

THE PAURASHAVA ORDINANCE, 1977

(ORDINANCE NO. XXVI OF 1977).

[27th June, 1977]

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

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

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

PART I

PRELIMINARY

- Short title** 1. This Ordinance may be called the [Paurashava Ordinance](#), 1977.
- 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 situate therein or thereon may reasonably be expected to be let from year to year, and includes 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) "building" includes any shop, house, hut, out-house, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, verandah, platform, plinth and steps;

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

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

(5) "Cantonment Board" means a Cantonment Board constituted under the [Cantonments Act](#), 1924 (II of 1924);

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

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

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

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

²[* * *]

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

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

³[* * *]

(12) "district" means a revenue district;

(13) "division" means a revenue division;

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

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

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

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

(18) "Election Commission" means the Election Commission established by the Constitution;

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

(20) "factory" means a factory as defined in the Factories Act, 1965 (E.P. Act IV of 1965);

(21) "food" includes every article used for food or drink by human beings but does not include drugs and water;

(22) "function" includes powers to be exercised and duties to be discharged;

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

(24) "infectious disease" means cholera, plague, small-pox and tuberculosis, and includes such other disease as the Government may, by notification in the official Gazette, declare to be an infectious disease for the purposes of this Ordinance;

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

(26) "local parishad" means a local parishad constituted under the Local Government Ordinance, 1976 (Ord. XC of 1976);

(27) "market" means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetable, or any other article of food or for the sale and purchase of livestock, or animals and includes any place which may be notified as a market in accordance with the rules;

⁴[* * *]

(28) "municipality" means an urban area, declared to be a municipality under this Ordinance;

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

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

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

⁵[(32) "Prescribed Authority" means the Government;]

(33) "Paurashava" means a Paurashava constituted under this Ordinance by whatever name called ⁶[* * *];

(34) "Paurashava Fund" means a Fund of the Paurashava;

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

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

⁷[(36A) "rate" means a levy specified in item numbers 13, 14, 15 and 16 of the First Schedule;]

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

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

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

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

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

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

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

(44) "tax" includes any toll, ⁸[* * *] fee or other impost leviable under this Ordinance;

(45) "urban area" means an area within the jurisdiction of a Paurashava or Cantonment Board, and includes any other area which is declared to be an urban area under section 3;

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

⁹[* * *]

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

(48) "ward" means a ward of a Paurashava.

PART II

PAURASHAVAS

CHAPTER I

CONSTITUTION AND COMPOSITION OF PAURASHAVAS

Declaration of urban area

3. (1) Subject to the provisions of sub-section (2), the Government may, by notification in the official Gazette, declare any rural area to be an urban area:

Provided that notwithstanding the declaration of a rural area to be an urban area, the Union Parishad which immediately before such declaration exercised any function in relation to that area shall, until the area is declared to be, or to be included in, a municipality, continue to exercise those functions.

(2) The Government shall not declare any rural area to be an urban area unless it is satisfied that three-fourths of the adult male population of the area to which it refers are chiefly employed in pursuits other than agriculture, and such area contains not less than fifteen thousand population, and an average number of not less

than two thousand inhabitants per square mile ¹⁰[:

Provided that the Government may, for the purpose of extension of the limits of a municipality under section 4(b), declare any rural area to be an urban area, if it is satisfied that three-fourths of the adult male population of such area are chiefly employed in pursuits other than agriculture.]

Declaration of municipality and alteration of limits thereof

4. The Government may, in the prescribed manner,-

(a) declare any urban area, other than a cantonment, to be a municipality;

(b) extend, curtail or otherwise alter the limits of any municipality; and

(c) declare that any urban area shall, from a date to be specified, cease to be a municipality.

Municipality to be administrative Unit

¹¹[4A. Every municipality shall be an administrative unit for the purpose of Article 59 of the [Constitution of the People's Republic of Bangladesh.](#)] ¹²[

Constitution of Paurashavas

5. (1) As soon as may be after the commencement of this Ordinance, there shall be constituted a Paurashava for every municipality in accordance with the provisions of this Ordinance.

(2) Every Paurashava shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance and the rules, to acquire and hold property, both movable and immovable, and shall by its name sue and be sued.

(3) The Government may, by notification in the official Gazette, specify the name by which any Paurashava shall be known, and

unless the name of a Paurashava is so specified, it shall be known as the Paurashava of the place where its office is situated ¹³[.]

¹⁴[* * *]

Composition of Paurashava

6. ¹⁵[(1) A Paurashava shall consist of-

(a) a Chairman;

(b) such number of ¹⁶[* * *] commissioners as may be fixed by the Government; and

¹⁷[(bb) such number of commissioners as are exclusively reserved for women under sub-section (3).]

¹⁸[* * *]]

(2) ¹⁹[²⁰[The] Chairman and Commissioners] of a Paurashava shall be elected by direct election on the basis of adult franchise in accordance with the provisions of this Ordinance and the rules made thereunder ²¹[.

[* * *]]

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

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

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

(5) There shall be paid to the ²³[Chairman and commissioners] of a Paurashava such honorarium as may be prescribed.

(6) [Omitted by section 4 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984).]

²⁴[]

7. ²⁵[²⁶[(1) The term of a Paurashava shall be a period of five years commencing on the day of its first meeting after its constitution:

Provided that notwithstanding the expiration of its term, a Paurashava shall continue to function until the publication of election schedule for reconstituting the Paurashava to succeed it.]

²⁷[* * *]

²⁸[(1AA) Where the election schedule for reconstituting a Paurashava is published, the Paurashava shall cease to exist and the functions of the Paurashava shall, until the holding of the first meeting of the Paurashava constituted to succeed it, be performed by the Thana Nirbahi Officer or Additional Deputy Commissioner concerned as the Government may appoint in this behalf.]

(1B) Notwithstanding anything contained in this Ordinance, a Paurashava shall be deemed to have been duly constituted after the election of seventy five per cent of the total number of its ²⁹[Commissioners ³⁰[* * *]] has taken place.

Explanation.- For calculating the seventy five per cent of the total number of ³¹[* * *] 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.]

(2) A Paurashava shall, after its constitution, hold its first meeting on such date, not later than thirty days from the day on which the names of its Chairman and commissioners are notified in the official

Gazette, as may be appointed by the Prescribed Authority.

Oath of office

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

Declaration of properties

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

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

(a) the spouse of such person, and

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

Qualifications and disqualifications of Chairman and commissioners of Paurashavas

10. (1) A person shall, subject to the provisions of ³²[sub-section (2), be qualified to be elected as, and to be, a Chairman 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; and

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

(2) A person shall be disqualified for election as, or for being, a Chairman or ³³[a Commissioner,] if-

³⁴[³⁵[* * *]

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

(b) he or she is an undischarged insolvent;

(c) he or she has ceased to be a citizen of Bangladesh or has acquired the citizenship of, or affirmed or acknowledged allegiance to, a foreign state;

(d) he or she has been,-

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

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

(e) he or she holds any whole-time office of profit in the service of the Republic or of the Paurashava concerned or of any other local authority; or

(f) he or she is a party to a contract for work to be done for, or goods to be supplied to, the Paurashava concerned, or has otherwise any pecuniary interest in its affairs, or is a dealer, for any area within the municipality concerned, in essential commodities appointed by the Government ³⁶[;

(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] ³⁷[;

(h) he or she is a member of Parliament] ³⁸[;

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

(j) 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.]

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

Persons not to be candidate for two offices

11. (1) A person shall not, at the same time, be a candidate for election to the offices of Chairman and ⁴⁰[* * *] commissioner or to more than one office of ⁴¹[* * *] commissioner.

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

⁴²[(3) When the office of Chairman falls vacant during the term of

the Paurashava, a commissioner may contest the election to the office of Chairman, and if he is elected, his commissionership shall cease on the date he makes the oath of office of Chairman.]

**Resignation of
Chairman and
commissioners**

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

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

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

**Removal of
Chairman and
commissioners**

13. (1) A Chairman or ⁴³[a Commissioner] shall render himself liable to removal from his office if-

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

(b) he is convicted for any offence relating to corruption, criminal misconduct or prejudicial or anti-state activity;

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

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

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

(2) A Chairman or ⁴⁴[a Commissioner] shall not be removed from his office on any ground mentioned in clauses (a) and (b) of sub-

section (1) unless the Prescribed Authority declares, ⁴⁵[* * *] by an order, that he is liable to be so removed:

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

(3) A Chairman or ⁴⁶[a Commissioner] shall not be removed from his office on any ground mentioned in clauses (c) and (d) of sub-section (1) unless, at a special meeting of the Paurashava called for the purpose in the prescribed manner, a resolution to the effect that he is liable to be so removed is passed by the votes of not less than two-thirds of the ⁴⁷[total number of ⁴⁸[Commissioners]] of the Paurashava and unless the resolution is approved by the Prescribed Authority:

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

(4) A Chairman or ⁴⁹[a Commissioner] shall stand removed from his office as soon as a declaration under sub-section (2) is made or a resolution passed under sub-section (3) is approved by the Prescribed Authority.

⁵⁰[* * *]

(5) [Omitted by section 7 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992).]

(6) Notwithstanding anything contained in any other provisions of this Ordinance, a person who has been removed from any office under this section shall not, during the unexpired period of the term of the Paurashava concerned, be eligible for election ⁵¹[* * *] to that Paurashava.

**Vacation of
office of
Chairman and
Commissioners**

14. (1) The office of Chairman or ⁵²[a Commissioner] shall become vacant if-

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

⁵³[* * *]

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

(c) he resigns his office under section 12;

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

(e) he dies.

(1A) [Omitted by section 7 of the Paurashava (Amendment) Ordinance, 1984 (Ordinance No. XI of 1984).]

(2) [Omitted by section 8 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992).]

Casual vacancy

15. (1) Where the office of a commissioner becomes vacant not later than one hundred and eighty days before the term of the Paurashava is due to expire, an election ⁵⁴[* * *] to fill the office shall be held ⁵⁵[* * *] within sixty days of the occurrence of the vacancy, and the person who is elected in such election ⁵⁶[* * *] shall hold office for the residue of such term.

(2) Where the office of Chairman becomes vacant before the term of the Paurashava is due to expire, an election to fill the office shall be held within one month of the occurrence of such vacancy, and the person who is elected in such election shall hold office for the residue of such term.

Leave of absence of Chairman

16. A Paurashava may grant leave of absence to its Chairman for any period not exceeding three months in any one year.

Panel of Chairman

⁵⁷[17. (1) Within one month of the first meeting held after the constitution of a Paurashava, a panel of three Chairmen shall be elected, in order of preference, by the commissioners from amongst themselves.

(2) While the office of Chairman is vacant or the Chairman is on leave or under suspension, the functions of his office shall be performed by the Commissioner whose name is highest in the panel of Chairman in order of preference.]

Notification of election, etc

⁵⁸[18. An election, resignation, removal or vacation of office of a Chairman and commissioner shall be notified in the official Gazette by the Prescribed Authority.]

Appointment of an Administrator in certain circumstances

⁵⁹[18A. (1) Where an urban area is declared to be a municipality, the Government shall appoint an Administrator to perform the functions of the Paurashava of that municipality till a Paurashava is constituted in accordance with the provisions of this Ordinance.

(2) The Government may, where necessary, appoint a Committee consisting of such number of members as it deems fit to assist the Administrator in the discharge of his functions.

(3) The Administrator and the members of the Committee, if any, shall respectively exercise the powers of the Chairman and of the Commissioners.

Certain persons deemed to be

18B. Notwithstanding anything contained in this Ordinance, where a rural area, after being declared an urban area, is included in a

commissioners municipality, the person elected as Chairman or member from that area to any Union Parishad, shall be deemed to be a commissioner of the Paurashava of that municipality.]

CHAPTER II

⁶⁰ ELECTION OF CHAIRMAN AND COMMISSIONERS OF PAURASHAVAS

Wards ⁶¹[19. (1) For the purpose of election of commissioners, other than in reserved seats of a Paurashava, the municipality shall be divided into such number of wards as the Government may determine.

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

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

(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 21. (1) The wards shall be delimited having regard to territorial unity and, so far as practicable, to distribution of population ⁶²[save with a variation of not more than ten per cent] and administrative convenience.

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

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

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

(5) After making amendments, alterations or modifications, if any, under sub-section (4), the delimitation officer shall publish at his office and at the office of the Paurashava and at such other place or places as he considers necessary the final list of wards, specifying the areas included in such ward and shall forward attested copies thereof to the Prescribed Authority who shall publish the list of wards in the official Gazette.

Delimitation of wards of reserved seats

⁶³[21A. For the purpose of election to the reserved seats, the delimitation officer shall simultaneously cause the number of wards delimited under section 21 to be regrouped into one-third of wards determined under sub-section (1) of section 19 following the procedure laid down in section 21.]

Electoral roll

⁶⁴[22. (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

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

**Election of ⁶⁵[* *]
* *]
commissioners**

24. (1) There shall be ⁶⁶[* * *] such number of elected commissioners from each ward in a municipality as the Government may determine.

(2) A general election of Chairman and ⁶⁷[* * *] commissioners of a Paurashava shall be held-

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

⁶⁸[(b) for the purpose of reconstituting the Paurashava after the expiration of the term of the Paurashava, within the period of one hundred eighty days ⁶⁹[after its] expiration; and

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

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

⁷⁰[(3) In the case of a newly created Paurashava, where no election

is held, the election for constituting it shall be held-

(a) within one hundred and eighty days from the date of coming into force of this Act;

(b) within one hundred and eighty days from the date of creation of the Paurashava.]

Conduct of elections

25. All elections of Chairman and ⁷¹[Commissioners ⁷²[* * *]] of a Paurashava 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 election, and powers and duties of such officers;

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

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

(d) the withdrawal of candidature;

(e) the appointment of agents of candidates;

(f) the procedure in contested and uncontested elections;

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

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

(i) the scrutiny and counting of votes, the declaration of the result and the 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 therefore; and

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

**Publication of
results of
election of
Chairman and
Commissioner**
⁷³[
⁷⁴[* * *]]

26. The names of all persons elected as Chairman or ⁷⁵[
Commissioner ⁷⁶[* * *]] of a Paurashava shall, as soon as may be
after such election, be published in the official Gazette by the
Election Commission.

⁷⁷[]

26A. [Exception.- Inserted by section 4 of the Paurashava
(Amendment) Ordinance, 1977 (Ordinance No. XXX of 1977) which
was omitted by section 8 of the Paurashava (Second Amendment)
Ordinance, 1984 (LXIII of 1984).]

CHAPTER III

ELECTION DISPUTES

Election petitions

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

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

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

Appointment of Tribunals

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

(2) Where the person constituting an Election Tribunal is succeeded by another, the trial of a petition shall continue

before the person so succeeding and any evidence already recorded shall remain upon the record and it shall not be necessary to re-examine the witnesses who have already been examined and discharged.

Power to transfer election petitions

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

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

Trial of election petitions

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

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

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

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

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

CHAPTER IV

FUNCTIONS OF PAURASHAVAS

Compulsory and optional functions of Paurashavas

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

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

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

Transfer of functions from a Paurashava to the Government and vice versa

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

(a) any institution or service maintained by a Paurashava 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 a Paurashava.

CHAPTER V

EXECUTIVE POWER AND CONDUCT OF BUSINESS

Executive powers

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

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

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

Disposal of business

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

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

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

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

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

Committees and sub-committees

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

Municipal Improvement Sub-Committee

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

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

Contracts

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

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

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

(c) reported to the Paurashava by the Chairman at the meeting next following the execution of the contract.

(2) A Paurashava may, by resolution, lay down the procedure that

shall regulate the making of various contracts, and in the execution of contracts, the Chairman shall act in accordance with such resolution.

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

Works

38. The Government may by rules provide for-

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

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

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

Record, reports and returns

39. A Paurashava 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 Paurashava.

CHAPTER VI

OFFICERS AND EMPLOYEES OF PAURASHAVAS

Paurashava Service

40. (1) There shall be constituted a Paurashava Service in such

manner and subject to such conditions as may be prescribed.

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

**Officers and
employees of
Paurashavas**

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

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

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

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

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

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

(5) In this section,-

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

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

Chief Executive Officer

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

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

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

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

Provident Fund, etc

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

(2) A Paurashava may, in the prescribed manner, and with the previous sanction of the Government, provide for the payment of ⁸¹[gratuity] to its officers and employees after retirement.

(3) A Paurashava may, with the previous sanction of the Government, grant a special ⁸²[* * *] gratuity to the family of any officer or employee who dies of disease or injury contracted or suffered in the discharge of official duties.

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

(5) A Paurashava may, in the prescribed manner, establish and maintain-

⁸³[* * *]

(b) a Benevolent Fund out of which shall be paid any special ⁸⁴[* * *] gratuity granted under sub-section (3) or such other relief as may be prescribed.

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

**Service matters
to be prescribed**

44. The Government may, by rules,-

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

(b) prescribe the grades of pay for the officers and employees of Paurashavas;

(c) prescribe a schedule of establishment setting forth the staff that shall be employed by a Paurashava;

(d) prescribe the qualifications for various posts under Paurashavas;

(e) prescribe the principles to be followed in making appointments to various posts under Paurashavas;

(f) prescribe the method for the holding of enquiries in cases where disciplinary action is proposed to be taken against officers and employees of Paurashavas, and provide for penalties and appeals against orders imposing penalties; and

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

PART III

FINANCIAL MATTERS

CHAPTER I

PAURASHAVA FUND AND PROPERTY

Constitution of Paurashava Fund

45. (1) For every Paurashava there shall be a fund which shall be known as the Paurashava Fund.

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

(a) the balance of such fund as on the coming into force of this Ordinance is at the disposal of the Paurashava of which it is the successor;

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

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

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

(e) all sums contributed by individuals or institutions or by any local authority;

(f) all receipts accruing from the trusts placed under the management of the Paurashava;

(g) all grants made by the Government and other authorities;

(h) all profits accruing from investments; and

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

Custody or investment of Paurashava Funds and establishment of special funds

46. (1) The moneys credited to a Paurashava Fund shall be kept in a Government treasury, or 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) A Paurashava may invest any portion of its fund in such manner as may be prescribed.

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

Application of Paurashava Fund

47. The moneys from time to time credited to a Paurashava Fund shall be applied in the following order of preference: -

firstly, in the payment of salaries and allowances to the officers and employees of the Paurashava;

secondly, in meeting the expenditure charged on the Paurashava Fund under this Ordinance;

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

fourthly, in meeting expenditure declared by the Paurashava, with the previous sanction of the Prescribed Authority, to be an appropriate charge on the Paurashava Fund; and

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

**Charged
expenditure**

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

(a) all sums to be paid to, or in connection with employment of, any Government servant or any member of the Local Parishad Service who is or has been in the service of the Paurashava;

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

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

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

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

Budget

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

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

sanctioned budget of the Paurashava.

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

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

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

Accounts

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

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

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

Audit

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

(2) The audit authority shall have access to all the books and other documents pertaining to accounts, and may also examine the

Chairman or any commissioner, officer or employee of the Paurashava concerned.

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

(a) cases of embezzlement;

(b) cases of loss, waste or misapplication of the Paurashava Fund;

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

(d) the names of the persons who, in his opinion, are directly or indirectly responsible for such embezzlement, loss, waste, misapplication or irregularities.

⁸⁵[]

51A. [Borrowing Power of the Corporation.- Inserted by section 2 of the Paurashava (Second Amendment) Act, 1980 (Act No. XXXIX of 1980) which was omitted by section 11 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984).]

Property of Paurashavas

52. (1)The Government may, by rules,-

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

(b) regulate the alienation of such property; and

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

(2) A Paurashava 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.

**Recovery
against
liabilities**

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

CHAPTER II

MUNICIPAL TAXATION

**Municipal
taxation**

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

**Notification and
enforcement of
taxes**

55. (1) All taxes, rates, tolls and fees levied by a Paurashava 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, toll or fee or for a modification of tax, rate, toll or fee which is in force, is sanctioned, the sanctioning authority shall specify the date for the enforcement thereof, and such tax, rate, toll or fee or the modification shall come

into force on such date.

**Model tax
schedules**

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

**Directions with
regard to levy of
taxes**

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

(a) to levy any tax, rate, toll or fee which the Paurashava is competent to levy under section 54; or

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

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

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

**Liability on
account of taxes**

58. (1) A Paurashava may by notice call upon any person to furnish such information, produce such record or accounts, or present such goods or animals liable to any tax, rate, toll or

fee, as may be necessary for the purpose of determining the liability of such person, goods or animals to a tax, toll or fee, or the assessment thereof.

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

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

Collection and recovery of taxes

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

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

(3) Notwithstanding the provisions of sub-section (2), the Government may empower any Paurashava to recover arrears of taxes, rates, tolls, fees and other moneys claimable by the Paurashava 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 prescribed the manner in which it shall be exercised.

Petitions against valuation, assessment, etc

60. No assessment of a tax, rate, 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 salaries

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

Taxation rules

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

(2) Rules made under this section may, among other matters, provide for the obligations of the tax-payer 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**

63. A Paurashava shall be responsible for the sanitation of the municipality and for the control of environmental pollution, and for this purpose, it may cause such measures to be taken as are required by or under this Ordinance.

**Insanitary
buildings**

64. (1) A Paurashava 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 Paurashava for its proper sanitation;

(c) to lime wash the building and to make such essential repairs as may be specified in the notice; and

(d) to take such other steps in regard to such building or land as may be so specified.

(2) If any requirement of a notice issued under sub-section (1) is not complied with within such period as may be specified in the notice, the Paurashava may cause the necessary steps to be taken at the expense of the owner or occupier, and the cost so incurred by the Paurashava shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

**Removal,
collection and
disposal of
refuse**

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

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

(3) The Paurashava may cause public dustbins or other suitable receptacles to be provided at suitable places and in proper and convenient situations in streets or other public places, and where such dustbins or receptacles are provided, the Paurashava may, by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dustbins or receptacles.

(4) All refuse removed and collected by the staff of the Paurashava or under their control and supervision and all refuse deposited in the dustbins and other receptacles provided by the Paurashava shall be the property of the Paurashava.

**Latrines and
urinals**

66. (1) A Paurashava may, and if so required by the Prescribed Authority 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 may latrine or urinal pertains shall keep such latrine or urinal in a proper state to the satisfaction of the Paurashava and shall employ such staff for the purpose as may be necessary or as may be specified by the Paurashava.

(3) Where any premises are without privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Paurashava 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; or

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

(c) to remove the privy or urinal; and

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

**Births, deaths
and marriages**

67. (1) A Paurashava shall register all [Births](#), deaths and marriages within the limits of the municipality an 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**

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

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

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

**Health and
maternity
centres, etc**

69. A Paurashava 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**

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

**Hospitals and
dispensaries**

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

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

(3) Subject to any directions that may be given in this behalf by the

Prescribed Authority, every hospital and dispensary maintained by a Paurashava shall be provided with such drugs, medicines, instruments, apparatuses, appliances, equipments and furniture in accordance with such scale and standards as may be prescribed.

Medical aid and relief and medical education, etc

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

- (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

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

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

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

**Private sources
of water-supply**

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

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

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

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

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

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

Drainage

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

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

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

**Drainage
Schemes**

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

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

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

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

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

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

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

**Bathing and
washing places**

77. (1) A Paurashava 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 hammam or a bath for public use except under a licence granted by the Paurashava and in conformity with the conditions and terms of such licence.

Dhobi ghats and washer men

78. (1) A Paurashava may provide dhobi ghats for the exercise of their calling by washer men, and may, by by-laws, regulate the use of dhobi ghats and levy fees for their use.

(2) A Paurashava may, by by-laws, provide for the licensing of washer men and the regulation of their calling.

Public water-courses

79. (1) A Paurashava may, with the previous sanction of the Prescribed Authority, declare any source of water, spring, river, tank, pond, or public stream, or any part thereof within the municipality, which is not private property, to be a public water-course.

(2) A Paurashava may, in respect of any public water-course, provide such amenities, make such arrangements for life saving, execute such works, and, subject to the provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the by-laws may provide.

Public ferries

80. (1) A Paurashava 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 therefore.

(2) The Government may declare any part of a public water-course

to be a public ferry and may entrust the management thereof to the Paurashava and thereupon the Paurashava shall manage and operate the public ferry in such manner and levy such tolls as may be prescribed.

Public fisheries

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

CHAPTER III

ARTICLES OF FOOD AND DRINK

By-laws for articles of food and drink

82. A Paurashava 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 Paurashava;

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

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

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

(e) regulate the grant and withdrawal of licenses under this section and the levying of fees therefore; and

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

Milk supply

83. (1) Except under a licence granted by the Paurashava and in conformity with the conditions of such licence, no person shall, within the municipality, keep milch cattle for the sale of milk, or sell milk, or export 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) A Paurashava may, in the prescribed manner, and with the previous sanction of the Prescribed Authority, frame and enforce a Milk Supply Scheme, which may, among other matters, provide for the establishment of milkmen's colonies, the prohibition of the keeping of milch cattle in the municipality or any part thereof, and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

Public markets

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

(2) A Paurashava may, in respect of 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

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

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

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

(4) If a Paurashava is satisfied that in public interest any private market should be discontinued or taken over by the Paurashava, it may direct that the market should be discontinued, or that, subject to the payment of such compensation as would have been payable if it had been acquired under the Land Acquisition Act, 1894 (I of 1894), the market should be taken over by the Paurashava.

(5) A Paurashava may, by 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-houses

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

CHAPTER IV

ANIMALS

Animal husbandry

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

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

Stray animals

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

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

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

Animal homes and farms

89. (1) A Paurashava may, with the previous approval of the Prescribed Authority, establish and maintain animal homes, where, subject to such terms and conditions and on payment of such fees and other charges as the by-laws may provide, the animals of private persons may be kept.

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

Registration of the sale of cattle

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

Livestock improvement

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

Dangerous animals

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

Cattle shows, zoos, etc

93. (1) A Paurashava may hold cattle shows and fairs within its area and charge such fees from the people attending such shows or fairs as the by-laws may provide.

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

Disposal of carcasses

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

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

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

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

CHAPTER V

TOWN PLANNING

Master Plan

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

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

Site Development Schemes

96. (1) Where a Master Plan has been drawn up under section 95 and such Master Plan has been approved, with or without any modifications by the Prescribed Authority, no owner of land 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 on any plot of land covered by the Master Plan, except in conformity with the provisions of 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 Paurashava;
- (d) the land to be acquired by the Paurashava;

(e) the price of plots;

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

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

**Execution of
Site
Development
Schemes**

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

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

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

CHAPTER VI

BUILDING CONTROL

**Erection and re-
erection of**

98. (1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved, and

buildings

the building plan has been sanctioned by the Paurashava

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

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

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

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

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

Completion of buildings, alterations of buildings, etc

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

(2) The Paurashava shall cause every building which has been completed to be inspected, and if it has been constructed in violation or contravention of any provision of this Ordinance, the rules or the by-laws or of the Master Plan of Site Development Scheme, if any, the Paurashava may require the alterations of the building so as to be in compliance therewith, and where such alteration is not possible, the Paurashava may require the building or any part thereof to be demolished, or on the application of the owner such building compound the offence, provided that no

offence shall be so compounded if it involves any violation or contravention of the provisions of a Master Plan or of a sanctioned Site Development Scheme.

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

Regulation of buildings

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

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

CHAPTER VII

STREETS

Public streets

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

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

Streets

102. (1) No new street shall be laid out except with the previous

sanction of the Paurashava and in conformity with the terms and conditions of such sanction.

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

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

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

General provisions about streets

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

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

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

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

Street-lightings

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

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

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

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

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

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

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

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

(a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or 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 through, or pulled down, or use for the passage of hoses or other appliances, any premises;

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

(e) call on the 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	109. A Paurashava shall be responsible for the Civil Defence of the municipality, and it shall, in this behalf, perform such functions as may be prescribed.
Floods	110. For the fighting of floods, rescuing of people from flood affected areas, and affording relief to flood-stricken people, a Paurashava may, and if so required by the Prescribed Authority shall, provide, such boats appliances and equipment as may be specified by the Prescribed Authority.
Famine	111. In the event of a famine, a Paurashava may, with the sanction of the Prescribed Authority, execute such famine works and undertake such famine relief measures as may be necessary or may be specified by the Prescribed Authority.
Dangerous and offensive articles and trades	<p>112. (1) The Government may by rules, define the articles and trades which shall be deemed to be dangerous or offensive for the purposes of this section.</p> <p>(2) Except under and in conformity with the conditions of a licence granted by the Paurashava-</p> <p>(a) no person shall carry on any dangerous or offensive trade;</p> <p>(b) no premises shall be used or suffered to be used for any dangerous or offensive trade; and</p> <p>(c) no person shall store or keep in any premises-</p> <p>(i) any dangerous or offensive article except for domestic use; or</p>

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

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

**Burial and
burning places**

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

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

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

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

CHAPTER IX

TREES, PARKS, GARDENS AND FORESTS

Arboriculture

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

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

Gardens

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

(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

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

Forests

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

**Nuisances
pertaining to
trees and
plantations**

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

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

(3) A Paurashava may, in the manner provided in the by-laws,

require the felling of any tree which is dangerous, or the trimming of the branches of any tree which overhang and are likely to interfere with traffic or are otherwise inconvenient.

(4) A Paurashava may, 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 municipality as may be specified.

Tanks and low-lying areas

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

CHAPTER X

EDUCATION AND CULTURE

Education

120. (1) A Paurashava shall maintain such educational institutions as may be required by the Prescribed Authority, and may, with the previous approval of the Prescribed Authority, maintain such other educational institutions as may be necessary for the promotion of education in the municipality. (2) All educational institutions maintained by the Paurashava shall be maintained in a state of efficiency and shall conform to such standards as may be prescribed.

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

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

Compulsory education

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

General provisions about education

122. A Paurashava may-

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

Culture

123. A Paurashava may, and if so required by the Prescribed Authority 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 Holy Prophet's Birthday, Independence day and other national holidays;

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

(g) encourage national language;

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

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

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

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

Libraries

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

Fairs, shows, etc

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

CHAPTER XI

SOCIAL WELFARE

Social welfare

126. A Paurashava may, and if so required by the Prescribed Authority 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 municipality at its own expense;

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

(d) organise social service volunteers;

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

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

CHAPTER XII

DEVELOPMENT

Development plans

127. (1) A Paurashava may, and if so required by the Government shall, prepare and implement development plans for such periods and in such manner as may be specified.

(2) Such plans shall be subject to the sanction of the Prescribed Authority and shall provide for-

(a) the prevention of environmental pollution;

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

(c) the manner in which the plan shall be financed, executed, implemented and supervised;

(d) the agency through which the plan shall be executed and implemented; and

(e) such other matters as may be necessary.

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

Community Development Projects

128. A Paurashava may, in the prescribed manner, sponsor or promote community development projects for the municipality or any part thereof and may in this behalf, perform such functions as may, be prescribed.

Commercial

129. A Paurashava may, in the prescribed manner, and with the

Schemes

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 PAURASHAVAS

**Supervision
over
Paurashavas**

130. The Government shall exercise general supervision and control over the Paurashavas in order to ensure that their activities conform to the purposes of this Ordinance.

**Control over
activities of
Paurashavas**

131. (1) If, in the opinion of the Prescribed Authority, anything done or intended to be done by or on behalf of a Paurashava is not in conformity with law, or is in any way against public interest, the Prescribed Authority may, by order,-

(a) quash the proceedings;

(b) suspend the execution of any resolution passed or order made by the Paurashava;

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

(d) require the Paurashava to take such action as may be specified.

(2) Where an order under sub-section (1) is made by a Prescribed Authority, the Paurashava concerned may, within thirty days of the receipt of the order, represent against it to the Government, and the Government may either confirm or modify or set aside the order.

**Power of
Prescribed
Authority to**

132. (1) The Prescribed Authority may direct any Paurashava, or any person or authority responsible thereto, to take, within such period as may be specified, such action as may be necessary for

give direction to Paurashavas

carrying out the purposes of this Ordinance.

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

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

Inquiry into the affairs of Paurashavas

133. (1) The Government may, either suo motu or on an application made to it by any person, cause an enquiry to be made by such officer as may be authorised by it in this behalf, into the affairs of a Paurashava generally, or into any particular matter concerning a Paurashava and take such remedial measures as may be warranted by the findings of such enquiry.

(2) Such officer shall, for the purposes of the enquiry, have the powers of a Court under the [Code of Civil Procedure](#), 1908 (Act V of 1908), to take evidence and to compel the attendance of witnesses and the production of documents.

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

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

Training Institutions

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

(a) for the administration of such institutions;

(b) for the compulsory training of commissioners and staff;

(c) for the courses to be studied; and

(d) for the holding of examinations and the award of diplomas and certificates to successful candidates.

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

Supersession of Paurashavas

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

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

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

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

(d) otherwise exceeds or abuses its powers, ⁸⁶[or

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

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

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

(a) the persons holding office as Chairman and commissioners of the Paurashava shall cease to hold office;

(b) all functions of the Paurashava shall, during the period of supersession, be performed by such person or authority as the Government may appoint in this behalf; and

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

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

**Suspension of
Chairman in
certain
circumstances**

136. (1) Where proceedings have been initiated for the removal of Chairman of a Paurashava under section 13 or where criminal proceedings under any law have been started against him and, in the opinion of the Prescribed Authority, the exercise of powers by him is either likely to be pre-judicial to the interest of the Paurashava or undesirable from the administrative point of view, the Prescribed Authority may, with the previous approval of the Government, by order in writing, suspend the Chairman.

⁸⁷[(2) When an order of suspension has been made under sub-section (1), the Chairman shall, not later than three days from the date of communication of the order, make over charge of his office to the Commissioner on the panel of Chairman who is entitled to perform the functions of the office of Chairman during his absence and such commissioner shall

continue to perform such functions until the proceedings against the Chairman are terminated or, in the event of removal of the Chairman, until a new Chairman is elected for the Paurashava.]

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

CHAPTER II

MATTERS CONCERNING PAURASHAVAS AND OTHER LOCAL AUTHORITIES

Joint Committees

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

Disputes between Paurashavas and local parishads

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

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

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

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

CHAPTER III

OFFENCES AND PENALTIES

Offences

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

Punishment

140. An offence under this Ordinance shall be punished with fine which may extend to five hundred Taka, and if the offence is a continuing one, with a further fine which may extend to twenty Taka for every day after the date of the first commission during which period the offender has persisted in the offence.

Compounding of offences 141. The Chairman, or any person generally or specially authorised by the Prescribed Authority in this behalf, may compound any offence under this Ordinance.

Cognizance of offences 142. No Court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Chairman, or a person generally or specially authorised by the Paurashava in this behalf.

CHAPTER IV

MISCELLANEOUS

Encroachments 143. (1) No person shall make an encroachment, movable or immovable, on, over or under a street, drain or a public place.

(2) Subject to by-laws, a Paurashava 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 Paurashava may cause the encroachment to be removed through its own agency; and the cost incurred thereon by the Paurashava shall be deemed to be a tax levied on the person responsible for the encroachment under this Ordinance.

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

Appeals 144. (1) Any person aggrieved by an order passed by a Paurashava or its Chairman in pursuance of this Ordinance or the rules or by-laws may appeal to such authority, in such manner and within such period as may be prescribed.

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

Standing orders 145. The Government may, by Standing Orders issued from time to

time-

(a) define and regulate the relations of Paurashavas inter se, and with local parishads and other local authorities;

(b) provide for co-ordinating the activities of Paurashavas and Government departments;

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

(d) provide for the making of financial contributions by one Paurashava to another Paurashava or to any other local authority; and

(e) provide for the general guidance of Paurashavas in carrying out the purpose of this Ordinance.

Power to make rules

146. (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 Third Schedule, and all matters incidental, consequential and supplemental thereto.

By-laws

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

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

Regulations

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

General provisions relating to rules, etc

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

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

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

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

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

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

Delegation of powers

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

(2) A Divisional Commissioner may, with the previous sanction of the Government, delegate all or any of his powers under this Ordinance or the rules, not being powers delegated to him under

sub-section (1), to any officer subordinate to him.

Licences and sanctions

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

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

Institution of suits against Paurashavas, etc

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

Notice and service thereof

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

Records to be public documents

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

Commissioners, etc, to be public servants

155. Every Chairman, commissioner, officer and employee of a Paurashava, and every other person duly empowered to act on behalf of a Paurashava, shall be deemed to be a public servant

within the meaning of section 21 of the [Penal Code](#) (Act XLV of 1860).

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

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

CHAPTER V

TRANSITIONAL AND TEMPORARY PROVISIONS

**Municipalities
and wards for
first elections**

157. (1) For the purpose of first general elections to Paurashavas under this Ordinance, unless the Government otherwise directs,-

(a) all the municipalities in existence immediately before the commencement of this Ordinance shall be deemed to be municipalities declared under section 4; and

(b) all the constituencies within the said municipalities, except the municipalities of Dacca, Gulshan, Mirpur, Lakshmipur and Kalia, shall be deemed to be wards thereof delimited under Chapter II of Part II.

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

**Repeals and
savings**

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

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

(a) notwithstanding anything contained in this Ordinance, until the Paurashavas are constituted under this Ordinance,-

(i) the Paurashavas functioning immediately before such repeal shall discharge the functions of, and be deemed to be, the Paurashavas constituted under this Ordinance;

(ii) the person holding office as Administrator of any Paurashava before such repeal shall continue to hold such office;

(b) all rules, regulations, by-laws or orders made, notifications or notices issued, or licences or permissions granted under the said laws, and in force immediately before such repeal, shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been respectively made, issued or granted under the provisions of this Ordinance until they are repealed or amended under the said provisions;

(c) all assets, rights, powers, authorities and privileges, and all property, movable and immovable, cash and bank balances, funds, investments and all other rights and interests in, or arising out of, such property of the Paurashavas, subsisting immediately before such repeal shall stand transferred to and vest in the successor Paurashavas;

(d) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Paurashavas before such repeal shall be deemed to have been incurred, entered into or engaged to be done by, with or for the successor Paurashavas;

(e) all budget estimates, assessments, valuation, scheme or plans made by the Paurashavas before such repeal shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been made under the provisions of this Ordinance, by the successor Paurashavas until they are amended or superseded under the said provisions;

(f) all taxes, rates, tolls, fees and sums of money due to the Paurashavas before such repeal shall be deemed to be due to the successor Paurashavas under this Ordinance;

(g) all taxes, rates, tolls, fees and other charges levied by the Paurashavas before such repeal shall, until they are varied by the successor Paurashavas, continue to be levied at the same rate at which they were levied by them immediately before such repeal;

(h) all officers and employees of the Paurashavas shall stand transferred to and become officers or employees of the successor Paurashavas and shall hold office or service in the Paurashavas on the same terms and conditions as were enjoyed by them immediately before such repeal and shall continue to do so until such terms and conditions are duly altered;

(i) all suits, prosecutions and other legal proceedings instituted by or against the Paurashavas before such repeal shall be deemed to be suits, prosecutions and proceedings by or against the successor Paurashavas and shall be proceeded or otherwise dealt with accordingly.

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

Certain matters to be prescribed

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

Removal of difficulties

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

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

¹ Clause (6) was substituted by section 2 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)

² Clause (9A) was omitted by section 2 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of

1984)

³ Clause (11A) was omitted by section 2 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)

⁴ Clause (27A) was omitted by section 2 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)

⁵ Clause (32) was substituted by section 2 of the [Paurashava \(Amendment\) Ordinance](#), 1984 (Ordinance No. XI of 1984)

⁶ The words "including the Corporation" were omitted by section 2 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)

⁷ Clause (36A) was inserted by section 2 of the Paurashava (Amendment) Act, 1980 (Act No. XVIII of 1980)

⁸ The word and comma "rate," was omitted by section 2 of the Paurashava (Amendment) Act, 1980 (Act No. XVIII of 1980)

⁹ Clause (46A) was omitted by section 2 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)

¹⁰ The colon (:) was substituted for the full stop (.) and the proviso was added by section 2 of the [Paurashava \(Amendment\) Ordinance](#), 1982 (Ordinance No. LVI of 1982)

¹¹ Section 4A was inserted by section 2 of the Paurashava (Second Amendment) Act, 1992 (Act No. XLVI of 1992)

¹² The full stop (.) was substituted for the colon (:) by section 3 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)

¹³ The full stop (.) was substituted for the colon (:) by section 3 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)

¹⁴ The proviso was omitted by section 3 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)

¹⁵ Sub-section (1) was substituted by section 3 of the [Paurashava \(Amendment\) Ordinance](#), 1984 (Ordinance No. XI of 1984)

¹⁶ The word "elected" was omitted by section 3 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)

¹⁷ Clause (bb) was inserted by section 2 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)

¹⁸ Clause (c) was omitted by section 3 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)

¹⁹ The words, brackets, figure and comma "Subject to the provisions of sub-section (3), the Chairman and Commissioners" were substituted for the words "The Chairman and elected Commissioners" by section 3 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)

²⁰ The word "The" was substituted for the words, brackets and comma "Subject to the provision of sub-section (3), the" by section 2 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)

²¹ The full stop (.) was substituted for the colon (:) and the proviso was omitted by section 4 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)

²² Sub-section (3) was substituted by section 2 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)

²³ The words "Chairman and commissioners" were substituted for the words "Chairman" by section 2 of the Paurashava (Second Amendment) Ordinance, 1978 (Ordinance No. II of 1979)

²⁴ Clause (6) was substituted by section 2 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)

²⁵ Sub-sections (1) (1A) (1B) and the explanation were substituted for former sub-section (1) by section 2 of the Paurashava (Amendment) Act, 1992 (Act No. IX of 1992)

²⁶ Sub-section (1) was substituted by section 3 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)

²⁷ Sub-section (1A) was omitted by section 4 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)

²⁸ Clause (1AA) was inserted by section 3 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)

²⁹ The words and commas "Commissioners, other than Commissioners of reserved seats," were substituted for the words "elected commissioners" by section 4 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)

³⁰ The words and commas ", other than Commissioners of reserved seats," were omitted by section 3 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)

- ³¹ The word "elected" was omitted by section 4 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ³² The words, brackets, figure and commas "sub-section (2), be qualified to be elected as, and to be, a Chairman or a Commissioner" were substituted for the words, brackets, figure and commas "sub-section (1), be qualified to be elected as, and to be, a Chairman or an elected Commissioner, or to be nominated as a woman Commissioner," by section 5 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ³³ The words and comma "a Commissioner," were substituted for the words and commas "an elected Commissioner, or for nomination as a woman Commissioner," by section 5 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ³⁴ Clauses (a) and (aa) were substituted for former clause (a) by section 2 of the Paurashava (Amendment) Act, 1990 (Act No. XII of 1990)
- ³⁵ Clause (a) was omitted by section 5 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ³⁶ The semi-colon (;) was substituted for the full-stop (.) and thereafter clause (g) and the Explanation were inserted by section 2 of the Local Government Laws (Amendment) Act, 1987 (Act No. XXIII of 1987)
- ³⁷ The semi-colon (;) was substituted for the full-stop (.) and thereafter clause (h) was inserted thereafter by section 2 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)
- ³⁸ The semi-colon (;) was substituted for the full-stop (.) and thereafter clauses (i) and (j) were added by section 5 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ³⁹ Sub-section (3) was added by section 3 of the Local Government Laws Amendment Act, 1980 (Act No. II of 1980)
- ⁴⁰ The word "elected" was omitted by section 6 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁴¹ The word "elected" was omitted by section 6 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁴² Sub-section (3) was added by section 2 of the [Paurashava \(Amendment\) Ordinance](#), 1986 (Ordinance No. LVI of 1986)
- ⁴³ The words "a Commissioner" were substituted for the words "an elected Commissioner" by section 7 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁴⁴ The words "a Commissioner" were substituted for the words "an elected Commissioner" by section 7 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁴⁵ The words and comma "with prior approval of the Government," were omitted by section 5 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)
- ⁴⁶ The words "a Commissioner" were substituted for the words "an elected Commissioner" by section 7 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁴⁷ The words "total number of elected commissioners" were substituted for the words "total number of commissioners" by section 5 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)
- ⁴⁸ The word "Commissioners" was substituted for the words "elected Commissioners" by section 7 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁴⁹ The words "a Commissioner" were substituted for the words "an elected Commissioner" by section 7 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁵⁰ The Explanation was omitted by section 5 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)
- ⁵¹ The words "or nomination" were omitted by section 7 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁵² The words "a Commissioner" were substituted for the words "an elected Commissioner" by section 8 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁵³ Clause (aa) was omitted by section 8 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁵⁴ The words and commas "or a nomination, as the case may be," were omitted by section 9 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁵⁵ The words "or made" were omitted by section 9 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁵⁶ The words "or nominated" were omitted by section 9 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁵⁷ Section 17 was substituted by section 10 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁵⁸ Section 18 was substituted by section 11 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)

- ⁵⁹ Sections 18A and 18B were added by section 3 of the Paurashava (Fourth Amendment) Ordinance, 1984 (Ordinance No. LXXVII of 1984)
- ⁶⁰ The commas and words “,OTHER THAN IN RESERVED SEATS,” were omitted by section 4 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998).
- ⁶¹ Section 19 was substituted by section 5 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)
- ⁶² The words “ save with a variation of not more than ten percent” were inserted by section 6 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)
- ⁶³ Section 21A was inserted by section 7 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)
- ⁶⁴ Section 22 was substituted by section 2 of the [Paurashava \(Amendment\) Ordinance](#), 1983 (Ordinance No. X of 1983)
- ⁶⁵ Clause (11A) was omitted by section 2 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)
- ⁶⁶ The word “elected” was omitted by section 14 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁶⁷ The word “elected” was omitted by section 14 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁶⁸ Clauses (b) and (c) were substituted for clause (b) by section 14 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁶⁹ The words “after its” were substituted for the words “preceding the” by section 8 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)
- ⁷⁰ Sub-section (3) was added by section 8 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)
- ⁷¹ The words and commas “Commissioners, other than election of Commissioners in reserved seats,” were substituted for the words “elected Commissioners” by section 15 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁷² The commas and words “,other than election of Commissioners in reserved seats,” were omitted by section 9 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)
- ⁷³ Clause (27A) was omitted by section 2 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)
- ⁷⁴ Clause (32) was substituted by section 2 of the [Paurashava \(Amendment\) Ordinance](#), 1984 (Ordinance No. XI of 1984)
- ⁷⁵ The words and commas “Commissioner, other than Commissioners of reserved seats,” were substituted for the words “elected Commissioners” by section 16 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁷⁶ The commas and words “,other than Commissioners of reserved seats,” were omitted by section 8 of the Paurashava (Amendment) Act, 1998 (Act No. II of 1998)
- ⁷⁷ The words “including the Corporation” were omitted by section 2 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984)
- ⁷⁸ Sub-section (3) was substituted by section 2 of the Paurashava (Third Amendment) Ordinance, 1984 (Ordinance No. LXVII of 1984)
- ⁷⁹ Sub-section (2) was substituted by section 17 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)
- ⁸⁰ Section 35 was substituted by section 10 of the Paurashava (Second Amendment) Ordinance, 1984 (Ordinance No. LXIII of 1984).
- ⁸¹ The word “gratuity” was substituted for the word “pension” by section 3 of the Local Government Laws (Amendment) Act, 1988 (Act No. VIII of 1988)
- ⁸² The words “pension or” were omitted by section 3 of the Local Government Laws (Amendment) Act, 1988 (Act No. VIII of 1988)
- ⁸³ Clause (a) was omitted by section 3 of the Local Government Laws (Amendment) Act, 1988 (Act No. VIII of 1988)
- ⁸⁴ The words “pension or” were omitted by section 3 of the Local Government Laws (Amendment) Act, 1988 (Act No. VIII of 1988)
- ⁸⁵ Clause (36A) was inserted by section 2 of the Paurashava (Amendment) Act, 1980 (Act No. XVIII of 1980)
- ⁸⁶ The word “or” was added and clause (e) was inserted by section 18 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)

⁸⁷ Sub-section (2) was substituted by section 19 of the Paurashava (Third Amendment) Act, 1992 (Act No. LII of 1992)

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