

# THE DHAKA CITY CORPORATION ORDINANCE, 1983

(ORDINANCE NO. XL OF 1983).

[24th August, 1983]

## **An Ordinance to consolidate and amend the law relating to the municipal administration of the City of Dhaka.**

WHEREAS it is expedient to consolidate and amend the law relating to the municipal administration of the City of Dhaka;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th day of March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

### **PART I**

#### **PRELIMINARY**

- Short title** 1. This Ordinance may be called the Dhaka <sup>1</sup>[ City] Corporation Ordinance, 1983.
- Definitions** 2. In this Ordinance, unless there is anything repugnant in the subject or context,-
- (1) "annual letting value" means the annual rent at which a building or land exclusive of furniture or machinery contained or situated therein or thereon may reasonably be expected to be let from year to year, and shall include all payments made or agreed to be made by a tenant to the owner of the building or land on account of occupation, taxes, insurance or other charges incidental to the occupancy;
- (2) "budget" means an official statement of the income and expenditure of the Corporation for a financial year;

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

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

(5) "by laws" means by laws made under this Ordinance;

(6) "casual vacancy" means a vacancy occurring otherwise than by efflux of time;

(7) "Chief Executive Officer" means the Chief Executive Officer of the Corporation;

(8) "City of Dhaka" or "City" means the area described in the First Schedule;

(9) "Commissioner" means a Commissioner of the Corporation;

(10) "Conservancy" means the removal and disposal of refuse;

(11) "Corporation" means the Dhaka <sup>2</sup>[ City] Corporation constituted under this Ordinance;

(12) "Corporation Fund" means the fund of the Corporation;

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

<sup>3</sup>[ \* \* \* ]

(15) "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 of sullage or rain water;

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

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

(18) "Election Commission" means the Election Commission for Bangladesh;

(19) "erect or re-erect a building" means the construction of a new building and includes such material alterations of a building as may be prescribed;

(20) "factory" has the meaning assigned to it under the Factories Act, 1965 (E.P. Act IV of 1965);

(21) "food" includes every article used for food or drink by human beings, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food; and also includes confectionery, flavouring and colouring matters and spices and condiments;

(22) "function" includes powers and duties;

(23) "improvement trust" means any body or authority, including a development authority, entrusted with the functions of town improvement;

(24) "infectious disease" means any disease which may be transmitted from one person to another and declared as such by the Government by notification in the official Gazette;

(25) "land" includes land which is being built upon, or is built upon or is covered with water;

(26) "market" means a place where persons assemble for the sale and purchase of any commodity;

(27) "Mayor" means the Mayor of the Corporation;

(28) "nuisance" includes any act, omission, place of thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injuries to health or property;

(29) "occupier" includes an owner in actual occupation of his own land or building and also any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used;

(30) "owner" includes the person for the time being receiving the rent of land and building, 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;

(31) "prescribed" means prescribed by rules made under this Ordinance;

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

(33) "public street" means a street maintained by the Government;

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

(35) "regulations" means regulations made under this Ordinance;

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

land;

(37) "rate" means a levy specified in item numbers 13, 14, 15 and 16 of the Second Schedule;

(38) "rules" means rules made under this Ordinance;

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

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

(41) "tax" includes any toll, cess, fee, or other impost leviable under this Ordinance;

(42) "vehicle" means a wheeled conveyance capable of being used on a street;

(43) "water work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, sluice, pipe, culvert, engine and other appliances and anything for supplying or used for supplying water; and

(44) "ward" means a ward delimited for the purpose of election of a Commissioner.

## **PART II**

### **CORPORATION**

#### **CHAPTER I**

##### **CONSTITUTION AND COMPOSITION OF THE CORPORATION**

##### **Constitution of the Corporation**

3. (1) As soon as may be after the commencement of this Ordinance, there shall be constituted, in accordance with the provisions of this Ordinance, for the City of Dhaka a Corporation to be called the Dhaka <sup>4</sup>[ City] Corporation.

(2) The Corporation shall be a body corporate, having perpetual succession and a common seal, with powers, subject to the provisions of this Ordinance and the rules, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

**Corporation area to be an administrative unit**

<sup>5</sup>[ 3A. The Corporation area shall be an administrative unit of the Republic for the purpose of Article 59 of the [Constitution of the People's Republic of Bangladesh.](#)]

**Composition**

<sup>6</sup>[ 4. (1) The Corporation shall consist of--

(a) a Mayor;

(b) such number of Commissioners as may be fixed by the Government; and

(c) such number of Commissioners as are reserved exclusively for women under sub section (3).

(2) The Mayor and the Commissioners shall be elected by direct election on the basis of adult franchise in accordance with the provisions of this Ordinance and the rules.

(3) There shall be reserved, exclusively for women, such number of seats, hereinafter referred to as reserved seats, as is equivalent to one third of the number of Commissioners fixed by the Government under clause (b) of sub section (1).

**Explanation.** In calculating the number of reserved seats under this sub section, if the number comprises a fraction of less than point five zero such fraction shall be ignored, and if the number comprises a fraction of point five zero or above such fraction shall be rounded off as a whole number.

(4) Nothing in this section shall prevent a woman from being elected as a Commissioner specified in clause (b) of sub section (1).

(5) The Mayor shall be deemed to be a Commissioner.]

[Omitted]

4A. [Mayor.- Omitted by section 4 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993), which was inserted by section 2 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986).]

[Omitted]

5. [Deputy Mayors.- Omitted by section 5 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).]

**Term of the Corporation, etc**

<sup>7</sup>[ 6. (1) The term of the Corporation shall be a period of five years commencing on the day of its first meeting after its constitution <sup>8</sup>[ :

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

(2) Notwithstanding anything contained in this Ordinance, the Corporation shall be deemed to have been duly constituted

after the election of seventy five per cent of the total number of its <sup>9</sup>[ Commissioners <sup>10</sup>[ \* \* \*]] has taken place.

**Explanation.** For calculating the seventy five per cent of the total number of <sup>11</sup>[ \* \* \*] Commissioners, less than point five zero per cent shall be ignored and point five zero and above per cent shall be rounded off into a whole number.]

<sup>12</sup>[ **Oath of office]**

7. <sup>13</sup>[ (1) The Mayor and every Commissioner shall, before taking his office or seat, as the case may be, make and subscribe in the

presence of such person as the Government may direct an oath or affirmation in the following form, namely: -

"I, .....having been elected Mayor/ Commissioner of the Dhaka City Corporation do solemnly swear/affirm that I will bear true faith and allegiance to Bangladesh and that I will faithfully discharge the duties upon which I am about to enter."]

(2) If a person sits or votes as a Commissioner before he makes or subscribes the oath or affirmation under sub-section (1), he shall be liable in respect of each day on which he sits or votes to a penalty of one hundred Taka to be recovered as an arrear of tax under this Ordinance. <sup>14</sup>[

<sup>15</sup>[ Omitted]

7A. [Oath of Mayor.- Omitted by section 8 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993), which was inserted by section 5 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986).]

**Declaration of properties**

8. <sup>16</sup>[ The Mayor and every Commissioner <sup>17</sup>[ \* \* \* ] shall, before entering upon his office or taking his seat,] submit to the Government in such manner as the Government may direct, a declaration in writing of properties, both movable and immovable, whether within or outside Bangladesh, which he or any member of his family owns, or which he has in his possession or under his control, or in which he or any member of his family has any beneficial interest.

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

(a) the spouse of such person, and

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

**Resignation of  
Mayor and  
Commissioners**

<sup>18</sup>[ 9. (1) The Mayor may resign his office by writing under his hand addressed to the Government.

(2) A Commissioner may resign his seat by writing under his hand addressed to the Mayor.

(3) A resignation under sub section (1) or sub section (2) shall become effective on the date on which the notice of resignation is received by the addressee.]

**Removal of  
Mayor and  
Commissioners**

<sup>19</sup>[ 10. (1) The Mayor or a Commissioner shall render himself liable to removal from his office or seat, as the case may be, if-

(a) he, without reasonable excuse, absents himself from three consecutive meetings of the Corporation; or

(b) he is involved in any activity prejudicial to the interest of the Corporation or of the state or is convicted for any offence relating to corruption or misconduct; or

(c) he refuses to perform or becomes disabled from performing his functions; or

(d) he is guilty of misconduct or abuse of power or is responsible for any loss or misapplication of money or property of the Corporation.

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

(2) The Mayor or a Commissioner shall not be removed from his office or seat, as the case may be, on any ground mentioned in sub section (1), unless, after such inquiry as may be considered necessary, the Government declares, by an order in writing, that he is liable to be so removed:

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

(3) The Mayor or the Commissioner shall stand removed from his office or seat, as the case may be, as soon as a declaration under sub section (2) is made and approved by the President.

(4) Notwithstanding anything contained in any other provisions of this Ordinance, a person who has been removed from his office or seat, as the case may be, under this section shall not, during the unexpired period of the term of the Corporation, be eligible for election to such office or seat.]

**Qualifications  
and  
disqualifications  
for election <sup>20</sup>[  
as Mayor and  
Commissioner]**

11. (1) A person shall, subject to the provisions of sub section (2), be qualified to be elected or <sup>21</sup>[ as Mayor or a Commissioner] if-

(a) he or she is a citizen of Bangladesh;

(b) he or she has attained the age of twenty five years of age in accordance with the existing electoral roll;

(c) his or her name appears on the electoral roll for any ward in the Corporation.

(2) A person shall be disqualified for being elected <sup>22</sup>[ as Mayor or] a Commissioner if-

(a) he or she is declared by a competent Court to be of unsound mind;

(b) he or she is an undischarged insolvent;

(c) he or she has ceased to be a citizen of Bangladesh;

(d) he or she has been,

(i) on conviction for any offence, sentenced to imprisonment for a term of not less than two years; or

(ii) on conviction for any offence relating to corruption or criminal misconduct, sentenced to imprisonment for any term, unless a period of five years, or such less period as the Government may allow in any particular case, has elapsed since his or her release;

(e) he or she holds any full time office of profit in the service of the Republic or of the Corporation or of any other local authority; or

(f) he or she is a party to a contract for work to be done for, or goods to be supplied to, the Corporation, or has otherwise any pecuniary interest in its affairs, or is a dealer, for any area within the Corporation in essential commodities appointed by the Government <sup>23</sup> [ ;

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

**Explanation.** For the purposes of clause (g), "specified bank" means the Sonali Bank, the Agrani Bank and the Janata Bank constituted under the [Bangladesh Banks \(Nationalisation\) Order, 1972](#) (P.O. No. 26 of 1972), the Shilpa Rin Sangstha established under the Shilpa Rin Sangstha Order, 1972 (P.O. No. 128 of 1972), the Bangladesh Shilpa Bank established

under the [Bangladesh Shilpa Bank Order, 1972](#) (P.O. No. 129 of 1972), the House Building Finance Corporation established under the House Building Finance Corporation Order, 1973 (P.O. No. 7 of 1973), the Krishi Bank established under the Krishi Bank Order, 1973 (P.O. No. 27 of 1973), the Investment Corporation of Bangladesh established under the [Investment Corporation of Bangladesh Ordinance, 1976](#) (XL of 1976), the Rajshahi Krishi Unnayan Bank established under the [Rajshahi Krishi Unnayan Bank Ordinance, 1986](#) (LVIII of 1986), and the Rupali Bank Limited <sup>24</sup> [ ;

<sup>25</sup> [ (h) he or she is a defaulter in paying any of the tax, rate, cess,

toll or fee levied under this Ordinance;

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

<sup>26</sup>[ (2A) A person shall not at the same time, be a candidate for election to the office of Mayor or, as the case may be, seat of Commissioner.

(2B) If a person offers himself, at the same time, to be a candidate for election to the office of Mayor or, seat of Commissioner, all his nomination papers shall stand void.]

(3) No person shall, at the same time, be a Commissioner in respect of two or more wards:

Provided that nothing in this sub section shall prevent a person from being at the same time a candidate for two or more wards, but in the event of his being elected for more than one ward-

(i) within seven days after his last election, the person elected shall deliver to the Election Commission a signed declaration specifying the ward which he wishes to represent, and the seats of other wards for which he was elected shall thereupon become vacant;

(ii) if the person elected fails to comply with clause (i), all seats for which he was elected shall fall vacant; and

(iii) the person elected shall not make or subscribe oath or affirmation of a Commissioner until the foregoing provisions of this proviso have been complied with.

<sup>27</sup>[ (4) When the office of Mayor falls vacant during the term of the Corporation, a Commissioner may contest the election to the office of Mayor, and if he is elected, his Commissionership shall cease on the date he makes the oath of office of Mayor.]

**Vacation of <sup>28</sup>[  
office of Mayor  
and seat of  
Commissioners]**

12. (1) The <sup>29</sup>[ office of Mayor and seat of a Commissioner] shall become vacant if-

(a) he fails to make the oath referred to in section 7 within the period of thirty days after the date of publication of his name in the official Gazette, unless the Government, for good cause shown, extends the period;

(b) he resigns his seat under section 9;

(c) he is removed from his seat under section 10;

(d) he becomes subject to any of the disqualifications mentioned in section 11(2); or

(e) he dies.

(2) and (2A) [Omitted by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993).]

(3) If any question arises as to whether <sup>30</sup>[ the Mayor or a Commissioner] has, after his election, become subject to any of the disqualifications mentioned in section 11(2), the Chief Executive Officer shall refer the question to the District Judge of

Dhaka and, if the District Judge is of the opinion that <sup>31</sup>[ the Mayor or the Commissioner] has become subject to any such disqualification, <sup>32</sup>[ the Mayor or the Commissioner] shall cease to be <sup>33</sup>[ the Mayor or a Commissioner], and his seat shall become vacant, with effect from the date on which the opinion is given.

<sup>34</sup> [ (4) Vacation of office of the Mayor or the vacation of every seat of a Commissioner shall be notified in the official Gazette.]

**Casual  
vacancies**

13. (1) Where the seat of a Commissioner becomes vacant not later than one hundred and eighty days before the <sup>35</sup>[ term of Corporation] is due to expire, an election to fill the seat shall be

held within ninety days of the occurrence of the vacancy, and the person elected in such election shall hold office for the residue of such term.

(2) Where the office of <sup>36</sup>[ \* \* \* ] <sup>37</sup>[ \* \* \* ] Mayor becomes vacant before the term of his office is due to expire, an election to fill the office shall be held within <sup>38</sup>[ ninety days] of the occurrence of such vacancy, and the person elected in such election shall hold office for the residue of such term.

**Allowances of Commissioners**

14. A Commissioner shall be entitled to receive a daily allowance for attending any meeting of the Corporation or of any Standing Committee or other Committee thereof at such rate as may be fixed by the Corporation with the approval of the Government.

**Honorarium and other privileges of <sup>39</sup>[ \* \* \* ] <sup>40</sup>[ \* \* \* ] Mayor**

15. The <sup>41</sup>[ \* \* \* ] <sup>42</sup>[ the Mayor] may be given such honorarium and other privileges as may be determined by the Corporation with the approval of the Government.

**Right of <sup>43</sup>[ Mayor and] Commissioners to have access to records**

16. (1) The Mayor may obtain report from the Chief Executive Officer or any other officer on any matter connected with municipal administration of the City.

(2) A Commissioner shall have access during office hours to the records of the Corporation after giving due notice in writing to the Chief Executive Officer:

Provided that if the Chief Executive Officer is of the opinion that such access should not be allowed in any case he may submit the matter to the Mayor whose decision thereon shall be final.

**Discharge of the functions of the Mayor during temporary absence and**

<sup>44</sup>[ 17. (1) When the Mayor is absent from his duties on account of illness or any other cause, a Commissioner authorised in writing by the Mayor shall perform the functions of the Mayor till the Mayor resumes his duties.

**casual vacancy**

(2) When the office of Mayor becomes vacant caused by resignation, removal or death, such Commissioner as may be directed by Government shall perform the functions of the Mayor till a new Mayor is elected and assumes his duties.]

**CHAPTER II**

**<sup>45</sup> ELECTIONS OF MAYOR AND COMMISSIONERS**

**Division of the City into wards**

<sup>46</sup>[ 18. For the purpose of election of Commissioners specified in clause (b) of sub section (1) of section 4, the City shall be divided into as many wards as there are number of Commissioners fixed under that clause.]

**Appointment of delimitation officer**

19. (1) The Election Commission may, by notification in the official Gazette, appoint from amongst persons in the service of the Republic a delimitation officer and as many assistant delimitation officers as it may deem necessary for the delimitation of wards.

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

**Delimitation of wards**

20. (1) The wards shall be delimited having regard to territorial unity and, so far as practicable, to distribution of population.

(2) The delimitation officer may, for the purpose of delimiting the wards make such enquiries and examine such records as he may deem necessary and consider such representations as may be received by him, and shall publish in the prescribed manner a preliminary list of wards specifying the areas proposed to be included in each such ward together with a notice inviting objections or suggestions within a prescribed period.

(3) The objection or suggestion, if any, received under sub section (2) shall be disposed of in such manner as may be prescribed.

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

(5) After making amendments, alterations or modifications, if any, under sub section (4), the delimitation officer, shall publish in the prescribed manner the final list of wards, specifying the areas included in each such ward.

**Delimitation of wards for reserved seats**

<sup>47</sup>[ 20A. For the purpose of election of Commissioners for reserved seats the delimitation officer shall-

(a) at the time of division the City into wards under section 18, – simultaneously cause the number of wards fixed under that section to be grouped into as many wards as there are number of reserved seats fixed under sub section (3) of section 4; and

(b) in delimiting the groups under clause (a), follow the procedure laid down in section 20 as far as possible.]

**Electoral roll**

21. (1) There shall be an electoral roll for each ward to be prepared by the Election Commission.

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

(a) is a citizen of Bangladesh;

(b) is not less than eighteen years of age;

(c) does not stand declared by a competent Court to be of unsound mind; and

(d) is or is deemed to be a resident of that ward.

**Right to vote**

<sup>48</sup>[ 22. Every person whose name is for the time being entered in the electoral roll of a ward shall be entitled to vote at an election of a Commissioner for that ward and at an election of Mayor.]

**General election of Mayor and**

<sup>49</sup>[ 23. A general election of Mayor and Commissioners <sup>50</sup>[ \* \* \* ] shall be held-

## **Commissioners**

(a) for the purpose of constituting the Corporation under section 3, as soon as may be, after the Commencement of this Ordinance;

(b) for the purpose of reconstituting the Corporation after the expiration of the term of the Corporation, within the period of one hundred and eighty days preceding such expiration;

(c) for the purpose of reconstituting the Corporation after the expiration of the period of supersession of the Corporation, if any, before such expiration:

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

## **Conduct of elections**

24. All <sup>51</sup>[ elections of Mayor and Commissioners <sup>52</sup>[ \* \* \*]] shall be organised, held and conducted by the Election Commission in accordance with the rules, and such rules may provide for all or any of the following matters, namely: -

(a) the appointment of returning officers, assistant returning officers, presiding officers and polling officers for the conduct of elections and powers and duties of such officers;

(b) the nomination of candidates, objections to nominations and scrutiny of nominations;

(c) the deposits to be made by candidates and the circumstances under which such deposits may be refunded to candidates or forfeited to the Corporation;

(d) the withdrawal of candidatures;

(e) the appointment of agents of candidates;

(f) the procedure in contested and uncontested elections;

(g) the date, time and place for poll and other matters relating to the conduct of elections;

(h) the manner in which votes are to be given;

(i) the scrutiny and counting of votes, the declaration of the results and procedure to be followed in case of equality of votes;

(j) the custody and disposal of ballot papers and other papers relating to elections;

(k) the circumstances under which polls may be suspended and fresh polls may be held;

(l) the election expenses;

(m) the corrupt or illegal practices and other election offences and penalties therefor;

(n) the election disputes and the submission, trial and disposal of election petitions; and

(o) any other matter connected with or incidental to elections.

**Publication of  
results of  
elections of <sup>53</sup>[  
Mayor and  
Commissioners]**

25. The names of all persons elected as <sup>54</sup>[ Mayor and Commissioners <sup>55</sup>[ \* \* \*]] shall, as soon as may be, after such election, be published by the Election Commission in the official Gazette.

## CHAPTER III

### FUNCTIONS OF THE CORPORATION

#### Functions of the Corporation

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

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

(b) such other functions as are declared by the Government to be appropriate matters for administration by the Corporation.

#### Transfer of functions from Corporation to Government and vice versa

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

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

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

## CHAPTER IV

### EXECUTIVE POWER AND CONDUCT OF BUSINESS

#### Executive powers

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

(2) Save as otherwise provided in this Ordinance and the rules, the executive powers of the Corporation shall vest in and be exercised by the Mayor, either directly or through <sup>56</sup>[ \* \* \* ] the Chief Executive Officer or through other officers authorised by him, in accordance with this Ordinance and the rules.

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

#### Division of City

<sup>57</sup>[ 28A. (1) For the purpose of better administration and proper

**into Zones**

conduct of business of the Corporation, the Government may, by order in writing, divide the City into such number of Zones as it may deem fit.

(2) There shall be a Zonal office for every Zone and it shall perform such functions as may be assigned to it by the Corporation.

(3) Every Zonal office shall perform its functions under the supervision and control of the Mayor and in accordance with the rules.]

**Disposal of business**

29. All business of the Corporation shall, to the extent and in the manner prescribed, be disposed of at its meetings, or at the meetings of its Standing Committees or by the Mayor, <sup>58</sup>[ \*\*\*] or by the Chief Executive Officer or other officers and employees of the Corporation.

**Meetings**

30. (1) The Corporation shall meet at least once in each month for the transaction of business.

(2) The Mayor or, in his absence, <sup>59</sup>[ the Commissioner authorised by the Mayor under section 17] may, whenever he thinks fit, and shall, upon a requisition made in writing by not less than <sup>60</sup>[ two thirds of the total number of] Commissioners, call a meeting of the Corporation.

(3) No business of the Corporation shall be transacted at any meeting unless a quorum of one third of the total number of Commissioners is present throughout the meeting.

(4) All matters required to be decided by the Corporation shall, save as otherwise provided in this Ordinance, be decided by the majority of the votes of the Commissioners present and voting.

(5) Each Commissioner shall have one vote, but in the event of an equality of votes, the person presiding shall have a second or casting vote.

(6) All meetings of the Corporation shall be presided over by the Mayor or, in his absence, <sup>61</sup>[ by the Commissioner authorised by the Mayor under section 17] or, in the absence of both; by a Commissioner chosen for that purpose by the Commissioners present.

<sup>62</sup>[ (7) Such officials as may be specified by the Government shall be invited by the Corporation to attend the meetings of the

Corporation and to participate in the deliberation thereof but they shall not have any right to vote.]

**Constitution of  
Standing  
Committees**

31. (1) The Corporation shall, at its first meeting, in each year, or as soon as may be at any meeting subsequent thereto, constitute Standing Committees for dealing respectively with--

(a) Finance and Establishment;

(b) Education;

(c) Health, Family Planning and Sanitation including Drainage;

(d) Town Planning and Improvement;

(e) Audit and Accounts;

(f) Works and Buildings;

(g) Water and Electricity; and

(h) Social Welfare and Community Centres.

(2) The Corporation may, with the previous approval of the Government, constitute additional Standing Committees for such purpose as the Corporation thinks fit.

(3) A Standing Committee shall consist of not more than six members who shall be elected by the Commissioners from amongst themselves, but no Commissioner shall, at the same time be a member of more than two Standing Committees:

Provided that the Mayor <sup>63</sup>[ \* \* \* ] shall ex officio be <sup>64</sup>[ member ] of

all the Standing Committees.

(4) A Standing Committee shall elect one of its members to be its Chairman and another member to be its Vice-Chairman.

(5) An elected Chairman or Vice Chairman or member of a Standing Committee may resign his office by writing under his hand addressed to the Mayor and such resignation shall become effective on the date on which the notice is received by the Mayor.

(6) A casual vacancy in the office of an elected Chairman or Vice-Chairman or member of a Standing Committee shall be filled by election of a new Chairman or Vice Chairman or member and such Chairman or Vice-Chairman or member shall hold office for the residue of the term of his predecessor.

(7) A Standing Committee shall continue to function until the first meeting of the Standing Committee constituted to succeed it.

**Functions of  
Standing  
Committees**

32. (1) The Corporation shall, by regulations, determine the functions of each Standing Committee.

(2) All proceedings of a Standing Committee shall be subject to confirmation by the Corporation.

**Constitution of  
other committee**

33. The Corporation may constitute such other committee or committees consisting of such number of members chosen from amongst the Commissioners for such purpose as it thinks fit.

**Association with  
the Corporation,  
etc, of persons  
not being  
Commissioners**

34. (1) The Corporation or any Standing Committee or other committee thereof may associate with itself any person whose assistance or advice it may desire for carrying out any of its functions.

(2) Any person associated with the Corporation or any Standing Committee or other committee for any purpose under sub section (1) shall have a right to take part in the discussion of the Corporation or of the Standing Committee or other committee as

the case may be but shall not have a right to vote.

**Meetings to be ordinarily open to the public**

35. (1) Every meeting of the Corporation shall be open to the public unless a majority of the Commissioners present at the meeting decide that any inquiry or deliberation pending before the Corporation shall be held in private.

(2) The Corporation may make regulations for regulating the admission of the members of the public to its meetings and for the removal by force, of necessary, of any member of the public admitted to a meeting for interrupting or disturbing the proceedings of the meeting.

**Commissioners not to vote on matters in which they are interested**

36. No Commissioner shall vote at a meeting of the Corporation or of any Standing Committee or other committee thereof on any question relating to his own conduct or vote or take part in any discussion on any matter which affects his pecuniary interest or any property in respect of which he is a manager or agent.

**Regulations for procedure and conduct of business at meetings**

37. Subject to this Ordinance, the Corporation may make regulations for the procedure and the conduct of business at its meetings and at meetings of the Standing Committees and other committees thereof.

**Keeping of minutes of proceedings**

38. (1) The minutes of the proceedings of every meeting of the Corporation or of every Standing Committee or other committee thereof shall state, among other things, the names of the Commissioners or members present and shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed by the person presiding at the meeting and shall be laid before the next ensuing meeting of the Corporation or of the Standing Committee or other committee, as the case may be.

(2) The minutes referred to in sub-section (1) shall, all reasonable times, be kept open at the Corporation's office for inspection by any Commissioner without charge and by any other person on payment of a fee of Taka one.

(3) The Chief Executive Officer shall forward to the Government a copy of the minutes of the proceedings of each meeting of the Corporation within ten days from the date on which such minutes

are signed.

**Validation of acts and proceedings**

39. (1) No act done or proceeding taken under this Ordinance shall be questioned on the ground merely of -

(a) the existence of any vacancy in, or any defect in the constitution of, the Corporation or any Standing Committee or other committees thereof;

(b) any Commissioner having voted or taken part in any proceedings in contravention of section 36, or

(c) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Corporation or of any Standing Committee or other committee thereof the minutes of the proceedings of which have been duly drawn up and signed shall be deemed to have been duly convened and to be free from all defects and irregularities.

**Contracts**

40. (1) All contracts made by or on behalf of the Corporation shall be-

(a) in writing and expressed to be made in the name of the Corporation;

(b) executed in such manner as may be prescribed; and

(c) reported to the Corporation by the Chief Executive Officer at the meeting next following the execution of the contract.

(2) The Corporation may, by resolution, lay down the procedure that shall regulate the making of various contracts, and in the execution of contracts, the Chief Executive Officer shall act in accordance with such resolution.

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

**Works**

41. The Government may, by rules, provide for-

(a) the preparation of plans and estimates for works to be executed by the Corporation;

(b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and administratively sanctioned; and

(c) the agency by which such plans and estimates shall be prepared and such works shall be executed.

**Record, reports and returns**

42. The Corporation shall-

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

**CHAPTER V**

**CORPORATION OFFICERS AND EMPLOYEES**

**Chief Executive Officer**

43. (1) There shall be a Chief Executive Officer of the Corporation who shall be appointed by the Government on such terms and conditions as may be determined by it.

(2) The Chief Executive Officer shall hold office for a period of three years which may be extended by the Government for a further period or periods not exceeding one year at a time.

(3) Notwithstanding anything contained in sub section (2), the Government may, at any time, terminate the appointment of the Chief Executive Officer, and shall do so if, at a special meeting of the Corporation called for the purpose, a resolution for such termination has been passed by the votes of not less than three fifths of the total number of Commissioners:

Provided that if the Chief Executive Officer is a person in the service of the Republic, no such special meeting shall be called and no such resolution shall be moved, except after giving one month's notice to the Government.

(4) If the Chief Executive Officer is unable to perform the functions of his office on account of absence, illness or any other cause, the Government may appoint another person to officiate as Chief Executive Officer in his place.

**Power of the Chief Executive Officer**

44. (1) Save as otherwise provided in this Ordinance and the rules, the Mayor, if he deems necessary, may delegate any of his executive powers to the Chief Executive Officer and such delegated

powers shall be exercised by him in accordance with this Ordinance and the rules.

(2) In exercising his powers, the Chief Executive Officers shall be responsible to the Mayor.

**Extraordinary powers of Chief Executive Officer**

45. On the occurrence or threatened occurrence of any accident or any unforeseen event or natural calamity involving, or which is likely to involve, extensive damage to any property of the Corporation or danger to human life, the Chief Executive Officer shall take such immediate action as he considers necessary and make report forthwith to the Corporation or the Standing Committee concerned of the action taken by him and the reason therefore and also of the cost, if any, incurred or likely to be incurred in consequence of such action.

**Chief Executive Officer to be custodian of records**

46. The Chief Executive Officer shall be responsible for the custody of all records, including in particular all papers and documents connected with the proceedings of the Corporation, Standing Committees and other committees.

**Right of Chief Executive Officer to be present at meetings**

47. The Chief Executive Officer shall have the same right of being present at any meeting of the Corporation or of any Standing Committee or other committee thereof and of taking part in the discussions thereat as if he were a Commissioner or a member of such committee, and may, at any time, with the consent of the person presiding at the meeting, make a statement or explanation of facts, but he shall not vote upon, or move, any motion at such meeting.

**Schedule of posts**

48. (1) The Chief Executive Officer shall from time to time prepare and lay before the Corporation a schedule setting forth the posts which should, in his opinion, constitute the Corporation establishment.

(2) The Corporation shall, with the previous approval of the Government, sanction such schedule, with or without modifications, and may, with such approval from time to time, amend it either of its own motion after ascertaining the opinion of the Chief Executive Officer or at the instance of the Chief Executive Officer.

**No appointment to be made to any post not included in the schedule**

49. No person shall be appointed to any post in the Corporation unless the post is included in the schedule for the time being in force prepared and sanctioned under section 48.

**Appointing authorities**

50. Subject to this Ordinance, appointments to the Corporation establishment shall be made-

(a) by the Mayor, if the maximum salary of the office or post exceeds <sup>65</sup>[ one thousand seven hundred twenty five taka] per month;

(b) by the Chief Executive Officer, in all other cases with the approval of the Mayor.

**Provident Fund <sup>66</sup>[ \*\*\*] and other facilities for officers, etc**

51. The Corporation may, in the prescribed manner, -

(a) establish and maintain a Provident Fund and require any of its officers or other employees to contribute to such Fund and may itself contribute to it in such manner and proportion as may be prescribed; (b) provide for the payment of <sup>67</sup>[ \* \* \*] gratuity to its officers and other employees after retirement;

(c) grant a special <sup>68</sup>[ \* \* \*] gratuity to the family of any of its officers or other employees who dies of disease or injury contracted or suffered in the discharge of his duties;

(d) operate scheme of social insurance for its officers and other employees and require them to subscribe to it;

(e) establish and maintain a Benevolent Fund out of which shall be paid such relief as may be prescribed.

**Punishment of officers and employees**

52. (1) An officer or other employee of the Corporation may be censured, fined, reduced in rank, compulsorily retired, suspended, removed or dismissed, or his increment or promotion may be withheld, for any breach of any departmental regulation or discipline or for any carelessness or negligence of duty or for corruption or other misconduct by such authority and in such manner as may be prescribed:

Provided that no such officer or other employee shall be removed or

dismissed or reduced in rank by an authority subordinate to that by which he was appointed.

(2) No such officer or other employee shall be removed or dismissed or reduced in rank unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that this sub section shall not apply-

(a) where an officer or the employee is removed or dismissed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(b) where the authority empowered to remove or dismiss an officer or other employee or to reduce him in rank is satisfied that for some reason to be recorded by that authority in writing it is not reasonably practicable to give that officer or other employee an opportunity of showing cause.

(3) Any officer or other employee upon whom a punishment has been inflicted under this section may appeal to such authority as may be specified by rules.

**Officers and employees to be subordinate to Chief Executive Officer**

53. The Chief Executive Officer shall be the Principal Officer of the Corporation and all officers and other employees of the Corporation shall be subordinate to the Chief Executive Officer who shall specify the duties of, and exercise supervision and control over, such officers and other employees.

**Terms and conditions of service**

54. Subject to the provisions of this Ordinance, the Government may by rules-

(a) prescribe the conditions of service of the officers and other employees of the Corporation;

(b) prescribe the qualifications for various posts under the Corporation;

(c) prescribe the principles to be followed in making appointments to various posts under the Corporation;

(d) fix the amount and nature of security, if any, to be furnished by the officers and other employees of the Corporation;

(e) regulate the grant of leave and leave allowance to the officers and other employees of the Corporation;

(f) regulate the conduct of the officers and other employees of the Corporation;

<sup>69</sup>[ (ff) provide for transfer of officers and other employees of the Corporation to any other local authority; ]

(g) provide for other matters necessary for the efficient discharge of duties by the officers and other employees of the Corporation.

### **PART III**

#### **FINANCIAL MATTERS**

#### **CHAPTER I**

#### **CORPORATION FUND AND PROPERTY**

##### **Constitution of Corporation Fund**

55. (1) There shall be formed a fund for the Corporation which shall be known as the Corporation Fund.

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

(a) the proceeds of all taxes, rates, cesses, tolls, fees and other charges levied by the Corporation under this Ordinance;

(b) all rents and profits payable or accruing to the Corporation from the property vested in or managed by the Corporation;

(c) all sums received by the Corporation in the performance of its functions under this Ordinance or under any other law for the time being in force;

(d) all sums contributed by individuals or institutions or other local authorities;

(e) all receipts accruing from the trusts placed under the management of the Corporation;

(f) all grants made by the Government or other authorities;

(g) all loans raised and all profits accruing from investment; and

(h) such proceeds from such sources of income as the Government may direct to be placed at the disposal of the Corporation.

##### **Custody or investment of Corporation Fund and establishment of special funds**

56. (1) The moneys credited to the Corporation Fund shall be kept in a Bank transacting the business of a Government Treasury or in such other manner as may be specified by the Government from time to time.

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

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

**Application of Corporation Fund**

57. The moneys credited from time to time to the Corporation Fund shall be applied in the following order of preference: -

firstly, in the payment of salaries and allowances to the Chief Executive Officer and other officers and employees of the Corporation;

secondly, in the repayment of loans;

thirdly, in meeting the expenditure charged on the Corporation Fund under this Ordinance;

fourthly, in the fulfilment of any obligation and in the discharge of any duty imposed on the Corporation under this Ordinance or under any other law for the time being in force;

fifthly, in meeting the expenditure declared by the Corporation, with the previous sanction of the Government, to be an appropriate charge on the Corporation Fund; and

sixthly, in meeting the expenditure declared by the Government to be an appropriate charge on the Corporation Fund.

**Charged expenditure**

58. (1) The following expenditure shall be charged on the Corporation Fund, namely: -

(a) all sums to be paid to, or in connection with the employment of, the Chief Executive Officer and other officers and employees of the Corporation and any Government servant who is or has been in the service of the Corporation;

(b) such sums as the Corporation may be required by the Government to contribute towards the conduct of elections, the auditing of accounts and such other matters as may from time to time be specified by the Government;

(c) any sum required to satisfy any judgement, decree or award against the Corporation by any Court or tribunal; and

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

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

**Payments not to be made unless covered by a budget grant**

59. No payment of any sum out of the Corporation Fund shall be made unless the expenditure of the same is covered by a current budget grant and a sufficient balance of such budget grant is still available:

Provided that this section shall not apply to payments made under section 58.

**Temporary payments from Corporation Fund for works urgently required for public service**

60. (1) On a written requisition from the Government, the Mayor may at any time undertake the execution of any work which may be urgently required in the interest of public service, and for this purpose may temporarily make payments from the Corporation Fund so far as the sum can be met without unduly interfering with the regular working of the Corporation administration.

(2) The cost of all works so executed and all the establishments engaged in executing the same shall be paid by the Government and credited to the Corporation Fund.

(3) On receipt of any requisition under sub section (1), the Mayor shall report to the Corporation the steps taken by him in pursuance

of the same.

## **Budget**

61. (1) The Corporation shall, in the prescribed manner, prepare and sanction, before the first day of June each year, a statement of its estimated receipts and expenditure for the next ensuing financial year hereinafter referred to as the Budget, and forward a copy thereof to the Government.

(2) If the budget is not prepared or sanctioned by the Corporation before the first day of June as mentioned in sub section (1), 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 Corporation.

(3) Within thirty days of the receipt of the copy of a budget under sub section (1), the Government may, by order, modify it, and the budget so modified shall be deemed to be the sanctioned budget of the Corporation.

(4) At any time before the expiry of the financial year to which a budget relates, a revised budget for the year may, if necessary, be prepared and sanctioned, and such revised budget shall, so far as may be, be subject to the provisions of this section.

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

## **Accounts**

62. (1) Accounts of the receipts and expenditure of the Corporation 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 forwarded to the Government by the thirty-first December of the following financial year.

(3) A copy of the annual statement of accounts shall be placed at a conspicuous place in the office of the Corporation for public inspection, and all objections or suggestions concerning such

accounts received from the public shall be considered by the Corporation and brought to the notice of the audit authority referred to in section 63.

#### **Audit**

63. (1) The accounts of the Corporation shall be audited every year by the Comptroller and Auditor-General of Bangladesh (hereinafter in this section referred to as the Auditor General) in such manner as he deems fit.

(2) For the purpose of an audit under sub section (1), the Auditor-General or any person authorised by him in that behalf shall have access to all records, books, vouchers, documents, cash, stamps, securities, stores and other property of the Corporation and may examine the Mayor, <sup>70</sup>[ \* \* \*] Commissioner, the Chief Executive Officer or any other officer or employee of the Corporation.

(3) On the completion of the audit, the Auditor General shall submit to the Government an audit report which shall, among other things, mention-

(a) cases of embezzlement;

(b) cases of loss, waste or misappropriation of the Corporation Fund;

(c) cases of other irregularities in the maintenance of accounts; and

(d) the names of the persons who, in his opinion, are directly or indirectly responsible for such embezzlement, loss, waste, misappropriation or irregularities. (4) The Auditor General shall send to the Corporation a copy of the audit report submitted by him to the Government under sub section (3).

(5) The Corporation shall forthwith remedy any defects or irregularities that may be pointed out by the Auditor General and shall report to the Government the action taken by it.

(6) The Corporation shall publish the audit report with its replies to each item thereof within three months of the receipt by it of the copy thereof and shall make the same available for sale to the public.

#### **Loans**

64. (1) Subject to the provisions of this Ordinance, the rules, the [Local Authorities Loans Act](#), 1914 (IX of 1914), and any other law for the time being in force, the Corporation may, with the previous sanction of the Government raise loans in the prescribed manner, and make suitable arrangements, to the satisfaction of the Government, for the repayment of the loans in such instalments as may be fixed.

(2) The Corporation may, and if required by the Government shall, establish and maintain such separate funds as may be necessary for the repayment of loans, and the Government may, among other things, require that any specified item of income of the Corporation shall wholly or in part be earmarked for and apply in the repayment of loans.

**Property of the Corporation**

65. (1) The Government may by rules-

(a) provide for the management, maintenance, improvement and development of the property belonging to or vesting in the Corporation;

(b) regulate the alienation of such property; and

(c) provide for the compulsory acquisition of such immovable property as may be required by the Corporation for the purposes of this Ordinance.

(2) The Corporation 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 Ordinance or the rules; and

(c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property with the previous sanction of the Government.

**Recovery against liabilities**

66. The Mayor, <sup>71</sup>[ \* \* \* ] every Commissioner, the Chief Executive Officer and every other officer or employee of the Corporation and every person charged with the administration of the affairs of the Corporation or acting on behalf of the Corporation, shall be liable for the loss, waste or misapplication of any money or property belonging to the Corporation, which is a direct consequence of his negligence or misconduct, and the liability of the Mayor, <sup>72</sup>[ \* \* \* ] the Commissioner, the Chief Executive Officer or other officer or employee or person shall be determined by the Government in the prescribed manner, and the amount for which he is held liable shall be recoverable as a public demand.

**CHAPTER II**

**CORPORATION TAXATION**

**Corporation  
taxation**

67. The Corporation, with the previous sanction of the Government, may levy, in the prescribed manner, all or any of the taxes, rates, cesses, tolls, and fees mentioned in the Second Schedule.

**Notification and  
enforcement of  
taxes**

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

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

**Model tax  
schedules**

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

**Directions with  
regard to levy of  
taxes**

70. (1) The Government may direct the Corporation-

(a) to levy any tax, rate, cess, toll or fee which the Corporation is competent to levy under section 67; or

(b) to increase or reduce any such tax, rate, cess, toll or fee, or the assessment thereof, to such extent as may be specified; or

(c) to exempt any person or class of persons or property or class of property from the levy of any such tax, rate, cess, toll or fee or suspend or abolish the levy of any such tax, rate, cess, toll or fee.

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

**Liability on  
account of taxes**

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

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

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

**Collection and recovery of taxes**

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

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

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

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

**Petitions against valuation, assessment, etc**

73. No assessment of a tax, rate, cess, toll or fee under this Ordinance, or valuation thereof, 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.

**Deduction of taxes from**

74. If the Corporation levies a tax on professions, trades or callings, it may require the employer of the person liable to such tax to

**salaries** deduct the tax from the salary or wages payable to such person, and on such requisition, the amount of the tax due shall be deducted from the salary or wages of the person concerned and credited to the Corporation Fund, provided that the amount so deducted shall in no case exceed twenty-five per cent of the salary or wages.

**Manner in which taxes to be levied, etc** 75. (1) All taxes, rates, cesses, tolls, fees and other charges levied by the Corporation shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be prescribed.

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

## **PART IV**

### **FUNCTIONS IN DETAIL**

#### **CHAPTER I**

##### **PUBLIC HEALTH**

**Responsibility for sanitation** 76. The Corporation shall be responsible for the sanitation of the City, and for this purpose, it may cause such measures to be taken as are required by or under this Ordinance.

**Insanitary buildings** 77. (1) The Corporation 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 Corporation for its proper sanitation;
- (c) to lime wash the building and to make such essential repairs as may be specified in the notice; and
- (d) to take such other steps in regard to such building or land as may be so specified.

(2) If any requirement of a notice issued under sub-section (1) is

not complied with, within such period as may be specified in the notice, the Corporation may cause the necessary steps to be taken at the expense of the owner or occupier, and the cost so incurred by the Corporation shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

**Removal,  
collection and  
disposal of  
refuse**

78. (1) The Corporation shall make adequate arrangements for the removal of refuse from all public streets, public latrines, urinals, drains, and all buildings and land vested in the Corporation, and for the collection and proper disposal of such refuse.

(2) The occupiers of all other buildings and lands within the Corporation shall be responsible for the removal of refuse from such buildings and lands subject to the general control and supervision of the Corporation.

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

**Latrines and  
urinals**

79. (1) The Corporation may, and if so required by the Government shall, provide and maintain, in sufficient number and in proper situation, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order, and to be properly cleaned.

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

(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 Corporation 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 alterations in the existing privy or urinal accommodation as may be so specified;

(c) to remove the privy or urinal; and

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

**Births, deaths  
and marriages**

80. (1) The Corporation shall register all [Births](#), deaths and marriages within the limits of the City and information of such [Births](#), deaths and marriages shall be given by such persons or authorities, and shall be registered in such manner, as the by-laws may provide.

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

**Infectious  
diseases**

81. (1) The Corporation shall adopt such measures to prevent infectious diseases and to restrain infection within the City as the rules and by-laws may provide.

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

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

**Health and  
maternity  
centres, etc**

82. The Corporation may, and if so required by the Government shall,-

(a) establish, manage, maintain or contribute towards the maintenance of health centres, maternity centres and centres for

the welfare of women, infants and children;

(b) provide for the training of dais;

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

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

**Promotion of public health**

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

**Hospitals and dispensaries**

84. (1) The Corporation may, and if so required by the Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the City, and the people visiting it.

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

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

**Medical aid and relief, and medical education, etc**

85. The Corporation may, and if so required by the Government shall, take such measures as may be necessary or as may be specified by the Government for-

(a) the provision and maintenance of first aid centres;

(b) the provision and maintenance of mobile medical aid units;

(c) the promotion and encouragement of societies for the provision of medical aid;

(d) the promotion of medical education;

- (e) the payment of grants to institutions for medical relief; and
- (f) the medical inspection of school children.

## **CHAPTER II**

### **WATER SUPPLY AND DRAINAGE**

#### **Water supply**

86. (1) Subject to any law for the time being in force, the Corporation may provide, or cause to be provided, to the City a supply of wholesome water sufficient for public and private purposes.

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

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

#### **Private sources of water-supply**

87. (1) All private sources of water supply within the City shall be subject to control, regulation and inspection by the Corporation.

(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 Corporation.

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

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

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

(c) if the water therein is proved to the satisfaction of the Corporation 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.

**Drainage**

88. (1) Subject to any law for the time being in force, the Corporation shall provide an adequate system of public drains in the City area 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 City may, with the previous permission of the Corporation, and subject to such terms and conditions, including the payment of fees, as the Corporation 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 Corporation, and the Corporation may, in such manner as the by-laws may provide, require the provision, alternation, covering, clearing and closing of private drains.

**Drainage Schemes**

89. (1) The Corporation may, and if so required by the Government shall, prepare a Drainage Scheme in the prescribed manner for the construction of drains at public and private expense, and other works for the effective drainage and disposal of sullage.

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

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

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

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

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

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

**Bathing and washing places**

90. (1) The Corporation 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 times at which and the sex of persons by whom such places may be used; and
  - (c) prohibit, by public notice, the use by the public for any of the said purposes of any place not so set apart.
- (2) No person shall establish, maintain or run a human or a bath for public use except under a licence granted by the Corporation, and in conformity with the conditions and terms of such licence.

**Dhobi ghats and washermen**

91. (1) The Corporation may provide dhobi ghats for the exercise of their calling by washermen, and may by by-laws regulate the use of dhobi ghats and levy fees for their use.
- (2) The Corporation may by by-laws provide for the licensing of washermen and the regulation of their calling.

**Public water-courses**

92. (1) The Corporation may, with the previous sanction of the Government, declare any source of water, spring, river, tank, pond, or public stream, or any part thereof within the City, which is not private property, to be a public water-course.
- (2) The Corporation may in respect of any public water-course provide such amenities, make such arrangements for life saving, execute such works, and subject to the provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the by-laws may provide.

**Public ferries**

93. (1) The Corporation may by by-laws provide for the licensing of boats and other vessels plying for hire in a public water-course and may prescribe the terms and conditions for the grant of licences and the fees to be charged therefor.
- (2) The Government may declare any part of a public water-course to be a public ferry and may entrust the management thereof to the Corporation, and thereupon the Corporation shall manage and operate the public ferry in such manner and levy such tolls as may be prescribed.

**Public fisheries**

94. The Corporation may, with the previous sanction of the Government, declare any public water-course as a public fishery, and thereupon the right of fishing in such water-course shall vest in the Corporation which may exercise such right in such manner as may be prescribed.

**CHAPTER III**

**ARTICLES OF FOOD AND DRINK**

**By-laws for articles of food and drink**

95. The Corporation may by by-laws-

(a) prohibit the manufacture, sale or preparation, or the exposure for sale, of any specified article of food or drink in any place or premises not licensed by the Corporation;

(b) prohibit the import into the City for sale, or the sale, or the hawking for sale, of any specified article of food or drink by person not so licensed;

(c) prohibit the hawking of specified articles of food and drink in such parts of the City as may be specified;

(d) regulate the time and manner of transport within the City of any specified article of food or drink;

(e) regulate the grant and withdrawal of licences under this section and the levying of fees therefor; and

(f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

**Milk supply**

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

(2) The Corporation may, in the prescribed manner, and with the previous sanction of the 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 milch cattle in the City 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**

97. (1) Subject to any law for the time being in force, the Corporation may establish and maintain public markets, and secure the proper management and sanitation of such markets.

(2) Notwithstanding anything contained in any other law for the time being in force, the Corporation may, for the purpose of construction of public markets, realise such salami or advanced rent from the intending occupants on such terms and conditions as it may determine.

(3) The Corporation may, in respect of a public market, provide by by-laws-

(a) the fees to be charged for the use of or for the right to expose goods in the market;

(b) the fees to be levied on vehicles and animals bringing goods therein for sale;

(c) the fees to be charged for the use of shops, stalls, pens or stamps;

(d) the fees to be charged in respect of animals brought for sale or sold; and

(e) the fees to be charged from brokers, commission agents, weighmen and other persons practising their calling therein.

**Private markets**

98. (1) No private market shall be established or maintained within the Corporation except under a licence granted by the Corporation and in conformity with the conditions of such licence.

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

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

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

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

**Slaughter-house** 99. The Corporation shall provide and maintain at such site or sites within or without the limits of the City as the Government may approve one or more slaughter-houses for the slaughter of animals or of any specified description of animals for sale.

## CHAPTER IV

### ANIMALS

**Animal husbandry** 100. (1) The Corporation may and if so required by the Government shall, provide for the establishment and maintenance of veterinary hospitals and dispensaries, and by by-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

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

**Stray animals** 101. (1) The Corporation may by by-laws provide for the seizure, detention and impounding of animals found straying in any street, public place or cultivated land.

(2) The Corporation may, and if so required by the Government shall, establish and maintain cattle pounds for impounding of cattle

and charge such fines and fees for the impounding of cattle as the by-laws may provide.

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

**Animal homes and farms**

102. (1) The Corporation may, with the previous approval of the Government, establish and maintain Animal Homes, where, subject to such terms and conditions and on the payment of such fees and other charges, as the by-laws may provide, the animals of private persons may be kept.

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

**Registration of the sale of cattle**

103. The Corporation may by by-laws require that every sale of such of the animals as may be specified shall be registered with the Corporation in such manner, and subject to the payment of such fees, as the by-laws may provide.

**Livestock improvement**

104. The Corporation 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.

**Dangerous animals**

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

**Cattle shows,  
zoos, etc**

106. (1) The Corporation may hold cattle shows and fairs within the limits of the City and charge such fees from the people attending such shows or fairs as the by-laws may provide.

(2) The Corporation may, with the previous approval of the Government, maintain or contribute towards the maintenance of zoological gardens.

**Disposal of  
carcasses**

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

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

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

## **CHAPTER V**

### **TOWN PLANNING**

**Master Plan**

108. The Corporation may, and if so required by the Government shall, draw up a Master Plan for the City which shall, among other matters, provide for-

(a) a survey of the City including its history, statistics, public services and other prescribed particulars;

(b) development, expansion and improvement of any area within the City; 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 City.

**Site  
Development  
Schemes**

109. (1) Where a Master Plan has been drawn up under section 108 and such Master Plan has been approved, with or without any modifications by the Government, no owner of lands exceeding such area as may be specified in this behalf in the Master Plan as so approved, shall develop the site or erect or re-erect a building or any plot of land covered by the Master Plan, except in conformity with the provisions of a Site Development Scheme sanctioned for the area in the prescribed manner.

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

(a) the division of the site into plots;

(b) the streets, drains and open spaces to be provided;

(c) the land to be reserved for public purposes and to be transferred to the Corporation;

(d) the land to be acquired by the Corporation;

(e) the price of plots;

(f) the works that shall be executed at the cost of the owner or owners of the site or sites; and

(g) the period during which the area shall be developed.

**Execution of  
Site  
Development  
Schemes**

110. (1) The execution of a Site Development Scheme shall be subject to the inspection and control of the Corporation, and the Corporation may give such directions with regard to the execution of the Scheme 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 Corporation 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 Corporation may, in the prescribed manner, require and enforce the demolition of the offending structure, and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

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

## **CHAPTER VI**

### **BUILDING CONTROL**

**Registration of  
buildings**

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

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

## **CHAPTER VII**

## **STREETS**

### **Public streets**

112. (1) The Corporation shall provide and maintain such public streets and other means of public communication as may be necessary for the comfort and convenience of the inhabitants of the City and of the visitors thereto.

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

### **Streets**

113. (1) No new street shall be laid out except with the previous sanction of the Corporation, 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 by-laws may provide.

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

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

### **General provisions about streets**

114. (1) The Corporation may, with the previous sanction of the Government, assign names to streets and paint the names or fix the name plates on or at conspicuous places at or near the end corner or entrance of the street.

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

Corporation, remove the same.

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

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

#### **Encroachments**

115. (1) No person shall make an encroachment, movable or immovable, on, over or under a street or a drain or any land, house-gully or building or park except under a licence granted by the Corporation and to the extent permitted by the licence.

(2) The Corporation may by notice require the person responsible for any such encroachment to remove the same within such period as may be specified, and if the encroachment is not removed within such period, the Corporation may cause the encroachment to be removed through its own agency, and the cost, incurred thereon by the Corporation shall be deemed to be a tax levied on the persons responsible for the encroachment under this Ordinance.

(3) Any person aggrieved by a notice issued under sub-section (2) may, within fifteen days, appeal to the Government whose decision thereon shall be final.

(4) Notwithstanding anything in any other law, no compensation shall be payable for any encroachment removed or required to be removed under this section.

#### **Street lighting**

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

(2) The Corporation may, with the previous sanction of the Government, frame and enforce a Street Lighting Scheme in the prescribed manner.

**Street watering** 117. The Corporation 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** 118. The Corporation shall by by-laws make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

**Public vehicles** 119. (1) No person shall keep or let for hire, or drive or propel within the limits of the City any public vehicle other than a motor vehicle except under a licence granted by the Corporation, and in conformity with the conditions of such licence.

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

(3) The Corporation shall, in such manner as the by-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.

## **CHAPTER VIII**

### **PUBLIC SAFETY**

**Fire fighting** 120. (1) For the prevention and extinction of fire, the Corporation may, and if so required by the Government 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 a fire within the City, any Magistrate, any official of the fire brigade directing the operations, and any police officer not below the rank of Sub-Inspector may-

(a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or for saving life and property;

(b) close any street or passage in or near which any fire is burning;

(c) for the purpose of extinguishing the fire, break into or through, or pull down or cause to be broken into or pulled down, or use for the passage of hoses or other appliances, any premises;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(e) call on the person in-charge of any fire engine to render such assistance as may be possible; and

(f) generally take such measures as may appear necessary for the preservation of life and property.

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

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

#### **Civil Defence**

121. The Corporation shall be responsible for the Civil Defence of the City and it shall, in this behalf, perform such functions as may be prescribed.

**Floods**

122. For the fighting of floods, rescuing of people from flood-affected areas, and affording relief to flood-stricken people, the Corporation may, if so required by the Government shall, provide such boats, appliances and equipment as may be necessary.

**Famine**

123. In the event of a famine, the Corporation may, with the sanction of the Government, execute such famine works and undertake such famine relief measures as may be necessary or may be specified by the Government.

**Dangerous and  
offensive  
articles and  
trades**

124. (1) The Government by rules define the articles and trades which 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 Corporation-

(a) no person shall carry on any dangerous or offensive trade;

(b) no premises shall be used or suffered to be used or any dangerous or offensive trade; and

(c) no person shall store or keep in any premises-

(i) any dangerous or offensive article except for domestic use; or

(ii) any dangerous or offensive article in excess of such limits as may be fixed by the by-laws.

(3) The Corporation may, with the previous sanction of the Government, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trade in specific areas within

the City, and for the restriction of such trade in any area not so specified.

**Burial and  
burning places**

125. (1) The Corporation may, and if so required by the Government shall, provide suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenances 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 the Corporation, and thereupon such burial or burning place shall vest in the Corporation, and the Corporation shall take all measures necessary for the proper maintenance and administration thereof.

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

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

## **CHAPTER IX**

### **TREES, PARKS, GARDENS AND FORESTS**

**Arboriculture**

126. (1) The Corporation shall plant trees on public streets and other public places within the City and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

(2) The Corporation may, in the prescribed manner and with the previous sanction of the Government, frame and enforce an Arboriculture plan.

**Gardens**

127. (1) The Corporation may, and if so required by the Government shall, lay out and maintain within the City such public gardens as may be necessary for the recreation and convenience of the public, and such public gardens shall be maintained and

administered in such manner as the by-laws may provide.

(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**

128. The Corporation may provide and maintain within the City such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with such amenities and in such manner as the by-laws may provide.

**Forests**

129. The Corporation may, in the prescribed manner, frame and enforce Forest Plans providing for the improvement, development and exploitation of forests and plant, maintain and work forests in accordance with such plans.

**Nuisances  
pertaining to  
trees and  
plantations**

130. (1) The Corporation may by by-laws determine the pests of trees and plants and provide for their destruction.

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

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

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

**Tanks and low-lying areas**

131. The Corporation may, and if so required by the Government shall, take such steps with regard to the excavation and re-excavation of tanks and the reclamation of low-lying areas as it thinks fit, or, as the case may be, the Government directs.

**CHAPTER X**

**EDUCATION**

**Education**

132. (1) The Corporation shall maintain 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 City.

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

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

(4) The Corporation may, with the previous approval of the Government, give financial aid to private educational institutions within the City.

**Compulsory education**

133. Subject to any law for the time being in force, the Corporation shall be responsible for the enforcement of compulsory education in the City, 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 City attends a school recognised by the Corporation.

**General provisions about education**

134. The Corporation may-

(a) construct and maintain buildings to be used as hostels for students;

- (b) give scholarships to deserving or specially bright students;
- (c) provide for the training of teachers;
- (d) promote adult education;
- (e) provide school books to orphans and indigent students free of cost or at concessional rates;
- (f) maintain depots for the sale of school books and articles of stationery; and
- (g) with the previous approval of the Government-
- (i) promote and assist educational societies;
- (ii) undertake educational survey and enforce educational plans;
- (iii) provide, whether free of charge or on payment, milk or meals for school children;
- (h) adopt any other measures likely to promote the cause of education.

## **CHAPTER XI**

### **CULTURE**

#### **Culture**

135. The Corporation may, and if so required by the Government shall,-

- (a) establish and maintain information centres for the furtherance of civic education and the dissemination of information on such

matters as community development and other matters of public interest;

(b) maintain radio sets at public institutions and public places;

(c) organise museums, exhibitions and art galleries;

(d) provide and maintain public halls and community centres;

(e) celebrate the Independence Day and other national holidays;

(f) provide for the reception of distinguished visitors visiting the Corporation;

(g) encourage national language;

(h) promote physical culture, and encourage public games and sports and organise rallies and tournaments;

(i) promote tours to the City and adopt measures for the preservation of the historical and indigenous characteristics of the City;

(j) provide, promote or subsidise facilities for the recreation of the public; and

(k) adopt any other measures likely to promote cultural progress and advancement.

#### **Libraries**

136. The Corporation may, and if so required by the Government shall, establish and maintain such public libraries, reading rooms and circulating libraries as may be necessary for the use of the public.

**Fairs and shows, etc**

137. The Corporation shall, with the previous approval of the Government, make such arrangements on the occasion of any fairs, shows or public festivals within the City as may be necessary for the public health, public safety and public convenience and may levy fees on the person attending such fairs and shows.

**CHAPTER XII**

**SOCIAL WELFARE**

**Social Welfare**

138. The Corporation may, and if so required by the Government shall,-

(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 City at its own expense;

(c) adopt such measures as may be prescribed for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils;

(d) organise social service volunteers;

(e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, and women and children; and

(f) adopt any other measures likely to promote social welfare.

**CHAPTER XIII**

**DEVELOPMENT**

**Development**

139. (1) The Corporation may, and if so required by the

**Plans**

Government shall, prepare and implement development plans for such periods and in such manner as may be specified.

(2) Such Plans shall be subject to the sanction of the Government and shall provide for-

(a) the promotion, improvement and development of such function or functions of the Corporation as may be specified;

(b) the manner in which the plans shall be financed, executed, implemented and supervised;

(c) the agency through which the plans shall be executed and implemented; and

(d) such other matters as may be necessary.

(3) The Government may direct that any specified item of income of the Corporation shall wholly or in part be earmarked and applied in the implementation of a development plan.

**Community  
Development  
Projects**

140. The Corporation may, in the prescribed manner, sponsor or promote community development projects for the City or any part thereof and may in this behalf perform such functions as may be prescribed.

**Commercial  
Schemes**

141. The Corporation may, in the prescribed manner and with the previous sanction of the Government, promote, administer, execute and implement schemes for undertaking any commercial or business enterprise.

**PART V**

**GENERAL**

**CHAPTER I**

**ADMINISTRATION OF THE CORPORATION**

**Annual  
administration  
report of the  
Corporation**

142. (1) As soon as may be after the first day of July every year, and not later than such date as may be fixed by the Government, the Corporation shall submit to the Government a detailed report of the administration during the preceding year in such form as the Government may direct.

(2) Copies of the report shall be kept for sale at the Corporation office.

**Right of  
Government to  
call for records**

143. The Government may, at any time, require the Chief Executive Officer, -

(a) to produce any record, correspondence, plan or other document;

(b) to furnish any return, plan, estimate, statement, accounts or statistics;

(c) to furnish or obtain and furnish any report;

and the Chief Executive Officer shall comply with such requisition.

**Inspection**

144. The Government may depute any officer to inspect or examine any department or office of the Corporation or any service or work undertaken by the Corporation or any property belonging to the Corporation and to report thereon; and the Corporation and all officers and other employees thereof shall be bound to afford the officer so deputed access at all reasonable times to the premises and properties of the Corporation and to all records, accounts and other documents the inspection of which he may consider necessary to enable him to discharge his duties.

**Power of  
Government to  
require the  
Corporation to  
take action**

145. If, after consideration of anything requisitioned under section 143 or of any report under section 144 or of any information received otherwise, the Government is of opinion-

(a) that any action taken is unlawful or irregular or any duty imposed on the Corporation by or under this Ordinance has not been performed or has been performed in an imperfect, insufficient of unsuitable manner; or

(b) that adequate financial provision has not been made for the performance of any duty,

the Government may, by order, restrain the Corporation from performing the act or direct the Corporation, within a period specified in the order, to make arrangements to its satisfaction for the proper performance of the duty or to make financial provision to its satisfaction for the performance of the duty, as the case may be, and the Corporation shall comply with such order:

Provided that unless in the opinion of the Government, the immediate execution of such order is necessary, the Government shall, before making an order under this section, give the Corporation an opportunity of showing cause why such order shall not be made.

**Power of Government to provide for enforcement of direction under section 145**

146. If, within the period specified in any order made under section 145, any action directed under that section has not been duly taken, the Government may make arrangements for the taking of such action and may direct that all expenses connected herewith shall be defrayed out of the Corporation Fund.

**Power of Government to annul illegal proceedings**

147. If, in the opinion of the Government, any proceedings of the Corporation are not in conformity with this Ordinance or the rules, regulations or by-laws or with any other law, the Government may, by order, annul or omit from the records such proceedings and do all things necessary to secure such conformity:

Provided that the Government shall, before making an order under this section, give the Corporation an opportunity of showing cause why such order should not be made.

**Supersession of  
the Corporation**

148. (1) If, in the opinion of the Government, the Corporation-

(a) is unable to discharge or persistently fails in discharging its duties, or

(b) is unable to administer its affairs or meet its financial obligations, or

(c) generally acts in a manner contrary to public interest, or

(d) otherwise exceeds or abuses its power, <sup>73</sup>[ or

(e) has failed, without any reasonable excuse, to collect at least seventy five per cent of the total amount of the tax, rate, cess, toll, fee and other charges levied by it in a year,]

the Government may, by order published in the official Gazette, supersede the Corporation for such period as may be specified in the order:

Provided that the Government shall, before making an order under this section, give the Corporation an opportunity of showing cause why such order should not be made.

(2) On the publication of an order under sub-section (1)-

(a) all persons holding office as <sup>74</sup>[ \* \* \* ] <sup>75</sup>[ \* \* \* ] Mayor and Commissioners shall cease to hold office;

(b) all the functions of the Corporation shall, during the period of supersession, be exercised and performed <sup>76</sup>[ by such person or authority as the Government may appoint in this behalf]

(c) all funds and property belonging to the Corporation shall, during the period of supersession, vest in the Government.

**Suspension of particular department or institution of the Corporation**

149. (1) If, after such enquiry as may be necessary, the Government is of opinion that the Corporation is not able to run a particular department or institution efficiently, it may, by order published in the official Gazette, suspend the authority of the Corporation over such department or institution for such period as may be specified in the order.

(2) Where the authority of the Corporation over any department or institution is so suspended, the Government may itself take over the management of such department or institution or make such other arrangements as it thinks fit, and may require the Corporation or, in case the Corporation fails to comply, the Bank or person holding the Corporation Fund to place such amount as may, be necessary for the management of such department or institution at the disposal of the Government.

## **CHAPTER II**

### **OFFENCES AND PENALTIES**

**Offences**

150. Every act or omission specified in the Third Schedule shall be an offence under this Ordinance.

**Punishment**

<sup>77</sup>[ 151. (1) An offence under this Ordinance for which no penalty is expressly provided shall be punished with fine which may extend to ten thousand taka, and if the offence is a continuing one, with a further fine which may extend to five hundred Taka for every day after the date of the first commission during which period the offender has persisted in the offence.

(2) Where a person is convicted of an offence under this Ordinance for the second time, he shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to twenty five thousand Taka or with both.

(3) Where a person is convicted of an offence specified in items 3, 14, 19, 24, 44, or 50 of the Third Schedule the Court convicting him may, on the prayer of the Chief Executive Officer or a person mentioned in section 153, also order or direct-

(a) the stoppage of doing of any act without any licence or permission;

(b) the stoppage of carrying on of any dangerous or offensive trade or the storing of any offensive or dangerous articles;

(c) the stoppage of operation or removal of any brick kiln, lime kiln, charcoal kiln or pottery;

(d) the removal or destruction of any obscene advertisement;

(e) the removal or confiscation of any goods, material, machinery or implement in respect of which or with which any offence mentioned in this sub section is committed, as the case may be.]

**Compounding of offences**

152. The Chief Executive Officer or any person generally or specially authorised by the Corporation in this behalf, may compound any offence under this Ordinance.

**Cognizance of offences**

153. No Court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Chief Executive Officer or a person generally or specially authorised by the Corporation in this behalf.

### **CHAPTER III**

#### **MISCELLANEOUS**

**Power of Government to include and exclude areas in or from the City and effect thereof**

154. (1) The Government may, in the prescribed manner, include within the limits of the City any area adjacent thereto or exclude from the limits of the City any area comprised therewith.

(2) When any area is included within the limits of the City, this Ordinance and all rules, regulations, by-laws, directions and powers made, issued or conferred under this Ordinance shall apply to the said area.

(3) When any area is excluded from the limits of the City, this Ordinance and all rules, regulations, by-laws, orders, directions and powers made, issued or conferred under this Ordinance shall cease to apply thereto.

(4) The Government may make such orders as may be necessary to give effect to the inclusion or exclusion of the said area and any matters incidental or ancillary thereto.

#### **Appeals**

155. (1) Any person aggrieved by an order passed by the Corporation or by the Mayor <sup>78</sup>[ \* \* \* ] or by the Chief Executive Officer in pursuance of this Ordinance or the rules or by-laws, may appeal to such authority, in such manner and within such period as may be prescribed.

(2) Any order passed in appeal shall be final and shall not be called in question in any Court.

#### **Standing Orders**

156. The Government may, by Standing Orders issued from time to time,-

(a) define and regulate the relations of the Corporation with other local authorities;

(b) provide for co-ordinating the activities of the Corporation and Government authorities or agencies;

(c) provide for giving financial assistance to the Corporation, including the making of grants for specified purposes on specified terms and conditions;

(d) provide for the general guidance of the Corporation in carrying out the purposes of this Ordinance.

**Power to make rules**

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

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

**Power to make regulations**

158. The Corporation may make regulations to regulate the procedure in respect of all or any of the matters enumerated in the Fifth Schedule, and all matters incidental, consequential and supplemental thereto.

**Power to make by-laws**

159. (1) The Corporation may, and if so required by the Government shall, make by-laws, not inconsistent with the provisions of this Ordinance and the rules, to carry out the purposes of this Ordinance.

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

**General provisions relating to rules, etc**

160. (1) All by-laws shall be made subject to the condition of previous publication.

(2) All regulations and by-laws shall be subject to the sanction of the Government and the Government may sanction any regulations or by-laws with or without modifications.

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

(4) Copies of rules, regulations and by-laws shall be kept available

at the office of the Corporation for inspection and sale.

**Delegation of powers**

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

(2) The Corporation may, by resolution passed with the previous sanction of the Government and subject to such terms and conditions as may be specified in the resolution, delegate any of its functions to all or any of its Standing Committees or to the Chief Executive Officer.

(3) A Standing Committee may, by resolution passed with the previous sanction of the Corporation and subject to such terms and conditions as may be specified in the resolutions, delegate any of its functions to the Chief Executive Officer not being power delegated to it under sub-section (2).

(4) The Chief Executive Officer may, by order in writing issued with the previous sanction of the Corporation and subject to such terms and conditions as may be specified in the order, delegate any of his functions to any other officer or employees of the Corporation not being powers delegated to him under sub-section (2) or sub-section (3).

**Licences and sanctions**

162. (1) Wherever it is provided in this Ordinance, or in the rules, regulations or by-laws, that the permission or sanction of the Corporation shall be necessary to the doing of any act, such permission or sanction shall be in writing.

(2) Every licence, sanction or permission granted by or under the authority of the Corporation shall be signed by the Chief Executive Officer or by such other officer as may be authorised in this behalf by rules, regulations or by-laws.

**Institution of suits against the**

163. No suit shall be instituted against the Corporation or the Mayor<sup>79</sup> [ \* \* \* ] or Commissioner or the Chief Executive Officer or any

**Corporation, etc**

other officer or employee of the Corporation in

respect of any act done or purporting to be done in official capacity, until the expiration of one month next after notice in writing has been in the case of the Corporation, delivered or left at its office, and in the case of the Mayor <sup>80</sup>[ \* \* \* ] or any Commissioner, or the Chief Executive Officer or other officer or employee delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.

**Notice and service thereof**

164. (1) Where anything is required to be done or not to be done by any person under this Ordinance, or the rules, regulations or by-laws, a notice shall be served on the person concerned specifying the time within which the requirement 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 place of abode or 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 Corporation.

**Records to be public documents**

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

**Mayor, <sup>81</sup>[ \* \* \* ] Commissioners, officers and employees of the Corporation to be public servants**

166. The Mayor <sup>82</sup>[ \* \* \* ] and every Commissioner and the Chief Executive Officer and every other officer or employee of the Corporation, and every other person duly empowered to act on behalf of the Corporation, shall be deemed to be a public servant within the meaning of section 21 of the [Penal Code](#) (XLV of 1860).

<sup>83</sup>[ Omitted]

166A. [Mayor, etc., not to be disqualified for membership of Parliament.- Omitted by section 36 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993), which was inserted by section 13 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986).]

**Protection of action taken in good faith, etc**

167. No suit, prosecution or other legal proceeding shall lie against the Government or the Corporation, or against any person authorised by either, for anything which is in good faith done or intended to be done under this Ordinance or the rules, regulations or by-laws, or for any damage caused or likely to be caused by any such thing.

## **CHAPTER IV**

### **TRANSITIONAL AND TEMPORARY PROVISIONS**

**Provisions of this Chapter over-ride other provisions**

168. The provisions of this Chapter shall have effect notwithstanding anything contained in any other provision of this Ordinance.

**First election to the Corporation**

169. For the purpose of first general election of Commissioners, the Government shall, by order published in the official Gazette, determine-

(a) the number of wards into which the City shall be divided;

(b) the extent of each such ward; and

(c) the number of seat or seats allotted to each such ward.

**Ratification and confirmation of**

<sup>84</sup>[ 169A. Notwithstanding anything contained in this Ordinance or in any other law for the time being in force, all orders made, acts and

**certain orders,  
acts etc of the  
Corporation**

things done, and actions and proceedings taken, or purported to have been made, done or taken, by the Corporation during the period between 18th September, 1991 and the date of the first meeting of the Corporation composed of persons elected, subsequent to 18th September, 1991 under this Ordinance (both days inclusive), are hereby ratified and confirmed and declared to have been validly made, done or taken by the Corporation and shall not be called in question in or before any Court, tribunal or authority on any ground whatsoever.]

**Appointment of  
Administrator  
and Deputy  
Administrator**

170. (1) Until the Corporation is constituted in accordance with the provisions of this Ordinance, the functions of the Corporation shall be performed by an Administrator to be appointed by the Government.

(2) The Government may appoint <sup>85</sup>[ three Deputy Administrators] to assist the Administrator in the performance of his functions.

**Appointment of  
ward  
committees**

<sup>86</sup>[ 170A. (1) The Administrator appointed under section 170 may, with the approval of the Government, appoint a ward committee for each ward to assist him in the performance of his functions.

(2) A ward committee shall consist of a Chairman and such number of other members as may be appointed by the Administrator.

(3) The Chairman of a ward committee shall be deemed to be a Commissioner for the purposes of this Ordinance.]

**Repeals and  
savings**

171. (1) On the commencement of this Ordinance, the [Paurashava Ordinance, 1977](#) (Ord. XXVI of 1977), hereinafter referred to as the said Ordinance, shall, in its application to the City of Dhaka, stand repealed.

(2) Upon the repeal of the said Ordinance,-

(a) all rules, regulations by-laws or orders made, notifications or

notices issued, or licences or permissions granted under the enactment repealed under sub-section (1), and in force immediately before the commencement of this Ordinance shall, in so far as it is not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been respectively made, issued or granted under the provisions of this Ordinance until it is altered, repealed or amended under the said provisions;

(b) all assets, rights, powers, authorities and privileges, and all property, movable and immovable, cash and bank balances, funds, investments and all other rights and interests in, or arising out of such property of the Dhaka Municipal Corporation constituted under the said Ordinance and subsisting immediately before the commencement of this Ordinance shall stand transferred to and vest in the Corporation;

(c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Dhaka Municipal Corporation before the commencement of this Ordinance shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Corporation under this Ordinance;

(d) all budget estimates, assessments, valuations, measurements or schemes made by the Dhaka Municipal Corporation shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been made under the provisions of this Ordinance until it is altered, amended or superseded under the provisions of this Ordinance;

(e) all taxes, rates, tolls, cesses, fees, rents and other sums of money due to the Dhaka Municipal Corporation immediately before the commencement of this Ordinance shall be deemed to be due to the Corporation;

(f) all taxes, rates, tolls, cesses, fees, rents and other charges levied by the Dhaka Municipal Corporation shall, until they are varied by the Corporation, continue to be levied at the same rate at which they were levied immediately before the commencement of this Ordinance and shall be deemed to have been levied under this Ordinance;

(g) every officer and other employee of the Dhaka Municipal Corporation constituted under the said Ordinance shall stand transferred to and become an officer or other employee of the Corporation and shall hold office or service in the Corporation on the same terms and conditions as were enjoyed by him immediately

before the commencement of this Ordinance and shall continue to do so until his terms and conditions are duly altered under this Ordinance;

(h) all suits, prosecutions and other legal proceedings instituted by or against the Dhaka Municipal Corporation before the commencement of this Ordinance shall be deemed to be suits, prosecutions and proceedings by or against the Corporation and shall be proceeded or otherwise dealt with accordingly.

**Certain matters to be prescribed**

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

**Removal of difficulties**

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

Provided that no such order shall be made after the expiration of two years from the constitution of the Corporation.

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<sup>1</sup> The word "City" was substituted for the word "Municipal" by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)

<sup>2</sup> The word "City" was substituted for the word "Municipal" by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)

<sup>3</sup> Clause (14) was omitted by section 2 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>4</sup> The word "City" was substituted for the word "Municipal" by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)

<sup>5</sup> Section 3A was inserted by section 2 of the Dhaka City Corporation (Amendment) Act, 2004 (Act No. XVIII of 2004)

<sup>6</sup> Section 4 was substituted by section 2 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999)

<sup>7</sup> Section 6 was substituted by section 2 of the Dhaka City Corporation (Amendment) Act, 1992 (Act No. IV of 1992)

<sup>8</sup> The colon (;) was substituted for the full-stop (.) and thereafter the proviso was added by section 6 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>9</sup> The words and commas "Commissioners, other than Commissioners of reserved seats," were substituted for the words "elected Commissioners" by section 6 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>10</sup> The commas and words " , other than Commissioners of reserved seats," were omitted by section 3 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999)

<sup>11</sup> The word "elected" was omitted by section 6 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>12</sup> The word "City" was substituted for the word "Municipal" by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)

<sup>13</sup> Sub-section (1) was substituted by section 7 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>14</sup> The words "Oath of office" were substituted for the words "Oath of Commissioners" by section 7 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>15</sup> The word "City" was substituted for the word "Municipal" by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)

<sup>16</sup> The words and commas "The Mayor and every Commissioner, other than official Commissioner, shall, before entering upon his office or taking his seat," were substituted for the words and commas "Every Commissioner other than official Commissioners, shall, before taking his seat, " by section 6 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986).

<sup>17</sup> The commas and words ", other than official Commissioner," were omitted by section 9 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>18</sup> Section 9 was substituted by section 10 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>19</sup> Section 10 was substituted by section 11 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>20</sup> Clause (14) was omitted by section 2 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>21</sup> The words "as Mayor or a Commissioner" were substituted for the words "or nominated as a Commissioner" by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>22</sup> The words "as Mayor or" were substituted for the words "or nominated as" by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>23</sup> The semi-colon (;) was substituted for the full-stop (.) and clause (g) and explanation was inserted by section 5 of the Local Government Laws (Amendment) Act, 1987 (Act No. XXIII of 1987)

<sup>24</sup> The semi-colon (;) was substituted for the full-stop (.) and clause (h) was inserted by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)

<sup>25</sup> Clauses (h) and (i) were substituted for former clause (h) by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>26</sup> Sub-sections (2A) and (2B) were inserted by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>27</sup> Sub-section (4) was added by section 12 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>28</sup> The word "City" was substituted for the word "Municipal" by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)

<sup>29</sup> The words "office of Mayor and seat of a Commissioner" were substituted for the words and commas "seat of Commissioner, other than an Official Commissioner, " by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>30</sup> The words "the Mayor or a Commissioner" were substituted for the words "a Commissioner" by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>31</sup> The words "the Mayor or the Commissioner" were substituted for the words "the Commissioner" by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>32</sup> The words "the Mayor or the Commissioner" were substituted for the words "the Commissioner" by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>33</sup> The words "the Mayor or a Commissioner" were substituted for the words "a Commissioner" by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>34</sup> Sub-section (4) was substituted by section 13 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>35</sup> The words "term of Corporation" were substituted for the words "term of his office" by section 14 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

<sup>36</sup> The words "Mayor or" were omitted by section 10 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986)

<sup>37</sup> The word "Deputy" was omitted by section 14 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

- <sup>38</sup> The words "ninety days" were substituted for the words "one month" by section 14 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>39</sup> Section 3A was inserted by section 2 of the Dhaka City Corporation (Amendment) Act, 2004 (Act No. XVIII of 2004)
- <sup>40</sup> Section 4 was substituted by section 2 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999)
- <sup>41</sup> The words "Mayor and the" were omitted by section 11 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986)
- <sup>42</sup> The words "the Mayor" were substituted for the words "Deputy Mayors" by section 15 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>43</sup> Section 6 was substituted by section 2 of the Dhaka City Corporation (Amendment) Act, 1992 (Act No. IV of 1992)
- <sup>44</sup> Section 17 was substituted by section 17 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>45</sup> The comma and words ", OTHER THAN IN RESERVED SEATS" were omitted by section 4 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999).
- <sup>46</sup> Section 18 was substituted by section 5 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999)
- <sup>47</sup> Section 20A was inserted by section 6 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999)
- <sup>48</sup> Section 22 was substituted by section 20 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>49</sup> Section 23 was substituted by section 21 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>50</sup> The commas and words ", other than Commissioners in reserved seats," were omitted by section 7 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999)
- <sup>51</sup> The words and commas "elections of Mayor and Commissioners, other than the Commissioners in reserved seats," were substituted for the words "elections of Commissioners" by section 22 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>52</sup> The commas and words ", other than the Commissioners in reserved seats," were omitted by section 8 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999)
- <sup>53</sup> The words and commas "Commissioners, other than Commissioners of reserved seats," were substituted for the words "elected Commissioners" by section 6 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>54</sup> The words and commas "Mayor and Commissioners, other than Commissioners in reserved seats," were substituted for the word "Commissioners" by section 23 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>55</sup> The commas and words ", other than Commissioners in reserved seats," were omitted by section 9 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999)
- <sup>56</sup> The words "the Deputy Mayors or" were omitted by section 24 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>57</sup> Section 28A was inserted by section 25 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>58</sup> The commas and words ", or the Deputy Mayors," were omitted by section 26 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>59</sup> The words and figure "the Commissioner authorised by the Mayor under section 17" were substituted for the words "the Deputy Mayor" by section 27 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>60</sup> The words "two thirds of the total number of" were substituted for the word "twenty four" by section 27 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>61</sup> The words and figure "by the Commissioner authorised by the Mayor under section 17" were substituted for the words "by the Deputy Mayor" by section 27 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>62</sup> Sub-section (7) was added by section 27 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>63</sup> The words "and the Deputy Mayors" were omitted by section 28 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>64</sup> The word "member" was substituted for the word "members" by section 28 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>65</sup> The words "one thousand seven hundred twenty five taka" were substituted for the words "one thousand taka" by section 29 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)

- <sup>66</sup> The commas and words “, other than Commissioners of reserved seats,” were omitted by section 3 of the Dhaka City Corporation (Amendment) Act, 1999 (Act No. I of 1999)
- <sup>67</sup> The words “pension and” were omitted by section 5 of the Local Government Laws (Amendment) Act, 1988 (Act No. VIII of 1988)
- <sup>68</sup> The words “pension or” were omitted by section 5 of the Local Government Laws (Amendment) Act, 1988 (Act No. VIII of 1988)
- <sup>69</sup> Clause (ff) was inserted by section 5 of the Local Government Laws (Amendment) Act, 1988 (Act No. VIII of 1988)
- <sup>70</sup> The words and comma “the Deputy Mayor, and” were omitted by section 30 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>71</sup> The words and comma “the Deputy Mayor,” were omitted by section 31 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>72</sup> The words and comma “the Deputy Mayor,” were omitted by section 31 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>73</sup> The word “or” was added and thereafter the clause (e) was inserted by section 32 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>74</sup> The word and comma “Mayor,” were omitted by section 12 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1986 (Ordinance No. LIII of 1986)
- <sup>75</sup> The word “Deputy” was omitted by section 32 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>76</sup> The words “by such person or authority as the Government may appoint in this behalf” were substituted for the words “by the Mayor” by section 32 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>77</sup> Section 151 was substituted by section 4 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)
- <sup>78</sup> The words “or the Deputy Mayor” were omitted by section 33 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>79</sup> The words “or the Deputy Mayor” were omitted by section 34 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>80</sup> The words “or the Deputy Mayor” were omitted by section 34 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>81</sup> The word “elected” was omitted by section 6 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>82</sup> The comma and words “, the Deputy Mayors” were omitted by section 35 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>83</sup> The words “Oath of office” were substituted for the words “Oath of Commissioners” by section 7 of the Dhaka City Corporation (Amendment) Act, 1993 (Act No. VIII of 1993)
- <sup>84</sup> Section 169A was inserted by section 3 of the Dhaka City Corporation (Amendment) Act, 2004 (Act No. XVIII of 2004)
- <sup>85</sup> The words “three Deputy Administrators” were substituted for the words “a Deputy Administrator” by section 2 of the Dhaka Municipal Corporation (Amendment) Ordinance, 1985 (Ordinance No. XXXI of 1985)
- <sup>86</sup> Section 170A was inserted by section 2 of the Dhaka Municipal Corporation (Second Amendment) Ordinance, 1984 (Ordinance No. LXI of 1984)