due to expire, an election ²* * * to fill the office shall be held ³* * * within sixty days of the occurrence of the vacancy, and the person who is elected in such election ⁴* * * shall hold office for the residue of such term. Casual vacancy.
- (2) Where the office of Chairman becomes vacant before the term of the Paurashava is due to expire, an election to fill the office shall be held within one month of the occurrence of such vacancy, and the person who is elected in such election shall hold office for the residue of such term.
16. A Paurashava may grant leave of absence to its Chairman for any period not exceeding three months in any one year. Leave of absence of Chairman
- ⁵[17. (1) Within one month of the first meeting held after the constitution of a Paurahava a panel of three Chairman shall be elected, in order of preference, by the commissioners from amongst themselves. Panel of Chairman
- (2) While the office of Chairman is vacant or the Chairman is on leave or under suspension the functions of his office shall be performed by the Commissioner whose name is highest in the panel of Chairman in order of preference].
- ⁶[18. An election, resignation, removal a vacation of office of a Chairman and Commissioner shall be notified in the official Gazettee by prescribed Authority.] Notification of election, etc.
- ⁷[18A. (1) Where an urban area is declared to be a municipality, the Government shall appoint an Administrator to perform the functions of the Paurashava of that municipality till a Paurahsava is constituted in accordance with the provisions of this Ordinance. Appointment of an Administrator in certain circumstances.
- (2) The Government may, where necessary, appointment a Committee consisting of such number of members as it deems fit to assist the Administrator in the discharge of his functions.
- (3) The Administrator and the members of the Committee if any, shall respectively exercise the powers of the Chairman and of the Commissioners.
- 18B. Notwithstanding anything contained in this Ordinance where a rural area, after being declared an urban area, is included in a municipality, the person elected as Chairman or member from that area to any Union Parishad, shall be deemed to be a commissioner of the Paurahsava of that municipality.] Certain persons deemed to be commissioner

¹ Sub-section(2) was omitted by Act LII of 1992, s.8(6).

² The words and commas "or a nomination, as the case may be, "were omitted *ibid.*,s.9.

³ The words "or made" were omitted. *ibid.*

⁴ The words "or nominated" were omitted. *ibid.*

⁵ Section 17 was substituted. *ibid.* which was substituted by Act XXXI of 1989. s.3.

⁶ Section 18 was substituted. *ibid.* s.11.

⁷ Sections 18A and 18B were added by Ordinance No. LXXVII of 1984.s.3.

CHAPTER II
ELECTIONS OF CHAIRMAN AND COMMISSIONER OF
^{1*} * * * * **PAURASHAVAS**

²[19. (1) For the purpose of election of Commissioners, other than in reserved seats of Paurashava, the municipality shall be divided into such number of wards as the Government may determine. Wards

(2) For the purpose of election of commissioners in reserved seats, the municipality shall be divided into one-third number of wards determined under subsection (1)].

20. (1) For the purpose of delimitation of wards, the prescribed Authority may appoint from amongst persons in the service of the Republic as many delimitation officers and assistant delimitation officer as may be necessary. Appointment of delimitation officers.

(2) An assistant delimitation officer shall assist the delimitation officer in the performance of his functions and may perform, under the control of the delimitation officer, the functions of the delimitation officer.

21. (1) The wards shall be delimited having regard to territorial unity and, so far as practicable, to distribution of population ³[Save with a variation of not more than ten percent] and administrative convenience. Delimitation of wards.

(2) A delimitation officer may, for the purpose of delimiting the wards, make such enquiries and examine such records as he may deem necessary and consider such representations as may be received by him, and shall publish at his office and at the office of the Paurashava and at such other place or places as he considers necessary a preliminary list of wards specifying the areas proposed to be included in each such ward together with a notice inviting objections or suggestions within fifteen days from the date of publication of the notice.

(3) The objection or suggestion, if any, received under sub-section (2) shall be forwarded to the Prescribed Authority who, after making such enquiries as he considers necessary, shall give his decision within a period not exceeding fifteen days from the date of receipt of the objections or suggestions from the delimitation officer.

(4) The delimitation officer shall make such amendments, alterations or modifications in the preliminary list published under sub-section (2) as may be required by any decision on any objection or suggestion given by the prescribed Authority under sub-section (3) and may also make such other amendments, alterations or modifications in the said list as may be necessary for correcting any error or omission.

(5) After making amendments, alternations or modifications, if any, under sub-section (4), the delimitation officer shall publish at his office and at the office of

¹ The words and commas "OTHER THAN IN RESERVED SEATS" were omitted by Act II of 1998, which was inserted by Act LII of 1992.s.12.

² Substituted *ibid.*, for section 19. s.5.

³ Inserted *ibid.* s. 6.

the Paurashava and at such other place or places as he considers necessary the final list of wards, specifying the areas included in such ward and shall forward attested copies thereof to the Prescribed Authority who shall publish the list of wards in the official Gazette.

¹[21A. For the purpose of election to the reserved seats, the delimitation officer shall simultaneously cause the number of wards delimited under section 21 to be regrouped into one-third of wards determined under sub-section (1) of section 19 following the procedure laid down in section 21.] Delimitation of words of reserved seats.

²[22 (1) There shall be an electoral roll for each ward to be prepared by the Election Commission. Electoral roll.

(2) A person shall be entitled to be enrolled on the electoral roll for a ward if he -

- (a) is a citizen of Bangladesh;
- (b) is not less than eighteen years of age;
- (c) does not stand declared by a competent court to be unsound mind; and
- (d) is or is deemed to be a resident of that ward.]

23. Every person whose name is for the time being entered in the electoral roll of a ward shall be entitled to vote at an election of an elected commissioner for that ward and at an election of Chairman of the Paurashava within the jurisdiction of which the ward is situated. Right to vote.

24. (1) There shall be elected such number of ³*Commissioners from each ward in a municipality as the Government may determine. Election of ⁴* Elected commissioners

(2) A general election of Chairman and ³*Commissioners of a paurashava shall be held -

- (a) for the purpose of constituting the paurashava under section 5, as soon as may be after the commencement of this Ordinance; and

⁵[(b) for the purpose of reconstituting the paurashava after the expiration of the term of the paurashava, within the period of one hundred eighty days ⁶[after its] expiration; and

- (c) for the purpose of reconstituting the Paurashava after expiration of the period of supersession of the Paurashava, if any, before such expiration.

Provided that the persons elected at a general election under clause (b) or (c) shall not enter upon office as Chairman or Commissioner of the Paurashava except after the expiration of the term of the Paurashava or the period of supersession of the Paurashava, as the case may be.]

¹ Section 21A was inserted by Act II of 1998. s.7.

² Submitted by Ordinance No. X of 1983 for section 22.

³ The word "elected" was omitted by Act LII of 1992. s.4.

⁴ The word "elected" in marginal heading was omitted by Act II of 1998 s.8(a).

⁵ Substituted by Act LII of 1992. s. 14(b) for clause (b).

⁶ Substituted by Act II of 1998. s. 8(b) for "proceeding such"

¹[(3) In the case of a newly created Paurahsava, where no election is held, the election for constituting it shall be held--

- (a) within one hundred and eighty days from the date of coming into force of this Act;
- (b) within one hundred and eighty days from the date of creation of the Paurashava.]

25. All election of Chairman and ²[Commissioners ³* * *] of a paurahsava shall be organised, held and conducted by the Election commission in accordance with the rules, and such rules may provide for all or any of the following matters, namely :-

Conduct of Election

- (a) the appointment of returning officers, assistant returning officers, presiding officers and polling officers for the conduct of elections and powers and duties of such officers;
- (b) the nomination of candidates, objections to nominations and scrutiny of nominations;
- (c) the deposits to be made by candidates and the circumstances under which such deposits may be refunded to candidates or forfeited to the Paurashava;
- (d) the withdrawal of candidature;
- (e) the appointment of agents of candidates;
- (f) the procedure in contested and uncontested elections;
- (g) the date, time and place for poll and other matters relating to the conduct of elections;
- (h) the manner in which votes are to be given;
- (i) the scrutiny and counting of votes, the declaration of the results and procedure to be followed in case of equality of votes;
- (j) the custody and disposal of ballot papers and other papers relating to elections;
- (k) the circumstances under which polls may be suspended and fresh polls may be held;
- (l) the election expenses;
- (m) the corrupt or illegal practices and other election offence and penalties therefore; and
- (n) any other matter connected with or incidental to elections

* * * 26. The names of all persons elected as Chairman or ²[Commissioners ³* * *] of a Paurashava shall, as soon as may be after such election, be published in the official Gazette by the Election Commission.

Publication of results of election of Chairman and elected commissioners.

4* * * * *

¹ Added by Act II of 1998, s.8(c) after clause (2). s.8(c).

² Substituted by Act LII of 1992, for "elected Commissioner".

³ The word and comma. "other than election Commissioners in reserved seats," were omitted by Act II of 1998. s.9.

⁴ Section 26A. was omitted by Ordinance NO. LXIII of 1984. which was added by Ordinance No. XXX of 1977.

**CHAPTER III
ELECTION DISPUTES**

27. (1) No election under this Ordinance shall be called in question except by an election petition under sub-section (2). Election petitions.

(2) Any candidate may make an election petition challenging the election at which he was a candidate.

(3) An election petition shall be presented, in such manner as may be prescribed, to the Election Tribunal appointed under section 28.

28. (1) For the trial of election petitions, the Election Commission shall, by notification in the official Gazette, appoint a judicial officer to be an Election Tribunal for such area as may be specified in the notification. Appointment of Tribunals

(2) Where the person constituting an Election Tribunal is succeeded by another, the trial of a petition shall continue before the person so succeeding and any evidence already recorded shall remain upon the record and it shall not be necessary to re-examine the witness who have already been examined and discharged.

29. The Election Commission, either of its own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Election Tribunal to another Election Tribunal, and the Tribunal to which the petition is so transferred shall proceed with trial of the petition from the stage at which it was transferred; Power to transfer an election in petitions

Provided that the Tribunal to which an election petition is so transferred may, if it thinks fit, recall and examine any of the witnesses already examined.

30. (1) An Election Tribunal shall, upon receipt of an election petition give notice thereof to all the contesting candidates at the election to which the petition relates. Trial of election petitions.

(2) Subject to any rules made in this behalf, the Election Tribunal shall, after giving the contesting candidates an opportunity of being heard and taking such evidence as may be produced before it, make such orders as it may think fit.

¹(3) Save as provided in sub-section (4), the decision of a Election Tribunal on an election petition shall be final.

(4) Any person aggrieved by a decision of the Election Tribunal may, within thirty days of the announcement of the decision, prefer an appeal to the District Judge within whose jurisdiction the election in dispute was held; and the decision of the District Judge on such appeal shall be final:

Provided that to the case of a decision announced before the commencement of the Paurashava (Third Amendment) Ordinance, 1984 (LXVII of 1984), such appeal may be preferred within thirty days of such commencement.

¹Subsection (3) and (4) were substituted by Ordinance No. LXVII of 1984, for sub-section (3).

**CHAPTER IV
FUNCTIONS OF THE PAURASHAVAS**

31. Subject to rules and such directions as the Government may from time to time give, and within the limits of the fund at its disposal a Paurashava shall undertake such of the functions given in detail in Part IV as are required to be undertaken by Paurashavas, and may undertake-

Compulsory and optional function of Paurashavas.

(a) all or any of the functions so given which may be undertaken by Paurashava; and

(b) such other functions as are declared by the Government to be appropriate matters for administration by Paurashava generally or by any particular Paurashava.

32. Notwithstanding anything contained in this Ordinance or in any other law for the time being in force, the Government may from time to time direct that, subject to such terms and conditions as may be specified in the direction,-

Transfer of functions from a Paurashav to the Government and vice versa.

(a) any institution or service maintained by a Paurahsava shall be transferred to the management and control of the Government; and

(b) any institution or service maintained by the Government shall be transferred to the management and control of Paurahsava.

**CHAPTER V
EXECUTIVE POWER AND CONDUCT OF BUSINESS**

33. (1) The executive powers of a Paurashava shall extend to the doing of all acts necessary for the due discharge of its functions under this Ordinance.

Executive Powers

(2) Save as otherwise provided in this Ordinance and the rules, the executive powers of a Paurashava shall vest in and be exercised by the Chairman, either directly or through other persons authorised by him, in accordance with this Ordinance and the rules.

(3) All acts of a Paurashava, whether executive or not, shall be expressed to be taken in the name of the Paurashava and shall be authenticated in the manner prescribed.

34. (1) All acts of a Paurashava shall, to the extent and in the manner prescribed, be disposed of at its meetings, or at the meeting of its committees, or by its Chairman, or commissioners, or officers or employees.

Disposal of business.

¹[(2) All meetings of a Paurashava shall be presided over by the Chairman and, in his absence, by the Commissioner on the Panel of Chairman performing or entitled to perform the functions of the office of the Chairman during his absence.]

(3) No act or proceedings of a Paurashava shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, the Paurashava, or by reason only that some person, who was not entitled to do so, star or voted, or otherwise took part in its proceedings.

(4) Minutes of the proceedings of every meeting of a Paurashava shall be drawn up and recorded in a book to be kept for the purpose.

(5) All decisions of a Paurashava shall be reported to the prescribed Authority within fourteen days from the date on which the minutes of the meeting are signed.

²[35. A Paurashava may appoint such committees or sub-committees consisting of such number of its commissioners and co-opted members, if any, to perform such functions as may be prescribed by regulations.]

Committees
and Sub-
committees.

36. (1) The Government may, in any municipality where there is no improvement trust constituted under any law, by notification in the Office Gazette, entrust to the Paurashava any function relating to town improvement.

Municipal
Improvement
Sub-Committee

(2) Where any function is entrusted to a Paurashava under sub-section (1), the Government may, in the prescribed manner, appoint a Municipal Improvement sub-committee, which shall exercise such powers and perform such functions with regard to town improvement as may be prescribed.

37. (1) All contracts made by or on behalf of a Paurashava shall be -

Contracts.

- (a) in writing and expressed to be made in the name of the Paurashava;
- (b) executed in such manner as may be prescribed; and
- (c) reported to the Paurashava by the Chairman at the meeting next following the execution on the contract.

(2) A Paurashava may, by resolution, lay down the procedure that shall regulate the making of various contracts, and in the execution of contracts, the Chairman shall act in accordance with such resolution.

(3) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the Paurashava.

38. The Government may by rules provide for -

Works.

- (a) the preparation of plans and estimates for works to be executed by a Paurashava;
- (b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and administratively sanctioned; and
- (c) the agency by which such plans and estimates shall be prepared and such works shall be executed.

¹Substituted by Act LII of 1992. s.17. for sub-section(2).

²Substituted by Ordinance No. LXIII of 1984, for section 35.

39. A Paurshava shall -

Record, reports
and returns.

- (a) maintain such record of its working as may be prescribed;
- (b) prepare and publish such periodical reports and returns as may be prescribed; and
- (c) adopt such other measures as may be necessary, or may be specified by the Government from time to time, for the publication of information about the working of the Paurashava.

CHAPTER VI OFFICERS AND EMPLOYEES OF PAURASHAVAS

40. (1) There shall be constituted a Paurashava Service in such manner and subject to such conditions as may be prescribed.

Paurashava
Service

(2) The Government may from time to time specify the posts in the Paurashavas which shall be filled by persons belonging to the Paurashava Service.

41. (1) The specified authority may, on the prescribed terms and conditions, appoint a secretary and one or more Principal Officers for a Paurashava who shall perform such functions as are assigned to them in relation to such Paurashava by or under this Ordinance.

Officers and
employees of
Paurashavas.

(2) A Paurashava may, and if so required by the specified authority shall, on the prescribed terms and conditions, appoint such other employees as are deemed necessary for the efficient performance of its functions under this Ordinance.

(3) Subject to the provisions of this Ordinance and the rules, -

(a) the specified authority may suspend, remove, dismiss, or otherwise punish any person appointed under sub-section (1); and

(b) the Paurashava may suspend, remove, dismiss, or otherwise punish any person appointed under sub-section (2).

(4) The specified authority may transfer any of the persons appointed under sub-section (1) from one Paurashava to another Paurashava within its jurisdiction.

(5) In this section, -

(a) "principal officer" means an officer notified as such by the Government; and

(b) "specified authority" means an authority specified by rules.

42. (1) Notwithstanding anything contained in section 40, there shall be a Chief Executive Officer for such Paurashava as the Government may direct.

Chief Executive
Officer.

(2) The Chief Executive Officer shall be appointed by the Government, or by such authority as the Government may specify, on such terms and conditions as may be prescribed.

(3) Where a Chief Executive Officer is appointed for a Paurashava, he shall be the principal executive officer of the Paurashava, and all other officers and employees of the Paurashava shall be subordinate to him.

(4) The Chief Executive Officer shall have the same right of being present at any meeting of the Paurashava or of any committee thereof and of taking part in the discussions thereat as if he were a commissioner or a member of such committee, and may, with the consent of the person presiding at the meeting, make a statement or an explanation of facts, but he shall not vote upon, or move, any motion at such meeting.

43. (1) A Paurashava may establish and maintain a Provident Fund and require any of its officers or employees to contribute to such Fund, and may itself contribute to it in such manner and proportion as may be prescribed. Provident Fund, etc.

(2) A Paurashava may, in the prescribed manner, and with the previous sanction of the Government, provide for the payment of ¹[gratuity] to its officers, and employees after retirement.

(3) A Paurashava may, with the previous sanction of the Government, grant a special ^{2*} * gratuity to the family of any officer or employee who dies of disease or injury contracted or suffered in the discharge of official duties.

(4) A Paurashava may, in the prescribed manner operate a scheme of social insurance for its officers and employees and require them to subscribe to it.

(5) A Paurashava may, in the prescribed manner, establish and maintain -
^{3*} * * * * *

(b) a Benevolent Fund out of which shall be paid any special ^{2*} * gratuity granted under sub-section (3) or such other relief as may be prescribed.

(6) The Paurashava shall contribute to the Funds established and maintained under sub-section (5) in such proportion or such amount and in such manner as may be specified by the Government.

44. The Government may, by rules, -

Service matters to be prescribed.

- (a) prescribed the conditions of service of the Officers and employees of the Paurashavas;
- (b) prescribe the grades of pay for the officers and employees of Paurashava;
- (c) prescribe a schedule of establishment setting forth the staff that shall be employed by a Paurashava;
- (d) prescribe the qualifications for various posts under Paurashava;
- (e) prescribe the principles to be followed in making appointments to various posts under Paurashavas;
- (f) prescribe the method for the holding of enquiries in cases where disciplinary action is proposed to be taken against officers and employees of Paurashavas, and provide for penalties and appeals against orders imposing penalties; and
- (g) provide for other matters necessary for the efficient discharge of their duties by the officers and employees of Paurashavas.

¹Substituted by Act VIII of 1988, s.3, for "Pension" (w.e.f. 29-2-1988).

²The words "pension or" were omitted, ibid, (w.e.f. 29-2-1988)/

³Clause (a) was omitted, ibid, (w.e.f. 29-2-1988).

**PART III
FINANCIAL MATTERS**

**CHAPTER I
PAURASHAVA FUND AND PROPERTY**

45. For every Paurashava there shall be a fund which shall be known as the Paurashava Fund. Constitution of Paurashava fund

(2) To the credit of a Paurashava Fund formed under sub-section (1) shall be placed-

- (a) the balance of such fund as on the coming into force of this Ordinance is at the disposal of the Paurashava of which it is the successor;
- (b) the proceeds of all taxes, rates, cesses, tolls fees and other charges levied by the Paurashava under this Ordinance;
- (c) all rents and profits payable or accruing to the Paurashava from the property vested in or managed by the Paurashava;
- (d) all sums received by the Paurashava in the performance of its functions under this Ordinance or under any other law for the time being in force;
- (e) all sums contributed by individuals or institutions or by any local authority;
- (f) all receipts accruing from the trusts placed under the management of the Paurashava;
- (g) all grant made by the Government or other authorities;
- (h) all profits accruing from investment; and
- (i) such proceeds from such sources of income as the Government may direct to be placed at the disposal of the Paurashava.

46. (1) The moneys credited to a Paurashava Fund shall be kept in Bank transacting the business of a Government Treasury or in such other manner as may be specified by the Government from time to time. Custody or investment of Paurashava Funds and establishment of special funds.

(2) The Paurashava may invest any portion of its Fund in such manner as may be prescribed.

(3) The Paurashava may, and if required by the Government shall establish and maintain a separate fund for any special purpose, which shall be administered and regulated in such manner as may be prescribed.

47. The moneys from time to time credited to a Paurashava Fund shall be applied in the following order of preference:- Applications of Paurashava Fund.
firstly, in the payment of salaries and allowances to the Officer and other officers and employees of the Paurashava;

- Secondly, in meeting the expenditure charged on the Paurashava Fund under this Ordinance;
- Thirdly, in the fulfilment of any obligation and in the discharge of any duty imposed on the Paurashava under this Ordinance or under any other law for the time being in force;
- Fourthly, in meeting the expenditure declared by the Paurashava, with the previous sanction of the Prescribed Authority, to be an appropriate charge on the Paurashava Fund; and
- Fifthly, in meeting the expenditure declared by the Government to be an appropriate charge on the Paurashava Fund.

48. (1) The following expenditure shall be charged on the Paurashava Fund, namely:- Charged
expenditure.

- (a) all sums to be paid to, or in connection with the employment of, any Government servant or any member of the Local Parishad Service who is or has been in the service of the Paurashava;
- (b) all sums the Paurashava may be required by the Government to contribute towards the conduct of elections, the maintenance of the Paurashava Service, the auditing of accounts, and such other matters as may, from time to time, be specified by the Government;
- (c) any sum required to satisfy any judgement, decree or award against the Paurashava by any court or tribunal; and
- (d) any expenditure declared by the Government to be so charged.

(2) If any expenditure charged on a Paurashava Fund is not paid the prescribed Authority may, by order, direct the person or persons having the custody of the Paurashava Fund to pay such amount, or so much thereof as may, from time to time be possible, from the balance of the Paurashava Fund.

49. (1) Every Paurashava shall, in the prescribed manner, prepare and sanction, before the commencement of each financial year, a statement of its estimated receipts and expenditure for that year, hereinafter referred to as the budget, and forward a copy thereof to be Prescribed Authority. Budget.

(2) If the budget is not prepared or sanctioned by a Paurashava before the commencement of any financial year, the Prescribed Authority may have the necessary statement prepared and certify it, and such certified statement shall be deemed to be the sanctioned budget of the Paurashava.

(3) Within thirty days of the receipt of the copy of a budget under subsection (1), the Prescribed Authority may, by order modify it, and the budget so modified shall be deemed to be the sanctioned budget of the Paurashava.

(4) At any time before the expiry of the financial year to which a budget relates, a revised budget for the year may, if necessary, be prepared and

sanctioned, and such revised budget shall, so far as may be, subject to provisions of this sanction.

(5) Where any Paurashava assumes office under this Ordinance for the first time, its budget for the financial year during which it assumes office shall relate to the remaining period of year, and the other provisions of this sanction shall mutatis mutandis apply.

50. (1) Accounts of the receipts and expenditure of a Paurashava shall be kept in the prescribed manner and form. Accounts.

(2) An annual statement of the accounts shall be prepared after the close every of financial year, and shall be forwarded to the Prescribed Authority by the thirty-first December of the following financial year.

(3) A copy of the annual statement of accounts shall be placed at a conspicuous place in the office of the Paurashava for public inspection, and all objections or suggestions concerning such accounts received from the public shall be considered by the Paurashava and brought to the notice of the audit authority referred to in section 51.

51. (1) The accounts of every Paurashava shall be audited in such manner, after such intervals and by such authority as may be prescribed. Audit.

(2) The audit authority shall have access to all the books and other documents pertaining to accounts, and may also examine the Chairman or any commissioner, officer or employee of the Paurashava concerned.

(3) On the completion of audit, the audit authority shall submit to the Prescribed Authority and audit report which shall, among other things, mention-

- (a) cases of embezzlement;
- (b) cases of loss, waste or misappropriation of the Paurashava Fund;
- (c) cases of other irregularities in the maintenance of accounts; and
- (d) the names of the persons who, in his opinion, are directly or indirectly responsible for such embezzlement, loss, waste, misappropriation or irregularities.

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52. The Government may by rules-

Property of Paurashava.

- (a) provide for the management, maintenance, improvement and development of the property belonging to or vesting in the Paurashavas;
- (b) regulate the alienation of such property; and
- (c) provide for the compulsory acquisition of such immovable property as may be required by the Paurashava for the purposes of this Ordinance.

(2) The Paurashava may -

- (a) manage, maintain, inspect, develop or improve any property which is owned by or vests in it or which is place under its charge;

¹Section 51A was omitted by Ordinance No. LXIII of 1984, which was inserted by Act XXXIX of 1980.

(b) apply such property for the purposes of this Ordinance or the rules; and

(c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property.

53. Every Chairman, Commissioner, officer or employee of a Paurashava, and every person charged with the administration of the affairs of a Paurashava, or acting on behalf of a Paurashava, shall be liable for the loss, waste or misapplication of any money or property belonging to the Paurashava which is a direct consequence of his negligence or misconduct, and the liability of such Chairman, Commissioner, officer, employee or person shall be determined by the Prescribed Authority in the prescribed manner, and the amount for which he is held liable shall be recoverable as a public demand.

Recovery against liabilities.

CHAPTER II MUNICIPAL TAXATION

54. A Paurashava, with the previous sanction of the Government, may be levy, in the prescribed manner, all or any of the taxes, rates, tolls, and fees mentioned in the First Schedule.

Municipal Taxation.

55. (1) All taxes, rates, tolls and fees levied by the Corporation shall be notified in the official Gazette and, unless otherwise directed by the Government, shall be subject to previous publication.

Notification and enforcement of taxes.

(2) Where a proposal for the levy of a tax, rate, toll or fee or for a modification of tax, rate, toll or fee which is in force, is sanctioned, the sanctioning authority shall specify the date for the enforcement thereof, and such tax, rate, toll, or fee or the modification shall come into force on such date.

56. The Government may frame model tax schedules, and where such schedules have been framed, the Paurashava shall be guided by them in levying a tax, rate, toll or fee.

Model tax schedules.

57. (1) The Government may direct the Paurashava -

- (a) to levy any tax, rate, toll or fee which the Paurashava is competent to levy under section 54; or
- (b) to increase or reduce any such tax, rate, toll or fee, or the assessment thereof, to such extent as may be specified; or
- (c) to exempt any person or class of persons or property or class of property from the levy of any such tax, rate, cess, toll or fee or suspend or abolish the levy of any such tax, rate, toll or fee.

(2) If a direction issued under sub-section (1) is not complied with, within the specified time, if any, the Government may make an order giving effect to the direction.

Directions with regard to levy of taxes

58..(1) A Paurashava may, be notice, call upon any person to furnish such information, produce such record or accounts, or to present such goods or animals liable to any tax, rate, cess, toll or fee, as may be necessary for the purpose of determining the liability of such person, goods or animals to a tax, rate, toll or fee, or the assessment thereof.

Liability on
account of taxes

(2) Any officials of a Paurashava authorised in this behalf may, after due notice, enter upon any building or premises for the purposes of assessing the liability of such building or premises to any tax, or inspecting any goods or animal therein liable to any tax.

(3) Any official of a Paurashava authorised in this behalf may, in the prescribed manner, seize and dispose of any goods on which any octroi, terminal tax or toll is due and is not paid.

59. (1) All taxes, rates, tolls and fees levied under this Ordinance shall be collected in the prescribed manner.

Collection and
recovery of taxes.

(2) All arrears of taxes, rates, tolls and fees, and other moneys claimable by the Paurashava under this Ordinance shall be recoverable as a public demand.

(3) Notwithstanding the provisions of sub-section (2) the Government may empower the Paurashava to recover arrears of taxes, rates, tolls, fees and other moneys claimable by the Corporation under this Ordinance by distress and sale of movable property belonging to the person concerned, or by attachment and sale of the immovable property belonging to him.

(4) The Government may by rules specify the officials or classes of officials by whom the power under sub-section (3) shall be exercised, and prescribe the manner in which it shall be exercised.

60. No assessment of a tax, rate, cess, toll or fee under this Ordinance, or valuation therefore, or the liability of a person to be so taxed, shall be called in question except by a petition presented to such authority, in such manner and within such period as may be prescribed.

Petitions against
valuation,
assessment, etc.

61. If a Paurashava levies a tax on professions, trades or callings, it may require the employer of the person liable to such tax to deduct the tax from the salary or wages payable to such person, and on such requisition, the amount of the tax due shall be deducted from the salary or wages of the person concerned and credited to the Corporation Fund, provided that the amount so deducted shall in no case exceed twenty-five per cent of the salary or wages.

Deduction of
taxes from
salaries

62. (1) All taxes, rates, tolls, fees and other charges levied by the Paurashava shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be provided by rules.

Manner in
which taxes to
be levied, etc.

(2) Rules made under this section may, among other matters, provide for the obligations of the tax-payers and the duties and powers of the officials and other agencies responsible for the assessment and collection of taxes.

**PART IV
FUNCTIONS IN DETAIL**

**CHAPTER I
PUBLIC HEALTH**

63. A Paurashava shall be responsible for the sanitation of the municipality and for the control of environmental pollution, and for this purpose, it may cause such measures to be taken as are required by or under this Ordinance. Responsibility for sanitation
64. (1) A Paurashava may by notice require the owner or occupier of any building or land which is an insanitary or unwholesome state- Insanitary buildings
- (a) to clean or otherwise put it in a proper state;
- (b) to make arrangements to the satisfaction of the Paurashava for its proper sanitation;
- (c) to lime wash the building and to make such essential repairs as may be specified in the notice; and
- (d) to take such other steps in regard to such building or land as may be so specified.
- (2) If any requirement of a notice issued under sub-section (1) is not complied with, within such period as may be specified in the notice, the Paurashava may cause the necessary steps to be taken at the expense of the owner or occupier, and the cost so incurred by the Paurashava shall be deemed to be a tax levied on the owner or occupier under this Ordinance.
65. (1) A Paurashava shall make adequate arrangements for the removal of refuse from all public streets, public latrines, urinals, drains, and all buildings and land vested in the Paurashava and for the collection and proper disposal of such refuse. Removal, collection and disposal of refuse.
- (2) The occupiers of all other buildings and lands within the municipality shall be responsible for the removal of refuse from such buildings and lands subject to the general control and supervision of the Paurashava.
- (3) The Paurashava may cause public dust-bins or other suitable receptacles to be provided at suitable places and where such dust-bins or receptacles are provided, the Paurashava may, by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dust-bins or receptacles.
- (4) All refuse removed and collected by the staff of the Paurashava or under their control and supervision and all refuse deposited in the dust-bins and other receptacles provided by the Paurashava shall be the property of the Paurashava.
66. (1) A Paurashava may, and if so required by the Government shall, provide and maintain, in sufficient number and in proper situation, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order, and to be properly cleaned. Latrines and urinals.

(2) The occupier of any premises to which any latrine or urinal pertains shall keep such latrine or urinal in a proper state to the satisfaction of the Paurashava and shall employ such staff for the purpose as may be necessary, or as may be specified by the Paurashava.

(3) Where any premises are without privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Paurashava notice require the owner of such premises-

(a) to provide such, or such additional privy or urinal accommodation as may be specified in the notice; or

(b) to make such structural or other alterations in the existing privy or urinal accommodation as may be so specified;

(c) to remove the privy or urinal; and

(d) where there is an underground sewerage system, to substitute connected privy or connected urinal accommodation for any service-privy or service-urinal accommodation.

67. (1) A Paurashava shall register all births, deaths and marriages within the limits of the municipality and information of such births, deaths and marriages shall be given by such persons or authorities, and shall be registered in such manner, as the by-laws may provide. Births, deaths and marriages

(2) The by-laws made under sub-section (1) may exempt any class or classes of marriages information in respect of which is not deemed necessary for registration under this section.

68. (1) A Paurashava shall adopt such measures to prevent infectious diseases and to restrain infection within the municipality as the rules and by-laws may provide. Infectious diseases.

(2) A Paurashava may, and if so required by the Government shall, establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

(3) A Paurashava may, in the prescribed manner, frame and implement schemes for the prevention and control of infectious diseases.

69. A Paurashava may, and if so required by the Government shall- Health and maternity centres, etc.

(a) establish, manage, maintain or contribute towards the maintenance of health centres, maternity centres and centres for the welfare of women, infants and children;

(b) provide for the training of dais;

(c) provide for the promotion of family planning; and

(d) adopt such other measures as may be necessary to promote the health and welfare of women, infants and children.

70. Subject to the provisions of this Ordinance and rules, the Paurashava may, and if the Government so directs shall, take such measures for promoting public health, including education in health, as it considers necessary or, as the case may be, the Government directs. Promotion of public health.

71. (1) A Paurashava may, and if so required by the Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the municipality, and the people visiting it. Hospitals and dispensaries.

(2) Every hospital and dispensary maintained by the Paurashava shall be managed and administered in such manner as may be prescribed.

(3) Subject to any directions that may be given in this behalf by the Government, every hospital and dispensary maintained by the Paurashava shall be provided with such drugs, medicines, instruments, appliances, equipments, apparatus and furniture in accordance with such scale and standards as may be prescribed.

72. A Paurashava may, and if so required by the Government shall, take such measures as may be necessary or as may be specified by the Government for - Medical aid and relief, and medical education, etc

- (a) the provision and maintenance of first aid centres;
- (b) the provision and maintenance of mobile medical aid units;
- (c) the promotion and encouragement of societies for the provision of medical aid;
- (d) the promotion of medical education;
- (e) the payment of grants to institutions for medical relief; and
- (f) the medical inspection of school children.

CHAPTER II WATER SUPPLY AND DRAINAGE

73. (1) A Paurashava shall, within the limits of the funds at its disposal, provide, or cause to be provided, to the municipality a supply of wholesome water sufficient for public and private purposes Water supply.

(2) A Paurashava may, and if so required by the Prescribed Authority shall, in the prescribed manner, frame and execute a water-supply scheme for the construction and maintenance of such works for the provision, storage and distribution of water as may be necessary.

(3) Where a piped water-supply is provided, the Paurashava may supply water to private and public premises in such manner and on payment of such charges as the by-laws may provide.

74. (1) All private sources of water supply within a municipality shall be subject to control, regulation and inspection by the Paurashava. Private sources of water-supply.

(2) No new well, water-pump or any other source of water for drinking purposes shall be dug, constructed or provided except with the sanction of the Paurashava.

(3) The Paurashava may by notice require the owner or any person having the control of any private source of water-supply used for drinking purposes-

- (a) to keep the same in good order and to clear it from time to time of silt, refuse and decaying matter;

(b) to protect the same from contamination in such manner as the Paurashava may direct; and

(c) if the water therein is proved to the satisfaction of the Paurashava to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

75. (1) A Paurashava shall, within the limits of the funds at disposal, provide an adequate system of public drains in the municipality area and all such drains shall be constructed, maintained, kept, cleared and emptied with due regard to the health and convenience of the public. Drainage.

(2) Every owner or occupier of any land or building within the municipality may, with the previous permission of the Paurashava, and subject to such terms and conditions, including the payment of fees, as the Paurashava may impose, cause his drains to be emptied into public drains.

(3) All private drains shall be subject to control, regulation and inspection by the Paurashava, and the Paurashava may, in such manner as the by-laws may provide, require the provision, alteration, covering, clearing and closing of private drains.

76. (1) A Paurashava may, and if so required by the Prescribed Authority shall, prepare a Drainage Scheme in the prescribed manner for the construction of drains at public and private expense, and other works for the effective drainage and disposal of sullage. Drainage Schemes.

(2) A Drainage Scheme prepared under sub-section (1) shall be submitted to approval to the Prescribed Authority, which may approve it, reject it, or approve it subject to such modifications as it may deem fit.

(3) The Drainage Scheme as approved by the Prescribed Authority shall be executed and implemented in such manner, within such period and by such authority as may be specified by the Prescribed Authority.

(4) The Paurashava may by notice require the owner of any building or land within the municipality-

(a) to construct such drains within the building or land or the street adjoining such building or land as may be specified in the notice;

(b) to remove, alter or improve any such drains; and

(c) to take such other steps for the effective drainage of the building or land as may be so specified.

77. (1) A Paurashava may from time to time-

Bathing and washing places.

(a) set apart suitable places for use by the public for bathing, for washing clothes, or for drying clothes;

(b) specify the times at which and the sex of persons by whom such places may be used; and

(c) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart.

(2) No person shall establish, maintain or run a hanumam or a bath for

- public use except under a licence granted by the Paurashavs, and in conformity with the conditions and terms of such licence.
78. (1) A Paurashava may provide dhobi ghats for the exercise of their calling by washermen, and may by by-laws regulate the use of dhobi ghats and levy fees for their use. Dhobi ghats and washermen.
- (2) A Paurashava may by by-laws provide for the licensing of washermen and the regulation of their calling.
79. (1) A Paurashava may, with the previous sanction of the Prescribed Authority, declare any source of water, spring, river, tank, pond, or public stream, or any part thereof within the City, which is not private property, to be a public water-course. Public water-courses.
- (2) A Paurashava may in respect of any public water-course provide such amenities, make such arrangements for life saving, execute such works, and subject to the provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the by-laws may provide.
80. (1) A Paurashava may by by-laws provide for the licensing of boats and other vessels playing for hire in a public water-course and may prescribe the terms and conditions for the grant of licences and the fees to be charged therefore. Public ferries.
- (2) The Government may declare any part of a public water-course to be a public ferry and may entrust the management thereof to the Paurashava, and thereupon the Paurashava shall manage and operate the public ferry in such manner and levy such tolls as may be prescribed.
81. A Paurashava may, with the previous sanction of the Government, declare any public water-course as a public fishery, and thereupon the right of fishing in such water-course shall vest in the Paurashava which may exercise such right in such manner as may be prescribed. Public fisheries.

CHAPTER III ARTICLES OF FOOD AND DRINK

82. A Paurashava by by-laws- By-laws for articles of food and drink.
- (a) prohibit the manufacture, sale or preparation, or the exposure for sale, of any specified article of food or drink in any place or premises not licensed by the Paurashava;
- (b) prohibit the import into the municipality for sale, or the sale, or the hawking for sale, of any specified article of food or drink by person not so licensed.

- (c) prohibit the hawking of specified articles of food and drink in such parts of the municipality as may be specified;
- (d) regulate the time and manner of transport within the municipality of any specified article of food or drink;
- (e) regulate the grant and withdrawal of licences under this section and the levying of fees therefore; and
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

83. (1) Except under a licence granted by the Paurashava, and in conformity with the conditions of such licence, no person shall, within the municipality, keep milch cattle for the sale of milk, or expose or import milk for sale, or manufacture butter, ghee, or any other milk or dairy product, nor shall any premises be used for any such purpose. Milk supply.

(2) A Paurashava may, in the prescribed manner, and with the previous sanction of the Prescribed Authority, frame and enforce a Milk Supply Scheme, which may, among other matters, provide for the establishment of milkmen's colonies, the prohibition of the keeping of milch cattle in the municipality or any part thereof, and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

84. (1) A Paurashava may establish and maintain public markets, or may provide places for use as public markets, for the sale of article of food and drink and of animals and secure the proper management and sanitation of such markets. Public markets.

(2) A Paurashava may, in respect of public market, provide by-laws-

- (a) the fees to be charged for the use of or for the right to expose goods in the market;
- (b) the fees to be levied on vehicles and animals bringing goods therein for sale;
- (c) the fees to be charged for the use of shops, stalls, pens or stamps;
- (d) the fees to be charged in respect of animals brought for sale or sold; and
- (e) the fees to be charged from brokers, commission agents, weighmen and other persons practising their calling therein.

85. (1) No private market for sale of article of food or drink or for the sale of animals shall be established or maintained within the municipality except under a licence granted by the Paurashava and in conformity with the conditions of such licence. Private markets.

(2) Notwithstanding the provisions of sub-section (1), the owner of every private market within the municipality maintained immediately before the coming into force of this Ordinance, shall, within three months, apply for a licence to the Paurashava and until the licence is granted shall continue to maintain the same.

(3) A Paurashava may levy such fees in respect of private markets as the by-laws may provide.

(4) If a Paurashava is satisfied that in public interest any private market should be discontinued or taken over by the Paurashava, it may direct that the market should be discontinued, or that, subject to the payment of such compensation as would have been payable if it had been acquired under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982) the market should be taken over by the Paurashava.

(5) A Paurashava may, by a notice, require the owner of any private market to construct such works, provide such conveniences and make such arrangements for the maintenance of the market, and within such period, as may be specified in the notice.

86. A Paurashava shall provide and maintain at such site or sites within or without the limits of the municipality as the Prescribed Authority may approve one or more slaughter-houses for the slaughter of animals or of any specified description of animals. Slaughter-house.

CHAPTER IV ANIMALS

87. (1) A Paurashava may and if so required by the Government shall, provide for the establishment and maintenance of veterinary hospitals and dispensaries, and by by-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries. Animals husbandry.

(2) A Paurashava may by by-laws define contagious disease among animals and provide for measures that shall be adopted for prevention of the spread of such diseases, including the compulsory inoculation of animals, and the subjection to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers of any such diseases.

88. (1) A Paurashava may by by-laws provide for the seizure, detention and impounding of animals found straying in any street, public place or cultivated land. Stray animals.

(2) A Paurashava may, and if so required by the Prescribed Authority shall, establish and maintain cattle pounds for impounding of cattle and charge such fines and fees for the impounding of cattle as the by-laws may provide.

(3) No animal shall be picketed or tethered in such streets or places as may be specified by the Corporation, and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

89. (1) A Paurashava may, with the previous approval of the Prescribed Authority, establish and maintain Animal Homes, where, subject to such terms and conditions and on the payment of such fees and other charges, as Animal homes and farms.

the by-laws may provide, the animals of private persons may be kept.

(2) A Paurashava may, with the previous approval of the Prescribed Authority, establish and maintain cattle farms and poultry farms, and such farms shall be managed and administered in such manner as the by-laws may provide.

90. A Paurashava may by by-laws require that every sale of such of the animals as may be specified shall be registered with the Paurashava in such manner, and subject to the payment of such fees, as the by-laws may provide. Registration of the sale of cattle.

91. A Paurashava may, with the previous approval of the Prescribed Authority, frame and execute a livestock Scheme, which may, among other matters, provide that no person shall keep such animals above such age as may be specified, unless they are castrated or are certified by competent authority to be fit for breeding. Livestock improvement.

92. A Paurashava may by by-laws define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous, and such by-laws may among other matters, provide for the detention, destruction, or disposal otherwise of such animals. Dangerous animals.

93. (1) A Paurashava may hold cattle shows and fairs within the limits of the municipality and charge such fees from the people attending such shows or fairs as the by-laws may provide. Cattle shows, zoos, etc.

(2) A Paurashava may, with the previous approval of the Prescribed Authority, maintain or contribute towards the maintenance of zoological gardens.

94. Whenever an animal in the charge of a person dies, otherwise than by being slaughtered for sale or consumption, or for some other religious purpose, such person shall either- Disposal of carcasses.

(a) convey the carcass within twenty-four hours to a place, if any, fixed by the Corporation for the disposal of the dead bodies of animals, or to a place beyond the limits of the municipality, not being a place within one mile of such limits; or

(b) give notice of the death to the Paurashava, whereupon the Paurashava shall cause the carcass to be disposed of and charge such fees from the person concerned as the by-laws may provide.

Explanation.- In this section, "animal" shall be deemed to mean all horned cattle, elephant, camels, horse, ponies, asses, mules, deer, sheep, goats, swine, dogs, cats and other large animals".

CHAPTER V

TOWN PLANNING

95. A Paurashava may, and if so required by the Prescribed Authority shall, draw up a Master Plan for the municipality which shall, among other matters, provide for-

Master Plan.

- (a) a survey of the municipality including its history, statistics, public services and other prescribed particulars;
- (b) development, expansion and improvement of any area within the municipality; and
- (c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the municipality.

96. (1) Where Master Plan has been drawn up under section 95 and such Master Plan has been approved, with or without any modifications by the Prescribed Authority, no owner of lands exceeding such area as may be specified in this behalf in the Master plan as so approved, shall develop the site or erect or re-erect a building or any plot of land covered by the Master plan, except in conformity with the provisions of a Site Development Scheme sanctioned for the area in the prescribed manner.

Site
Development
Schemes.

(2) Among other matters, a Site Development Scheme may provide for-

- (a) the division of the site into plots;
- (b) the streets, drains and open spaces to be provided;
- (c) the land to be reserved for public purposes and to be transferred to the Paurashava;
- (d) the land to be acquired by the Paurashava;
- (e) the price of plots;
- (f) the works that shall be executed at the cost of the owner or owners of the site or sites; and
- (g) the period during which the area shall be developed.

97. (1) The execution of a Site Development Scheme shall be subject to the inspection and control of the Paurashava, and the Paurashava may give such directions with regard to the execution of the Scheme as may be necessary for the proper development of site.

Execution of Site
Development
Schemes.

(2) If any area is development or otherwise dealt with in contravention of the provisions of the sanctioned Site Development Scheme, the Paurashava may by notice require the owner of such area or the person who has contravened the provisions to make such alteration in the site as may be specified in the notice and where such alteration is not made or for any reason cannot be carried out, the Paurashava may, in the prescribed manner, require and enforce the demolition of the offending structure, and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

(3) If an area for which a Site Development Scheme has been sanctioned is not developed within the period provided in the Site Development Scheme, and further extension is not allowed by the Paurashava, or if the development is not in conformity with the terms of the Site Development Scheme, the Paurashava may, in the prescribed manner, take over the development of the site and execute the necessary works, and the cost incurred thereon by the Paurashava shall be deemed to be a tax levied on the owner or owners under this Ordinance.

CHAPTER VI BUILDING CONTROL

98. (1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved, and the building plan has been sanctioned by the Paurashava. Erection and re-erection of buildings.

(2) A person intending to erect or re-erect a building, shall apply for sanction in the manner provided in the by-laws, and shall pay such fees as may be levied by the Paurashava with the previous sanction of the Prescribed Authority.

(3) All building applications presented under this section shall be registered in the manner provided in the by-laws, and shall be disposed of as early as possible, but not later than sixty days from the date of the registration of the application, and if no order is passed on an application within sixty days of its registration, it shall be deemed to have been sanctioned to the extent to which it does not contravene the provisions of the building by-laws, or of the Master Plan or Site Development Scheme, if any-

(4) A Paurashava may, for reasons to be stated in writing, reject a site plan or a building plan, but any person aggrieved thereby may appeal to the Prescribed Authority within thirty days of the order of rejection, and the order passed by the Prescribed Authority in appeal shall be final.

(5) A Paurashava may sanction a site plan or a building plan subject to such modifications or terms as may be specified in the order of sanction.

(6) Nothing in this section shall apply to any work, addition or alteration which the Paurashava may, by-law, declare to be exempt.

99. (1) Every person who has erected or re-erected a building shall, within thirty days of the completion of the building, report such completion to the Paurashava. Completion of buildings, alterations of buildings, etc.

(2) The Paurashava shall cause every building which has been completed to be inspected, and if it has been constructed in violation or contravention of

any provision of this Ordinance, the rules or the by-laws or of the Master Plan of Site Development scheme, if any, the Paurashava may require the alterations of the building so as to be in compliance therewith, and where such alteration is not possible, the Paurashava may require the building or any part thereof to be demolished, or on the application of the owner such building compound the offence, provided that no offence shall be so compounded if it involves any violation or contravention of the provisions of a Master Plan or of a sanctioned Site Development Scheme.

(3) If a building is required to be demolished under the provisions of subsection (2), and such requirement is not complied with within the specified period, the Paurashava may have the building demolished through its own agency, and the cost incurred thereon by the Paurashava shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance.

100. (1) If any building, or anything fixed thereon, be deemed by the Paurashava to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passers-by, the Paurashava may by notice require the owner or occupier of such building to take such action in regard to the building as may be specified in the notice, and if there is default, the Paurashava may take the necessary steps itself and the cost incurred thereon by the Paurashava shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance.

Regulation of buildings.

(2) If a building is in a dangerous condition, or otherwise unfit for human habitation, the Paurashava may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the Paurashava.

CHAPTER VII STREETS

101. (1) A Paurashava shall provide and maintain such public streets and other means of public communication as may be necessary for the comfort and convenience of the inhabitants of the municipality and of the visitors thereto.

Public streets.

(2) A Paurashava shall, in the prescribed manner, prepare and execute a Road Maintenance and Development Programme, which shall form a part of the budget, and the Prescribed Authority may alter or amend the programme in such manner as it considers necessary.

102. (1) No new street shall be laid out except with the previous sanction of the Paurashava and in conformity with the terms and conditions of such sanction.

Streets.

(2) All streets other than public streets shall be maintained in such manner as the by-laws may provide.

(3) A Paurashava may by notice require that, any street may be payed, metalled, drained, channelled, improved or lighted in such manner as may be specified in the notice, and in the event of default, the Paurashava may have the necessary work done through its agency, and the cost incurred thereon by the Paurashava shall be deemed to be a tax levied on the person concerned under this Ordinance.

(4) The Government may prescribe the manner in which a street other than a public street may be converted into a public street.

103. (1) A Paurashava may, with the previous sanction of the Prescribed Authority, assign names to streets and paint the names or fix the name plates on or at conspicuous places at or near the end corner or entrance of the street. General provisions about streets.

(2) No person shall destroy, deface or in any way injure any street, name or name plate, or without the previous permission of the Paurashava, remove the same.

(3) A Paurashava may, in the manner provided in the by-laws, lay down street lines and building lines, and may, among other things, require the setting back of buildings to conform to such street lines and building lines.

(4) A Paurashava may by by-laws define nuisances and offences with regard to streets, and provide for their prevention and abatement.

104. (1) A Paurashava shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in the Paurashava by oil, gas, electricity or such other illuminant as the Paurashava may determine. Street-lighting.

(2) A Paurashava may, with the previous sanction of the Prescribed Authority frame and enforce a Street Lighting Scheme in the Prescribed manner.

105. A Paurashava shall take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff and other apparatus as may be necessary. Street watering.

106. A Paurashava shall, by by-laws make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to, and ensure the safety, convenience and comfort of, the public. Traffic control.

107. (1) No person shall keep or let for hire, or drive or propel within the limits of a municipality and public vehicle, other than a motor vehicle, except under a licence granted by the Paurashava, and in conformity with the conditions of such licence. Public vehicles.

(2) No horse or other animal shall be used for drawing a public vehicle within the limits of a municipality except under a licence granted by the Paurashava and in conformity with the conditions of such licence.

(3) A Paurashava shall, in such manner as by-laws may provide, and with the previous approval of the Prescribed Authority, fix the rate of fares for the use of public vehicles, and no person playing a public vehicle shall charge a fare in excess thereof.

Explanation.- In this section, a "public vehicle" means any vehicle which ordinarily plies for hire.

CHAPTER VIII PUBLIC SAFETY

108. (1) For the prevention and extinction of fire, the Paurashava may, and if so required by the Prescribed Authority shall, maintain a fire brigade, consisting of such staff and such number of fire stations, and such implements, machinery, equipment and means of communicating intelligence as may be prescribed. Fire fighting.

(2) On the occurrence of a fire within the municipality, any Magistrate, any official of a fire brigade directing the operations, and any police officer not below the rank of Sub-Inspector may-

- (a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or for saving life and property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire, break into or through, or pull down or cause to be broken into or pulled down, or use for the passage of hoses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the person in-charge of any fire engine to render such assistance as may be possible; and
- (f) generally take such measures as may appear necessary for the preservation of life and property.

(3) No person shall be liable to pay damages in respect of anything done or in good faith intended to be done under this section.

(4) Notwithstanding the provisions of sub-section (3) or of any other law, or the terms of any insurance policy, any damage done in the exercise of a power conferred, or in the discharge of a duty imposed, by this section shall be deemed to be a damage by fire, for the purposes of any policy of insurance against fire.

109. A Paurashava shall be responsible for the Civil Defence of the municipality and it shall, in this behalf, perform such functions as may be prescribed. Civil Defence.

110. For the fighting of floods, rescuing of people from flood-affected areas, and affording relief to flood-stricken people, the Paurashava may, if so required by the Prescribed Authority shall provide such boats, appliances and equipment as may be specified by the Prescribed Authority. Floods.

111. In the event of a famine, the Paurashava may, with the sanction of the Prescribed Authority, execute such famine works and undertake such famine relief measures as may be necessary or may be specified by the Prescribed Authority. Famine.

112. (1) The Government by rules define the articles and trades which shall be deemed to be dangerous or offensive for the purpose of this section. Dangerous and offensive articles and trades.

(2) Except under and in conformity with the conditions of a licence granted by the Paurashava -

- (a) no person shall carry on any dangerous or offensive trades;
- (b) no premises shall be used or suffered to be used or any dangerous or offensive trade; and
- (c) no person shall store or keep in any premises-
 - (i) any dangerous or offensive article except for domestic use; or
 - (ii) any dangerous or offensive article in excess of such limits as may be fixed by the by-laws.

(3) A Paurashava may, with the previous sanction of the Prescribed Authority, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trade in specific areas within the municipality, and for the restriction of such trade in any area not so specified.

113. (1) A Paurashava may, and if so required by the Prescribed Authority shall, provide suitable place for the burial and burning of the dead, and shall take necessary measures for the proper maintenance and administration of such burial and burning place. Burial and burning places.

(2) The Government may, by notification in the official Gazette, declare that any burial or burning place which is open to public for burial or burning shall vest in a Paurashava and thereupon such burial or burning place shall vest in the Paurashava, and the Paurashava shall take all measures necessary for the proper maintenance and administration thereof.

(3) Every burial or burning place which is not administered by a Paurashava shall be registered with the Paurashava and shall be subject to regulation, supervision and inspection by the Paurashava in such manner as the by-laws may provide.

(4) No new burial or burning place shall be established within a municipality, except under a licence granted by the Paurashava, and in conformity with the conditions of such licence.

CHAPTER IX

TREES, PARKS, GARDENS AND FORESTS

114. (1) A Paurashava shall plant trees on public streets and other public places within the municipality and take all such steps as may be necessary for the plantation and protection of trees on such streets and place. Arboriculture.

(2) A Paurashava may, in the prescribed manner and with the previous sanction of the Prescribed Authority, frame and enforce an Arboriculture Plan.

115. (1) A Paurashava may, and if so required by the Prescribed Authority shall, lay out and maintain within the municipality such public gardens as may be necessary for the recreation and convenience of the public and such public gardens shall be maintained and administered in such manner as the by-laws may provide. Gardens.

(2) For every public garden, there shall be framed and enforced, in the prescribed manner, a Garden Development Plan which shall provide for the development and improvement of the garden.

116. A Paurashava may provide and maintain within the municipality such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with such amenities and in such manner as the by-laws may provide. Open spaces.

117. A Paurashava may, in the prescribed manner frame and enforce Forest plans providing for the improvement development and exploitation of forests and plant, maintain and work forests in accordance with such plans. Forests.

118. (1) A Paurashava may, by by-laws, determine the pests of trees and plants and provide for their destruction. Nuisances pertaining to trees and plantations.

(2) If any land or premises within a municipality is grown with rank or noxious vegetation or undergrowth, the Paurashava may, by notice, require the owner or occupier of such land or premises to clear such vegetation or undergrowth within a specified time, and if he fails to do so within such time, the Paurashava may have such vegetation or undergrowth cleared, and the cost incurred thereon by the Paurashava shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

(3) A Paurashava may, in the manner provided in the by-laws, require the felling of any tree which is dangerous, or the trimming of the branches of any tree which overhang and are likely to interfere with traffic or are otherwise inconvenient.

(4) A Paurashava may, the manner provided in the by-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of the municipality as may be specified.

119. A Paurashava may, and if so required by the Prescribed Authority shall, take such steps with regard to the excavation and re-excavation of tanks and the reclamation of low-lying areas as it thinks fit, or, as the case may be, the Prescribed Authority directs. Tanks and low-lying areas.

CHAPTER X EDUCATION AND CULTURE

120. (1) A Paurashava shall maintain such educational institutions as may be required by the Prescribed Authority, and may, with the previous approval of the Prescribed Authority, maintain such other educational institutions as may be necessary for the promotion of education in the municipality. Education.

(2) All educational institutions maintained by the Paurashava shall be maintained in a state of efficiency and shall conform to such standards as may be prescribed.

(3) A Paurashava may levy such fees for the use of educational institutions as may be prescribed.

(4) A Paurashava may, with the previous approval of the Prescribed Authority, give financial aid to private educational institutions within the municipality.

121. Subject to any law for the time being in force, a Paurashava shall be responsible for the enforcement of compulsory education in the municipality, and it may, in this behalf, adopt all such measures as may be necessary to ensure that every child of school-going age in the municipality attends a school recognised by the Paurashava. Compulsory education.

122. A Paurashava may -

- (a) construct and maintain buildings to be used as hostels for students;
- (b) give scholarships to deserving or specially bright students;
- (c) provide for the training of teachers;
- (d) promote adult education;
- (e) provide school books to orphans and indigent students free of cost or at concessional rates;
- (f) maintain depots for the sale of school books and articles of stationery; and
- (g) with the previous approval of the Prescribed Authority -
 - (i) promote and assist educational societies;

General provisions about educations.

- (ii) undertake educational survey and enforce educational plans;
- (iii) provide, whether free of charge or on-payment, milk or meals for school children;
- (h) adopt any other measures likely to promote the cause of education.

123. A Paurashava may, and if so required by the Prescribed Authority shall, - Culture.

- (a) establish and maintain information centres for the furtherance of civic education and the dissemination of information on such matters as community development, and other matters of public interest ;
- (b) maintain radio sets at public institutions and public places;
- (c) organise museums, exhibitions and art galleries;
- (d) provide and maintain public halls and community centres;
- (e) celebrate the Holy Prophet's Birthday, Independence day and other national holidays;
- (f) provide for the reception of distinguished visitors visiting the municipality;
- (g) encourage national language;
- (h) promote physical culture, and encourage public games and sports and organise relays and tournaments;
- (i) promote tours to the municipality and adopt measures for the preservation of the historical and indigenous characteristics of the municipality;
- (j) provide, promote or subsidize facilities for the recreation of the public; and
- (k) adopt any other measures likely to promote cultural progress and advancement.

124. A Paurashava may, and if so required by the Prescribed Authority shall, establish and maintain such public libraries, reading rooms and circulating libraries as may be necessary for the use of the public. Libraries.

125. A Paurashava shall, with the previous approval of the Prescribed Authority, make such arrangements on the occasion of any fairs, shows or public festivals within the municipality as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs and shows. Fairs, shows etc.

CHAPTER XI SOCIAL WELFARE

126. A Paurashava may, and if so required by the Prescribed Authority shall, -- Social welfare
- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed;
 - (b) provide for the burial and burning of paupers found dead within the municipality at its own expense;
 - (c) adopt such measures as may be prescribed for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils;
 - (d) organise social service volunteers;
 - (e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in the Armed Forces, and women and children ; and
 - (f) adopt any other measures likely to promote social welfare.

CHAPTER XII DEVELOPMENT

127. A Paurashava may, and if so required by the Government shall, prepare and implement development plans for such periods and in such manner as may be specified. Development plan.
- (2) Such plans shall be subject to the sanction of the Prescribed Authority and shall provide for -
- (a) the prevention of environmental pollution;
 - (b) the promotion, improvement and development of such function or functions of the Paurashava as may be specified.
 - (c) the manner in which the plan shall be financed, executed, implemented and supervised;
 - (d) the agency through which the plan shall be executed and implemented; and
 - (e) such other matters as may be necessary.
- (3) The Government may direct that any specified item of income of a Paurashava shall wholly or in part be earmarked and applied in the implementation of a development plan.
128. A Paurashava may, in the prescribed manner, sponsor or promote community development projects for the municipality or any part thereof and may in this behalf, perform such functions as may, be prescribed. Community Development Project.
129. A Paurashava may, in the prescribed manner, and with the previous sanction of the Government, promote, administer, execute and implement schemes for undertaking any commercial or business enterprise. Commercial Schemes.

**PART V
GENERAL
CHAPTER 1**

ADMINISTRATION OF PAURASHAVAS

130. The Government shall exercise general supervision and control over the Paurahsavas in order to ensure that their activities conform to the purposes of this Ordinance. Supervision over Paurashavas.
131. (1) If, in the opinion of the Prescribed Authority, anything done or intended to be done by or on behalf of a paurashava is not in conformity with law, or is in any way against public interest, the Prescribed Authority may, by order :- Control over activities of Paurashavas.
- (a) quash the proceedings;
 - (b) suspend the execution of any resolution passed or order made by the Paurashava;
 - (c) prohibit the doing of anything proposed to be done; and
 - (d) require the Paurashava to take such action as may be specified.
- (2) Where an order under sub-section (1) is made by a Prescribed Authority, the Paurashava concerned may, within thirty days of the receipt of the order, represent against it to the Government and the Government may either confirm or modify or set aside the order.
132. (1) The Prescribed Authority may direct any Paurahsava, or any person or authority responsible thereto to take, within such period as may be specified, such action as may be necessary for carrying out the purposes of this Ordinance. Power of Prescribed Authority to give direction to Paurashavas.
- (2) Where, after due enquiry, Prescribed Authority is satisfied that a Paurashava or person or authority has failed to comply with any direction given under sub-section (1), the Prescribed Authority may appoint a person or persons to give effect to such direction, and may further direct that the expenses incurred in connection therewith shall be borne by the Paurashava.
- (3) Should the expenses be not so paid, the Prescribed Authority may make an order directing the person having the custody of the balance of the Paurashava Fund to pay the expense, or so much thereof as may from time to time be possible.
133. (1) The Government may, either suo motu or on an application made to it by any person, cause an enquiry to be made by such officer as may be authorized by it in this behalf, into the affairs of a Paurashava generally, or into any particular matter concerning Paurashava and take such remedial measures as may be warranted by the findings of such enquiry. Inquiry into the affairs of Paurashavas.
- (2) Such officer shall, for the purposes of the enquiry, have the powers of a court under the Code of Civil Procedure, 1908 (Act V of 1908), to take evidence and to compel the attendance of witnesses and the production of documents.

(3) The Government may make an order as respects the costs of the enquiry and the parties by whom it shall be paid.

(4) Any amount payable under sub-section (3) by any person, not being a Paurashava, shall be recoverable as a public demand.

134. (1) The Government may set up institutions for the training of the commissioners and staff of Paurashavas, for the promotion of research in local government in urban areas and allied subject, and may, by rules, provide-

Training
Institutions.

- (a) for the administration of such institutions;
- (b) for the compulsory training of commissioners and staff;
- (c) for the courses to be studied; and
- (d) for the holding of examinations and the award of diplomas and certificates to successful candidates.

(2) Every Paurashava shall pay towards the cost of the institutions set up under sub-section (1) in such proportion as the Government may, from time to time determine.

135. (1) If, after such inquiry as may be necessary, the Government is of the opinion that a Paurashava -

Supersession of
Paurashavas.

- (a) is unable to discharge, or persistently fails in discharging, its duties, or
- (b) is unable to administer its affairs or meet its financial obligations, or
- (c) generally acts in a manner contrary to public interest, or
- (d) otherwise exceeds or abuses its powers.

¹[(e) has failed, without any reasonable excuse, to collect less than seventy five per cent of the total amount of the taxes, rates, tolls, fees and other charges levied by it in a year.].

the Government may, by notification in the official Gazette, declare the Paurashava to be superseded for such period, not exceeding the residue of the term of such Paurashava, as may be specified.

(2) On the publication of a notification under sub-section (1),-

- (a) the person holding office as Chairman and commissioners of the Paurashava shall cease to hold office;
- (b) all function of the Paurashava shall, during the period of supersession, be performed by such person or authority as the Government may appoint in this behalf; and
- (c) all funds and property belonging to the Paurashava shall, during the period of supersession, vest in the Government.

(3) On the expiry of the period of supersession, the Paurashava shall be reconstituted in accordance with the provisions of this Ordinance and the rules.

136. (1) Where proceedings have been initiated for the removal of Chairman of a Paurashava under section 13 or where criminal proceedings under any law have been started against him and in the opinion of the Prescribed Authority, the

Suspension of
Chairman the
certain

¹ The word "or" was added by Act LII of 1992. s. 18. for "." at the end of clause (d) and thereafter clause (e) was inserted. s. 18.

exercise of powers by him is either likely to be pre-judicial to the interest of the Paurashava or undesirable from the administrative point of view, the Prescribed Authority may, with the previous approval of the Government, by order in writing, suspend the Chairman. circumstances.

¹[(2) When an order of suspension has been made under sub-section (1), the Chairman shall, not later than three days, from the date of communication of the order, make over charge of his office to the Commissioner on the panel of Chairman who is entitled to perform the functions of the office of Chairman during his absence and such commissioner shall continue to perform such functions until the proceedings against the Chairman are terminated or, in the event of removal of the Chairman, until a new Chairman is elected for the Paurashava.].

(3) No court shall enquire into, or question the validity of, any order made under sub-section (1).

CHAPTER II MATTERS CONCERNING PAURASHAVAS AND OTHER LOCAL AUTHORITIES

137. Any Paurashava may join any other Paurashava or Paurashavas, or any local parishad or parishads, or any other local authority or authorities, in appointing a Joint Committee for any purpose in which such Paurashavas, parishads or authorities may be jointly interested, and may delegate to such Joint Committee any power which may be exercised by it, including during the power to make regulations for the conduct of business. Joint Committees.

138. If any dispute arises between or more Paurashavas or between a Paurashava and a local parishad, the matter shall be referred - Disputes between Paurashavas and local parishads.

(a) to the Divisional Commissioner, if the parties concerned are within the same division, and

(b) to the Government, if the parties concerned are in different division, or if one of the parties is a Cantonment Board,

and the decision of the Divisional Commissioner or the Government, as the case may be, shall final.

¹ Substituted by Act LII of 1992. s. 19. for sub-section (2).

CHAPTER III OFFENCES AND PENALTIES

139. Every act or omission specified in the Second Schedule shall be an offence under this Ordinance. Offences.
140. An offence under this Ordinance shall be punished with fine which may extend to five hundred Taka, and if the offence is a continuing one, with a further fine which may extend to twenty Taka for every day after the date of the first commission during which period the offender has persisted in the offence. Punishment.
141. The Chairman or any person generally or specially authorised by the Prescribed Authority in this behalf, may compound any offence under this Ordinance. Compounding of offences.
142. No court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Chairman, or a person generally or specially authorised by the Paurashava in this behalf. Cognizance of offences.

CHAPTER IV MECELLANEOUS

143. (1) No person shall make an encroachment, movable or immovable, on, over or under a street, drain or a public place.. Encroachments.
- (2) Subject to by-laws, a Paurashava may, notice, require the person responsible for any such encroachment to remove the same within such period as may be specified, and if the encroachment is not removed within such period, the Paurashava may cause the encroachment to be removed through its own agency, and the cost incurred thereon by the Paurashava shall be deemed to be tax levied on the person responsible for the encroachment under this Ordinance.
- (3) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed or required to be removed under this section.
144. (1) Any person aggrieved by an order passed by a Paurashava or its Chairman in pursuance of this Ordinance or the rules or by-laws may appeal to such authority, in such manner and within such period as may be prescribed. Appeals.
- (2) Any order passed in appeal shall be final and shall not be called in question in any court.
145. The Government may by Standing Orders issued from time to time - Standing orders.
- (a) define and regulate the relations of Paurashavas inter se, and with local Parishads and other local authorities;
- (b) Provide for co-ordinating the activities of Paurashavas and Government departments;

- (c) Provide for giving financial assistance to Paurashavas, including the making of grants for specified purposes, on specified terms and conditions;
- (d) provide for the making of financial contributions by one Paurashava to another Paurashava or to any other local authority; and
- (e) provide for the general guidance of Paurashavas in carrying out the purpose of this Ordinance.

146. (1) The Government may make rules to carry out the purposes of this Ordinance. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters enumerated in the Third Schedule, and all matters incidental, consequential and supplemental thereto.

147. (1) A Paurashava may, and if so required by the Government shall, make by-laws, not inconsistent with the rules, to carry out the purposes of this Ordinance. By-laws.

(2) In particular and without prejudice to the generality of the foregoing power, such by-laws may provide for all or any of the matters enumerated in the Fourth Schedule, and all matters incidental, consequential and supplemental thereto.

148. A Paurashava may make Regulations to regulate the procedure in respect of all or any of the matters enumerated in the Fifth Schedule, and all matters incidental, consequential and supplemental thereto. Regulations.

149. (1) All by-laws shall be made subject to the condition of previous publication. General provisions relating to rules, etc.

(2) All by-laws and regulations made by a Paurashava shall be subject to the approval of the Prescribed Authority.

(3) The Government may frame model by-laws and regulations, and in framing the by-laws and regulations the Paurashavas shall be guided by such model by-laws and regulations.

(4) All rules, by-laws and regulations shall be notified in the official Gazette.

(5) Copies of rules and of by-laws and regulations pertaining to a Paurashava shall be kept available at the office of the Paurashava for inspection and sale.

(6) All rules and by-laws when duly made shall be deemed to form part of this Ordinance and shall have effect accordingly.

150. (1) The Government may, by notification in the official Gazette, delegate all of any of its powers under this Ordinance or the rules to a Divisional Commissioner or any other officer subordinate to it. Delegations of powers.

(2) A Divisional Commissioner may, with the previous sanction of the Government, delegate all or any of his powers under this Ordinance or the

rules, not being powers delegated to him under sub-section (1), to any officer subordinate to him.

151. (1) Wherever it is provided in this Ordinance, or the rules or by-laws, that the permission or sanction of a Paurashava shall be necessary to the doing of any act, such permission or sanction shall be in writing. Licences and sanctins.

(2) Every licence, sanction or permission granted by or under the authority of a Paurashava shall be signed by the Chairman, or with the permission of the Chairman, by such official of the Paurashava as may be authorised in this behalf by rules or regulations.

152. No suit shall be instituted against a Paurashava, or against any commissioner, officer or employee of a Paurashava in respect of any act done or purporting to be done in official capacity, until the expiration of one month next after notice in writing has been, in the case of a Paurashava, delivered or left at its office, and in the case of a commissioner, officer or employee, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been so delivered or left. Institution of suits against Paurashavas, etc.

153. * (1) Where anything is required to be done or not to be done by any person under this Ordinance or the rules or by-laws, a notice shall be served on the person concerned specifying the time within which the requirement shall be complied with. Notice and service thereof.

154. All records prepared or registers maintained under this Ordinance shall be deemed to be public documents within the meaning of the Evidence Act, 1872 (1 of 1872), and shall be presumed to be genuine until the contrary is proved. Records to be public documents.

155. Every Chairman, commissioner, officer and employee of a Paurashava, and every other person duly empowered to act on behalf of a Paurashava, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860). Commissioners etc., to be public servants.

156. No suit, prosecution or other legal proceedings shall lie against the Government or any Paurashava or against any person authorised by either, for anything which is in good faith done or intended to be done under this Ordinance or the rules, by-laws or regulations or for any damage caused or likely to be caused by any such thing. Protection of action taken in good faith, etc.

CHAPTER V
TRANSITIONAL AND TEMPORARY PROVISIONS

157. (1) For the purpose of first general elections to Paurashavas under this Ordinance, unless the government otherwise Municipalities and wards for first elections.

* Sic.

- (a) all this municipalities in existence immediately before the commencement of this Ordinance shall be deemed to be municipalities declared under sanction 4 ; and
- (b) all the constituencies within the said municipalities, except the municipalities of Dhaka, Gulshan, Mirpur, Lakshampur and Kalia, shall be deemed to be wards thereof delimited under Chapter II of Part II.

(2) For the first general election to Paurashavas of the municipalities of Dhaka, Gulshan, Mirpur, Lakshampur and Kalia, the wards shall be delimited by the government in such manner as it deems fit.

158. (1) On the coming into force of this Ordinance, the Municipal Administration Ordinance, 1960 (X of 1960), the Bangladesh Local Councils and Municipal Committees (Dissolution and Administration) Order, 1972 (P.O. No. 7 of 1972), and the Bangladesh Local Government (Union Parishad and Paurashava) Order, 1973 (P.O. No. 22 of 1973), and the Dhaka Municipal Corporation Act, 1974 (LVI of 1974,) hereinafter referred to as the said laws, shall stand repealed.

Repeals and savings.

- (2) Upon the repeal of the said laws, -
 - (a) notwithstanding anything contained in this Ordinance, until the Paurashavas are constituted under this Ordinance, -
 - (i) the Paurashavas functioning immediately before such repeal shall discharge the functions of, and be deemed to be, the Paurashavas constituted under this Ordinance;
 - (ii) the person holding office as Administrator of any Paurashava before such repeal shall continue to hold such office;
 - (b) all rules, regulations, by-laws or orders made, notifications or notices issued, or licences or permissions granted under the said laws, and in force immediately before such repeal, shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue force and be deemed to have been respectively made, issued or granted under the provisions of this Ordinance until they are repealed or amended under the said provisions;
 - (c) all assets, rights, powers, authorities and privileges, and all property, movable and immovable, cash and bank balances, funds, investments and all other rights and interests in, or arising out of, such property of the Paurashavas, subsisting immediately before such repeal shall stand transferred to and vest in the successor Paurashavas;
 - (d) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Paurashava before such repeal shall be deemed to have been incurred, entered into or engaged to be done by, with or for the successor Paurashavas;
 - (e) all budget estimates, assessments, valuation, scheme or plans made by

the Paurashavas before such repeal shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been made under the provisions of this Ordinance by the successor Paurashavas until they are amended or superseded under the said provisions;

- (f) all taxes, rates, tolls, fees and sums of money due to the Paurashavas before such repeal shall be deemed to be due to the successor Paurashavas under this Ordinance.
- (g) all taxes, rates, tolls, fees and other charges levied by the Paurashavas before such repeal shall, until they are varied by the successor Paurashavas, continue to be levied at the same rate at which they were levied by them immediately before such repeal;
- (h) all officers and employees of the Paurashavas shall stand transferred to and become officers or employees of the successor Paurashavas and shall hold office or service in the Paurashavas on the same terms and conditions as were enjoyed by them immediately before such repeal and shall continue to do so until such terms and conditions are duly altered;
- (i) all suits, prosecutions and other legal proceedings instituted by or against the Paurashavas before such repeal shall be deemed to be suits, prosecutions and proceedings by or against the successor Paurashavas and shall be proceeded or otherwise dealt with accordingly.

(3) For the purpose of sub-sections (2), a Paurashava shall be deemed to be the successor of the Paurashava of the Municipalities for which the Paurashava is, or is deemed to be constituted.

159. Where this Ordinance makes any provision for anything to be done but no provision, or no sufficient provision, has been made as respects the authority by whom, or the manner in which, it shall be done, then it shall be done by such authority and in such manner as may be prescribed.

Certain matters to be prescribed.

160. If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty;

Removal of difficulties.

Provided that no such order shall be made after the expiration of two years from the coming into force of this Ordinance.

**THE FIRST SCHEDULE
TRAXES, RATES, TOLLS AND FEES WHICH MAY BE LEVIED BY
A PAURASHAVA**

(See section 54)

1. Taxes on the annual value of buildings and lands.
2. Tax on the transfer of immovable property.
3. Tax on applications for the erection and re-erection off buildings.
4. Tax on the import of goods for consumption, use or sale in a municipality.
5. Tax on the export of goods from municipality.
6. Taxes of the nature of tools.
7. Tax on professions, trades and callings.
8. Tax on births, marriages, adoptions and feasts.
9. Tax on advertisements.
10. Tax on animals.
11. Tax on cinemas, dramatic and theatrical shows and other entertainments and amusements.
12. Tax on vehicles, other than motor vehicles and boats.
13. Lighting rate and fire rate.
14. Conservancy rate.
15. Rate for the execution of any works of public utility.
16. Rate for the provision of water works or the supply of water.
17. Cess on any of the taxes levied by Government.
18. School fees.
19. Fees for the use of benefits derived from any works of public utility maintained by a Paurashava.
20. Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other pubic gatherings.
21. Fees for markets.
22. Fees for licences, sanctions, and permits granted by a Paurashava.
23. Fees for specific services rendered by a Paurashava.
24. Fees for the slaughtering of animals.
25. Any other fee permitted under any of the provisions of this Ordinance.
26. Any other tax which the Government is empowered to levy by law.

THE SECOND SHCEDULE

OFFENCES UNDER THIS ORDINANCE

(See section 140)

1. Evasion of the payment of a tax or other impost lawfully levied by a Paurashava.
2. Failure to furnish on requisition in respect of any matter which a Paurashava is authorised to call for under any of the provisions of this Ordinance, or the rules or by-laws, or furnishing wrong information.
3. Doing an act without licence or permission when the doing of such act requires a licence or permission under any of the provisions of this Ordinance, or the rules, or by-laws.
4. Erection or re-erection of a building without the sanction required under this Ordinance.
5. Development of a site without the sanction required under this Ordinance.
6. Laying out, making or commencing to lay out or make a street without the sanction of the Paurashava.
7. Making an encroachment on any public road, public street or public place without the sanction of the Paurashava.
8. Picketing, parking animals or collecting carts or vehicles on any street or using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the Paurashava.
9. Causing or permitting animals to stay.
10. Without the permission of the Paurashava, causing or negligently allowing the contents of any skink, sewer, drain, or cess-pool or any other offensive matter to flow, or drain to be put upon any street or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose.
11. Laying out a drain or altering any drain in a street without the sanction of the Paurashava.
12. Connecting any house drain with a drain in a public street without the permission of the Paurashava.
13. Throwing or placing any refuse on any street, or in any place not provided or appointed for the purpose by the Paurashava.
14. Carrying on any dangerous or offensive trade, or storing any offensive or dangerous article, without the sanction of the Paurashava.
15. Doing any act by which water for drinking is rendered unfit for such use.

16. Using water or drinking from any source which is suspected to be dangerous to public health, and the use where-of has been prohibited by the Paurashava.
17. Watering cattle or animals or bathing or washing at or near a well or other source of drinking water for the public.
18. Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance of the residential area as may be specified by the Paurashava.
19. Dying or tanning skins within such distance of the residential area as may be specified by the Paurashava.
20. Wilfully or negligently injuring or suffering to be injured, well, reservoirs, mains, pipes or other appliances, for supply of water under the management or control of the Paurashava.
21. Drawing off, diverting or taking any water, except with the permission of the Paurashava from any main or pipe.
22. Tampering with any main pipe, meter, or any apparatus or appliance for the supply of water.
23. Excavation of earth, stone or any other material within such distance of the residential area as may be specified by the Paurashava.
24. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be specified by the Paurashava.
25. Disposing of carcasses of animals without the sanction of the Paurashava.
26. Failure to provide, close, remove, later, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cess-pool or other receptacle for fifth, sullage, water, or refuse when so required by the Paurashava.
27. Failure by the owner or occupier of any land to clear away and remove any thick vegetation or under-growth which has been declared by the Paurashava to be injurious to health or offensive to the neighbourhood.
28. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering on any street, or any branches of trees growing thereon which overhang any street or obstruct the same or cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof, or have been declared under this Ordinance to be in any way offensive or injurious to health.

29. Cultivation of such crops, use of such manure or irrigation of any land in such manner as is declared by the Paurashava to be injurious to public health or offensive to the neighbourhood.
30. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up, or drain of any private well, tank or other source of water supply, which is declared by the Paurashava to be injurious to health or offensive to the neighbourhood.
31. Failure by the owner or occupier of any building or land to put up and keep in good condition proper troughs and pipes for receiving or carrying water or sullage from the building or land when so required by the Paurashava.
32. Failure by a medical practitioner who during the course of scuh practice becomes cognizant of the existence of any infectious disease, to make a report about such infectious disease to he Paurashava.
33. Failure by any person cognizant of the existence of any infectious disease in any building to communicate the information to the Paurashava.
34. Failure by the owner to disinfect an infected building or the letting of an infected building without disinfection.
35. Sale of articles of food or drink by a person suffering from any infectious disease.
36. Failure by the owner or driver of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.
37. Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substances, fifth or refuse of any kind.
38. Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.
39. Selling to the prejudice of any purchaser any article of food or drink which is not of the nature, substance or quality demanded by such purchaser.
40. Burying or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the Paurashava.
41. Removal of a dead body by a route other than the routes specified by the Paurashava.
42. Defacing or disturbing any municipal direction-post, lamp-post or lamp, or extinguishing any municipal light, except under due authority.
43. Fixing any bill, notice, placard, or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by the Paurashava.
44. Exhibiting any obscene advertisement.

45. Stacking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared by the Paurashava to be dangerous.
46. Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after sunset to half an hour before sunrise.
47. Failure while driving, leading or propelling a vehicle, without reasonable excuse, to keep to the left or when passing a vehicle going in the same direction, to keep to the right of that vehicle, or to follow other specified rules of the road.
48. Playing of music or radio, beating a drum or tomtom, blowing a horn or trumpet or beating or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued by the Paurashava.
49. Discharging firearms or letting of fireworks, crackers, fire balloons or detonators, or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood, or risk of injury to property.
50. Quarrying, blasting, cutting timber, or carrying on building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.
51. Letting loose or setting on ferocious dogs or other dangerous animals.
52. Failure to demolish or otherwise secure a building declared by the Paurashava to be dangerous building.
53. Using or allowing the use for human habitation of a building declared by the Paurashava to be unfit for human habitation.
54. Failure to lime-wash or repair a building if so required by a Paurashava.
55. Failure by the owner or occupier of a building to make adequate arrangements for house scavenging when so required by the Paurashava.
56. Wilfully obstructing any officer or employee of, or any person authorised by, the Paurashava in the exercise of powers conferred by or under this Ordinance.
57. Begging importunately for alms, or exposing or exhibiting with the object of exciting charity any deformity or disease or any offensive sore or wound.
58. Keeping a brothel or practising prostitution in such areas may be declared by the Paurashava to be the prohibited area.
59. Being a commissioner or an employee of a Paurashava knowingly to acquire directly or indirectly by self or a partner any share or interest in any contract with, by or on behalf of the Paurashava.

60. Being an officer or employee declared by the Paurashava to be an essential officer or employee to be absent from duty, or to neglect or refuse to perform any of the duties or perform them wilfully in an inefficient manner.
61. Doing of any other act which is prescribed as an offence under this Ordinance.
62. Contravening any of the provisions of this Ordinance, the rules, or by-law or of any order, direction, notice, or declaration made or issued thereunder.
63. Attempts an abetments of any of the offences aforesaid.

THE THIRD SCHEDULE
MATTERS RESPECTING WHICH RULES MAY BE MADE

(sec section 146)

1. Manner in which any urban area may be declared a municipality.
2. Manner in which the limits of any municipality may be altered by including any area in the municipality or excluding any area there from and the consequences of such alterations.
3. Election of Chairman and ^{1*} Commissioners and all matters relating thereto.
4. Privileges, duties and responsibilities of Chairman and Commissioners; ^{2*}[honorarium of Chairmen and Commissioners].
5. Manner in which special meetings for removal of Chairmen and Commissioners may be called.
6. Manner in which, and authorities by whom, business of Paurashavas may be disposed of.
7. Manner in which contracts, shall be made, registered and enforced; contracts which shall be subject to the sanction of the Government; principles which shall guide Paurashavas in the making of contracts.
8. Manner in which works shall be executed; schedule of rates for work; annual works programme and sanction and enforcement thereof; inspection of works and powers or inspecting officers.
9. Registration of contractors; fees to be charged for such registration; security deposit to be made by contractors and conditions for forfeiture of such deposit.

¹ The word "elected" was omitted by Act LII of 1992. s. 20.

² Substituted by Ordinance No. II of 1979. for "honorarium of Chairmen"

10. Records that shall be maintained; reports and returns that shall be prepared and manner in which they shall be published; custody, maintenance and destruction of unnecessary records.
11. Terms and condition of service of Chief Executive Officer, executive powers which shall vest in him; manner in which he shall exercise his powers.
12. Constitution and regulation of the Paurashava Service.
13. Regulation of the custody, investment, operation and application of Paurashava Fund; establishment and maintenance of sinking funds and other special funds.
14. Form and manner in which budget shall be prepared; manner in which budget shall be presented to, and considered and sanctioned by, the Paurashava manner in which budget session of the Paurashava may be convened and held; manner in which budget may be revised.
15. Form and manner in which accounts shall be kept, maintained and audited, preparation, examination, certification and publication of monthly and annual accounts.
16. Manner in which the liability of any person for any loss, waste or misapplication of the funds and property of the Paurashava may be determined.
17. Registration, verification and stocktaking of property and maintenance of maps and plans thereof.
18. Manner in which taxes, rates, cesses, tolls, fees and other charges may be imposed, levied, assessed, collected, leased, compounded, administered and regulated; obligations of tax-payers.
19. Prevention of the evasion of octroi; checking of goods liable to payment of octroi; organisation of octroi raids; measures for effective administration of octroi;.
20. Issuing of bills and notices for the recovery of taxes and other dues; manner of service of such bills and notices; manner of recovery of any tax and other dues by distress and sale; manner in which irrecoverable dues may be written off.
21. Manner in which appeals may be made and disposed of, and orders passed on appeal may be informed.
22. Manner in which paurashavas shall be inspected, and powers of inspecting officers.
23. Any other matter required under any of the provisions of this Ordinance to be prescribed or determined by rules.

**THE FOURTH SCHEDULE
MATTERS RESPECTING WHICH BY-LAWS MAY BE MADE**

(See section 147)

1. Manner in which licences, sanctions and permits may be granted, registered and inspected; form of and fees for licences, sanctions and permits.
2. Holding and celebration of public and private fairs and festivals; licensing of shops and places of entertainment at the site of such fairs and festivals; licensing of private fairs; inspection of fairs and festivals.
3. Promotion of facilities for public recreation, entertainment and other cultural activities; licensing of places and premises for public recreation and entertainment under private management; regulation of conduct of people in places of public recreation and entertainment.
4. Inspection of lands and buildings for purposes of sanitation; disposal of refuse by owners of premises; construction, maintenance and inspection of public and private latrines and urinals; duties and responsibilities of the public with regard to sanitation; licensing of private sweepers.
5. Removal, disinfect-ion and destruction of personal effects, goods and other property exposed to infection; disinfect-ion of buildings and conveyances; duties and obligations of the public with regard to the prevention of the spread of any infectious disease.
6. Maintenance and licensing of public and private burial and burning grounds; preservation of graves, monuments, tomb-stones and other works in such grounds; provision for burial and burning of the poor and the indigent; fees for burial and burning.
7. Regulation of offensive trades; storing and keeping of dangerous and offensive articles.
8. Regulation, control and removal of encroachments.
9. Licensing of public vehicles, drivers of public vehicles and animals and persons used for carrying or propelling such vehicles; inspection of public vehicles and animals used for carrying public vehicles and premises where such vehicles and animals are kept; provision of stands and manner of their use; offences pertaining to public vehicles.
10. Regulation of traffic; rules of the road; code of traffic signals; regulation of vehicles; limiting of speed; hours of lighting.
11. Regulation of erection and re-erection of buildings; use to which a building may be put; inspection of buildings; stopping of

- unauthorised work; demolition of unauthorised constructions; offences pertaining to erection and re-erection of buildings; fees for construction of buildings.
12. Regulation of use of and conduct of persons visiting parks, public garden and public open spaces; preservation, control and management of parks, public gardens and public open spaces, fees for admission into parks and for enjoyment of any facilities or amenities provided in parks.
 13. Regulation of private drains; maintenance, cleanliness and inspection of drains; offences pertaining to drainage.
 14. Definition and prevention of nuisance in markets; allotment of stalls and stands in the market premises; regulation of prices of articles sold in markets.
 15. Measures to be adopted for the prevention of the spread of contagious diseases among animals; compulsory inoculation or destruction of animals suffering from such diseases; seizure, detentions and impounding of stray animals, prohibition of keeping of animals in dwelling house; registration of sale of cattle; definition of dangerous animals and manner in which such animals shall be detained, destroyed or disposed of.
 16. Regulation of slaughter of animals at slaughter-house; inspection of animals before slaughter and inspection of meat after slaughter; fees for slaughter of animals; destruction or disposal otherwise of any flesh produced at slaughter-houses found unfit for human consumption; prohibition of sale of any flesh, other than preserved meat, not slaughtered at approved slaughter-houses and destruction or disposal otherwise of such flesh; regulation of carriage of meat from slaughter-houses; inspection of unauthorised places of slaughter and seizure and forfeiture of animals and meat at such unauthorised places.
 17. Promotion and furtherance of any of the functions of the Paurashava.
 18. Any other matter required under any of the provisions of this Ordinance to be determined or prescribed by by-laws.

THE FIFTH SCHEDULE
MATTERS RESPECTING WHICH REGULATIONS MAY BE MADE

(See section 148)

1. Conduct of business of Paurasahvas.
2. Prescription of quorum.
3. Interpolation of Chairman on matters pertaining to administration of the Paurashava.
4. Moving of motions of adjournment to call-attention to public grievances.
5. Requisitioning of meetings.
6. Recording of minutes.
7. Execution of resolutions.
8. Constitution of Sub-Committees and Joint Committees.
9. Co-option of persons on Sub-Committees.
10. Custody and use of the common seal.
11. Organisation of Paurashava office into departments and branches and definition of duties of various departments and branches.
12. Delegations of powers, by the Paurashava to its Chairman and Commissioners.
13. Delegation of powers of Chairman to any officers of the Paurashava.
14. All other matters of procedural nature or required under any of the provisions of this Ordinance to be provided in the regulations.
