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BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION

Quetta the 12th December, 1975.

No. Legis: X (5)/75. The Baluchistan Local Government Bill, 1975 having been passed by the Provincial Assembly of Baluchistan on 3rd November, 1975 and assented to by the Governor of Baluchistan, is hereby published as an Act of the Provincial Assembly.

THE BALUCHISTAN LOCAL GOVERNMENT, ACT 1975.

BALUCHISTAN ACT NO. XII OF 1975.

(First published after having received the assent of the Governor of Baluchistan in the Baluchistan Gazette (Extra-ordinary) dated the 12th December, 1975).

**AN
ACT**

to provide for the constitution and continuance of Local Government institutions

G. P. Q. 451-1,000-1-76.

in the Province of Baluchistan, and to consolidate and amend certain enactments relating to Local Government and to provide for certain matters connected therewith.

Preamble.

WHEREAS it is expedient to provide for the constitution and continuance of Local Government Institutions in the Province of Baluchistan, and to consolidate and amend certain enactments relating to Local Government and to provide for matters connected therewith, it is enacted as follows:—

CHAPTER 1
INTRODUCTORY

Short title, extent and commencement.

1. (1) ~~This Act may be called the Baluchistan Local Government Act, 1975.~~
- (2) It extends to the whole of the Province of Baluchistan except Tribal Areas.
- (3) ~~It shall come into force at once.~~

Power to exclude any area.

2. The Government may by notification exempt any area or areas from any or all of provisions of this Act.

Definitions.

3. (A) In this Act, unless the context otherwise requires-
 - (1) 'Act' means the Baluchistan Local Government Act, 1975.
 - (2) 'annual rental value' means the gross annual rent at which a building or land may be let from year to year;
 - (3) 'budget' means an official statement of income and expenditure of a Local Council for a financial year;
 - (4) 'building' includes any shop, house, hut, out-house, shed, stable, enclosure, wall, wells, verandah, platform, plinth, ramp, stair-case and steps;
 - (5) 'chairman' means the Chairman of a Local Council constituted under this Act and includes the Mayor of a Municipal Corporation;
 - (6) 'cattle' means cows, buffaloes, bulls, oxen, bullocks, heifers, calves, camels, sheep and goats;
 - (7) 'city' means an area declared to be a city under this Act;
 - (8) 'conservancy' means the collection, treatment, removal and disposal of refuse;
 - (9) 'dealer' means any person not being a grower who within a market area sets up, establishes or allows any place to be used for the purchase or sale of farm produce or purchases or sells such farm produce;
 - (10) 'dehi Council' means a Dehi Council constituted under this Act;
 - (11) 'District Judge' shall include an Additional District Judge;
 - (12) 'Deh' means a Deh declared under this Act;

- (13) 'drain' includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying sullage or rain water;
- (14) 'dwelling house' means any building used substantially for human habitation;
- (15) 'elected member' means a member who has been elected under the provisions of this Act;
- (16) 'erect or re-erect a building' means the construction of a new building and includes such material alterations of a building as enlargement of any wall, verandah, fixed platform, plinth or a part of the building, structural conversion into one or more places, for human habitation or a building not originally meant for the purpose, structural conversion of two or more places of human habitation into a greater number of such places, addition of any rooms, building substance or other structure to a building, reconstruction of whole or any part of the external walls of a building, or the renewal of the parts of a wooden building, construction in a wall adjoining any street or land, not belonging to the owner of the wall, of a door opening to such street or land, such alterations of the internal arrangements of a building as effect its drainage, ventilation or other sanitary arrangements or its security or stability;
- (17) 'farm produce' means cotton, wheat, barley, gram, rice, maize, millets, pulses, sugar cane, oil seeds, vegetables, fruits and fruits products, livestock products including hides, bones, skins, wool hair, and ghee or any product derived from any one of these or any other commodity that may be declared by notification to be farm produce ;
- (18) 'food' includes every eatable used for food or drink by human beings but does not include drugs or water;
- (19) 'Government' means the Government of Baluchistan ;
- (20) 'grower' means a person who grows farm produce personally, through tenant or otherwise but does not include a person or a grower who works as a dealer or a broker or who is a partner of a firm of dealers or brokers or is otherwise engaged in the business or disposal or storage of farm produce ; provided that no person shall be disqualified from being a grower on the ground only that he is a member of society registered under the Cooperative Societies Act. 1925 ;
- (21) 'Halqa' means a local area declared as such under this Act ;
- (22) 'Halqa Council' means a Halqa Council constituted under this Act;
- (23) 'land' includes land which is being built up or is built up or is covered with water or is under cultivation or is fallow, and in relation to Town Improvement Committee includes land as defined in clause (a) of Section 3 of the Land Acquisition Act, 1894 ;
- (24) 'Local Area' means area under the jurisdiction of a Local Council;
- (25) 'Local Council' means a Local Council constituted under this Act;
- (26) 'Local Fund' means the fund of a Local Council;
- (27) 'Market' means a place where persons assemble for the sale and purchase of meat, fish, fruit, poultry, vegetables or any other eatable of food or for the sale and purchase of livestock or animals and includes any place which may from time to time be notified as a Market ;

- (28) 'Member' means a member of a Local Council ;
- (29) 'Member of a 'minority community' means a person other than a Muslim as defined in the Constitution of the Islamic Republic of Pakistan, 1973 ;
- (30) 'Mohallah' means the local area declared as such under this Act ;
- (31) 'Mohallah Committee' means a Mohallah Committee constituted under this Act;
- (32) 'Municipality' means an area declared to be a Municipality under this Act ;
- (33) 'Municipal Committee' means a Municipal Committee constituted under this Act ;
- (34) 'Municipal Corporation' means a Municipal Corporation constituted for a city under this Act ;
- (35) 'Occupier' means a person in actual possession of land or building whether as an owner or otherwise ;
- (36) '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 ;
- (37) 'Panchayat' means the Panchayat constituted under this Act;
- (38) 'Peasant' means any person who is owner of not more than 32 acres of agricultural land or is a tenant of not more than 64 acres of agricultural land and in either case engages himself personally in the cultivation of land;
- (39) 'Prescribed' means prescribed by rules ;
- (40) 'Prohibited Zone' means any area or areas within a municipality or a city declared as prohibited zone by a public notice by such Local Councils for the purposes of Section 71 ;
- (41) 'Province' means the Province of Baluchistan ;
- (42) 'Primary Education' means education pertaining to all or any of the classes I to VIII in any school other than a High School;
- (43) 'Public road' means a road maintained by the Government or by a Local Council or a Local Authority;
- (44) 'Public Street' means a street maintained by the Government or by a Local Council or a Local Authority;
- (45) 'Public way' means a way maintained by the Government or by a Local Council or a Local Authority;
- (46) 'Public place' means any building, premises or place to which the public have access;
- (47) 'rate' includes cess;
- (48) 'relative' means parents, guardians, children and adopted children;
- (49) 'refuse' includes rubbish, offal, nightsoil, carcasses of animals, deposits of sewerage, waste and any other offensive matter;
- (50) 'road' includes a road which is not a thorough-fare;
- (51) 'specify' means specified by standing orders of the Government;

- (52) 'street' includes a street which is not a thorough-fare;
- (53) 'sullage' includes sewerage, polluted water, rain water and any other offensive matter carried by a drain;
- (54) 'tax' includes any cess, fee, rate, toll, or other impost leviable under this Act;
- (55) 'Town' means a local area declared as such under this Act;
- (56) 'Town Committee' means a Town Committee constituted under this Act;
- (57) 'trade allowance' includes such allowances as have the sanction of custom in a Market Area;
- (58) 'Tribunal' means a tribunal constituted under this Act;
- (59) 'Vehicle' means a wheeled conveyance capable of being used on a street;
- (60) 'Vice-Chairman' means a Vice-Chairman of a Local Council constituted under this Act and includes a Deputy Mayor of a Municipal Corporation;
- (61) 'voter' means a person whose name for the time being appears on the electoral rolls prepared or adopted for the purposes of this Act;
- (62) 'ware-houseman' includes a person who stores any farm produce not belonging to himself and charges rent therefor in any form, from the person at whose instance the said produce is so stored;
- (63) 'water work' includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, sluice, pipe, culvert, engine and other appliances and any thing used, for supplying water ;
- (64) 'worker'—
- (a) means any person not falling within the definition of employer, who is employed (including employment as a supervisor or as an apprentice), in an establishment or industry for hire or reward either directly or through a contractor, whether the terms of employment be expressed or implied, and for the purpose of any proceeding under the Industrial Relations Ordinance, 1969 in relation to an industrial dispute, includes a person who has been dismissed, discharged, retrenched, laid off or other-wise removed from employment in connection with or as a consequence of that dispute or whose dismissal, discharge, retrenchment, lay off or removal has led to that dispute but does not include any person-
 - (i) who is employed mainly in a managerial or administrative capacity; or
 - (ii) who, being employed in a supervisory capacity draws wages exceeding eight hundred rupees per mensem or performs either because of the nature of duties attached to the office or by reason of the powers vested in him, functions mainly of managerial nature;
 - (b) also includes self-employed craftsmen like blacksmiths, carpenters, tailors and shoemakers;
- (65) 'Zila' means a District excluding Towns, Municipalities, Cantonment Areas and Federal Areas; and
- (66) 'Zila Council' means a Zila Council constituted under this Act.

(B) Unless the context otherwise requires-

- (1) the words and expressions 'complaint', 'cognizable offence', 'Officer Incharge of a Police Station' and 'Police Station' shall have the same meaning as are respectively assigned to them in section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898); and
- (2) the words and expressions 'decree' and 'movable property' shall have the same meanings as are respectively assigned to them in section 2 of the Code of Civil Procedure, 1908 (Act V of 1908)

Savings.

4. Where an enactment stands repealed under section 233, any appointment, rules, regulations or bye-laws made or saved, notification, order or notice issued, tax imposed or assessed, scheme prepared or executed, contract entered into, suit instituted, rights acquired, claims made, legal or administrative proceedings or action taken under such enactments, shall so far as it is not inconsistent with the provisions of this Act, be deemed to have been respectively made, saved, issued, imposed or assessed, prepared or executed, entered into, instituted, acquired, made or taken under this Act.

Act to over-ride other laws

5. The provisions of this Act shall take effect notwithstanding any thing inconsistent therewith contained in any other law.

Succession.

6. (1) A Zila Council shall be the successor of such District Council, constituted under the Baluchistan Peoples' Local Government Ordinance, 1972 as may fall within the jurisdiction of a Zila.

(2) A Municipal Committee or a Town Committee shall be the successor of such a Municipal Committee or a Town Committee constituted under the Baluchistan Peoples' Local Government Ordinance, 1972 as may fall within the jurisdiction of the Municipal or Town Committee, as the case may be.

CHAPTER II.

LOCAL AREAS

Local areas.

7. For the purposes of this Act the Local Areas shall be a Deh, Halqa, Town, Zila, Mohallah, Municipality and a city.

Declaration of Local Area.

8. The Government may, by notification-

- (a) declare any area-
 - (i) comprising a revenue estate not included within a city, a Municipality or a Cantonment Area to be a Deh, provided that, that part of the revenue estate which falls outside the City, the Municipality, Town or Cantonment area, may either be declared a Deh or may form part of a contiguous revenue estate for the purpose of declaring a Deh;
 - (ii) not included within the Municipality, 'Cantonment Area or City to be a Halqa and specify names of Dehs comprised therein;
 - (iii) within a Municipality to be a Mohallah;
 - (iv) not included within a Cantonment Area and which has developed urban characteristics to be a Town or Municipality and specify the extent and limits of such area;

Provided that all municipalities and town committees constituted under the Baluchistan People's Local Government Ordinance, 1972, shall under this Act constitute Town Committees, Municipalities; or

- (v) constituting a municipality to be a city:

Provided that Government may, by notification divide a city into such number of municipalities and define their limits as may be expedient; and

- (b) extend, curtail or otherwise alter the limits of a local area and declare that any area shall cease to be a Deh, Mohallah, Halqa, Town, Municipality, or a City, as the case may be.

Certain characteristics of local areas.

9. (1) As far as may be, the local areas declared as a Dehi, Mohallah, Halqa, Town, Municipality or a City under this Act may conform to certain characteristics, namely:-

- (a) the local areas may be a territorial unity;
- (b) the area of a Halqa shall not cross the limits of the Tehsil within a district;
- (c) the area of Halqa may fulfil the requirements of becoming a unit of planning and development;
- (d) the population of a Halqa may vary from 7,000 to 10,000;
- (e) the population of a Municipality may not be below ten thousand; and
- (f) save as otherwise provided or notified by the Government, a City may comprise a population of one lac or above.

- (2) The Government may, for reasons to be recorded, waive any of the aforesaid characteristics while delimiting the local areas.

CHAPTER III.

CONSTITUTION OF LOCAL COUNCILS.

Constitution of Local Councils.

10. (1) As soon as may be, the following Local Councils shall be constituted:-

- (a) a Dehi Council for each Deh ;
- (b) a Halqa Council for each Halqa ;
- (c) a Town Committee for each Town ;
- (d) a Zila Council for each Zila ;
- (e) a Mohallah Committee for each Mohallah ;
- (f) a Municipal Committee for each Municipality ; and;
- (g) a Municipal Corporation for each city.

(2) A Local Council shall be a body corporate having perpetual succession and a common seal with power subject to the provisions of this Act and the rules, to acquire, hold and transfer property, both moveable and immovable and shall by its name sue or be sued.

(3) Government may, by notification, specify the name by which any Local Council shall be known and unless the name of a Local Council is so specified, it shall be known as the Local Council of the place where its office is situated.

Division, amalgamation and re-constitution of Local Councils.

11. (1) Government may, by notification, divide a Local Council into two or more Local Councils or amalgamate two or more Local Councils into one Local Council and may specify in the notification the consequences which shall ensue upon the publication of such notification.

(2) When as a result of such division or amalgamation any new Local Council is constituted in accordance with the provisions of this Act or in the manner specified in the notification, the existing members of any Local Council so divided or amalgamated shall become the members of such Local Council or Local Councils as the Government may, by notification, specify as if such members had been elected to that Local Council.

CHAPTER IV.

COMPOSITION OF LOCAL COUNCILS.

Dehi Councils, Mohallah Committees and Town Committees.

12. (1) The number of members of Dehi Council, a Mohallah Committee or a Town Committee shall be as follows :-

(a) Population upto 500	..5
(b) Population exceeding 500 but not exceeding 1000	7
(c) Population exceeding 1000 but not exceeding 2000	..9
(d) Population exceeding 2000 but not exceeding 10000	..11

(2) In addition to the number of members provided in sub-section (1), the member elected from a Mohallah to a Municipal Committee shall be the member of that Mohallah Committee and also its Chairman.

Halqa Councils.

13. (1) The number of members in a Halqa Council shall be equal to the number of Dehs in that Halqa.

(2) In addition to the members provided in sub-section (1), the member elected from a Deh to the Halqa council shall be the member of that Dehi council and also its Chairman.

Zila Councils.

14. (1) The number of members of a Zila Council shall be equal to the number of Halqas in a Zila.

(2) In addition to the members provided in sub-section (1), the members elected from a Halqa to the Zila Council shall be the member of that Halqa Council and also its Chairman.

Municipal Committees.

15. (1) The number of members of a Municipal Committee shall be as follows:-

(a) Population from 10,000 to 25,00015
(b) Population exceeding 25,000 but not exceeding 50,00020
(c) Population exceeding 50,000 but not exceeding 75,00025
(d) Population exceeding 75,000 but not exceeding one lac.30
(e) Population exceeding one lac.40

(2) The number of members of a Municipal Committee shall be equal to the number of Mohallahs in the Municipality.

Municipal Corporation.

16. A Municipal Corporation shall consist of such number of members as may be fixed by Government.

Representation of Minorities.

17. (1) A Local Council may, in addition to the number of members fixed for Local Councils, have such number of members from the minority communities as the Government may by notification fix.

(2) Nothing contained in sub-section (1) shall prevent the members of the minority communities from being elected to a general seat in any Local Council.

Representation of peasants, workers and women.

18. (1) A Local Council may have such number of members representing peasants, workers and women as given below and they shall be elected in the prescribed manner:—

(a) Dehi Council -

Peasants - equal to 1/3rd of the number of members elected to general seats.

(b) Mohallah Committee and Town Committee -

Workers - equal to 1/3rd of the number of members elected to general seats.

(c) Halqa Council -

(i) Peasants - equal to 20% of the number of members other than members representing minorities and other special interests.

(ii) Women - equal to 5% of the number of members other than those representing minorities and other special interests.

(d) Municipal Committees -

(i) Workers - equal to 5% of the number of members elected to general seats.

(ii) Women - equal to 5% of the number of members elected to general seats with a minimum of 1 and maximum of 5.

(e) Zila Council -

(i) Peasants - equal to 5% of the number of members elected to general seats.

(ii) Workers - equal to 5% of the number of members elected to general seats.

(iii) Women - equal to 5% of the number of members elected to general seats.

(f) Municipal Corporation -

(i) Workers - equal to 5% of the number of members other than those representing minorities and other special interests.

(ii) Women - equal to 5% of the number of members other than those representing minorities and other special interests with a minimum of 1 and maximum of 5.

(2) Nothing contained in sub-section (1) shall prevent the members of the special interests mentioned in the said sub-section from being elected to general seat in any Local Council and if they are so elected their representation fixed in sub-section (1) shall be reduced to that extent.

(3) If the required number of special interests is not elected, the members elected against general seats shall elect the remaining number of members of the said special interests for the membership of the Local Council.

Chairman and Vice-Chairman.

19. (1) For every Local Council there shall be a Chairman.

(2) For every Halqa Council, Zila Council, Municipal Committee and Municipal Corporation there shall also be a Vice-Chairman.

Members of the Provincial and National Assemblies to be members.

20. In addition to the number of members fixed in this Chapter for a Zila Council or a Municipal Committee a Member of the Provincial Assembly of Baluchistan and a Member of the National Assembly of Pakistan elected directly, shall be a member of the Zila Council or the Municipal Committee falling within his constituency or of which his constituency is a part, as the case may be.

CHAPTER V**ELECTION AND RELATED MATTERS****Election of Chairman and Vice-Chairman of Local Councils**

21. The Chairman and Vice-Chairman of Local Council shall be elected in the prescribed manner.

Mode of elections.

22. (1) Save as otherwise provided, election of members of all Local Councils shall be held on the basis of adult franchise through secret ballot.

(2) The electoral unit may be multi-member or single member.

(3) Every voter within an electoral unit shall have only one vote irrespective of the number of members to be elected from the electoral unit.

Election Authority.

23. (1) Government may appoint a Baluchistan Local Council Election Authority for conducting elections to the Local Councils.

(2) Election Authority shall exercise such powers and perform such functions as may be prescribed.

Electoral Rolls.

24. Electoral Rolls prepared for the elections of members of Provincial Assembly as amended from time to time and as adapted or adopted for a Local Council shall be the electoral rolls for election to the Local Councils.

Qualification of candidates and members.

25. Any person who is not less than twenty one years of age on the last day fixed for filing the nomination form, shall be qualified to be elected as a member of a Local Council if for the time being his name appears on the electoral rolls of the local area of that Local Council.

Disqualifications of candidates and members.

26. A person shall be disqualified to be a candidate or a member of a Local Council -

- (a) if he has ceased to be a citizen of Pakistan;
- (b) if he is an undischarged insolvent;
- (c) if he is of unsound mind and has been so declared by a competent court;
- (d) if he has been on conviction for an offence involving moral turpitude sentenced to imprisonment for a term of not less than six months, unless three years or such less period as Government may, in any case, specify, has elapsed from the date of expiration of the period of the sentence;
- (e) if he is in the service of Pakistan or of a Public Statutory Corporation, a Local Council or other Local authority;
- (f) if he is under contract for work to be done or goods to be supplied to the Local Council concerned or has otherwise pecuniary interest in its affairs; and
- (g) in case of membership of the city Corporation if he is a member of any of the Municipal Committees therein.

Conduct of Election.**Term of office and first meeting.**

27. Election to Local Council shall be conducted in the prescribed manner.

28. (1) The term of office of a Local Council shall be three years commencing on the day on which it holds its first meeting:

Provided that the first term of office of a Local Council shall end on the expiry of two years:

Provided further that on the expiry of the terms of office of a Local Council, the Government may extend the term of office for a period not exceeding six months or appoint any person for the like period to perform such functions of the Local Council as may be specified.

(2) A Local Council shall in its first meeting and to the exclusion of any other business elect from its members a Chairman if required under this Act:

Provided that the first meeting shall be held not later than thirty days from the day on which the names of its members are notified.

Oath of office.

29. A member, Chairman or Vice-Chairman shall before taking his seat make and subscribe to an oath in such form as may be prescribed.

Casual vacancy

30. (1) If the office of a member or a Chairman or a Vice-Chairman for any reason, falls vacant during the term of office of a Local Council, a new member or Chairman or Vice-Chairman, as the case may be, shall be elected in the prescribed manner and he shall hold office for the residue of such term.

(2) If the vacancy in the office of a member occurs within four months of the expiry of the term of a Local Council, the vacancy shall not be filled.

(3) Notwithstanding anything contained in sub-section (2), unless the time is extended by the Government, the vacancy in the office of the Chairman or Vice-Chairman shall be filled within fifteen days from the date such vacancy is notified.

Remova..

31. (1) The Government may, after giving him an opportunity of being heard, remove a Chairman or a Vice-Chairman or a member of a Local Council from office in the prescribed manner if he-

- (a) has incurred any of the disqualifications enumerated in Section 26;
- (b) absents himself without reasonable cause from three consecutive meetings of the Local Council;
- (c) is guilty of abuse of power or misconduct; or
- (d) refuses to take oath under Section 29.

Explanation - In this sub-section 'misconduct' includes bribery, corruption, jobbery, favouritism, nepotism or wilful diversion of the funds of the Local Council or any attempt at, or abetment of such misconduct.

(2) A member or Chairman or Vice-Chairman removed under sub-section (1), may prefer an appeal in the prescribed manner to the Tribunal appointed by the Government.

(3) A Chairman or Vice-Chairman removed from office shall cease to be a member.

Resignation.

32. A Chairman, Vice-Chairman or a member may resign his office by tendering resignation in writing to the Local Council of which he is the Chairman, Vice-Chairman or member.

Vote of no-confidence.

33. A Chairman or Vice-Chairman shall vacate office if a vote of no-confidence is passed against him in the prescribed manner by two - third majority of the total number of members of the Local Council electing him; provided that-

- (a) a motion of no-confidence shall not be moved before the expiry of six months of his assumption of office as Chairman or Vice-Chairman; and
- (b) where a motion of no-confidence against a Chairman or Vice-Chairman has been moved and has failed to secure the requisite majority of votes in its favour at the meeting, no similar motion will be moved against him before the expiry of six months from the date such motion was moved.

Bar against re-election.

34. When a Chairman, Vice-Chairman or a member is removed from office under Section 31, he shall not, during the un-expired period of the term of his office, be eligible for re-election to the said office of any Local Council.

Remuneration.

35. (1) A Chairman of a Zila Council, a Municipal Committee or a Municipal Corporation shall be whole time functionary of the Local Council and may receive such remuneration as may be prescribed.

(2) A Chairman of a Local Council mentioned in sub-section (1) shall not engage himself in any trade, profession or calling.

(3) A Local Council other than mentioned in sub-section (1) may allow such honoraria and allowances to its Chairman as may be prescribed.

Notification of election, resignation and removal of Chairman, vice-Chairman and members.

36. Every election, resignation or removal of Chairman, Vice-Chairman or a member or the vacation of office by a Chairman, Vice-Chairman or a member shall be notified.

CHAPTER VI**EXECUTIVE POWERS AND CONDUCT OF BUSINESS.****Executive Authority and conduct of business.**

37. (1) The executive authority of a Local Council shall extend to the doing of all acts necessary for the due discharge of its functions under this Act.

(2) Save as otherwise provided, the executive authority of a Local Council shall vest in and be exercised by its Chairman.

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

Disposal of business.

38. (1) The business of a Local Council to the extent and in the manner prescribed shall be disposed of at its meetings, or at the meetings of its sub-committees or by its Chairman or servants or other functionaries.

(2) A Local Council shall have the power to act notwithstanding any vacancy in its membership.

(3) No proceedings shall be invalid by reason only that some person who was not entitled to do so, sat and voted, or otherwise took part in the proceedings.

(4) A Local Council may appoint sub-committees consisting of such number of its members and other persons, if any, to perform such functions in such manner as may be prescribed.

Meetings.

39. (1) A Local Council shall within three months of the assumption of office, frame by-laws for the conduct of its meetings which may, besides other matters, provide for :-

- (a) the types of meetings, that is to say, ordinary, special or emergent;
- (b) the types of business to be conducted in different types of meetings;
- (c) the place of meetings;
- (d) notices required for different meetings ;
- (e) authority to call meetings;
- (f) notice of agenda for the meetings;
- (g) quorum for different meetings;
- (h) order of business to be conducted in meetings;
- (i) the manner of asking questions ;
- (j) motions and amendments and their withdrawal or discussions on them ;
- (k) speeches to be delivered ;
- (l) training, discourses or discussions to be arranged at the meetings;
- (m) preservation of order;
- (n) decision by votes;
- (o) language to be used;
- (p) adjournments or postponements;
- (q) co-opting of other members or officials;
- (r) re-consideration of the matters once disposed of;
- (s) recreational or entertainment programme to be arranged at the time of meetings ; and
- (t) suspension of meetings.

(2) All meetings of a Local Council shall be presided over by its Chairman, and in his absence by the Vice-Chairman, if any, and in the absence of both, by a member chosen for that purpose by the members present.

(3) A Dehi Council, a Halqa Council, a Town Committee, a Mohallah Committee and a Municipal Committee, shall hold at least one meeting during a month and a Zila Council, or a Municipal Corporation shall hold at least one meeting in every two months.

(4) A Local Council shall hold a general meeting at least twice a year to which all voters of the local area shall be invited. The notice of such meeting shall be given or publicity made in such manner as the Local Council may by resolution decide from time to time.

(5) A member of Local Council shall not be liable to any proceedings in any court in respect of any thing said by him or any vote given by him in the meeting of a Local Council or in a Committee thereof so long as such action does not undermine the ideology, integrity or solidarity of Pakistan and does not infringe the Constitutional Fundamental Rights.

(6) All meetings shall be public except when a Local Council by majority vote decides to consider any matter in a session attended exclusively by its members.

(7) Minutes of the names of members present and of the proceedings at each meeting shall be drawn up and recorded in a book to be kept for the purpose which shall be signed by the person presiding at the meeting and shall at all reasonable times and without charge be open to inspection by members; provided that no member shall be entitled to object to the minutes of any meeting in which he was not present.

(8) A member who directly or indirectly, by himself or by any partner, employer or employee has any share or interest in respect of any matter or has acted professionally in relation to any matter on behalf of any person having therein any such shares or interest as aforesaid, shall not vote or take any other part in any proceedings relating to a matter as aforesaid of a Local Council or any of its committees.

Contracts.

40. (1) All contracts made by or on behalf of a Local Council shall be—

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

(2) No contract executed otherwise than in conformity with the provision of this section shall be binding on the Local Council.

Works.

41. (1) The Government may, by rules, provide for -

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

Reporting and Evaluation.

42. A Local Council shall-

- (a) maintain such record of its working as may be required by Government;
- (b) prepare and publish such periodical reports and returns as may be required by Government; 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 Local Council.

CHAPTER VII

ADMINISTRATION OF SERVICES.

Provincial Unified Group of Functionaries.

43. (1) Government may constitute a Provincial Unified Group of Functionaries of Local Councils comprising such pay scales and grades and in such manner and subject to such conditions as may be prescribed:

Provided that the appointments to such pay scales and grades as Government may prescribe, shall be made in consultation with the Provincial Unified Group of Functionaries Board.

(2) The Government may from time to time, specify the posts in the Local Council which shall be filled by persons belonging to the Provincial Unified Group.

(3) Notwithstanding the provisions of sub-section (1), members of the Local Council service constituted under the Basic Democracies Order, 1959 or servants appointed under any of the repealed enactments as may be specified, may be absorbed in the Provincial Unified Group constituted under sub-section (1), if they possess qualifications prescribed therefor; provided that the terms and conditions of servants shall not be less favourable than the existing terms and conditions.

Servants of Local Councils.

44. (1) A Local Council may, and if so required by the Government shall, on the prescribed terms and conditions employ such servants as are deemed necessary for the efficient performance of its functions under this Act; provided that Government may classify certain posts as tenure posts in the prescribed manner and the term of such posts shall coincide with the term of the office of a Local Council.

(2) If, in the opinion of the Government, the number of servants employed by Local Council under sub-section (1) or the remuneration fixed for any of them, is excessive the Local Council shall, on being required by the Government to do so, reduce the number of its servants or the remuneration of any of them, as the case may be.

Provident Fund, Pension and other facilities for servants of Local Councils.

45. (1) A Local Council may establish and maintain a Provident Fund and require any of its servants to contribute to such fund, and may itself contribute to it in such manner and in such proportion as may be prescribed.

(2) A Local Council may, in the prescribed manner and with the previous sanction of Government, provide for the payment of pension to its servants after retirement.

(3) A Local Council may, with the previous sanction of Government, grant a special pension or gratuity to the family of the servant who dies of disease or injury contracted or suffered in the discharge of his official duties.

(4) A Local Council may, in the prescribed manner operate scheme of group insurance of its employees and require its employees to subscribe to it.

(5) The Government may, in the prescribed manner, establish and maintain—

(a) a fund for the Unified Group of Functionaries for maintenance of such group;

(b) a Pension Fund out of which shall be paid any pensions granted under sub-section (2); and

(c) a Benevolent Fund out of which shall be paid any pension or gratuity granted under sub-section (3) or such relief as may be prescribed.

(6) The Local Council shall contribute to the funds established and maintained under sub-section (5) in such proportion and in such manner as may be specified by Government.

Service Rules.

46. Subject to the provisions of this Act, Government may by rules—

(a) prescribe the conditions of service of the servants of the Local Councils;

(b) prescribe the scales or grades of pay for the servants of the Local Councils;

(c) prescribe a schedule of establishment for the staff that shall be employed by a Local Council;

- (d) prescribe the qualifications for various posts under Local Councils;
- (e) prescribe the principles to be followed in making appointments to various posts under the Local Councils;
- (f) prescribe the method for the holding of enquiries in cases where disciplinary action is proposed to be taken against servants of the Local Councils; and provide for penalties and appeals against orders imposing penalties and
- (g) provide for other matters necessary for the efficient discharge of duties by the servants of the Local Councils.

Legal Adviser. 47. A Local Council or group of Local Councils may with prior approval of Government as to the qualifications, terms and conditions of service, appoint a whole-time or part-time Legal Adviser, not being a member or a servant of a Local Council or Local Councils to appear in all legal proceedings and to render such advice as may be required.

- Training and Training Institutions.** 48. (1) The Government may—
- (a) set up institutions or make other arrangements as may be necessary for—
 - (i) the pre-service and in-service training of the functionaries of the Local Councils, Government Departments and other interested agencies;
 - (ii) the training of members and Chairmen of Local Councils;
 - (iii) organizing conferences and seminars on Local Government and related subjects; and
 - (iv) undertaking research in Local Government and allied subjects independently or in collaboration with the Universities or Research Institutions;
 - (b) provide for—
 - (i) the administration of institutions;
 - (ii) the compulsory training of members and staff of Local Councils;
 - (iii) the courses to be studied;
 - (iv) the holding of examinations and award of diplomas and certificates to successful candidates;
 - (v) affiliating institutions with the Universities; and
 - (vi) associating such Universities, Colleges or training institutions as may be necessary for the training of staff of the engineering, education, public health and other departments of the Local Councils.
- (2) A Local Council may be required to pay towards the cost of the institutions set up or other arrangements made under subsection (1) in such proportion as the Government may, from time to time, determine.

CHAPTER VIII

FUNCTIONS OF DEHI COUNCILS AND MOHALLAH COMMITTEES.

Civic functions of Dehi Councils and Mohallah Committees. 49. (1) A Dehi Council shall perform any of the functions of the Halqa Council as may be entrusted to it by the Halqa Council concerned or Government or such other functions as it may decide to undertake with the approval of the Halqa Council.

(2) A Mohallah Committee shall perform any of the functions of the Municipal Committee as may be entrusted to it by the Municipal Committee concerned or the Government or such other functions as it may decide to undertake with the approval

of the Municipal Committee.

**Conciliation in
disputes relating
to use of Canal
Water.**

50. (1) Notwithstanding anything contained in the Canal and Drainage Act, 1873 (Act VIII of 1873), whenever a difference arises between two or more persons in regard to their mutual rights or liabilities in respect of use, construction or maintenance of a water-course or if there is any violation of warabandi, any such person may apply in writing for settlement of the dispute to the Dehi Council in whose local area the dispute arises.

(2) When the application as mentioned in sub-section (1) is made, the Chairman shall, give notice to the other persons interested that, on a day to be named in such notice, the local council will proceed to look into the matter.

(3) On the service of notice and after such inquiry as deemed necessary, the members of the local council will take steps to bring about conciliation between the parties and in case of failure of such efforts, the Chairman of the Local Council shall issue a certificate that conciliation has failed.

(4) Subsequent to the issuance of a certificate mentioned in sub-section (3), the interested party may apply for settlement of differences to the competent authority under the Canal and Drainage Act, 1873 or any other law.

CHAPTER IX

FUNCTIONS OF HALQA COUNCILS.

**Functions of
Halqa Councils.**

51 (A)

A Halqa Council may and if the Government so directs shall undertake all or any of the functions as follows:-

- (1) provision and maintenance of Primary Schools and aid in the promotion of education under the direction of Zila Council;
- (2) provision, maintenance, improvement and management of public ways, curverts and bridges, public buildings, wells, water pumps, tanks, ponds, and other works of water supply;
- (3) provision, maintenance and management of public places, public gardens and public playgrounds;
- (4) management and maintenance of burning and burial grounds and meeting places;
- (5) provision, maintenance and management of tonga stands, cattle ponds, libraries, reading rooms, public latrines, community centres, and other works of public utility;
- (6) provision, maintenance and management of sarais, dak bungalows, rest houses and other buildings for the convenience of travellers;
- (7) lighting of public ways, public streets, public roads, public places and public buildings;
- (8) plantation and preservation of trees on public ways, public streets and public places;
- (9) reservation of places for digging pits for storing and preservation of compost and farm yard manure;
- (10) conservancy and the adoption of other measures for the cleanliness of the Halqa;
- (11) prevention and the cure of infectious diseases;
- (12) establishment and maintenance of first aid centres, veterinary dispensaries and dispensaries for human beings;
- (13) promotion of Population Planning Programme;

- (14) prevention of contamination of drinking water supply;
- (15) prevention and abatement of nuisance on public roads, public streets and public places;
- (16) relief measures in the event of fire, flood, famine, hail storm or other natural calamities;
- (17) civil defence, rifle training and other training necessary for public security;
- (18) relief for widows, orphans, persons in distress and the poor;
- (19) burial or cremation of paupers;
- (20) promotion of public games and sports;
- (21) agricultural and community development, promotion of co-operatives and development of forests, livestock and fisheries and management of state land;
- (22) establishment and development of small scale industries;
- (23) initiation, promotion or undertaking individually or on co-operative basis, of commercial schemes, like the establishment of cattle, poultry, fish and agricultural farms, nurseries, installation of tube wells, construction of tanks for the storage of irrigation water, establishment of workshops for manufacture and repair of agricultural implements and machinery, provision and maintenance of transportation services, construction of shops, establishment of markets and other commercial enterprises for which funds are available;
- (24) promotion of organizations of youth and women;
- (25) holding of fairs and shows;
- (26) celebration of public festivals, anniversaries and other national occasions;
- (27) such other functions—
 - (a) as are declared by Government to be appropriate;
 - (b) as are delegated by the Zila Council;
 - (c) as are entrusted to Halqa Councils under any other law for the time being in force;
- (B) through bye-laws regulate—
 - (1) the collection and removal of manure and street sweepings;
 - (2) disposal of industrial wastes;
 - (3) offensive and dangerous trades;
 - (4) disposal of carcasses;
 - (5) slaughtering of animals;
 - (6) erection and re-erection of buildings;
 - (7) removal of dangerous buildings and structures;
 - (8) prohibition of watering of cattle, bathing or washing near wells, ponds and other sources of water reserved for drinking purposes;
 - (9) prohibition of steeping of hemp, jute, or other plants in or near ponds or other sources of water supply;
 - (10) prohibition of dyeing or tanning of skins within residential areas;

- (11) prohibition of excavation of earth, stones or other materials within the residential areas;
- (12) prohibition of the establishment of brick-kilns, lime kilns, potteries and other kilns within the residential areas;
- (13) destruction of weeds and pests of crops;
- (14) preservation of useful wildlife;
- (15) registration of birth, death and marriage;
- (16) registration of sale of cattle and other animals; and
- (17) control of beggary.

**Police and
Defence functions
of Halqa Councils.**

52. (1) A Halqa Council may establish a Village Police Force.
- (2) Government may by rules regulate the appointment, training, discipline, terms and conditions of service of the members of the Village Police Force.
- (3) The Village Police Force shall exercise such powers and discharge such duties as may be prescribed.
- (4) Where a Halqa Council is of opinion that special measures are necessary to secure village defence or public security, it may require inhabitants of the Halqa to perform the following duties:-
- (a) Patrolling and guarding of key points;
 - (b) Civil Defence; and
 - (c) Rifle training and other training for public security.
- (5) A Halqa Council shall maintain a village-wise list of able-bodied persons.

Encroachments.

- 53 (1) No person shall make an encroachment movable or immovable, on any open space or land vested in or managed, maintained or controlled by a Halqa Council, or on, over or under a street, road, graveyard within the limits of Halqa, or a drain except under a licence granted by the Halqa Council and to the extent permitted by such licence.
- (2) Halqa Council may remove the encroachment mentioned in sub-section (1) with such force as may be necessary.
- (3) Whoever trespasses into or is in wrongful occupation of a building or property which vests in or is managed, maintained or controlled by a Halqa Council may, in addition to any other penalty to which he may be liable under this Act or any other law, after such notice as may be provided by the Halqa Council, be ejected from such building or property by the Halqa Council with such force as may be necessary.
- (4) Any person aggrieved by notice issued under sub-section (3) may within seven days of the service of notice, appeal to such authority as may be appointed by Government in this behalf whose decision thereon shall be final.
- (5) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed under this section.

**Functions of Town
Committees.**

54. Town Committee may and if the Government so directs shall perform all functions as enumerated under sections 51, 52 and 53 for a Halqa Council in the areas specifically declared as Towns by the Government.

CHAPTER X

FUNCTIONS OF ZILA COUNCILS

**Functions of Zila
Councils.**

55. A Zila Council may if the Government so directs shall undertake all or any of the following functions:-
- (A) Public Works—
- (1) provision, maintenance, improvement and management of its public roads, public streets and public ways, culverts, bridges, public buildings, wells, water pumps, tanks, ponds and other works of water supply;
 - (2) provision, maintenance, and management of sarais, dak bungalows, rest houses and other buildings for the convenience of travellers;
 - (3) plantation and preservation of trees on road sides, public ways, public places and public buildings;

- (4) provision and maintenance of public gardens, public playgrounds and public places.
- (B) Public Health—
- (5) prevention and cure of infectious diseases, and enforcement of vaccination;
 - (6) establishment, maintenance and management of hospitals and rural health centres;
 - (7) establishment, maintenance and management of First Aid Centres;
 - (8) provision and maintenance of Medical Aid Units;
 - (9) establishment, management and visiting of health centres, maternity centres, and centres for the welfare of infants and children, training of Dais and adoption of other measures likely to promote health and welfare of women, infants and children;
 - (10) payment of grants to medical aid societies and institutions;
 - (11) establishment, management, maintenance and the visiting of Unani, Ayurvedic and Homoeopathic dispensaries; and
 - (12) promotion of sanitation, public health and educating people in public health.
- (C) Education—
- (13) provision, maintenance and management of primary and high schools;
 - (14) construction and maintenance of buildings used as hostels of students;
 - (15) payment of grants and subsidies to institutions and organizations engaged in the promotion of education;
 - (16) promotion of adult education; and
 - (17) provision of school books to orphans and indigent students, free of cost, or on concessional rates.
- (D) Agricultural development and economic welfare—
- (18) agricultural, industrial and community development, promotion of national reconstruction, promotion and development of co-operative movement and village industry;
 - (19) adoption of measures for increased agricultural production;
 - (20) establishment and maintenance of model agricultural farms;
 - (21) popularization of improved methods of agriculture, maintenance of improved agricultural implements and machinery and lending of such implements and machinery to cultivators and adoption of measures for bringing wasteland under cultivation;
 - (22) promotion of agricultural credit, agricultural education and adoption of other measures likely to promote agricultural development;
 - (23) promotion and co-ordination with Agrovilles;
 - (24) provision, regulation and maintenance of markets;
 - (25) popularization of co-operative movement and the promotion of education in co-operation;
 - (26) construction and repair of embankment, supply, storage and control of water for agricultural purposes; and
 - (27) promotion of cottage industry.
- (E) Articles of Food and Drinks—
- (28) protection of food stuffs and prevention of adulteration.
- (F) Drainage—
- (29) provision and maintenance of adequate system of public drains and regulation of the disposal of industrial wastes;
- (G) Livestock and Dairy Development—
- (30) voluntary registration of the sale of cattle and other animals;

- (31) improvement of breeding of cattle, horses and other animals and the prevention of cruelty to animals;
 - (32) provision, maintenance and improvement of pastures and grazing grounds;
 - (33) regulation of milk supply;
 - (34) establishment and maintenance of cattle colonies,
 - (35) establishment and maintenance of cattle farms and dairies;
 - (36) establishment and maintenance of poultry farms; and
 - (37) measures to combat birds and animals, ordinary and contagious diseases.
- (H) Culture -
- (38) holding of fairs and shows;
 - (39) promotion of public games and sports;
 - (40) provision, organization and maintenance of museums, exhibitions and art galleries;
 - (41) provision and maintenance of public halls, public meeting places and community centres;
 - (42) celebration of national occasions;
 - (43) establishment, management and maintenance of Welfare Homes and other institutions for the relief of the destitutes;
 - (44) suppression of beggary, prostitution, gambling, taking of injurious drugs, consumption of alcoholic liquor and other social evils;
 - (45) establishment and maintenance of Information Centres;
 - (46) encouragement of national and regional languages; and
 - (47) reception of distinguished visitors.
- (I) Public Safety-
- (48) relief measures in the event of any fire, flood, hailstorm, earth quake, famine and other natural calamities.
- (J) Other functions—
- (49) provision and maintenance of libraries and reading rooms;
 - (50) prevention and abatement of nuisances; and
 - (51) regulation of traffic; licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.

Encroachments.

56. (1) No person shall make an encroachment movable or immovable, on an open space or land vesting in, or managed, maintained or controlled by a Zila Council or on, over or under a street, road, graveyard within the limits of Zila or a drain except under a licence granted by the Zila Council and to the extent permitted by such licence.

(2) A Zila Council may remove the encroachment mentioned in sub-section. (1) with such force as may be necessary.

(3) Whoever trespasses into or is in wrongful occupation of property which vests in or is managed, maintained or controlled by a Zila Council may, in addition to other penalty to which he may be liable under this Act or any other law for the time being in force, after such notice as may be provided by the Zila Council, be ejected from such building or property by the Zila Council with such force as may be necessary.

(4) Any person aggrieved by notice issued under sub-section (3) may within seven days of the service of notice, appeal to such authority as may be appointed by Government in this behalf whose decision thereon shall be final.

(5) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed under this section.

Environmental Pollution.

57. (1) A Zila Council may prepare and implement schemes for the prevention of the pollution of air by the gases, dust or other substance exhausted or emitted by automobiles, engines, factories, brick kilns, crushing machines for grain, stone, salt or other material and such other sources of air pollution as the bye-laws may provide.

(2) A Zila Council may prepare and implement schemes for the prevention of pollution of water or land from such sources and in such manner as the bye-laws may provide.

CHAPTER XICOMPULSORY FUNCTIONS OF MUNICIPAL COMMITTEES.

A—Public Health

Responsibility for sanitation. 58. A Municipal Committee shall be responsible for the sanitation of the Municipality.

Insanitary buildings and lands. 59. (1) A Municipal Committee may, by notice require the owner or occupier of any building or land which is in an insanitary or unwholesome state—

- (a) to clean or otherwise put it in a proper state;
- (b) to make arrangements to the satisfaction of the Municipal Committee for its proper sanitation; and
- (c) to lime-wash the building and to make such essential repairs as may be specified in the notice.

(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 Municipal Committee may cause the necessary steps to be taken at the expense of the owner or the occupier, and the cost so incurred by the Municipal Committee shall be deemed to be a tax levied on the owner or the occupier under this Act.

Removal, collection and disposal of refuse. 60. (1) A Municipal Committee shall make adequate arrangements for the removal of refuse from all public roads and streets, public latrines, urinals, drains and all buildings and lands vested in the Municipal Committee and for the collection and proper disposal of such 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 Municipal Committee.

(3) The Municipal Committee shall cause public dust-bins or other suitable receptacles to be provided at suitable places and in proper and convenient situation in streets or other public places and where such dust-bins or receptacles are provided, the Municipal Committee 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 Municipal Committee or under their control and supervision and all refuse deposited in the dust-bins and other receptacles provided by the Municipal Committee shall be the property of the Municipal Committee.

Latrines and Urinals. 61. (1) A Municipal Committee shall provide and maintain in sufficient number and in proper situations, 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.

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

(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 Municipal Committee may, by 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;
- (b) to make such structural or other alteration in the existing privy or urinal accommodation as may be so specified;
- (c) to remove the privy or urinal; and

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

Births and deaths. 62. A Municipal Committee shall register all births and deaths within the limits of the Municipality and information of such births and deaths shall be given by such persons or authorities and shall be registered in such manner, as the bye-laws may provide.

Infectious diseases. 63 (1) A Municipal Committee shall adopt measures to prevent infectious diseases and to restrain infection within the Municipality.

(2) A Municipal Committee may establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

B—Water Supply—

Water Supply. 64. (1) A Municipal Committee shall provide or cause to be provided to the Municipality a supply of wholesome water sufficient for public and private purposes.

(2) Where a piped water supply is provided the Municipal Committee shall supply water to private and public premises in such manner and on payment of such charges as the bye-laws may provide.

Private sources of water supply. 65. (1) All private sources of water supply within a Municipality shall be subject to control, regulation and inspection by the Municipal Committee.

(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 Municipal Committee.

(3) A Municipal Committee 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 clean it from time to time of silt, refuse and decaying matter;
- (b) to protect the same from contamination in such manner as the Municipal Committee directs; and
- (c) if the water therein is proved to the satisfaction of the Municipal Committee 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.

C—Drainage—

Drainage. 66. (1) A Municipal Committee shall provide an adequate system of public drains in the Municipality and all such drains shall be constructed, maintained, kept cleared and emptied with due regard to the health and convenience of the public.

(2) Every owner or occupier of any land or building within the Municipality may, with the previous permission of the Municipal Committee, and subject to such terms and conditions, including the payment of fees, as the Municipal Committee 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 Municipal Committee.

(4) Subject to the provisions of any other law for the time being in force a Municipal Committee may by notice direct a commercial or industrial concern to provide for the disposal of its waste or effluent in the manner specified and failure on the part of owner, tenant, or occupier thereof to comply with such directions shall be an offence under this Act.

(5) A Municipal Committee may, by notice, require the owner of any building, land or an industrial concern within the municipality—

- (a) to construct such drains within the building or land or the street adjoining such building or land and to take such other measures for treatment and disposal of effluent 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.

(6) In case of failure of the owner to comply with the requirements of notice under sub-section (5) the Municipal Committee may itself cause to carry out such requirements and the cost so incurred shall be deemed to be a tax levied on the owner of the building or land, as the case may be, under this Act.

Drainage and sewerage schemes for commercial and industrial area/areas.

67. (1) A Municipal Committee may through a notice require the owners, tenants and occupiers of commercial and industrial concerns in any area or areas within a municipality to have at their own cost prepared, a scheme for the adequate and safe drainage and disposal of their wastes and effluent of the quality permitted under the rules or the bye-laws and submit it to the Municipal Committee within the time specified in the notice; provided that the time limit may be extended by the Municipal Committee for a maximum period of three months at the request of the owners, tenants or occupiers of the commercial and the industrial units concerned.

(2) The drainage, sewerage and disposal scheme as approved by the Municipal Committee with modification, if any, shall be executed and implemented by the owners, tenants or occupiers of the commercial or industrial units at their expense in such manner and within such time as may be specified by the Municipal Committee.

(3) In case of the failure of the owners, tenants or occupiers of the commercial or industrial concerns to comply with the provisions of sub-sections (1) and (2), the Municipal Committee may itself prepare the drainage, sewerage and disposal scheme and execute and implement it after approval by the Government at its own expense and the cost so incurred shall, under this Act, be deemed to be a tax levied on the owners, tenants or occupiers of the industrial and commercial units concerned.

D—ARTICLES OF FOOD AND DRINK—

Private Markets.

68. (1) No private market for the sale of articles of food or drink or animals shall be established or maintained within a Municipality except under a licence granted by the Municipal Committee and in conformity with conditions of such licence.

(2) A Municipal Committee may levy fees in respect of private markets in the prescribed manner.

(3) A Municipal Committee may, by notice, require the owner of any private market to construct such works, provide such conveniences and make such arrangement for the maintenance of the market, and within such period as may be specified in the notice.

Slaughter houses.

69. A Municipal Committee shall provide and maintain at such site or sites within or outside the limits of the Municipality one or more slaughter houses for the slaughter of animals or sale of any specified description of animals.

E—ANIMALS AND CATTLE—

Prohibition on picketing or tethering in streets

70. No animals shall be picketed or tethered in such streets or places as may be specified by the Municipal Committee and any animals found picketed or tethered in any such street or place shall be liable to seizure and impounding.

Prohibition against keeping and maintaining cattle.

71. (1) Notwithstanding anything to the contrary contained in any other law or any agreement, instrument, custom or usage or decree, judgement or order of any court or other authority —

- (a) no person shall, after the expiry of the period allowed under sub-section

(2), keep or maintain cattle in any part of a prohibited zone:

Provided that the prohibition shall not apply to —

- (i) cattle kept bonafide for sacrificial purposes;
- (ii) cattle kept for drawing carts or use in mills with the permission of the Municipal Committee and subject to such conditions as it may impose;
- (iii) cattle under treatment in any veterinary hospital;
- (iv) cattle brought to a cattle market demarcated by the Municipal Committee for the purpose of sale; and
- (v) cattle brought to a slaughter house or kept by butchers for the purpose of slaughter within the area demarcated by the Municipal Committee;

- (b) no person shall, within the limits of the Municipal Committee keep, tether, stall, feed or graze any cattle on any road, street or thoroughfare or in any public place.

(2) The Municipal Committee may, by a general or specific order, direct that any person in charge of cattle shall remove the cattle from the prohibited zone within such period as may be specified.

(3) Persons affected by the prohibition order under sub-section (I) (a) to meet their genuine needs, may be allowed to keep and maintain their cattle at the places earmarked as "Cattle Colonies" by the Municipal Committee on such terms and conditions as it may impose.

Dangerous animals.

72. A Municipal Committee may, by bye-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 bye-laws among other matters, provide for the detention, destruction or disposal otherwise of such animals.

Disposal of carcasses.

73. 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—

- (a) convey the carcasses within twentyfour hours to a place, if any, fixed by the Municipal Committee 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 Municipal Committee whereupon the Municipal Committee shall cause the carcass to be disposed of and charge such fees from the person concerned as the bye-laws may provide.

F—EDUCATION.

Educational Institutions.

74. (I) A Municipal Committee shall establish, maintain and manage such educational institutions as may be required by the Government and may, with the previous approval of the Government, maintain such other educational institutions as may be necessary for the promotion of education in the Municipality.

(2) All Educational Institutions maintained by the Municipal Committee shall be maintained in a state of efficiency and shall conform to such standards as may be prescribed as standards.

(3) A Municipal Committee may, with the previous approval of the Government, give financial aid to private educational institutions within the Municipality.

Compulsory education.

75. Subject to any law for the time being in force, a Municipal Committee shall be responsible for 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 recognized by the Municipal Committee.

G—PUBLIC SAFETY.**Fire fighting.**

76. (1) For the prevention and extinction of fire, a Municipal Committee 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.

(2) On the occurrence of the fire within a 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 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 through, 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 persons 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) A Municipal Committee shall prepare fire fighting plan and revise it at least once a year.

Civil Defence.

77. A Municipal Committee shall be responsible for the Civil Defence of the Municipality, and it shall, in this behalf, perform such functions as may be specified by Government.

Floods.

78. For the fighting of floods, rescuing of people from the flood affected areas, and affording relief to flood stricken people, a Municipal Committee shall provide such boats, appliances and equipment as may be specified by Government.

Dangerous and offensive articles and trades.

79. (1) The articles and trades given in the First Schedule shall be deemed to be dangerous or offensive for the purposes of this section.

(2) Except under and in conformity with the conditions of a licence granted by the Municipal Committee—

- (a) no person shall carry on any dangerous or offensive trade;
- (b) no premises shall be used or suffered to be used for 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 articles in excess of such limits as may be fixed by bye-laws.

(3) A Municipal Committee may, with the previous sanction of the Government prepare and enforce a scheme providing for the prohibition of dangerous and offensive trades in specified areas within the Municipality, and for the restriction of such trades in any area not so specified.

H—TOWN PLANNING.**Master Plan.**

80. A Municipal Committee shall draw up Master plan for the Municipality which shall, among other matters provide for -

- (a) a survey of the Municipality including its history, statistics, public services and other 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.

Site Development Scheme.

81. (1) Where a Master Plan has been drawn under section 80 and such Master plan has been approved, with or without any modification by the Government, no owner of land exceeding such area as may be specified in this behalf in the Master Plan so approved, shall develop the site or erect or re erect a building on 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 manner prescribed.

(2) Where a Master Plan has not been drawn up under section 80 no owner of land shall develop the site or erect or re-erect any building on any plot or land except in conformity with the provisions of site Development Schemes sanctioned by the Municipal Committee.

- (3) 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 utility services and to be transferred to the Municipal Committee;
 - (d) the land to be acquired by the Municipal Committee;
 - (e) the price of plots;
 - (f) the works that shall be executed at the cost of the owners of the site or sites; and
 - (g) the period during which the area shall be developed.

(4) The land reserved for public utility services in site Development Scheme shall be transferred free of cost by the owner or the owners to the Municipal Committee before the sanction of the scheme. Such land shall not be converted or used for any other purpose than as shown in the scheme except with the sanction of the Government.

Execution of site Development Schemes.

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

(2) If any area is developed or otherwise dealt with, in contravention of the provisions of the sanctioned Site Development Scheme, the Municipal Committee 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 Municipal Committee may 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 Municipal Committee or if the development is not in conformity with the terms of the Site Development Scheme, the Municipal Committee may in the prescribed manner, take over the development of the site and execute the necessary works and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the owner or owners under this Act.

I—BUILDING CONTROL.

Erection and re-erection of buildings.

83. (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 indicating the purpose or purposes for which the building is to be used, has been sanctioned by the Municipal Committee.

(2) A person intending to erect or re-erect building shall apply for sanction in the manner provided in the bye-laws and shall pay such fees as may be levied by the Municipal Committee.

(3) Where a plan to re-lay a street has been approved by a Municipal Committee, a person who intends to erect or re-erect a building or commence to erect or re-erect a building shall, adopt the approved building or street line and for this purpose any space required to be left vacant shall vest in the Municipal Committee.

(4) All building applications presented under this section shall be registered in the manner provided in the bye-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 Bye-laws or the Master Plan or Site Development Scheme, if any.

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

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

(7) Nothing in this section shall apply to any work, addition or alteration which the Municipal Committee may by bye-laws declare to be exempt.

Completion of buildings, alteration of buildings etc:

84. (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 Municipal Committee.

(2) The Municipal Committee 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 Act, the rule or the bye-laws or of the Master Plan or Site Development Scheme, if any, the Municipal Committee may require the alterations of the building so as to be in compliance therewith, and where such alteration is not possible, the Municipal Committee may require the building or any part thereof to be demolished, or on the application of the owner of such building compound the offence; provided that no offence shall be compounded if it involves any violation or contravention of the provisions of Master Plan or of a sanctioned Site Development Scheme or if the building has been constructed or a use other than it was shown to be used in the sanctioned building plan.

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

Regulation of Buildings.

85. (1) Except with the prior sanction of the Municipal Committee no building shall be put to a use other than the use as shown in the sanctioned building plan according to which it was erected or re-erected:

Provided that the Municipal Committee shall not sanction any change in the use of a building which may be in violation or contravention of the Master Plan or Site Development Scheme, if any.

(2) If any building or anything fixed thereon be deemed by the Municipal Committee 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 Municipal Committee may by notice require the owner or occupier of such building to demolish it or to take such action in regard to the building as may be specified in the notice, and if there is default, the Municipal Committee may take necessary steps itself, and the cost incurred thereon by the Municipal Committee shall be a tax levied on the owner or occupier of the building under this Act.

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

(4) If the building is in dangerous condition and declared unfit for human

habitation, the Municipal Committee may for the purpose of demolition eject the owner or occupier from such building with such necessary force as may be required.

J—STREETS.

- Public Streets.** 86. (1) A Municipal Committee shall provide and maintain such public streets and other means of public communications as may be necessary.
 (2) A Municipal Committee shall in the prescribed manner, prepare and execute a Road Maintenance and Development Programme which shall form part of the budget.
- Street.** 87. (1) No new street shall be laid out except with the previous sanction of the Municipal Committee, and in conformity with the terms and conditions of such sanction.
 (2) All streets other than public streets shall be maintained in such manner as the bye-laws may provide.
 (3) The Municipal Committee may by notice require that any street may be paved, metalled, drained, channelled, approved or lighted in such manner as may be specified and in the event of default, the Municipal Committee may have the necessary work done through its agency, and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the person concerned, under this Act.
 (4) The Government may prescribe the manner in which a street other than a public street may be converted into a public street.
- Encroachment.** 88. (1) No person shall make an encroachment movable or immovable on an open space or land vesting in or managed, maintained or controlled by a Municipal Committee, or on, over or under a street, road, graveyard, within the Municipal limits or a drain except under a licence granted by the Municipal Committee and to the extent permitted by such licence.
 (2) A Municipal Committee may remove the encroachment mentioned in sub-section (1) with such force as may be necessary.
 (3) Whoever trespasses into or is in wrongful occupation of a building or property which vests in or is managed, maintained or controlled by a Municipal Committee may in addition to any other penalty to which he may be liable under this Act or any other law for the time being in force, after such notice as may be provided by the Municipal Committee be ejected from such building or property by the Municipal Committee with such force as may be necessary.
 (4) Any person aggrieved by notice issued under sub-section (3) may within seven days of the service of notice, appeal to such authority as may be appointed by Government in this behalf whose decision thereon shall be final.
 (5) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed under this section.
- Street Lighting.** 89. (1) A Municipal Committee shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in the Municipal Committee by oil, gas, electricity or such other illuminant as the Municipal Committee may determine.
- Street Watering.** 90. A Municipal Committee 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.
- Traffic Control.** 91. (1) A Municipal Committee shall, by bye-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.
 (2) A Municipal Committee may, provide parking meters on such public places as may be determined by it.
- Public Vehicles.** 92. (1) No person shall keep or let for hire, or drive or propel within the limits of a Municipality any public vehicle, other than a motor vehicle, except under a licence granted by the Municipal Committee, and in conformity with the condition of such licence.
 (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 Municipal Committee and in conformity with the conditions of such licence.

(3) A Municipal Committee shall, in such manner as bye-laws may provide and with the previous approval of the Government, fix the rate of fares for the use of public vehicles, and no person plying 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.

K—ARBORICULTURE.

Arboriculture. 93. A Municipal Committee shall plant trees on public street 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 places.

CHAPTER XII.

OPTIONAL FUNCTIONS OF MUNICIPAL COMMITTEES.

Optional functions. 94. A Municipal Committee may, and if required by the Government shall undertake the following functions :—

A—PUBLIC HEALTH.

Promotion of Public Health. 95. Subject to the provisions of this Act and the rules, a Municipal Committee may take such measures for promoting public health, including education in health, as it considers necessary or, as the case may be, the Government directs.

Health and Maternity Centres etc : 96. A Municipal Committee may —
 (a) establish, maintain or manage or contribute towards the maintenance of health centres, maternity centres for the welfare of women, infants and children; and
 (b) provide for the training of "Dais".

Hospitals and Dispensaries. 97. A Municipal Committee may establish, maintain and manage in the prescribed manner such number of hospitals and dispensaries as may be necessary.

Medical aid and relief and medical education. 98. A Municipal Committee may take such measures as may be necessary or as may be specified by the Government for —

- (a) the provision, maintenance and management of First Aid Centres;
- (b) the provision, maintenance and management of mobile medical aid units;
- (c) the provision 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.

Environmental Pollution. 99. (1) A Municipal Committee may prepare and impelment schemes for the prevention of the pollution of air by the gases, dust or other substances exhausted or emitted by auto-mobiles, engines, factories, brick or lime kilns, crushing machines for grains, stone, salt or other materials and such other sources of air pollution as the bye-laws may provide.

(2) A Municipal Committee may prepare and implement schemes for the prevention of the pollution of water or land from such sources and in such manner as the bye-laws may provide.

B—DHOBI GHATS, FERRIES ETC.

Bathing and washing places. 100. (I) A Municipal Committee may from time to time —
 (a) set apart suitable places for use by the public for bathing, for washing clothes, or for drying clothes;
 (b) specify the time 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 *Hamam* or a bath for public use except under a licence granted by the Municipal Committee, and in conformity with the conditions and terms of such licence.

Dhobi Ghat.

101. A Municipal Committee may provide dhobi ghats and may by bye-laws regulate the use of dhobi ghats and levy fees for their use.

Public water courses.

102. (1) A Municipal Committee may with the previous sanction of the Government declare any source of water, spring, river, tank, pond, public stream or Nullah or any part thereof in the Municipality, which is not private property to be a public water course.

(2) A Municipal Committee 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 bye-laws may provide.

Public Fisheries.

103. A Municipal Committee may with the previous sanction of the Government declare any public water course as public fishery, and thereupon the right of fishing in such water-course shall vest in the Municipal Committee which may exercise such right in such manner as may be provided by bye-laws.

(C) ARTICLES OF FOOD AND DRINK.

Bye-laws for articles of food and drink.

104. A Municipal Committee may, by bye-laws—

- (a) prohibit the manufacture, sale or preparation or the exposure for sale of any specified articles of food or drink in any place or premises not licensed by the Municipal Committee;
- (b) prohibit the import into the Municipality for 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 articles of food or drink;
- (e) regulate the grant and withdrawal of licence under this section and the levying of fees therefor; or
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased or any articles of food or drink which is noxious.

Milk Supply.

105. (1) Except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence no person shall, within a Municipality, keep milk cattle for the sale of milk, or sell 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 such purpose.

(2) A Municipal Committee may in the prescribed manner, and with the previous sanction of Government 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 milk 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.

Public markets.

106. (1) A Municipal Committee may establish and maintain public markets or may provide places for use as public markets other than those meant for the disposal of farm produce, for the sale of articles of food and drink and of animals and secure the proper management and sanitation of such markets.

- (2) A Municipal Committee may in respect of a public market, provide by bye-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 shop, 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 therein.

D—Animal Husbandry.

Animal Husbandry. 107. (1) A Municipal Committee may provide for the establishment, maintenance and management of veterinary hospitals and dispensaries and by bye-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A Municipal Committee may, by bye-laws define contagious diseases among animals and provide for measure 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.

Animal homes and farms. 108. (1) A Municipal Committee may, with the previous approval of the Government, establish, maintain and manage animal homes, where, subject to such terms and conditions and on the payment of such fees and other charges as the bye-laws may provide, the animals of private persons may be kept.

(2) A Municipal Committee may, with the previous approval of the Government, establish, maintain and manage cattle farms and poultry farms, and such farm shall be managed and administered in such manner as the bye-laws may provide.

Registration of the sale of cattle. 109. A Municipal Committee may, by bye-laws, require that every sale of such of the animals as may be specified shall be registered with the Municipal Committee in such manner and subject to the payment of such fees as the bye-laws may provide.

Livestock improvement. 110. A Municipal Committee may, with the previous approval of the Government, 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.

Cattle shows zoo etc. 111. (1) A Municipal Committee 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 bye-laws may provide.

(2) A Municipal Committee may, with the previous approval of the Government maintain or contribute towards the maintenance of zoological gardens.

(E) PUBLIC SAFETY.

Famine. 112. In the event of a famine, a Municipal Committee may, with the sanction of the Government, execute such famine works and order such famine relief measures as may be specified by the Government.

Burial and burning places. 113. (1) A Municipal Committee may provide suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenance and administration of such 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 Municipal Committee and thereupon such burial or burning place shall vest in the Municipal Committee and the Municipal Committee shall take all measures necessary for the proper maintenance and administration thereof.

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

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

F—TREES, PARKS, GARDENS AND FORESTS.

Gardens. 114. (1) A Municipal Committee may layout 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 bye-laws, may provide.

(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.

Open spaces.

115. A Municipal Committee 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 bye-laws may provide.

Nuisances pertaining to trees and plantations.

116. (1) A Municipal Committee may, by bye-laws, determine the pests of trees and plants and provide for their destruction.

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

(3) A Municipal Committee may in the manner provided in the bye-laws require the falling of any tree which is dangerous or the trimming of the branches of any tree which overhang or are likely to interfere with the traffic or are otherwise inconvenient.

(4) A Municipal Committee may in the manner provided in the bye-laws prohibit the cultivation of any crop which is considered dangerous to public health within such part of the Municipality as may be specified.

Tanks and low-lying areas.

117. A Municipal Committee may 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 Government directs.

G—EDUCATION.

General provisions about education.

118. A Municipal Committee, may—

- (a) construct and maintain buildings to be used as hostels for students;
- (b) provide for the training of teachers;
- (c) promote adult education;
- (d) provide school books to orphans and indigent students free of cost or at concessional rates;
- (e) maintain depots for the sale of school books and articles of stationery; and
- (f) with the previous approval of the Government—
 - (i) promote and assist educational societies;
 - (ii) undertake educational survey and enforce educational plans; and
 - (iii) provide, whether free of charge or on payment milk or meals for school children.

(H) CULTURE.

Culture.

119. A Municipal Committee may—

- (a) establish and maintain information centres for the furtherance of civic education and dissemination of information on such matters as community development and other matters of public interest;
- (b) maintain radio and television 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 national occasions;
- (f) provide for the reception of distinguished visitors visiting the Municipality;
- (g) encourage national and regional languages;
- (h) promote physical culture and encourage public games and sports and organise rallies and tournaments;
- (i) promote tours to the Municipality and adopt measures for the preservation of the historical and indigenous characteristics of the Municipality; and
- (j) provide, promote or subsidise facilities for the recreation of the public.

Libraries. 120. A Municipal Committee may establish and maintain such public libraries, reading rooms and circulation libraries as may be necessary for the use of the public.

Fair and shows etc. 121. A Municipal Committee may 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.

(1) SOCIAL WELFARE.

Social Welfare. 122. A Municipal Committee may—

- (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; and
- (e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in Armed Forces and women and children.

J—MUNICIPAL POLICE.

Municipal Police. 123. (1) A Municipal Committee may and if directed by the Government shall, maintain such Police force, to be known as Municipal Police, as may be necessary.

(2) The Municipal Police shall be a police force within the meaning of section 2 of the Police Act, 1861, and shall consist of such number of officers and men who shall receive such pay and allowances, and shall be employed on such terms and conditions as the Government may from time to time determine.

(3) The Government may, notwithstanding anything contained in the Police Act, 1861, or in any other law, prescribe the duties which the Municipal Police may or may not be required to perform.

(4) Any officer or servant of a Municipal Committee when empowered in that behalf by a general or special order of the Government, may exercise the powers of a police officer for such purposes of this Act, as may be specified in such order.

Additional functions. 124. Nothing contained in this Chapter shall preclude a Municipal Committee to perform such functions as may be assigned to it by or under any other law.

CHAPTER XIII.

FUNCTIONS OF MUNICIPAL CORPORATIONS.

Functions of Municipal Corporations. 125. Notwithstanding anything contained in Chapter XI a Municipal Corpo-

ration shall undertake the functions mentioned under sections 64,66,78,80,91 and 92.

Additional functions of a Municipal Corporation. 126. Government may suo moto or on a resolution by a Municipal Corporation or a Municipal Committee thereof, direct that any of the functions of the Municipal Committee falling within the city shall subject to such terms and conditions as may be specified, be performed by the Municipal Corporation.

Co-ordination of Municipal Committees within the Municipal Corporation. 127. Subject to the provisions of this Act and the rules made or directions given thereunder, a Municipal Corporation may co-ordinate the activities of all the Municipal Committees within its jurisdiction.

CHAPTER XIV. LOCAL FUND AND PROPERTY.

Constitution of Local and Special funds. 128. (1) For every Local Council there shall be formed a Local Fund.

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

- (a) the balance of such fund as, on coming into force of this Act, is at the disposal of a Local Council as defined in the Baluchistan People's Local Government Ordinance, 1972 of which the Local Council concerned is declared to be successor under section 6 of this Act;
- (b) proceeds of all taxes, tolls, fees, rates and other charges levied by the Local Council under this Act;
- (c) all rents and profits payable or accruing to a Local Council from the property vested in or managed by it;
- (d) all sums received by the Local Council in the performance of its functions under this Act or under any other law for the time being in force;
- (e) all sums contributed by individuals or institutions or other Local Councils or other local authority;
- (f) all receipts accruing from trusts placed under the management of the Local Council;
- (g) all grants made by Government or other authorities;
- (h) all loans raised and all profits or interests accruing from investment;
- (i) all fines imposed under this Act;
- (j) all fines awarded to the Local Council under any law; and
- (k) such proceeds from such sources of income as the Government may direct to be placed at the disposal of the Local Council.

(3) A Local Council may and if required by Government shall establish and maintain a separate fund for any special purpose to which one or more sources of revenue mentioned in sub-section (2) or any part of these sources or any specified portion of the Local Fund may be assigned and which shall be administered and regulated in such manner as a Local Fund.

Custody and investment. 129. The moneys credited to a Local Fund shall be kept or invested in such manner as may be specified by the Government from time to time.

The charged expenditure. 130. (1) The following expenditure shall be compulsorily charged on the Local Fund, that is to say:—

- (a) such sums as are required for repayment of loans;
- (b) any sums required to satisfy any judgement, decree or award against the Local Council by any Court or Tribunal;
- (c) such sums as are payable to the Chairman under section 34 of this Act;
- (d) such sums as the Local Council may be required by the Government to

contribute towards the conduct of elections, the maintenance of the Provincial Unified Group of Functionaries, the auditing of accounts; and

(e) any expenditure declared by the Government to be so charged.

(2) If any expenditure is a compulsory charge on the Local Fund and is not paid, the Government may, by order, direct the person having the custody of the Local Fund to pay such amount, or so much thereof as may be possible from time to time, from the balance of the Local Fund.

Budgets.

131. (1) Every Local Council 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 and forward a copy thereof to Government.

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

(3) At any time before the expiry of the financial year to which 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, be subject to the provisions of this section.

Accounts.

132. (1) Accounts of the receipts and expenditure of a Local Council shall be kept in the prescribed manner and form.

(2) An annual statement of the accounts shall be prepared after the close of every financial year and shall be transmitted to the Government by such date as may be specified.

(3) A copy of the annual statement of accounts and such other statements as may be prescribed shall be displayed at a conspicuous place in the office of the Local Council concerned for public inspection, and all objections or suggestions concerning such accounts received from the public shall be considered by the Local Council and brought to the notice of the Audit Authority referred to in section 133.

Audit.

133. (1) The accounts of Local Council shall be audited in such manner and after such interval and by such authority as may be prescribed.

(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 member or servant of the Local Council.

(3) On the completion of audit, the Audit Authority shall, in the prescribed manner, submit to the Government and to Local Council an audit report which shall, among other things, mention—

(a) cases of embezzlement;

(b) cases of loss, misappropriation, waste or misapplication of Local Fund; and

(c) cases of other irregularities in the maintenance of accounts.

(4) The annual audit report shall be published by every Local Council for information of public.

(5) The Government may constitute a Local Council Accounts Committee consisting of elected and official members to review Audit Reports made under this section and perform such other functions as may be prescribed.

Loans.

134. (1) A Local Council may, with the previous sanction of Government, under a general or special order with such conditions as may be necessary and subject to the provisions of this Act or any other law, raise loans.

(2) The loans under sub-section (1) may be raised by the issue of bills or promissory notes or on the security of immovable property vested in a Local Council or of all or any of the taxes and dues authorised by this Act; provided that the bills or promissory notes so issued shall be payable within any period not exceeding twenty-four months.

(3) The loans raised by a Local Council may be spent on the carrying out of any works which it is legally authorised to carry out, acquisition of land and running of commercial schemes or for payment of a loan raised under this Act or any loan or debt for the repayment of which a Local Council is liable; provided that the money borrowed under this Act or a portion thereof shall not be applied to any purpose other than that for which it was borrowed.

(4) If any money borrowed in accordance with the provisions of this Act or any interest or cost due in respect thereof, is or are not repaid according to the conditions of the loans, the Government may, attach the funds on the security of which the loan was made. After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached funds, but such officer may do all acts in respect thereof which the borrowers might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the loan and of all interests and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings;

Provided that no such attachment shall defeat or prejudice any debt for which the funds attached were previously pledged in accordance with this Act but all such prior charges shall be paid out of the proceeds of the funds before any part of the proceeds is applied to the satisfaction of the liability in respect of which such attachment is made.

(5) The Government may establish a Local Councils Development Loan Fund and may require Local Councils to contribute to such fund and may regulate the operation of such Fund in the prescribed manner.

Property of Local Councils.

135. (1) Subject to any reservation made, or any conditions imposed by the Government, all property specified hereunder shall vest in the Local Council that is to say—

- (a) all property which vested in any Local Council, Local Body or Authority of which a Local Council is the successor;
- (b) all property acquired by a Local Council by gift, purchase or otherwise;
- (c) all public buildings including town halls, town walls and gates, which have been constructed or are maintained out of the Local Fund;
- (d) all loans, open space, playgrounds, gardens, parks and other places of public resort transferred to a Local Council by the Government or acquired by a Local Council by gift, purchase or otherwise for a public purpose;
- (e) all public streets, bridges and other means of public communication and parking meters as are maintained out of the Local Fund;
- (f) all drains, sewer, culverts, and other channels for sullage as are maintained out of the Local Fund;
- (g) all refuse collected by a Local Council, or deposited at places fixed by a Local Council and any sullage flowing in any drain, sewer or channel;
- (h) all works for the disposal of refuse and night soil, including septic tanks, night soil depots, trenching grounds and incinerators, maintained out of the Local Fund;
- (i) all water works, water mains and pipes, stand posts, hydrants, water throughs and hand pumps maintained out of the Local Fund;
- (j) all public lamps, lamp posts and other appliances for street lighting maintained out of the Local Fund;
- (k) all trees, plants and flowers on roadside and other places maintained out of the Local Fund; and
- (l) all other property which may vest in a Local Council under any law or order passed by the Government.

(2) A Local Council may—

- (a) manage, maintain, inspect, develop or improve any property which is

owned by or vests in it or which is placed under its charge;

- (b) apply such property for the purposes of this Act; and
- (c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property in the prescribed manner.

(3) **The Government may by rules-**

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

Surcharge.

136. (1) Every member of a Local Council, every official or servant of a Local Council and every person charged with administration of the affairs of a Local Council or acting on behalf of a Local Council shall be liable for the loss, waste, misappropriation or misapplication of any money or property belonging to a Local Council which is direct consequence of his negligence or misconduct, shall be liable to pay such surcharge as may be determined by the District Co-ordination Committee and such amount shall be recoverable as a public demand or as arrears of land revenue.

(2) Any person aggrieved by the imposition of surcharge under sub-section (1) may prefer an appeal to Government whose decision shall be final.

CHAPTER XV
LOCAL TAXATION.

Local Rates.

137. All lands assessable to rent or land revenue shall be subject to the payment of a rate to be known as the local rate. The local rate in each District shall bear such proportion to the rent or land revenue in the District as the Government may, by notification, from time to time, fix and it shall be collected in the prescribed manner alongwith the rent or land revenue by the village revenue officials responsible for its collection and the proceeds thereof shall be credited to the Local Fund of the Zila Council.

Taxes to be levied.

138. A Local Council subject to the provision of any other law may, and if directed by the Government, shall levy all or any of the taxes enumerated in the second schedule.

Notification and enforcement of taxes.

139. (1) All taxes levied by a Local Council shall be notified and shall, unless otherwise directed by the Government, be subject to previous publication.

(2) Where tax is levied or modified, the Local Council shall specify the date for the enforcement thereof, and such tax or the modification shall come into force on such date.

Directions with regard to levy of tax, etc.

140. (1) The Government may direct a Local Council-

- (a) to levy any tax;
- (b) to increase or reduce any such tax or the assessment thereof to such extent as may be specified; or
- (c) to suspend or abolish the levy of any such tax.

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

Liability on account of taxes.

141. (1) A Local Council may, by notification, call upon any person to furnish such information, produce such record or accounts or to present such goods or animals liable to any tax as may be necessary for the purpose of determining the liability of such person, goods or animals to a tax.

(2) Any official of Local Council 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 animals therein liable to any tax.

(3) Any official of Local Council authorised in this behalf may, in the prescribed manner, seize and dispose of any goods or animals on which any tax is due and is not paid.

Collection and recovery of taxes etc.

142. (1) All arrears of taxes, rents and other moneys claimable by a Local Council under this Act shall be recoverable as a public demand or as arrears of land revenue.

(2) Notwithstanding the provisions of sub-section (1) the Government may empower any Local Council to recover arrears of taxes, any other moneys claimable by Local Council under this Act by distress and sale of the movable property belonging to the person concerned or by attachment and sale of immovable property belonging to him.

(3) The Government may, by rules, specify the officials or classes of officials by whom the power under sub-section (2) shall be exercised and prescribe manner in which it shall be exercised.

Deduction of taxes from salaries.

143. If a Local Council levies a tax on profession, 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 Local Fund of the Local Council.

Petitions against valuations, assessment etc.

144. No assessment of a tax under this Act or valuation therefor, 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.

Taxation Rules.

145 (1) All taxes and other charges levied by Local Council shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be provided by rules.

(2) Rules framed under this section may, among other matters, provide for the obligation of the tax payer and the duties and powers of the officials and other agencies responsible for the assessment and collection of taxes.

Sharing of Income.

146. (1) A Municipal Corporation shall share its income with the Municipal Committee comprising therein such proportion as may be determined by Government.

(2) A Municipal Committee may, and if so directed by the Government, shall, allocate a portion of its income to Mohallah Committees.

(3) A Zila Council may, and if so directed by the Government shall, allocate a portion of its income to a Halqa Council or to a Dehi Council.

(4) A Halqa Council may, and if so directed by the Government shall, allocate a portion of its income to Dehi Council.

CHAPTER XVI
DEVELOPMENT PLANS

Development Plans.

147. (1) A Local Council shall prepare development plans which shall among other matters include the following :-

- (a) nature and location of the scheme or schemes;
- (b) total estimated cost;
- (c) sources of finance;
- (d) date of commencement;
- (e) date of completion;
- (f) manner of execution;
- (g) agencies responsible for maintenance;

- (h) benefits, tangible or intangible to accrue; and
- (i) such other matters as may be necessary.

(2) The development plan of a Local Council shall be sanctioned in its ordinary meeting.

(3) As far as may be, the schemes included in the Development plan shall be included in the budget.

Community development projects.

148. A Local Council may sponsor or promote Community Development Projects for its local areas or any part thereof as may in this behalf, subject to the approval of the Government, perform such functions as may be necessary.

Commercial Schemes.

149. A Local Council may promote, administer, execute and implement schemes for undertaking any commercial or business enterprise.

CHAPTER XVII
TOWN IMPROVEMENT.

Town Improvement Committees.

150. A Municipal Committee may with the prior approval of Government, constitute a Town Improvement Committee which shall perform such functions and exercise such powers as may be specified by the Government from time to time.

Development Schemes.

151. Where a Town Improvement Committee is constituted, the Government, may, in the prescribed manner, provide for—

- (a) the types of schemes to be undertaken such as for general improvement, re-building, streets, development, expansion, housing, accommodation, re-housing, multifarious or deferred schemes;
- (b) initiation of schemes by the Town Improvement Committee on the direction of the Government or on move by the Local Council;
- (c) considerations governing initiation of schemes such as conditions of adjoining localities, the direction which a town is likely to expand and the relative claims of any other localities to any alternative schemes;
- (d) matters to be provided for in a scheme such as compulsory or private acquisition of land, retention, management or disposal of lands vested in the Municipal Committee, demolition of unhygienic buildings, relaying out and redistribution of land in a scheme, laying out and alteration of schemes, provisions and management of open spaces, reclamation of land and its reservation for the production of fruit, vegetables, fuel, fodder and the like for the residents of a local area, water supply and lighting, drains and sewerage, health measures, demolition, erection and re-erection of buildings, advances to owners, communication and other matters;
- (e) alteration and abandonment of schemes and of acquisition of land;
- (f) furnishing of information by a Local Council or by the Government or other agency and which is necessary for the purpose of framing a scheme or of assistance in its execution or maintenance;
- (g) powers of such sanction or as the case may be, of rejection or modification of a scheme;
- (h) powers to facilitate movement of population and powers of entry;
- (i) powers to make a survey or contribute towards their costs; and
- (j) such other matters as may be necessary.

Notice of Schemes.

152. (1) As soon as may be, after a scheme has been framed by the Town Improvement Committee, the Town Improvement Committee shall prepare a notice stating the fact that the scheme has been framed and that the boundaries of the localities comprised therein and the place or places at which and the time at which the

scheme including a statement of the land proposed to be acquired and the general map of the locality comprised in the scheme, may be inspected.

(2) The Town Improvement Committee shall, notwithstanding anything contained in the sanctioned scheme, cause the said notice to be notified and also published in newspaper weekly on three consecutive weeks alongwith a statement of the period within which objections shall be received.

(3) On the notification and publication of notice under sub-section (2), the scheme shall be deemed to be in force and no person shall thereafter erect, re-erect, add or alter any building or buildings within the area of the scheme except with the permission of the Town Improvement Committee.

(4) The objections received under sub-section (2), shall be disposed of in the prescribed manner.

Notice of acquisition of lands and notification of schemes.

153. (1) During thirty days next following the first day on which any notice is notified and published under sub-section (2) of section 152, the Town Improvement Committee shall serve a notice on every person whom the Town Improvement Committee has reason to believe to be owner or occupier of any immovable property, which is proposed to be acquired in executing the scheme and such notice shall state that the Town Improvement Committee proposes to acquire such property for the purpose of carrying out a scheme, requiring such person, if he objects to such acquisition, to state his reasons in writing within a period of sixty days from the service of the notice.

(2) The sanction of the scheme by the authority competent to do so under the rules shall on notification be conclusive evidence that the scheme has been duly framed and sanctioned.

Finance.

154. (1) For every Town Improvement Committee there shall be maintained a Fund, to be known as Development Fund which shall be treated as a Local Fund.

(2) The Development Fund shall be made up of contributions by the Municipal Committee and such loans and grants as are approved and made by Government.

Dissolution of Improvement Trust.

155. (1) Where a Town Improvement Committee is constituted in any Local Council, the provisions of the Town Improvement Act, 1922, shall not apply.

(2) The Town Improvement Committee shall be the successor-in-interest of the Town Improvement Trust, if any, and the assets and the liabilities of the Improvement Trust shall be the assets and liabilities of the Town Improvement Committee.

Explanation - For the purposes of this Chapter a Municipal Committee includes a Municipal Corporation.

CHAPTER XVIII. MARKET COMMITTEES

Farm Markets.

156. (1) A Municipal Committee or a Halqa Council may, with the sanction of the Government, establish within its limits, Farm Market for purchase and sale, storage and preservation of farm produce.

(2) The Municipal Committee or the Halqa Council, as the case may be, shall be responsible for the construction and maintenance of roads, shops, platforms, provision of water, lighting, conservancy and other facilities in the farm markets.

(3) Such employees of Market Committee as are not absorbed in the Provincial Unified Group of Functionaries, shall be the servants of the Local Council and be paid out of the Local Fund.

Market area.

157. The Deputy Commissioner shall, on the recommendations of the Zila Council, notify the Market area for a Farm Market in the prescribed manner.

Constitution of Market Committees.

158. A Market Committee shall be constituted for a Farm Market and the Market area attached to it.

Membership.

159. (1) A Market Committee shall consist of the following members :-

- (a) two members to be elected by each of the Halqa Council in a Market area from amongst the growers of the Halqa;
- (b) one member of the Market Committee shall be a member of the Municipal Committee or a member of Halqa Council, as the case may be, to be elected

- for the purpose by the Local Council concerned;
- (c) one member to be elected by the Municipal Committee, or the Halqa Council, as the case may be, out of the holders of licences issued under section 160; and
 - (d) one member to be elected by the Municipal Committee, or the Halqa Council, as the case may be, out of persons carrying out the occupation of weights and measures, surveyors or ware-house-men.
- (2) A Market Committee shall elect a Chairman by majority of votes.
 - (3) The term of office of a Market Committee shall be two years from the date of its first meeting.
 - (4) A member of the Market Committee may be removed in the prescribed manner

Provided that a member of a Local Council removed under section 30 shall also be deemed to have been removed from the Market Committee of which he is a member.

Licences.

160. (1) After the date of issue of notification of the Market Area and the date of constitution of Market Committee whichever is later, no person, unless exempted by rules, shall either for himself or on behalf of another person or of the Government within limits of the Farm Market or the Market Area set up, establish or continue or allow to be continued any place for the purchase and sale of the farm produce, or purchase or sell such produce except under a licence granted under the provisions of this Act, the rules or bye-laws and the conditions governing the grant of such licence:

provided that a licence shall not be required by a grower who himself or through a bonafide agent sells his own produce or the farm produce of his tenants on their behalf or by a person who purchases any farm produce for his private use.

(2) No broker, weighman, measurer, surveyor, warehouseman, muqadam, changarh, palledar, boriata, rola shall, unless authorised by licence, carry on his occupation in the Farm Market or Market Area in respect of farm produce.

(3) The Chairman of the Market Committee shall be competent to issue, renew cancel, suspend or revise the licence mentioned in this section.

(4) The Zila Council may fix the rates of fees to be charged by the Market Committee in the District for the issue of licences. The rates so fixed shall be notified in the prescribed manner.

Levy of fees.

161. The Market Committee may in the prescribed manner levy fees on licences and the farm produce brought and sold in the Farm Market.

Market Fund.

162. All moneys received by a Market Committee shall be paid into a fund called the Market Fund.

Application of Market Fund.

163. (1) One-half of the annual income of the Market Committee shall be credited to the local fund or the Municipal Committee or the Halqa Council in whose jurisdiction a farm Market is situate.

(2) The remaining amount of the annual income of the Market Committee may be spent by the Market Committee only for the following purposes:-

- (a) acquisition of a site or sites for the Farm Market in the Market Area;
- (b) maintenance and improvement of marketing facilities in the market area;
- (c) provision and maintenance of standard weights and measures;
- (d) collection and dissemination of information regarding all matters relating to crop statistics, marketing of farm produce and agricultural extension;
- (e) expenses incurred in auditing the accounts of the Market Committee;
- (f) provision of libraries for spreading of knowledge about farming;
- (g) payment of travelling allowance and other expenses to the members and

- officials of the Market Committee; and
(h) undertaking commercial enterprises.

CHAPTER XIX.

ANIMAL TRESPASS.

- Pounds.** 164. (1) There shall be established one or more animal pounds in every Halqa and such number of animal pounds in a Municipality as may be considered necessary by the Municipal Committee.
- (2) The Halqa Council or the Municipal Committee, as the case may be, may fix from time to time, the location of the animal pounds and rates of feeding, watering and accommodating the impounded animal.
- Pounds Keeper.** 165. The Halqa Council or the Municipal Committee, as the case may be, may appoint pound-keepers on whole-time or part-time basis on such terms and conditions as may be fixed.
- Registers and Returns.** 166. (1) A Pound Keeper shall keep such registers and furnish such returns as may, by standing orders, be specified by the Government from time to time.
- (2) When animals are brought to the pounds, pound keeper shall enter in the register the number and description of animals, the day and hour on which they were so brought, the name and residence of the seizer and that of the owner, is known and shall give the seizer or his agent a copy of such entry.
- Possession and Feeding.** 167. (1) The pound keeper shall take charge of, feed and water the animals until they are disposed of as hereinafter provided.
- (2) A cultivator, tenant or occupier of any land or the vendor or mortgagee of any land or crop or produce or any part thereof, may seize or cause to be seized any animal trespassing on such land and doing damage thereto, or any crop or produce thereon, to send them or cause them to be sent within twenty-four hours to a pound established under this Act.
- (3) Persons in charge of Public roads, pleasure grounds, plantations, canals, drainage works, embankments and the like and the officers of police, may seize or cause to be seized any animals doing damage and shall send them or cause them to be sent, within twenty four hours of the seizure to the nearest cattle pound.
- (4) All officers of the police shall when required, aid in preventing resistance to such seizures and rescues from persons making such seizure.
- Fines for impounded animals.** 168. For every animal impounded as aforesaid, the Pound Keeper shall levy a fine in accordance with the scale fixed by the Local Council and the fines so charged shall form part of and be deposited in the Local Fund.
- Delivery or sale of animals.** 169. (1) If the owner or his agent appears and claims the animals, the pound-keeper shall deliver them to him on payment of the fine and charges incurred in respect of such animals under proper receipt to be recorded by the owner or his agent in the register.
- (2) If the animals be not claimed within seven days of impounding, the pound-keeper shall inform the Officer in charge of Police Station who shall thereupon display at a conspicuous place in his office a notice stating the number and description of animal and places of seizure and impounding. A similar notice shall be displayed at a conspicuous place in the office of the Local Council.
- (3) If the animals be not claimed within seven days of the notice they shall be sold by the Chairman of the Local Council or the Chairman of a Municipal Committee or by his agent, by open auction after giving sufficient publicity in the area of Local Council:
- Provided that the person auctioning the animal or the Pound Keeper or his relatives shall not bid for or purchase the impounded animals.
- (4) The proceeds of the sale of animals shall be paid to the owner if he later on appears after deductions of fines and feeding and other charges.
- Illegal seizures.** 170. If the owner of an animal appears but considers the seizure to be illegal,

he may upon the payment of fines and charges incurred in respect of the animal, take delivery of the animal and within seven days of taking such delivery may institute proceedings in a Panchayat for damages.

CHAPTER XX.
PANCHAYATS.

Panchayats.

171. (1) A Dehi Council or a Mohallah Committee shall act as Panchayat in the manner hereinafter provided.

(2) The Chairman and one-third of the remaining number of members shall form a quorum of the Panchayat, the fraction being counted as one.

Jurisdiction.

172. (1) Notwithstanding anything contained in any other law the cases mentioned in the Third Schedule shall, save as otherwise provided, be exclusively triable by a Panchayat.

(2) For the purpose of deciding whether an offence falls within the jurisdiction of a Panchayat, the provisions of sections 177, 179 to 182 of the Criminal Procedure Code, 1898 shall apply.

(3) A Civil suit shall lie before a Panchayat within the limits of whose jurisdiction the cause of action has arisen wholly or in part, or within the limits of whose jurisdiction the defendant or one of the defendants resides or carries on business or personally works for gain or has within one year of the institution of the suit resided or carried on business or personally worked for gain.

(4) Where the land in dispute falls within the jurisdiction of more than one Panchayat, the suit may be instituted in any one of the Panchayats within the local limits of whose jurisdiction any portion of the land is situate.

Exclusion of certain cases.

173. (1) No Panchayat shall take cognizance of any offence under the Pakistan Penal Code, in which either the complainant or the accused is a public servant or the accused person is liable to enhanced punishment under section 75 of the Pakistan Penal Code.

(2) A civil or revenue suit shall not lie in a Panchayat in respect of a case—

- (a) in which the interest of a minor or a person of unsound mind is involved
- (b) for a share or a part of share under an intestacy or for a legacy or part of a legacy under Will;
- (c) where provision for arbitration has been made in a contract between the parties;
- (d) by or against the Federal or a Provincial Government or a Local Authority or a Panchayat or a public servant acting in the discharge of his duty or when any such party is, in the opinion of the Panchayat, a necessary party; and
- (e) against an insolvent for a claim pertaining to the time prior to the admission of his insolvency petition.

(3) All cases mentioned in the Third Schedule which under the Act are exclusively triable by a Panchayat shall till the assumption of office by a Local Council continue to be instituted in and disposed of by ordinary Courts.

Institution of cases.

174. (1) A case may be instituted in a Panchayat orally or in writing before the Chairman and in his absence before any member.

(2) If the case is instituted orally, necessary particulars shall be maintained by the Chairman or the member, as the case may be.

(3) Notwithstanding anything contained in sub-section (1) a Panchayat shall be competent to take cognizance of offences falling under sections 160, 264, 277, 289, 294, 510 of the Pakistan Penal Code, 1860 and under section 3 and 4 of the West Pakistan Juvenile Smoking Ordinance, 1959 (XII of 1959).

(4) The record of cases instituted in a Panchayat shall be maintained in such form and by such persons as the Government may specify.

- Return of cases.** 175. (1) A case may, at any time, be returned to be presented to the Panchayat in which it should have been instituted.
(2) On returning a case the Panchayat shall endorse thereon the dates of its presentation and return.
- Criminal cases requiring severe punishment.** 176. Whenever a Panchayat is of the opinion that the case is of such nature that on conviction the accused ought to receive a punishment different in kind from, or more severe than that which the Panchayat is competent to inflict, the Panchayat may record its opinion and send the file and forward the accused to the District Magistrate of the district for trial in a court of competent jurisdiction.
- Complex cases.** 177. If at any time it appears to a Panchayat that the case is of a complex nature and that it should be tried by a court, the Panchayat may, by an order in writing send the case to a court of competent jurisdiction.
- No appearance through Counsel.** 178. (1) Notwithstanding anything contained in any other law, no legal practitioner shall be permitted to appear on behalf of any party to a dispute before any Panchayat or before any other authority exercising powers under this Act.
(2) A Panchayat may exempt any person from personal attendance in a Panchayat and may permit his authorised representative not being a paid agent, to represent him in the proceedings.
- Bar to personal interest.** 179. A member of a Panchayat or a Halqa Council shall not take part in any case or the appellate proceedings in which he or his employer, employee or partner in business or a relative is personally interested.
- Inability of Chairman.** 180. If owing to illness or any other cause the Chairman of a Panchayat or a Halqa Council in appellate proceedings is unable to act, any other member nominated by him in writing may act as Chairman.
- Procedure.** 181. (1) A Panchayat or a Halqa Council while hearing an appeal shall maintain a brief memorandum of proceedings of each case heard by it.
(2) Sections 8 to 11 of the Oaths Act, 1873, shall be applicable to proceedings before a Panchayat.
(3) All proceedings in a Panchayat or the appellate proceedings before a Halqa Council shall be open to public and shall be undertaken after due publicity by the beat of drum or in any manner deemed sufficient by the Panchayat or the Halqa Council, as the case may be.
- Summary Disposals.** 182. (1) The Panchayat may, on a complaint disclosing commission of an offence, after examining the complainant, if any, and after further enquiry if necessary dismiss the complaint if found vexatious or frivolous.
(2) If a suit appears to be frivolous or barred by limitation under the provisions of Limitation Act, 1908 or any other law or discloses no cause of action, the Panchayat may dismiss it by order in writing.
- Summons.** 183. If a complaint or a suit is not dismissed under section 182, the Panchayat shall, by summons, require the accused or the defendant, as the case may be, to appear before it and answer the charges or the suit.
- Processes.** 184. (1) Summons may be served in such manner as the Panchayat may deem fit.
(2) If the person required to be summoned resides outside the jurisdiction of the Panchayat, summons may be forwarded to the Panchayat within whose jurisdiction such person resides and such Panchayat shall cause it to be served as it were a summons issued by it.
(3) If the summons cannot be served in the ordinary manner, the Panchayat may forward the summons to any Magistrate in the District who shall cause it to be served as if it were a summons issued by him.
- Absence of Complainant.** 185. (1) If a complainant fails to appear on the date fixed for hearing or if in the opinion of the Panchayat the complainant is negligent in prosecuting the case, the Panchayat may dismiss the case.
(2) Any person aggrieved by an order passed under sub-section (1) may, within thirty days of the dismissal of the case, apply for its restoration and if the Panchayat is satisfied that there is good cause for the complainant's failure to appear or prosecute the case, the Panchayat may restore the proceedings.
(3) The order of dismissal under sub-section (1), unless set aside under sub-

Absence of Plaintiff.

section (2), shall amount to acquittal.

186. (1) When in a civil or revenue suit the plaintiff fails to appear or is negligent in prosecuting the case, the Panchayat shall dismiss the suit unless the defendant admits the claim, or part thereof, in which case the Panchayat shall pass a decree against the defendant upon such admission, and where part only of the claim has been admitted, shall dismiss the case so far as it relates to the remainder.

(2) Any person aggrieved by an order of dismissal of a suit passed under sub-section (1) may, within thirty days from the date of such dismissal apply for its restoration and if the Panchayat is satisfied that there is good cause for the petitioner's failure to appear or prosecute the case, the Panchayat may, after the service of notice on the defendant, restore the proceedings.

Proceedings on failure of the accused to appear.

187. (1) If the accused fails to appear or cannot be found, the Panchayat shall report the fact to any Magistrate in the District.

(2) The Magistrate shall issue a warrant for the arrest of the accused and shall direct by endorsement on the warrant that if such person executes a bond with sufficient sureties for his attendance before him in the manner provided by section 76 of the Code of Criminal Procedure, 1898, the accused shall be released from custody.

(3) When the accused appears before the Magistrate he shall direct him to execute a bond with or without sureties to appear before the Panchayat, Chairman or any member on such date as he may direct and thereafter to continue to appear before the Panchayat as directed by such person or the Panchayat.

(4) On his failure to execute such bond the Magistrate shall order that the accused be produced in custody before the person mentioned in sub-section (3) or the Panchayat on a date not later than fifteen days of such order.

(5) If the accused fails to appear before the Panchayat after executing a bond under sub-section (3), the Panchayat shall report the fact to the Magistrate before whom the bond was executed, and such Magistrate shall proceed in accordance with the provisions of Chapter XLII of the Code of Civil Procedure, 1898.

Proceedings on failure of the defendant to appear.

188. (1) If the defendant in a civil or revenue suit fails to appear and the Panchayat is satisfied that the summons was served upon him or that he is intentionally avoiding the service, the Panchayat may proceed ex-parte.

(2) Any defendant who has been proceeded against ex-parte or against whom an ex-parte decree is granted may, within thirty days of such order or decree, apply to the Panchayat to set aside the order or decree.

(3) On the application when made under sub-section (2), the Panchayat may, if satisfied that the summons was not served or a defendant failed to appear for a good cause, after the service of the notice upon the opposite party, set aside the order and the decree and appoint a day for proceeding with the case.

Proceedings when the accused appears.

189. (1) The Panchayat shall, if possible, try a criminal case and pass orders on the day on which the accused appears and, if that is not possible, may, if he is not already on bail, require him to execute a bond with or without sureties for a sum not exceeding five hundred rupees to appear before the Panchayat on any subsequent day or days to which the trial may be adjourned.

(2) The amount of such bond if forfeited shall be recoverable by the Panchayat as if it were a fine imposed by it.

(3) If the accused fails to execute the bond under sub-section (1), the Panchayat shall inform any Magistrate in the district regarding such failure and also about the date fixed for the next hearing. The Magistrate when so informed shall proceed in the manner provided under sub-section (2), (3) and (4) of section 187.

Proceedings when the defendant appears.

190. On the appearance of the defendant before the Panchayat, the Panchayat shall, if possible, pass orders on the same day and if that is not possible it may adjourn the suit for further proceedings.

Attendance of witnesses.

191. (1) A Panchayat, if necessary, may summon any person to appear before it and to give evidence or to produce or cause the production of any document:

provided that-

(a) a person who is exempt from personal appearance in court under sub-sec-

tion (1) of section 133 of the Code of Civil Procedure 1908, shall not be required to appear in person before a Panchayat in a civil or a revenue suit,

- (b) A Panchayat may refuse to summon a witness or to enforce a summon already issued against a witness, when in its opinion the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which in the circumstances would be unreasonable;
- (c) A Panchayat shall not require any person living beyond its jurisdiction to give evidence or to produce a document unless such sum of money be paid to him as appears to the Panchayat to be sufficient to defray his reasonable expenses;
- (d) a woman shall not be compelled to appear as a witness in person before a Panchayat but may be examined on commission; and
- (e) if a document is produced in obedience to a summons issued under this section the Panchayat shall cause the document to be copied, mark the copy after comparing with the original to be a true copy and return the original document to the person producing the same.

(2) If any person, whom the Panchayat summons to appear to give evidence, or to produce any document before it, wilfully fails to obey such summons, the Panchayat may take cognizance of such disobedience and after giving such person an opportunity to explain may impose a fine not exceeding two hundred rupees.

Decisions.

192. (1) Decisions of Panchayat and of Halqa Council in appellate proceedings shall be taken by majority vote. In case of equality of votes, the Chairman shall have a casting vote.

(2) All decisions of the Panchayat or of the Halqa Council in appellate proceedings shall be recorded in writing before being announced and will be authenticated by the members making the decision.

(3) A sentence, order or decree of a Panchayat shall not be executed by the Panchayat until after the disposal of appeal or in the absence of appeal till the expiry of the period of limitation fixed for the appeal.

Authentication of documents.

193. A Panchayat or a Halqa Council for Judicial proceedings shall have its own seal for the purpose of authenticating its proceedings, orders, decisions or decrees and other documents.

Appeals.

194. (1) A party may within thirty days of the announcement of the order or decree file an appeal in writing.

(2) An appeal against the decision of the panchayat of the Dehi Council shall lie to the Halqa Council concerned and the quorum for the purpose of appeal shall be one-third of the total number of members including the Chairman; provided that the member of Halqa Council against the decision of whose Panchayat the appeal is preferred, shall not take part in the hearing of the appeal.

(3) An appeal against the decision of the Panchayat of the Mohallah Committee shall lie to such authority and in such manner as the Government may specify or determine.

Punishment in Criminal cases.

195. (1) A Panchayat may on conviction—

- (a) sentence the accused to imprisonment of a term not exceeding sixty days; fine not exceeding one thousand rupees; or both; provided that the sentence or fine shall not exceed the maximum sentence or fine prescribed by law for the offence.

- (b) discharge the accused after due admonition;

- (c) having regard to the age, character or antecedents of the offender and to the circumstances in which the offence was committed, if it is considered expedient that the offender should be released on probation of good conduct, direct that he be released on his entering into a bond with or without surety to keep the peace and be of good behaviour during a period of twelve months.

(2) The amount of any bond taken under clause (c) of sub-section (1) if for-

feited shall be recoverable by the Panchayat as if it were a fine imposed by it.

(3) Every order of sentence of imprisonment and of fine in case the fine is not paid to the Panchayat, shall be referred to a Magistrate in the District concerned who shall execute it as if it were a sentence imposed by him.

Decree in Civil and Revenue Cases.

196. (1) A Panchayat shall on the conclusion of a civil or revenue suit either dismiss the suit or pass a decree with or without costs in such form as Government may specify.

(2) If in satisfaction of a decree any amount of money is paid or any property is transferred in the presence of Panchayat, it shall enter such payment or such transfer in the Register of Suits.

(3) The Panchayat on finding it difficult to execute a decree may forward the decree to a competent civil or revenue court having jurisdiction and such court shall thereupon proceed to execute it as if it were a decree passed by it.

Payment by instalments.

197. A Panchayat when imposing a fine or ordering the payment of a sum of money or the delivery of any movable property, may in case of payment of money fix instalments.

Compensation.

198. (1) The Panchayat may order the whole or any part of the fine to be applied—
(a) in defraying expenses properly incurred by the complainant; and
(b) in compensation for any material damage or loss caused on account of the commission of offence.

(2) If the Panchayat considers that a case is false or frivolous or vexatious it may call upon the complainant to show cause why he should not pay compensation to the accused. The Panchayat shall record and consider any cause which the complainant may show and if it is satisfied that the case is false, frivolous or vexatious, may for reasons to be recorded, direct that the compensation not exceeding rupees two hundred be paid to the accused.

Compromises and Decision on oath.

199. Notwithstanding anything to the contrary contained in any other law it shall be lawful for the Panchayat to allow any criminal case to be compounded or to compromise any suit.

Contempt of Panchayat.

200. (1) A person shall be guilty of contempt of a Panchayat if he, without lawful excuse—

- (a) offers any insult to the Panchayat or any member thereof while the Panchayat is functioning as such; or
- (b) causes any interruption in the work of the Panchayat; or
- (c) fails to produce or deliver a document when ordered by the Panchayat to do so; or
- (d) refuses to answer any question of the Panchayat which he is bound to answer; or
- (e) refuses to take oath or to state the truth or to sign any statement made by him when required by the Panchayat to do so.

(2) The Panchayat may without any complaint having been made to it, forthwith try any person for contempt and sentence him to a fine not exceeding one hundred rupees.

(3) In offences of the nature mentioned in sections 172, 173, 174 and 202 of the Pakistan Penal Code, in so far as they are committed in respect of the proceedings of a Panchayat, the Panchayat may, through its Chairman, lodge a complaint in writing to Magistrate in the District competent to try such offences.

Transfer of application.

201. (1) Any party to a case may apply for the transfer of a case from one Panchayat to another Panchayat in the same Halqa, in a civil suit, to the District Judge in a revenue suit to the Collector of the District and in a criminal case to District Magistrate of the District concerned.

(2) Where a Local Council is dissolved or its term expires and its successor Local Council is not constituted within a period of 60 days, Government may make arrangements for the disposal of Judicial cases or the appeals pending with the Panchayat of such a Local Council or the Halqa Council in such manner as it may deem fit.

Execution of certain orders.

202. The provisions of section 512, 517 and 522 of the Code of Criminal Procedure, 1898, shall apply to criminal proceedings before a Panchayat and if any order

made by a Panchayat in relation to sections 517 and 522 of the Code of Criminal Procedure, 1898, is not complied with, the Panchayat shall forward the same to any Magistrate in the district who shall proceed to execute it as if it were an order passed by him

CHAPTER XXI

SUPERVISION OF LOCAL COUNCILS

Supervision of Local Councils.

203. The Government shall exercise general supervision and control over the Local Councils in order to ensure that their activities conform to the provisions of this Act.

Inspection of Local Councils.

204. (1) The working of the Local Council shall be inspected at least once in a financial year by the Inspecting Officer or officers to be notified by Government.

(2) The Inspecting Officer shall have the power:—

(a) to enter on, inspect and survey or cause to be entered on or inspected and surveyed any immovable property occupied by a Local Council or any institution maintained by or any work in progress under the directions of Local Council;

(b) to call for and inspect or cause to be inspected files, registers, books or documents in the possession or under the control of a Local Council;

(c) to require the production of such statements, accounts reports, documents and copies of documents relating to the proceedings of a Local Council as the Inspecting Officer may think fit;

(d) to attend meetings of Local Council and to take part in discussions and other proceedings but shall not have the power to vote; and

(e) to inquire generally into the affairs of a Local Council.

Inspection Reports and action thereon.

205. (1) The Inspection reports shall be prepared on such proforma as may be specified by Government and the inspection reports so prepared shall be forwarded to the Local Council concerned within thirty days of the completion of inspection.

(2) As soon as may be, the inspection reports prepared under sub-section (1) shall be placed before the next meeting of the Local Council for information and compliance.

(3) The Chairman shall take such action on the inspection report as may be required.

(4) Within thirty days of the receipt of an inspection report, a Local Council shall annotate the inspection report and forward it to the Inspecting Officer who may issue such further directions and advice to the Local Council as may be necessary.

(5) If there is any dispute or difference of opinion between the Inspecting Officer and the Local Council, such dispute or matter shall be decided by Government.

Safeguards.

206. If, in the opinion of the Government, anything done or intended to be done by or on behalf of a Local Council is not in conformity with law, Government for reasons to be recorded may—

(a) quash the proceedings;

(b) suspend the execution of any resolution passed or order made by the Local Council; and

(c) prohibit the doing of anything proposed to be done.

Powers to give directions.

207. (1) The Government may direct any Local Council 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 Act.

(2) Where after due enquiry, the Government is satisfied that a Local Council or person or authority has failed to comply with any direction made under sub-section (1), Government may appoint a person or persons to give effect to such directions and may further direct that the expenses incurred in connection therewith shall be borne by the Local Council.

(3) Should the expenses be not so paid, the Government may make an order directing the person having the custody of the balance of the Local Fund of the Local Council to pay the expense or so much thereof as may from time to time, be possible.

Inquiries.

208. (1) Government may, whether suo moto or on an application made to it by any person, cause an enquiry to be made by such person as may be authorised by it in this behalf, into the affairs of a Local Council, generally, or into any particular matter concerning a Local Council and take such remedial measures as may be warranted by the findings of such inquiry.

(2) Such person shall, for the purposes of the inquiry 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) Government may make an order in respect of the cost of the inquiry and the parties by whom it shall be paid.

(4) Any amount payable under sub-section (3) by any person not being a Local Council shall be recoverable as a public demand or arrears of land revenue.

Suspension and dissolution.

209. (1) Government may by notification suspend a Local Council if there are reasons to believe that a Local Council—

- (a) is unable to discharge or persistently fails to discharge 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.

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

- (a) persons holding offices as Chairman and members of a Local Council shall cease to hold offices;
- (b) all functions of the Local Council shall during the period of suspension, be performed by such person or authority as Government may appoint in this behalf; and
- (c) all funds and property belonging to the Local Council shall, during the period of suspension vest in Government.

(3) Government shall hold or cause to be held an inquiry into charges on which a Local Council is suspended. If, within a period of two months from the date of the suspension of the Local Council, the inquiry is not completed, the Local Council shall stand revived.

(4) If, as a result of the inquiry, the charges against the Local Council are proved, the Government may dissolve the Local Council.

(5) When a Local Council is dissolved—

- (a) Government shall order fresh elections if the remaining term of the Local Council is not less than six months and the term of office of the Local Council so reconstituted shall be the same as mentioned in section 27; and
- (b) if the remaining term of its office is less than six months, the person or authority referred to in sub-section (2) shall continue to perform the functions of the Local Council and its funds shall continue to vest in Government till the reconstituted Local Council assumes office.

Bar of Suits.

210. No suit or other legal proceedings shall lie against Government or any person or authority for any loss or damage of any kind caused by the suspension or dissolution of any Local Council.

CHAPTER XXII

**DISTRICT CO-ORDINATION COMMITTEES
AND INTER-COUNCIL MATTERS**

District Co-ordination Committees

211. (1) There shall be a District Co-ordination Committee in every District, which

shall consist of Chairman of Zila Council, Chairman of Municipal Committees, two Chairmen of Halqa Councils from each Tehsil of the District to be elected by Zila Council and heads of all executive Departments of Government in the District.

(2) The Members of the Provincial and National Assemblies elected from the District may take part in the meetings of the District Co-ordination Committee but they shall not be its members.

(3) The Chairman of the Zila Council shall be the Chairman of the District Co-ordination Committee.

Functions.

212. (1) The functions and powers of Co-ordination of the District Co-ordination Committee shall, among other matters, include the following:—

- (a) co-ordination of activities of all Local Councils in the District and all Government Departments;
- (b) settlement of disputes among the Local Councils;
- (c) co-ordination of development plans of Local Councils;
- (d) review of questions and answers relating to any matter connected with the administration of the Local Councils; and
- (e) levy of surcharge under section 136.

(2) Any decision taken by the District Co-ordination Committee concerning Local Council shall be communicated to the Local Council concerned for implementation.

(3) Observation regarding the working of Government Departments shall be communicated to the Provincial Heads of Departments. It shall be obligatory for the Departments to act in accordance with the observations unless the Government directs otherwise.

Joint Committees.

213. A Local Council may join any other Local Council or a Local Authority in appointing a Joint Committee for any purpose in which such Local Councils or Local Authorities are jointly interested and may delegate to such Joint Committees any power which may be exercised by it including the power to make bye-laws for conduct of its business.

CHAPTER XXIII

OFFENCES AND PENALTIES.

Offences.

214. An act or omission specified in the Fourth Schedule shall be an offence under this Act.

Punishments.

215. (1) Whoever commits any of the offences mentioned in Part I of the Fourth Schedule shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both and if the offence is a continuing one with a further fine which may extend to one hundred rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

(2) Whoever commits any of the offences mentioned in Part II of the Fourth Schedule shall be punished with fine which may extend to five hundred rupees and if the offence is a continuing one, with further fine which may extend to fifty rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

(3) Out of the fine imposed under sub-section (1) or sub-section (2), the court imposing the fine may award such compensation for the loss to or damage of the property of the Local Council as it may deem fit.

Compounding of offences.

216. Subject to the provisions of section 84 the Chairman or any person generally or specially authorised by Local Council in this behalf, may compound any offence under this Act, except those triable by a Panchayat.

Cognizance of offences.

217. No court shall take cognizance of any offence under this Act, except on a complaint in writing received from the Chairman, or a person generally or specially authorised by the Local Council in this behalf.

Summary disposal of cases.

218. (1) A court taking cognizance of any offence punishable under the Act, other than an offence mentioned in Part I of the Fourth Schedule, may state upon the summons to be served on the accused person that he may—

- (a) appear by pleader and not in person; or
- (b) by a specified date, prior to the hearing of the charge, plead guilty by registered letter and remit to the court such amount, not exceeding one hundred rupees as the court may specify.
- (2) The accused person shall, if he pleads guilty to the charge forward his licence, if any, to the court with a letter containing his plea in order that the conviction may be endorsed on the licence.
- (3) Where the accused person pleads guilty and remits the sum specified and has complied with the provisions of sub-section (2), no further proceedings in respect of the offence shall be taken against him nor shall he be liable to be disqualified from holding or obtaining a licence solely by reason of his having pleaded guilty.

CHAPTER XXIV.

MISCELLANEOUS.

- Appeals.** 219. (1) Any person aggrieved by any order passed by a Local Council or its Chairman in pursuance of this Act or the rules or bye-laws, may appeal to such authority, in such manner and within such period as may be prescribed.
- (2) Any order passed in appeal shall be final.
- Power to make rules.** 220. (1) Government may make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matter specifically required to be provided under this Act and all matters incidental, consequential and supplemental thereto
- Bye-laws.** 221. (1) A Local Council may and if required by Government shall make bye-laws not inconsistent with this Act and the rules framed thereunder to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matter specifically required to be provided by bye-laws under this Act and the matter incidental, consequential and supplemental thereto.
- (3) Any regulations made by any Local Council or Municipal Committee in pursuance of the provisions of the Baluchistan People's Local Government Ordinance, 1972, if not inconsistent with this Act or the rules made thereunder, shall be deemed to be regulations and bye-laws validly made under this Act.
- General provisions relating to rules etc.** 222. (1) All bye-laws shall be made subject to the condition of previous publication.
- (2) All rules and bye-laws shall be notified.
- (3) Copies of rules and of bye-laws pertaining to a Local Council shall be kept available at the office of the Local Council for inspection and sale.
- (4) All rules and bye-laws when duly made shall be deemed to form part of this Act and shall have effect accordingly.
- Delegation of powers.** 223. (1) Government may, by notification, delegate any of its powers under this Act or the rules to any officer subordinate to it or a Local Council.
- (2) A Local Council may, with the previous sanction of Government, delegate any of its powers under this Act or the rules or bye-laws to its Chairman or sub-committee or any of its officers or members.
- (3) A Chairman may, with the previous sanction of the Local Council concerned, delegate all or any of its powers under this Act or the rules or bye-laws, not being powers delegated to him under sub-section (2) to any member of the Local Council, or any of its officers.
- Transfer of functions.** 224. Notwithstanding anything contained in this Act or in any other law Government may from time to time direct that subject to such terms and conditions as may be specified in the direction—

- (a) any function of a Municipal Corporation shall be performed by a Municipal Committee within the Corporation;
- (b) any institution or service maintained by a Local Council shall be transferred to the management and control of the Government; or
- (c) any institution or service maintained by the Government shall be transferred to the management and control of a Local Council;

Provided that no direction regarding the transfer of any institution or service from a Local Council to the Government or vice versa shall be given without the consent of the Local Council.

Licences and sanctions.

225. (1) Where-ever it is provided in this Act or the rules or bye-laws that the permission or sanction of the Local Council shall be necessary to the doing of any act, such permission or sanction shall be in writing.

(2) Every licence sanctioned or permission granted by or under the authority of a Local Council shall be signed by the Chairman or by such official of the Local Council as may be authorised in this behalf by Rules or Bye-Laws.

Institution of Suit against Local Councils etc.

226. (1) A suit may be instituted against a Local Council or against any Member, official or servant of a Local Council in respect of any act done or purported to have been done in his official capacity after the expiration of one month next after a notice in writing has been, in the case of a Local Council, delivered or left at its office and in the case of a member, official or servant, delivered to him or left at his office or residence, stating the cause of action, the name, description of place or residence of the intending plaintiff and the relief which he claims and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Where any such suit is instituted without delivering or leaving such notice as aforesaid or before the expiration of the said period of one month or where the plaint does not contain a statement that such notice has been so delivered or left or if settlement as regards the subject matter of the suit is reached or the Local Council or the member or official or servant, as the case may be concedes the plaintiff's claim within the period of one month from the date of institution of the suit, the plaintiff shall not be entitled to any cost.

Notice and Service thereof.

227. (1) Where anything is required to be done or not to be done by any person under this Act or the rules or bye-laws, a notice shall be served on the person concerned specifying the time within which the requirements shall be complied with.

(2) No notice shall be invalid for defect of form.

(3) Every notice shall, unless otherwise provided, be served or presented by giving or tendering the notice or sending it by post to the person for whom it is intended or by affixing it on some conspicuous part of his abode or place of business.

(4) A notice intended for the public in general shall be deemed to have been sufficiently served if a copy thereof is affixed in such public place as may be determined by the Local Council.

Records to be public documents.

228. All records prepared or registers maintained under this Act shall be deemed to be public documents within the meaning of the Evidence Act, 1872 (I of 1872).

Members and servants of Local Councils to be public servants.

229. Every member and every servant of a Local Council, and every other person duly empowered to act on behalf of a Local Council, shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

Power to declare officers and servants as essential officers and servants.

230. A Local Council may by resolution declare any officer or servant of the Local Council to be an essential officer or servant.

Bar against employment.

231. A Chairman or a member of a Local Council shall not be employed under such Local Council for a period of one year from the date on which he ceases to be a Chairman or member, as the case may be.

**Protection of
action taken in
good faith.**

232. No suit, prosecution or other legal proceeding shall lie against Government or any Local Council or against any person authorised by either, for anything done or in good faith intended to be done under this Act or for any damage caused or likely to be caused by any such thing.

**Interim authorities
and Interim
maintenance
of Institutions.**

233. (1) In any area within the jurisdiction of a Local Council or a Local body as defined in the repealed enactments in which the provisions of this Act are brought into force but a Local Council is not constituted or a Local Council constituted under this Act has been dissolved, then notwithstanding anything contained in this Act, Government may, by order, empower a person or persons to perform all or any of the functions of such Local Council or Local Body as had jurisdiction therein immediately before such enforcement or dissolution, as the case may be, or such functions of a Local Council under this Act as may be specified in the order, until a Local Council for the area assumes office in accordance with the provisions of this Act.

(2) Where on the enforcement of this Act in any area, any service undertaken or institution maintained by the Government is required under any of the provisions of this Act to be compulsorily undertaken or maintained by a Local Council, such service or institution shall, notwithstanding anything contained in this Act, continue to be undertaken or maintained by the Government until the management thereof is duly transferred to the Local Council.

**Validation of
certain orders
proceedings and
acts and conti-
nuance of func-
tions of certain
authorities and
officers**

234. (1) All orders made, proceedings taken and acts done by any authority or by any person which were made, taken or done, or purported to have been made, taken or done, in exercise of the powers derived under any law or the repealed enactments, notifications, rules, orders or bye-laws made thereunder shall be deemed to have been validly made, taken or done.

(2) Notwithstanding anything contained in this Act, all authorities and all officers who immediately before the enforcement of this Act were exercising functions of Local Councils under the repealed enactments or any other law shall continue to exercise their respective functions till the Local Councils are constituted under this Act, provided Government may withdraw all or any of the functions from such authorities or officers as it may deem necessary.

Interim budgets.

235. Where a Local Council assumes office under this Act for the first time, its budget for the financial year during which it assumes office shall relate to the remaining period of that year and the provisions regarding budget under this Act shall mutatis mutandis apply to such a budget.

**Repeal of Baluch-
istan Ordinance
No: I of 1972.**

236. The Baluchistan People's Local Government Ordinance, 1972 is hereby repealed.

THE FIRST SCHEDULE.**DANGEROUS AND OFFENSIVE ARTICLES AND TRADES.**
(See Section 79).

1. The business of storing or selling timber, firewood, coal, charcoal and coke, hay, straw, grass and bamboo, jute, shrub hemp, munj and their products, matches, explosives, petrol, oil and lubricants, paper, ghee and other dangerously inflammable materials.
2. Sugar refining and sugar refineries.
3. Preparation of aerated water.
4. Operating or running bake houses.
5. Electroplating.
6. Welding.
7. Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever blasting powder, ammunition, fireworks, gun powder, sulphur, mercury, gases, gun cotton, saltpeter, nitrocompounds, nitromixtures, phosphorous or dynamite.
8. Cleaning, dyeing, preparing or manufacturing by any process whatever clothes or yarn in indigo and other colours.
9. Storing, processing, cleaning, crushing, melting, preparing or manufacturing by any process whatever, or dealing in bones, tallow, offal, fat, blood, soap, raw hides and skins, candles manure, catgut and oil cloth.
10. Manufacturing oils.
11. Washing or drying wool or hair.
12. Marking or manufacturing bricks, Surkhi, tiles, or earthenware pots, clay pipes or other earthenware by any process of baking or burning.
13. Burning or grinding of limestone or metal stone or storing of lime for sale.
14. Cleaning or grinding of grain or chillies by any kind or class of machinery.
15. Keeping animals likely to create nuisances.
16. Casting of heavy metals such as iron, lead, copper and brass.
17. Fellmongering.
18. Dealing in chemicals, liquid or otherwise.
19. Whole sale storing, cleaning, pounding and selling of tobacco except the storing of tobacco required for the preparation of biddis, cigars or cigarettes.
20. Operating or running tin factories.
21. Manufacture of safes, trunks and boxes.
22. Marble cutting and polishing.
23. Glass levelling and polishing.
24. Manufactures of cement and hume pipes.
25. Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever, rags, pitch, tar, turpentine, demmar, coconut, fibre, flax, hemp, rosin or spirit
26. Tanning, pressing or packing hides or skins whatever raw or dry.
27. Trade or operation of a ferrier.

28. Working of power-loom, rice husking plants, steam whistles, steam trumpet or electric or hand operated sirens beyond hours fixed for their operation by a Local Council.

29. Discharging fire-arms and letting off fire-works, fire balloons or detonators, or any game dangerous to life, dwelling and other property.

30. Any other article or trade declared by Government to be dangerous to life, health or property or likely to cause nuisance either from its nature or any reason of the manner in which or the conditions under which, the same may be processed or carried on.

THE SECOND SCHEDULE.

TAXES TO BE LEVIED BY LOCAL COUNCILS

(See Section 138).

PART I—TAXES ON DEHI COUNCILS AND MOHALLAH COMMITTEES.

- (1) Tax for the construction or maintenance of a work of public utility; and
- (2) Fees for specific services rendered by a Dehi Council or a Mohallah Committee.

PART II—TAXES OF HALQA COUNCILS.

- (1) Tax on cinemas and cinema tickets;
- (2) Entertainment tax on dramatical and theatrical shows;
- (3) Tax on annual rental value of buildings and land;
- (4) hearth tax;
- (5) tax on the birth of children;
- (6) marriage tax;
- (7) fees for licences, sanctions and permits granted by a Halqa Council;
- (8) fee on the slaughter of animals;
- (9) fee for erection and re-erection of buildings;
- (10) rate for the remuneration of village police;
- (11) market fees;
- (12) rates on the services like water supply, drainage, lighting provided by the Halqa Council;
- (13) tax on the import of goods and animals for consumption, use or sale;
- (14) tax on animals;
- (15) tax for the construction or maintenance of any work of public utility;
- (16) fees of fairs, agricultural shows, industrial exhibitions tournaments and other public gatherings;
- (17) tax on feasts where more than twenty persons, not belonging to the house hold of the person arranging the feast are entertained with food stuffs;
- (18) Community tax on the adult males for the construction of a public work of general utility for the inhabitants of the Halqa;
- (19) tolls on roads and bridges maintained by the Halqa Council; and
- (20) surcharge on any of the taxes levied by Government.

PART III—TAXES OF ZILA COUNCILS.

- (1) Tax on the transfer of immovable property;
- (2) fees for licences, sanctions and permissions granted by the Zila Council;
- (3) market fees, for the markets maintained by Zila Council;
- (4) rates on the services like water-supply, drainage, lighting provided by the Zila Council;
- (5) fees at fairs, agricultural shows and industrial exhibitions, tournaments and other public gatherings as excluded from the jurisdiction of Halqa Council for the purpose of levying such fees;
- (6) fees for specific services rendered by a Zila Council;
- (7) tax for the export of goods and animals from the Zila;
- (8) tax on annual value of buildings and lands;
- (9) toll on roads and bridges maintained by the Zila Council;
- (10) tax for the construction or maintenance of a work of public utility; and
- (11) tax on Vehicles other than Motor Vehicles including carts, bicycles and tongas.

PART IV—TAXES OF MUNICIPAL COMMITTEES OTHER THAN THOSE FALLING WITHIN A CITY.

- (1) Tax on the import of goods and animals in a Municipal Committee for consumption, use or sale therein;
- (2) tax on the annual rental value of buildings and lands;
- (3) tax on cinemas and cinema tickets;
- (4) entertainment tax on dramatical and theatrical shows;
- (5) tax on the transfer of immovable property;
- (6) water rate;
- (7) drainage rate;
- (8) conservancy rate;
- (9) tax on all kinds of vehicles;
- (10) lighting rate;
- (11) fee for the erection and re-erection of buildings;
- (12) marriage tax on second marriage where first wife is alive;
- (13) fee for the licences, sanctions and permits granted by a Municipal Committee;
- (14) fee on the slaughter of animals;
- (15) tax on professions, trades, callings and employment;
- (16) market fees;
- (17) tax on advertisements;
- (18) tax on feasts, when more than twenty persons not belonging to the household of the person arranging the feasts are entertained with foodstuffs;
- (19) tax on animals and sale of animals;
- (20) toll tax on roads and bridges maintained by a Municipal Committee;

- (21) fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gatherings;
- (22) tax for the construction or maintenance of any work of public utility;
- (23) fees for specific services rendered by a Municipal Committee;
- (24) parking fees; and
- (25) tax on the birth of children.

PART V -- TAXES OF MUNICIPAL CORPORATIONS

- (1) Tax on the import of goods and animals for consumption, use or sale in a Municipal Corporation;
- (2) tax on transfer of immovable property;
- (3) tax on vehicles of all kinds;
- (4) drainage rate;
- (5) fire rate;
- (6) lighting rate;
- (7) tax for construction or maintenance of any work of public utility;
- (8) water rate; and
- (9) fees for specific services rendered and licences, sanctions and permits granted

PART VI -- TAXES OF MUNICIPAL COMMITTEES FALLING WITHIN A CITY

- (1) Tax on Cinemas and cinema tickets;
- (2) entertainment tax on dramatical and theatrical shows;
- (3) tax on annual rental value of buildings and lands;
- (4) drainage rate;
- (5) conservancy rate;
- (6) fee for the erection and re-erection of buildings;
- (7) marriage tax on second marriage when first wife is alive.
- (8) fee for licences, sanctions and permits granted by a Municipal Committee;
- (9) market fees;
- (10) fee on the slaughter of animals;
- (11) tax on professions, trades, callings and employment;
- (12) tax on advertisements;
- (13) tax on feasts when more than twenty persons not belonging to the household of the person arranging the feasts are entertained with food stuffs;
- (14) tax on animals and sale of animals;
- (15) toll tax on roads and bridges maintained by a Municipal Committee;
- (16) fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gatherings;
- (17) fees for specific services rendered by a Municipal Committee;
- (18) tax for the construction or maintenance of any works of public utility;
- (19) parking fees, and
- (20) tax on the birth of children.

THE THIRD SCHEDULE.

CASES TRIABLE BY A PANCHAYAT

(See Section 172).

Offences.	Section.
(A) Under the Pakistan Penal Code, (XLV of 1860).	
(1) Committing affray.	160
(2) Offences relating to Weights and Measures mentioned in Chapter XIII.	264—267
(3) Negligently doing an act known to be likely to spread infection of any disease dangerous to life.	270
(4) Defiling the water of a public spring or reservoir.	277
(5) Danger of obstruction in public way or line of navigation.	288
(6) Negligent conduct with respect to any animal.	289
(7) Committing a public nuisance.	290
(8) Continuance of nuisance after injunction of discontinuance.	291
(9) Obscene songs.	294
(10) Voluntarily causing hurt.	323
(11) Voluntarily causing simple hurt with sharp-edged weapon.	324
(12) Voluntarily causing hurt on provocation.	334
(13) Wrongfully restraining any person.	341
(14) Wrongfully confining any person.	342
(15) Assault or use of criminal force otherwise than on grave provocation.	352
(16) Assault or use of criminal force on grave and sudden provocation	358
(17) Theft or dishonestly receiving or retaining stolen property when the value of the property stolen does not exceed one thousand rupees.	379 and 411
(18) Dishonest misappropriation when the amount or value of property involved does not exceed one thousand rupees.	403
(19) Criminal breach of trust when the amount or value of property involved does not exceed one thousand rupees.	406
(20) Cheating when the amount or value of property involved does not exceed one thousand rupees.	417
(21) Cheating and inducing delivery of property when the amount of value of the property does not exceed one thousand rupees.	420
(22) Mischief when the damage or loss caused does not exceed one hundred rupees in value.	426
(23) Mischief and thereby causing damage to property of value not exceeding five hundred rupees.	427
(24) Mischief by killing or maiming animal.	428
(25) Mischief by killing or maiming cattle, etc: of any value or any animal of the value of fifty rupees or upward.	429

	Offences.	Section
	(26) Criminal trespass.	447
	(27) House trespass.	448
	(28) Insult intended to provoke a breach of the peace.	504
	(29) Punishment for criminal intimidation, etc:	506
	(30) Uttering any word or making any gesture intended to insult the modesty of a woman.	509
	(31) Misconduct in public by a drunken person.	510
(B)	Under the Weights and Measures Act, 1941—	
	(1) Penalty for fraudulent use of weights.	25
	(2) Penalty for selling, etc. of false or defective weights, measures, etc.	26
	(3) Penalty for sale by weight or measure other than standard weight or measure.	27
	(4) Penalty for use and possession of weight, measure, etc not authorised.	28
	(5) Penalty for giving short weight or measure.	29
	(6) Penalty for possessing for use weight or measure, etc. not verified or stamped.	30
	(7) Penalty for sale or delivery of weight or measure, etc not verified or stamped.	31
	(8) Penalty for forging, etc of weights, measures, etc.	32
	(9) Penalty for neglect or refusal to produce weight for inspection.	3
(C)	Under the West Pakistan Juvenile Smoking Ordinance, 1959—	
	(1) Penalty for selling tobacco to children.	3
	(2) Seizure of tobacco being smoked by Juvenile in a public place.	4
(D)	Under the Public Gambling Act, 1867—	
	(1) Penalty for owning or keeping or having charge of a gambling house.	3
	(2) Penalty for being found in gambling house.	4
	(3) Penalty on persons arrested for giving false names and addresses.	7
(E)	Under the Prevention of Cruelty to Animals Act, 1890—	
	(1) Penalty for cruelty to animals in public places and for sale in such places of animals killed with unnecessary cruelty.	3
	(2) Penalty for killing animals with unnecessary cruelty anywhere.	5
	(3) Penalty for being in possession of the skin of a goat killed with unnecessary cruelty.	5/A

(4) Presumptions as to possession of the skin of a goat.	5/B
(5) Penalty for employing anywhere animals unfit for labour.	6
(5) Penalty for permitting diseased animals to go at large or to die in public places.	7
(F) Under the Forest Act, 1927—	
Acts prohibited in such forests.	26 and 33

CIVIL AND REVENUE CASES

1. Suit for the recovery of money due on contracts receipts or other documents.	} When the amount claimed or the price of movable property does not exceed five thousand rupees. In case of agreement between the parties to the suit, any amount.
2. Suit for the recovery of movable property or for the value thereof.	
3. Suit for compensation for wrongfully taking or damaging movable property.	
4. Suit for damages by animals trespass.	
5. Suit mentioned in clauses (j), (k), (l) and (n) of sub-section (3) of section 77 of Punjab Tenancy Act, 1887.	

THE FOURTH SCHEDULE
OFFENCES UNDER THE ACT

(See Section 214)

PART I

1. Contravention of the prohibition provided under sub-section (3) of section 85.
2. Encroachment movable or immovable on any property or on any open space or land vesting in or managed maintained or controlled by a Local Council or on, over or under a street, road graveyard or a drain within the limits of Local Council without the sanction of the Local Council.
3. Keeping or maintaining any cattle in any part of a prohibited zone or failure to remove the cattle from the prohibited zone within the specified time when an order to this effect has been made under section 71.
4. Carrying of any dangerous or offensive trade or storing any offensive or dangerous articles without the sanction required under this Act.
5. Tampering with any road, drain, payment, main pipe, meter or any apparatus or appliance for the supply of water.
6. Exhibiting any obscene advertisement.
7. Stacking or collecting of timber, wood, dry grass straw or other inflammable material in a manner which is declared by the Local Council to be dangerous.
8. Discharge fire-arms or letting off fire works, 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 neighbourhood, or risk or injury to property.
9. Wilfully obstructing any officer or servant of a Local Council or any person authorised by the Local Council in the exercise of powers conferred by or under this Act.
10. Fixing of wooden Khokhas, plying of hand carts for the sale of goods and temporary shops or permanent shops or extension thereof on footpaths or beyond the street line.
11. Opposing forcible seizure of animals under this Act or resecuring the seized animals either from the pound or from any person taking them to a pound,
12. Erection or re-erection of a building without the sanction required under this Act or using for a purpose other than for which erection or re-erection was sanctioned.
13. Erection or re-erection or addition to or altering any building or buildings within the area of the scheme respecting which notice under section 152 has been notified, except with the permission of the Town Improvement Committee.
14. Dyeing or tanning skins within such distance of the residential area as may be specified for the supply of water.
15. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be specified by the Local Council.
16. Failure to demolish or otherwise secure a building declared by the Local Council to be dangerous building.
17. Failure of industrial or commercial concerns to provide adequate and safe disposal of effluent.

18. Erection or re-erection, addition or alteration of any building or buildings within the area of the scheme included in the Site Development Schemes prepared by and sanctioned at the instance of Town Improvement Committee.

19. Failure by the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth declared by a Local Council to be injurious to health or offensive to the neighbourhood.

20. Quarrying, blasting, cutting timber or carrying building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.

21. Being an officer or servant declared by the Local Council to be an essential officer or servant to be absent from duty, or to neglect or refuse to perform any of the duties or to perform them wilfully in an inefficient manner.

22. Violation of the prohibitions and other provisions provided in the Master Plan, the sanctioned and un-sanctioned Site Development Schemes under repealed enactments.

23. Cutting down of any tree, or cutting of a branch of any tree, or erection or demolition of any building or part of building where such act on is declared under this Act, to be a cause of danger or annoyance to the public.

PART II

24. Without the permission of the Local Council, causing or knowingly or negligently allowing the content of any sink, sewer, or cesspool 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.

25. Laying out a drain or altering any drain in a street without the sanction required under this Act.

26. Connecting any house drain with a drain in a public street without the permission required under this Act.

27. Using water for drinking from any source which is suspected to be dangerous to public health and the use thereof has been prohibited by the Local Council.

28. Excavation of earth, stone or any other material within such distance of the residential area as specified by the Local Council.

29. Disposing of carcasses of animals within prohibited distance and removal of fat from a dead animal other than a slaughtered animal.

30. Slaughter of animals for the sale of meat at a place other than the place set apart for the purpose.

31. 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 Local Council.

32. Evasion of payment of a tax or other impost lawfully levied by a Local Council.

33. Failure to furnish, or requisition, information in respect of any matter which a Local Council is authorised to call for under any of the provisions of this Act, rules or bye-laws or furnishing wrong information.

34. 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 Act or the rules or bye-laws.

35. Picketing, parking animals or collecting carts or vehicles on any street using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the Local Council concerned.

36. Causing or permitting animals to stray or keeping, tethering, stalling, feeding or grazing any cattle on any road, street or thoroughfare or in any public place or damaging or causing or permitting to be damaged any road, street or thoroughfare by allowing cattle to move thereon.

37. Throwing or placing any refuse on any street, or in any place, not provided or appointed for the purpose by a Local Council.

38. Doing any act by which water for drinking is rendered unfit for such use.

39. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.

40. 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 a Local Council.

41. Wilfully or negligently injuring or suffering to be injured, wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of a Local Council.

42. Drawing off, diverting or taking any water except with the permission required under this Act.

43. Failure to provide, close, remove, alter, repair, clean, dis-infect or put in proper order any latrine, urinal, drain, cesspool or other receptacle for filth, sullage, water or refuse when so required by a Local Council.

44. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon which overhang any well, tank or other source from which water is derived for public use.

45. Cultivation of such crops, use of such manure or irrigation of any land in such manner as is declared under this Act to be injurious to public health or offensive to the neighbourhood.

46. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up or drain off any private well, tank or other source of water-supply, which is declared under this Act to be injurious to health or offensive to the neighbourhood.

47. Failure of an owner or occupier of any building or land to put up and keep in good condition troughs and pipes for receiving or carrying water or sullage water.

48. Sale of articles of food or drink by a person suffering from any infectious disease,

49. Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substance, filth or refuse of any kind.

50. Defacing or disturbing any direction-post, lamp-post or lamp, or extinguishing any light arranged by a Local Council without due authority.

51. Fixing any bill, notice, playcard or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by a Local Council.

52. 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 a Local Council.

53. Letting loose or setting in of ferocious dogs or other dangerous animals.

54. Using or allowing the use for human habitation of a building declared by a Local Council to be unfit for human habitation.

55. Failure to lime-wash or repair a building if so required by a Local Council.