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PART I

GOVERNMENT OF SIND

LAW DEPARTMENT

NOTIFICATION

Karachi, the 25th July, 1979.

No. S.Legis.1(12)/79.—The following Ordinance by the Governor of Sind is hereby published for general information:—

THE SIND LOCAL GOVERNMENT ORDINANCE, 1979.

SIND ORDINANCE NO. XII OF 1979

AN

ORDINANCE

to consolidate and amend the law relating to local government and to provide for the constitution of councils in the Province of Sind.

WHEREAS it is expedient to consolidate and amend the law relating to local government and to provide for the constitution of councils in the Province of Sind. Preamble.

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and the Laws (Continuance in Force) Order, 1977, the Governor of Sind is pleased to make and promulgate the following Ordinance:—

CHAPTER 1 INTRODUCTORY

Short title,
extent and
commence-
ment.

1. (4) This Ordinance may be called the Sind Local Government Ordinance, 1979.

(2) It extends to the whole of the province of Sind.

(3) It shall come into force at once.

Exception

2. Should the circumstances of any area be such that, in the opinion of Government, any of the provisions of this Ordinance are unsuited thereto, Government may, by notification in the official Gazette, except that area of any part thereof from the operation of such provisions and make alternative provisions for such area by rules.

Definition.

3. In this Ordinance, unless there is anything repugnant in the subject or context—

- (1) "accounts committee" means an accounts committee constituted under section 75;
- (2) "Board" means the Sind Local Government Board constituted under section 85;
- (3) "budget" means an official statement of annual income and expenditure of a council;
- (4) "building" includes any shop, house, hut, out-house, shed, stable or enclosure built of any material and used for any purpose, and also a well, wall, verandah, platform, plinth, steps and the like but does not include the buildings for the purposes of the Sind Building Control Ordinance 1979;
- (5) "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;
- (6) "bye-laws" means bye-laws made under this Ordinance;
- (7) "Cantonment Board" means a Cantonment Board constituted under the Cantonments Act, 1924 (II of 1924);
- (8) "Chairman" means the Chairman of a council other than a corporation;
- (9) "Chief Executive" means the Municipal Commissioner, Chief Municipal Officer or Chief Officer, as the same may be;
- (10) "Chief Municipal Officer" means the officer incharge of the administration of a municipal committee;
- (11) "Chief Officer" means the officer incharge of the administration of a district council;
- (12) "city" means an urban area declared as city under this Ordinance;

- (13) "conservancy" means the removal, collection, treatment and disposal of refuse;
- (14) "corporation" means a metropolitan corporation or a municipal corporation;
- (15) "council" means a corporation, municipal committee, town committee, district council, taluka council or union council, as the case may be;
- (16) "Councils Unified Grades" means the service constituted under section 78;
- (17) "dairy" includes any farm, cattle shed, cow house, milk shop, milk store or other place from where milk products are supplied for sale;
- (18) "Deputy Mayor" means the Deputy Mayor of the corporation;
- (19) "district" means a revenue district;
- (20) "district co-ordination committee" and "divisional co-ordination committee" mean the committees constituted under section 89;
- (21) "district council" means a district council constituted under this Ordinance;
- (22) "division" means a revenue division;
- (23) "drain" includes sewer, a house drain, a drain of any other description, a tunner, a culvert, a ditch, a channel and any other device for carrying off sullage;
- (24) "dwelling house" means any building used or adapted to be used wholly or principally for human habitation;
- (25) "Election Authority" means the Election Authority appointed under section 33;
- (26) "encroachment" means unauthorized occupation of or undue interference with a street, building, land, place or premises vesting in or under the management or control of a council;
- (27) "erect or re-erect a building" means the construction of a new building and includes such material alteration of a building as may be prescribed;
- (28) "factory" has the meaning assigned to it under the Factories Act, 1934 (Act XXV of 1934);
- (29) "food" has the meaning assigned to it under the Sind Pure Food Ordinance, 1960 (West Pakistan Ordinance VII of 1960);
- (30) "Government" means the Government of Sind;

- (31) "infectious disease" mean cholera, plague, small pox and tuberculosis and includes such other disease as Government may, by notification in the official Gazette, declare to be an infectious disease for the purposes of this Ordinance;
- (32) "land" has the same meaning as is assigned to it under the Land Acquisition Act, 1894 (Act I of 1894) and includes the land covered with water;
- (33) "land revenue" has the same meaning as is assigned to it under the Sind Land Revenue Act, 1967 (West Pakistan Act XVII of 1967) and includes charges levied for grazing under any law for the time being in force;
- (34) "local area" means an area which lies within the jurisdiction or limits of a council;
- (35) "local council" means a local council constituted or continued under the repealed enactment;
- (36) "local fund" means the fund of a council;
- (37) "market" means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetables or any other articles or goods, or for the sale and purchase of livestock or animals and includes a shopping centre, a commercial office or premises and any place which may be notified as a market in accordance with the rules;
- (38) "Mayor" means the Mayor of a corporation;
- (39) "member" means a member of a council;
- (40) "metropolitan corporation" means a metropolitan corporation constituted under this Ordinance;
- (41) "Municipal Commissioner" means the officer incharge of the administration of a corporation;
- (42) "municipal committee" means a municipal committee constituted under this Ordinance;
- (43) "municipality" means an urban area declared as a municipality under this Ordinance;
- (44) "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;
- (45) "occupier" includes an owner in actual occupation of his own building or land or is liable to pay to the owner the rent or any portion of the rent of the land or building;

- (46) "owner" includes the person for the time being receiving the rent of a building or land, whether on his own account or as an agent or trustee for any person or society or for any religious or charitable purpose;
- (47) "panchayat" means a village or mohallah panchayat constituted under section 10;
- (48) "peasant" means the person who owns not more than sixteen acres of agricultural land and engages himself personally in cultivation of the land;
- (49) "prescribed" means prescribed by rules;
- (50) "public graveyard" means a place for the burial of dead which is not a private property and is open to public;
- (51) "public place" means any building, premises or place to which the public have access;
- (52) "public vehicle" means any vehicle which ordinarily plies for hire;
- (53) "public way" means a way maintained by Government or by a council or other local authority;
- (54) "rate" means an impost levied for the purpose of recovering expenses incurred on providing a service facility to the residents of any area or on any work of public utility;
- (55) "refuse" includes rubbish, broken bricks, mortar, broken glass, offal, night soil, sweepings, carcasses of animals, deposit of sewerage, waste blood, horn, hoofs, bones and meat waste and any other offensive matter;
- (56) "remuneration" includes salary, allowances and pension;
- (57) "rent" means whatever is lawfully payable in money or kind by a tenant or lessee on account of occupation of any building or land;
- (58) "repealed enactment" means the Sind Local Government Ordinance, 1972, repealed by this Ordinance;
- (59) "rules" means rules made under this Ordinance;
- (60) "rural area" means any area which is not an urban area;
- (61) "Schedule" means a Schedule to this Ordinance;
- (62) "schedule of establishment" means the schedule of establishment prepared under section 80;
- (63) "Secretary" means the Secretary of a taluka council or union council;
- (64) "servant of the council" means the person holding a post in the schedule of establishment;

- (65) "street line" means a line dividing the land comprised in, and forming part of, a street from the adjoining land;
- (66) "sullage" includes sewerage, polluted water, rain water and any other offensive matter carried by a drain;
- (67) "taluka" means a revenue taluka in a district;
- (68) "taluka council" means a taluka council constituted under this Ordinance;
- (69) "tannery" means any building, place or premises where hides and skins are dyed or tanned;
- (70) "tax" include any toll, rate, cess, fee, or other impost leviable under this Ordinance;
- (71) "tenant" means a person who cultivates agricultural land not exceeding sixteen acres and is liable to give batai of such land to the Zamindar but does not own agricultural land;
- (72) "town" means an urban area declared as town under this Ordinance;
- (73) "town committee" means a town committee constituted under this Ordinance;
- (74) "Town Officer" means the officer incharge of the administration of a town committee;
- (75) "union" means an area declared as union under this Ordinance;
- (76) "union council" means a union council constituted under this Ordinance;
- (77) "urban area" means an urban area recognized or declared as such under this Ordinance;
- (78) "vehicle" means a wheeled conveyance capable of being used on a street;
- (79) "Vice-Chairman" means the Vice-Chairman of a district council or a municipal committee;
- (80) "water works" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, sluice, pipe, engine or other appliance, and anything for supplying or used for supplying water;
- (81) "way" means a road, footpath, square, alley or passage leading to a public way or not;
- (82) "worker" means any person employed in any industrial or commercial establishment to do any skilled or un-skilled manual or clerical labour for hire and reward.

4. A council constituted under this Ordinance for any local area shall, unless Government, by notification, specifies otherwise, be the successor of the local council or local councils for that area existing immediately before the coming into force of this Ordinance. Succession.

5. (1) A council 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, hold and alienate property, both movable and immovable and shall by its name sue and be sued. Councils to be body corporate.

(2) The seal shall be in accordance with the description approved by the council and shall remain in the custody of the Chief Executive who shall be responsible for its proper use.

CHAPTER II

LOCAL AREAS AND URBAN AREAS

6. The local areas for the purpose of this Ordinance shall, in the case of urban areas, be a town, municipality or city, and, in the case of rural areas, union, taluka and district. Local areas.

7. (1) Any area declared as union, town, municipality or city shall, as far as possible be compact, and contiguous with territorial unity. Characteristics of a local area.

(2) The population of a local area shall in the case of—

- (a) a union be such as may be specified by Government;
- (b) a town be between five thousand to twenty five thousand;
- (c) a municipality be between twenty five thousand to five lacs.
- (d) a city be above five lacs.

(3) Government may, for reasons to be recorded, waive any of the aforesaid characteristics while delimiting a local area.

8. (1) Government may, after inviting objections from the residents of an area and hearing those from amongst them who wish to be heard, declare by notification such area to be an urban area or rural area, as the case may be. Declaration of urban and rural areas.

(2) All areas within the jurisdiction of a town committee, municipal Committee, Corporation, Karachi Development Authority, cantonment boards and Karachi Port Trust at the time of the coming into force of this Ordinance shall be deemed to be urban areas.

9. (1) Government may, by notification, declare any urban area other than the area of a cantonment board as— Declaration of Town, Municipality and city.

- (a) a town;
- (b) a municipality;
- (c) a city.

(2) Government may, after inviting objections from the residents of any town, municipality or city and hearing those from amongst them who wish to be heard in person, declare by notification such town as municipality and such municipality as city or *vice versa*.

CHAPTER III

CONSTITUTION AND COMPOSITION OF COUNCILS

Constitution
of councils.

10. (1) As soon as may be, the following councils shall be constituted:—

(a) in urban area—

- (i) a town committee for each town;
- (ii) a municipal committee for each municipality;
- (iii) a corporation for each city;

(b) in rural area—

- (i) a union council for each union;
- (ii) a taluka council for each taluka;
- (iii) a district council for each district; provided that for the districts in the Karachi Division there shall be one district council with the local areas of the said districts.

(2) There may be constituted a panchayat in the prescribed manner for a mohallah or part thereof in an urban area and a village in a rural area.

(3) Any area within the jurisdiction of a union council, district council, town committee, municipal committee or corporation at the time of the coming into force of this Ordinance be deemed to be a union, district, town, municipality or city, as the case may be.

Name of the
council.

11. A council shall, unless Government notifies otherwise, be known as the council of the place where its office is situate.

Division and
amalgama-
tion of
councils.

12. (1) Government may, after inviting objections from the residents of a council or, as the case may be, councils and hearing those from amongst them who wish to be heard, by notification, divide the council into two or more councils or amalgamate two or more councils and may specify in the notification the consequence which may ensue upon such division or amalgamation.

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

Extension or
alteration
of area of
a council.

13. Government may, after inviting objections from the residents of any union, town, municipality or city and hearing those from amongst them

who wish to be heard, by notification after consulting the concerned council, extend, curtail or alter the limits of such union, town, municipality or city or declare that any such union, town, municipality or city shall, from a specified date, cease to be union, town, municipality or city.

14. A council other than taluka council shall consist of—

- (a) such number of members including members belonging to minority community as Government may, in accordance with the formula given in Schedule I determine; Composition of councils.
- (b) such number of members from the local area to represent peasants, tenants, workers and women as Government may specify;
- (c) such official members as may be nominated by Government but no such member shall have a right to vote in the proceedings of the council or its committees or sub-committees.

15. A taluka council shall consist of all the chairmen of the union councils in the taluka and members of the district council elected from that taluka. Composition of taluka council.

16. (1) The term of office of a council shall be four years commencing on the day on which it holds its first meeting. Term of the council.

(2) Notwithstanding the expiry of its term, the council shall continue to function until the first meeting of the new council succeeding it.

17. A council shall assume office in the prescribed manner on any date not later than thirty days from the date on which the names of its members are notified by the Election Authority. Assumption of office by council.

CHAPTER IV

MEMBERS AND OFFICE BEARERS OF THE COUNCIL

18. Every member shall, before taking his seat, make and subscribe an oath in the prescribed manner and form. Oath of office.

19. Every member, within one month of taking his seat, shall declare his assets to Government in the prescribed manner and form. Declaration of assets.

20. (1) Subject to section 15, no person shall at the same time be a member of more than one council or more than one electoral unit of the same council. Prohibition on dual membership.

(2) Nothing in sub-section (1) shall prevent a person from being a candidate for two or more seats whether in the same council or different councils but if he is elected to more than one seat he shall within a period of fifteen days of the declaration of the result of the last such seat resign all but one of his seats by addressing a letter to the Election Authority and if he does not so resign he shall be deemed to have retained the seat, to which he was elected last or, if he has been elected to more than one seat on the same day, the seat for election to which his nomination was last filed.

(3) Where a person has been elected to more than one seat in the same council or different councils he shall not sit in any such council until he resigns all but one of his seats or if he does not so resign until after expiration of the period mentioned in sub-section (2).

Resignation
or removal
from mem-
bership.

21. (1) Any member may resign his office by tendering resignation in writing to the council of which he is a member and his seat shall become vacant on acceptance of his resignation.

(2) If a member has incurred any of the dis-qualifications mentioned in sub-section (2) of section 37 or has acted or is acting in contravention of the provisions of this Ordinance, rules or bye-laws, he may, after an opportunity of being heard is given to him, be removed from membership by Government.

Casual vac-
ancy.

22. If the seat of a member becomes vacant during the term of office of the council, a new member shall be elected within ninety days from the date the seat falls vacant and such member shall hold office for the residue of such term:

Provided that the vacancy occurring within four months before the expiry of the term of the council, shall not be filled.

Election of
office bear-
ers.

23. A council shall, in the prescribed manner, at its first meeting elect from amongst its members other than official members, if any, a Mayor and Deputy Mayor, Chairman or Vice-Chairman, as the case may be.

Oath of office
by office
bearers.

24. A Mayor, Deputy Mayor, Chairman or Vice-Chairman, shall, before entering into office, make and subscribe an oath in the prescribed manner and form.

Term of off-
ice of office
bearer).

25. Subject to sub-section (1) of section 26, a Mayor, Deputy Mayor, Chairman or Vice-Chairman, shall hold office for the period of four years or the residue of his term as a member whichever is less.

Resignation
and removal
of office
bearer.

26. (1) A Mayor, Deputy Mayor, Chairman or Vice-Chairman, may resign his office by tendering resignation in writing to the council concerned and the office held by him shall become vacant on acceptance of his resignation.

(2) Government may, at any time remove a Mayor, Deputy Mayor, Chairman or Vice-Chairman from the office, after giving him an opportunity of being heard, if he—

- (a) has incurred any of the dis-qualifications for being a candidate or member;
- (b) absents himself without reasonable cause from three consecutive ordinary meetings of the council;
- (c) refuses to take oath of office; or
- (d) is guilty of abuse of power or misconduct.

Explanation.—"misconduct" includes bribery, corruption, jobbery, favouritism, nepotism or wilful diversion of the funds of the council or any attempt at or abetment of such misconduct.

27. (1) A Mayor, Deputy Mayor, Chairman or Vice-Chairman, shall vacate office if a vote of no confidence is passed against him in the prescribed manner by two-third majority of the total number of the members of the council concerned other than the official members, if any;

Vote of no confidence against office bearers.

Provided that a motion of no confidence shall not be moved by less than one-fourth of the total number of members other than official members, if any, and before the expiry of twelve months of assumption of office or failure of similar motion.

Explanation.—A motion of no confidence shall be deemed to have failed, if, at the meeting to consider the motion, it did not secure the requisite majority of votes in its favour or was not moved for want of quorum or for any other reason.

(2) No person who has vacated office under sub-section (1) or sub-section (2) of section 26 shall be eligible for re-election as a Mayor, Deputy Mayor, Chairman or Vice-Chairman, as the case may be, during the residue of the term of the council concerned.

28. Every election, resignation or removal under this Ordinance shall be notified within thirty days of such election, resignation or removal, as the case may be.

Election, resignation, etc. to be notified.

29. If a vacancy occurs in the office of Mayor, Deputy Mayor, Chairman or Vice-Chairman during his term of office due to death, resignation or otherwise, the vacancy shall be filled in the meeting of the council following the vacancy in the manner provided in section 23.

Filling of casual vacancy of office bearers.

30. No person, who has been removed under sub-section (2) of section 21, shall, during the un-expired period of the term of the council, be eligible for election to any council.

Consequences of removal.

31. (1) Any person being aggrieved by his removal under section 21, 26 or 27 may within thirty days of such removal prefer an appeal to the Election Authority.

Appeal to Election Authority.

(2) The appeal under sub-section (1) shall be filed and disposed in the prescribed manner.

32. A Mayor, Deputy Mayor, Chairman and Vice-Chairman, shall be entitled to such honoraria and privileges as may be prescribed.

Honorarium and privilege for office bearers.

CHAPTER V ELECTIONS

33. For the purposes of election to the councils and matters connected therewith, Government shall constitute an Election Authority consisting of the following:—

Election Authority.

(a) a Chairman who is or has been a Judge of the High Court or a District Judge;

(b) two members one of whom shall be a person who is or has been an Additional District Judge.

Power and
Functions of
Election
Authority.

34. (1) The Election Authority shall exercise such powers and perform such functions in such manner as may be prescribed.

(2) It shall be the duty of the Election Authority to ensure that the elections are conducted honestly, justly and fairly and that corrupt practices are guarded against.

Electoral
rolls.

35. (1) The electoral rolls prepared for elections to the Provincial Assembly shall be used as electoral rolls for elections to a council.

(2) The Election Authority shall arrange to have electoral rolls mentioned in sub-section (1) split up in such manner that there shall be separate electoral rolls for each electoral unit.

(3) An electoral roll shall not be invalid by reason of any erroneous description of a person enrolled or registered thereon or of omission of the name of any person entitled to be so enrolled or registered or of inclusion of the name of any person not so entitled.

36. The Election Authority shall, in the prescribed manner, de-limit a local area into single or multi member electoral units or both.

Qualifica-
tions and
disqualifica-
tions of a
candidate.

37. (1) A person shall, subject to the provisions of sub-section (2), be qualified to be elected as, and to be a member if—

- (a) he is a citizen of Pakistan;
- (b) he has attained the age of twenty one years; and
- (c) his name appears on the electoral rolls of the local area of the council to which he proposes to contest election.

(2) A person shall be dis-qualified from being elected as, and from being, a member if—

- (a) he is an undischarged insolvent unless a period of ten years has elapsed since his being adjudged as insolvent;
- (b) he is of unsound mind and stands so declared by a competent court or is physically incapacitated;
- (c) he has, on conviction for any offence been sentenced to imprisonment for a term of not less than two years, and a period of three years or such less period as Government may, in any case specify, has not elapsed from the date of expiration of the period of sentence;
- (d) he is in the service of Pakistan or in the service of a statutory body or two years have not elapsed since his retirement or removal from such service;
- (e) he is under contract for work to be done or goods to be supplied to the council concerned or has otherwise any pecuniary interest in its affairs;
- (f) he is for the time being disqualified for membership of an elective body under any law for the time being in force.

38. (1) Save as otherwise provided, the members shall be elected on the basis of adult franchise through secret ballot: Mode of Election.

Provided that the members to the seats reserved for women, workers, peasants, tenants and members of minority community shall be elected in the prescribed manner.

(2) Nothing contained in this Ordinance shall prevent a woman, worker, peasant or tenant, except a member of minority community, from contesting election to a general seat.

(3) The number of persons to be elected from each electoral unit of a council shall be determined by the Election Authority on the basis of the population.

(4) Every voter shall have only one vote irrespective of the number of members to be elected from his electoral unit for a particular category of council.

39. (1) All elections under this Ordinance shall be organized and conducted in accordance with the rules which may amongst other provide for bye-elections, and the submission to and disposal of election petitions by the Election Authority. Conduct of elections.

(2) Where any election petition is referred by the Election Authority to any prescribed person or authority for trial it shall be tried as nearly as possible in accordance with the procedure laid down in the law relating to the elections of the provincial Assembly, for the time being in force.

(3) The Election Authority and the person or authority referred to in sub-section (2) shall have all the powers of a civil court under the Code of Civil procedure, 1908 (Act V of 1908), and shall be deemed to be such court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

(4) The election offences and illegal and corrupt practices and penalties therefor shall, for the purposes of this Ordinance and the rules, be the same as specified in the law referred to in sub-section (2), and mutatis mutandis be dealt in accordance with that law.

CHAPTER VI

FUNCTIONS OF THE COUNCILS

40. (1) A Council shall, subject to rules and directions given by Government and within the limits of the funds at its disposal, undertake all or any of the functions, given in Schedule II in the case of a corporation, municipal committee and town committee, in Schedule III in the case of a district council, and in Schedule IV in the case of a union council and such other functions as are entrusted to them by Government: Functions of councils.

Provided that the Karachi Metropolitan Corporation and the Hyderabad Municipal Corporation shall not undertake such functions as are respectively assigned to and performed by the Karachi Development Authority under the Karachi Development Authority Order, 1957, and the Hyderabad Development Authority Act, 1976, until the dissolution of such authority.

(2) A taluka council may and if so required by Government shall, subject to such terms and conditions as may be prescribed, undertake all or any of the functions given in Schedule III and IV or both.

(3) A taluka council shall be responsible for planning and co-ordinating the activities of all union councils in the taluka and shall, in that behalf subject to sub-section (2), perform such functions as are considered necessary.

(4) A panchayat shall perform such functions in such manner as may be prescribed.

Records,
reports and
returns.

41. A council 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 Government, from time to time, for the publication of information about the working of the council.

Transfer of
functions
from coun-
cils to Gov-
ernment and
vice versa.

42. Notwithstanding anything contained in any other law for the time being in force, Government may—

- (a) take over the management and control of any institution or service maintained by a council; and
- (b) transfer the management and control of any institution or service maintained by Government to a council.

Commercial
Schemes.

43. A council may, with the previous sanction of Government, promote, administer, execute and implement schemes for undertaking any commercial or business enterprise.

Development
plans.

44. (1) Subject to rules, a council shall prepare and implement development plans which shall amongst other matters include the following:—

- (a) nature and location of the scheme or schemes;
- (b) total estimated cost;
- (c) sources of finances;
- (d) date of commencement;
- (e) date of completion;

- (f) manner of execution;
- (g) agencies responsible for maintenance;
- (h) benefits, tangible or intangible to accrue;
- (i) such other matters as may be necessary.

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

(3) The development plans in a district or division or in the province, may be consolidated in such manner as may be prescribed.

45. (1) Every council shall, within the budget grant, be competent to enter and perform all such contracts as it may consider necessary or expedient in order to carry into effect the provisions and purposes of this Ordinance. Contracts.

(2) All contracts made by or on behalf of a council shall be—

- (a) in writing expressed to be made in the name of the council; and
- (b) reported to the council by the Mayor or, as the case may be, Chairman, at the meeting next following the execution of the contract.

(3) All contracts shall, subject to the rules, be entered into after inviting competitive tenders or quotations:

Provided that tenders or quotations involving expenditure exceeding five thousand rupees shall be invited by a notice in a news paper:

Provided further that in case the lowest tender or quotation is not accepted, the authority competent to grant the contract, if other than the council, shall lay down in writing, and if the council itself, shall express in the resolution approving the tender or quotation, the reasons for not accepting the lowest tender or quotation.

(4) All contracts for transfer by grant, sale, mortgage, lease or otherwise of immovable property or any interest and right thereto or disposal or sale of movable property shall, subject to the rules be entered into after inviting offers in an open auction;

Provided that if the highest bid is not accepted by the council, approval in writing of Government shall be obtained, and Government shall, in its order give reasons for not accepting the highest bid:

Provided further that a council may with the approval of Government enter into a contract without inviting offers in auction.

(5) Notwithstanding anything contained in sub-section (4) its council may grant, sell, or lease out land at rates to be fixed in consultation with Government, to—

- (i) associations, organizations, individuals or any department or institution of the Federal or a Provincial Government for establishing, maintaining or extending educational, religious and charitable institutions or for such other

purposes for the benefit of the public, subject to the condition that if the land is not used for the purpose it was granted, the council may, after affording such association, organization, individual or department or institution, as the case may be, an opportunity to show-cause against the proposed action, resume such land alongwith structures, if any, without any compensation;

(ii) land holders for adding to their holdings, alignments or small plots of not more than forty square yards at the market price likely to be obtained in auction;

(iii) holders of leases for twenty years or more after the expiry of the lease, on the same terms and conditions.

(6) Government may subject to the other provisions of this Ordinance, make rules laying down the procedure to regulate the making of contracts and the execution thereof.

(7) No contract executed otherwise than in conformity with the provisions of this Ordinance shall be binding on the council.

Works.

46. A council may by bye-laws lay down the procedure for—

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

CHAPTER VII

EXECUTIVE POWERS AND CONDUCT OF BUSINESS.

Executive powers.

47. (1) The executive powers of a council 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 council shall vest in and be exercised by its Mayor or Chairman, as the case may be, either directly or through any person authorized by him in accordance with the rules.

(3) All acts of a council shall be expressed to be taken in the name of the council and be authenticated in the prescribed manner.

Powers of Mayor or Chairman.

48. The Mayor or Chairman, as the case may be, shall—

- (a) unless prevented by reasonable cause, preside at all meetings of the council, and regulate the conduct of business at such meetings in accordance with rules;

- (b) watch over the financial and executive administration of the council and perform such executive functions as are assigned to him by or under this Ordinance;
- (c) exercise supervision and control over the acts and proceedings of all servants of the council and dispose of all questions relating to their service, pay, privileges and allowances in accordance with the rules; provided that service matters of the members of the Councils Unified Grades shall be referred to Government;
- (d) have power in cases of emergency to direct the execution or stoppage of any work or the doing of any act which requires the sanction of Government or the council, and the immediate execution or stoppage or doing of which is, in his opinion, necessary for the service or safety of the public and the action so taken shall forthwith be reported to Government or, as the case may be, to the council at its next meeting; provided that he shall not act under this clause in contravention of any order of the council or Government.

49. (1) Subject to the general control of the Mayor or Chairman, the Chief Executive shall—

Functions of
the Chief
Executive.

- (a) supervise the financial and executive administration of the council and perform all duties assigned to and exercise all powers conferred on or delegated to him by or under this Ordinance;
- (b) supervise and control the acts and proceedings of the servants of the council under this Ordinance and dispose of such question relating to their service matters as may be assigned to him for disposal;
- (c) furnish to Government or such other officer as Government may, from time to time, nominate in this behalf, a copy of every resolution passed at a meeting of the council;
- (d) take prompt steps to remove any irregularity pointed out by the auditor; and
- (e) report to Government, Mayor or Chairman and the council all cases of fraud, embezzlement, theft, or loss of money or property.

(2) All licences and permissions under this Ordinance, rules or bye-laws shall be issued, granted or given under the signature of the Chief Executive and all fees payable for such licences and permissions shall be received, recovered and credited to the local fund.

(3) The Chief Executive may, subject to the general instructions of the council, and after giving the party concerned an opportunity to be heard in person, suspend, withhold or withdraw any licence or permission granted or given under sub-section (1) if he is satisfied that the licensee or permit-holder has failed to comply with the terms and conditions thereof or has acted in contravention of the provisions of this Ordinance or any rule or bye-law.

(4) Subject to such limitations as may be laid down by the council, the Chief Executive may delegate any power conferred on him by this Ordinance or the rules or bye-laws to any servant of the council.

(5) The Chief Executive shall supply any return, statement, account or report or a copy of any document in his charge, called for by the council or a committee or sub-committee set up by the council and shall comply with any orders passed by the council or committee or sub-committee in accordance with the provisions of this Ordinance.

Secretary and
Town Officer

50. (1) There shall be a Secretary in every taluka council and union council and a Town Officer in every town committee.

(2) A Town Officer or a Secretary shall perform such functions as are delegated to him by the council.

Meetings and
disposal of
business.

51. (1) All business of a council, shall, to the extent and in the manner prescribed, be disposed of at its meetings, or at the meetings of its committees, by its Mayor, Chairman or servants.

(2) All meetings of a council shall ordinarily be presided over by its Mayor or Chairman, and in his absence by Deputy Mayor or Vice-Chairman, or a member chosen for that purpose by the members present.

(3) Every meeting of a council shall be open to the public unless the presiding authority orders that the proceedings or any enquiry or deliberation before the council should be in camera;

Provided that the presiding authority may, at any time, cause any person to be removed who interrupts the proceedings or does not obey its rulings.

(4) All decisions in a meeting of a council shall be taken by majority of votes of the members present and voting.

(5) The presiding authority shall have a casting vote in case of equality of votes.

(6) Minutes of the meetings of a council shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed, as soon as practicable, by the presiding authority and confirmed by the council in its next meeting.

(7) The minutes shall be open to inspection by any inhabitant of the local area.

(8) All decisions taken by a council shall be reported to Government within ten days of such decisions.

(9) No proceedings of a council shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, the council, or by reason only that any person who was not entitled to sit or vote or otherwise take part in such proceedings had not or voted or otherwise taken part in such proceedings.

(10) No member shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the meeting of the council or in a committee thereof so long as such action does not undermine the ideology, security, integrity or solidarity of Pakistan.

52. (1) A council may, for the performance of such functions as may be prescribed appoint committees or sub-committees consisting of its members and co-opted members, if any.

Committees
and sub-
committees.

(2) The members of the committee or sub-committee shall be elected by the council.

CHAPTER VIII

SUPERVISION OVER THE COUNCILS

53. (1) Government shall exercise general supervision and control over the councils to ensure that their activities conform to the purposes and provisions of this Ordinance.

Supervision
over
councils.

(2) Government may, at any time, call for any paper, document, register or record from any council to see that the activities of the council are in conformity with the provisions of this Ordinance, and may make any order it deems necessary to bring it in such conformity.

(3) If, in the opinion of Government anything done or intended to be done by or on behalf of a council is not in conformity with the law, Government may by order—

- (a) quash the proceedings;
- (b) suspend the execution of any resolution passed or order made by the council;
- (c) prohibit the doing of anything proposed to be done; and
- (d) require the council to take such action as may be specified.

(4) Where an order under sub-section (2) or sub-section (3) is made by Government the council concerned may, within thirty days of the receipt of the order, represent against it in the prescribed manner, and the order made on such representation shall be final.

54. Government may direct any council, or any person or authority responsible thereto to take within such period as may be specified such action as may be necessary for carrying out the purposes of this Ordinance.

Power of
Government
to give direction to
councils.

(2) Where after due enquiry or otherwise Government is satisfied that any direction made under sub-section (1) has not been complied with, it 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 a charge on the local fund and borne by the council.

55. (1) The working of the councils shall be inspected at least once in a financial year by an Inspecting Officer or Inspection Team appointed by Government.

Inspection of
councils.

(2) The Inspecting Officer or as the case may be Inspection Team shall have the power—

- (a) to enter on, inspect and survey or cause to be entered on or inspected and surveyed any immovable property occupied by the council or any institution maintained by or any work in progress under it;
- (b) to call for and inspect or cause to be inspected files, registers, books or documents or record relating to the council;
- (c) to require the production of such statements, accounts, reports, documents and copies or documents relating to the proceedings of the council as he or it may think fit;
- (d) to attend meetings of the council and take part in discussions and other proceedings except voting; and
- (e) to inquire generally into the affairs of the council.

(3) The Inspecting Officer or, as the case may be, Inspection Team shall, within thirty days of the completion of the inspection, submit a report to Government and furnish a copy thereof to the council.

(4) The inspection report under sub-section (3) shall be placed on the table in the next meeting of the council.

(5) The council shall within thirty days of the receipt of the inspection report, annotate the report and forward it to Government and the Inspecting Officer or, as the case may be, the Inspection Team.

(6) On receipt of the annotated report, the Inspecting Officer or, as the case may be, the Inspection Team may issue such further directions to the council as may be necessary and endorse a copy thereof to Government.

Inquiry into
affairs of the
councils.

56. (1) Government may, suo moto or on application made to it by any person, cause an enquiry to be made by such officer or authority as may be appointed by it in this behalf, into the affairs of a council generally, or into any particular matter concerning that council, 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 civil 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.

Suspension
particular
departments
or institution.

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

(2) Where the authority of a council is suspended under sub-section (1), Government may itself take over the management of such department or institution or make such other arrangements as it thinks fit.

(3) The expenses for management under sub-section (2) as may be determined by Government shall be borne by the council and the budget of the council shall be deemed to have been revised to that extent.

58. (1) If, after such enquiry as may be necessary, Government is of the opinion that a council—

Supersession
of local
councils.

- (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) otherwise exceeds or abuses its powers,

It may, after considering the objections from the council, by notification in the official Gazette, declare the council to be superseded for a period not exceeding six months.

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

- (a) the person holding the office of the Mayor, Deputy Mayor, Chairman or Vice-Chairman or member shall cease to hold such office;
- (b) the functions of the council shall during the period of supersession be performed by such person or authority as is appointed by Government until the council reconstituted under sub-section (3) assumes office;
- (c) all funds and property of the council shall, during the period of supersession, vest in Government for the purposes of this Ordinance and be expended accordingly.

(3) On or before the expiry of the period of supersession, the council shall be reconstituted in accordance with the provisions of this Ordinance.

CHAPTER IX LOCAL TAXATION

59. (1) All land assessable to rent, land revenue or ushr shall be subject to the payment of a cess to be known as the local cess.

Local cess.

(2) The local cess in each district shall bear such proportion of the rent, land revenue or ushr in each district as Government may by notification in the official Gazette, fix.

(3) The local cess shall be collected together with the rent, land revenue or ushr in the manner prescribed for collection of rent, land revenue or ushr, as the case may be, and the proceeds thereof shall be credited to the local fund of the district council.

60. (1) Subject to sub-section (2) a council may with the previous sanction of Government levy, in the prescribed manner, all or any of the taxes, rates, tolls and fees mentioned in Schedule V;

Taxes to be
levied.

Provided that where a tax, rate or toll which is levied as a cess, tax, or surcharge by Government such tax, rate or toll shall not be more than that levied by Government.

(2) No taluka council shall have the power to levy any tax, toll or fee, and such council shall be financed in such manner as may be prescribed.

(3) All taxes, rates, tolls and fees levied by a council shall be notified in the prescribed manner and shall, unless otherwise directed by Government, be subject to previous publication.

(4) Where a proposal for the levy or modification of a tax, rate, toll or fee is sanctioned, Government shall specify the date on and from which such tax rate, toll or fee or the modification shall come into force.

Model tax
schedules.

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

Directions
with regard
to levy of
tax.

62. (1) Government may direct any council—

(a) to levy any tax, rate, toll or fee which the council is competent to levy under this Ordinance;

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

(c) to suspend or abolish the levy of any tax, rate, toll or fee.

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

Liability on
account of
taxes.

63. (1) A council 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 therefor.

(2) Any servant of a council authorized in this behalf may:—

(i) 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 animals therein liable to any tax;

(ii) 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, etc.

64. (1) Unless otherwise provided, all taxes, rates, tolls and fees levied under this Ordinance shall be collected in the prescribed manner by the persons authorized for such collection:

Provided that where any tax, rate, or toll levied by a council is also levied by Government such tax, rate, or toll shall be collected with Government tax, and the proceeds thereof be credited to the local fund of the council.

(2) All arrears of taxes, rates, tolls and fees and other moneys claimable by a council under this Ordinance shall be recoverable as arrears of land revenue through Government agency or by the council authorized by Government for such recovery through such servants or class of servants of the council as may be prescribed.

65. If a council 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 to credit the same to the local fund of the council concerned in the prescribed manner.

Deduction of taxes from salaries.

66. 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.

Petitions against valuation, assessment etc.

67. (1) All taxes, rates, tolls, fees and other charges levied by a council shall be imposed, assessed, leased, compounded, administered and regulated in such manner and within such period as may be prescribed.

Taxation rules.

(2) Rules framed 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.

CHAPTER X

LOCAL FUND AND PROPERTY

68. (1) There shall be formed a local fund which shall be called as—

Constitution of local fund.

- (a) the Corporation Fund in the case of a corporation;
- (b) the Municipal Committee Fund in the case of municipal committee;
- (c) the Town Committee Fund in the case of a town committee;
- (d) the District Council Fund, in the case of a district council;
- (e) the Taluka Council Fund, in the case of a taluka council; and
- (f) the Union Council Fund, in the case of a union council.

(2) The local fund shall consist of—

- (a) the balance of such funds as on the coming into force of this Ordinance is at the disposal of the local council, if any, of which the council concerned is the successor;
- (b) the proceeds of all taxes, tolls, rates, fees, cess and other charges levied and moneys recovered for utilization or services rendered by the council under this Ordinance or any other law for the time being in force;
- (c) all rents and profits payable or accruing to the council from and sale proceeds of the property vested in or managed by the council;

- (d) all sums contributed by individuals or institutions or other councils, or other local authorities;
- (e) all sums of moneys received from Government;
- (f) all receipts accruing from the trusts placed under the management of the council;
- (g) all loans raised and all interests and profits accruing or arising from investments or transactions;
- (h) all fines imposed under this Ordinance;
- (i) proceeds from such sources of income as Government may direct to be placed at the disposal of the council;
- (j) all other sums receivable by the council.

(3) Refundable deposits credited by any person shall not form part of the local fund, but will be kept in a separate "Deposit Fund".

(4) Deposits not claimed within a period of two years after the same become repayable, shall be deposited in the local fund and when claimed after the expiry of the said period refund of such deposits shall, unless specific provision in that behalf exists in the budget, be made in the financial year next following.

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

Custody and
investments.

69. (1) The moneys credited to a local fund shall be kept in a Government Treasury or in a scheduled bank or in such manner as may be specified by Government.

(2) A council may invest any portion of the local fund in such manner as may be prescribed.

Withdrawal
from the
fund.

70. (1) The moneys credited to the local fund may be withdrawn upto the amounts and for the purposes specified in the budget.

(2) The moneys credited to the local fund shall be applied in the order of the following preference:—

Firstly, in the payment of salaries and allowances to the servants of the councils;

Secondly, in the repayment of loans;

Thirdly, such sums as the council may be required to contribute towards the conduct of elections, the maintenance of the Sind Council Unified Grades and the auditing of accounts;

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

Fifthly, in meeting the expenditure charged on the local fund under this Ordinance;

Sixthly, any sum required to satisfy a decree or award against the council by court or Tribunal.

71. (1) The following expenditure shall be charged on the local fund, Charged exp-
enditure. that is to say:—

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

(b) such sum as the council may be required by Government to contribute towards the conduct of election, auditing of accounts, appointment of Accounts Committee and its staff and such other authority as may from time to time be specified by Government;

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

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

72. (1) Every council shall, in the prescribed manner, prepare and Budgets. 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 Government.

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

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

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

(5) Where any council assumes office under this Ordinance for the first time, its budget relating to the remaining period of that financial year shall be prepared by the council after resumption of office, as far as may be, in accordance with the provisions of this section.

(6) If any officer at whose disposal funds have been placed by a council, considers it necessary to incur expenditure on sanctioned activities in excess of the amount duly sanctioned or provided in the budget by way of reappropriation, he shall submit such proposal to the council for order:

Provided that no expenditure on any item shall be incurred by reappropriation if it was specially reduced by the council or Government at the time of sanctioning the budget or it has not been included in the budget :

Provided further that no saving from the pay of the servants of the council shall be spent by reappropriation nor savings from other units of appropriation shall be reappropriated for payment of salary to the servants of the council.

Accounts.

73. (1) The accounts of a council shall be kept in such form and manner as may be prescribed.

(2) An annual statement of the accounts shall be prepared after the close of every financial year and shall be transmitted to Government and the audit authority separately within thirty days of the close of the financial year.

(3) A copy of the annual statement of accounts and such other statements as may be prescribed shall be displayed at a conspicuous place in the office of the council for general information, and objections or suggestions received with respect thereto from the public shall be considered by the council and brought to the notice of the audit authority.

Audit.

74. (1) The accounts of every council 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 books and other documents pertaining to accounts and may also examine the Mayor, Deputy Mayor, Chairman, or Vice-Chairman, or any member or servant of the council.

(3) On the completion of audit, the audit authority shall, in the prescribed manner, submit to Government and the council, an audit report which shall, among other things, mention the cases of—

- (a) embezzlement, fraud and misappropriation of local fund;
- (b) loss, waste or misapplication of local fund;
- (c) irregularities in the maintenance of accounts;
- (d) unauthorized and excess expenditure.

(4) The annual audit report shall be displayed by the council at a conspicuous place for general information.

(5) The council shall within sixty days from the receipt of the audit report comply with the instructions, and rectify the irregularities given in the audit report and furnish, to Government a detailed report in that behalf.

(6) Government shall, within thirty days of the receipt of the report under sub-section (5), forward it to the Accounts Committee with such remarks as it may consider necessary.

(7) On receipt of the report under sub-section (6), the Accounts Committee shall—

- (i) determine whether the audit objections have been complied with;
- (ii) fix responsibility and liability for embezzlement, fraud, criminal misappropriation, loss, waste or misapplication of the local fund or property of the council and report the names of the persons who are considered responsible therefor to Government for such action as may be considered necessary;
- (iii) require the council to comply with such audit objections which have not been complied with or rectified.

(8) Every member or servant of a council and every person charged with the administration of the affairs of a council, or acting on behalf of a council shall be liable for the loss, waste, misapplication or unauthorized application of any moneys or property belonging to the council which is a direct consequence of his negligence or misconduct, and the liability of such member, servant or person shall be determined by the Accounts Committee in the prescribed manner.

75. (1) Government shall constitute an Accounts Committee for each division consisting of a Chairman, appointed by Government, Director, Local Fund Audit, Sind, or his representative, a representative of Local Government Department, and two non-official members appointed by Government as members.

Accounts
Committee.

(2) A non-official member shall hold office for a period of three years, unless he resigns or is removed earlier.

(3) A non-official member, may, at any time, resign from membership by addressing a letter to Government and his resignation shall take effect from the date on which it is accepted by Government.

(4) Government may, at any time without assigning any reason remove a non-official member.

(5) A casual vacancy in the office of non-official member shall be filled in accordance with sub-section (1) and the member appointed in such vacancy shall hold office for the un-expired portion of the term.

(6) The Chairman and non-official members of the Accounts Committee shall be entitled to receive such honoraria and allowances as may be prescribed.

76. (1) A council may acquire and hold property both movable and immovable, whether within or without the limits of the council.

Property of
the councils

(2) All property of the nature described herein not being specially reserved by Government, shall stand vested in a council—

- (a) all property which vested in any local council of which the council is the successor;

- (b) all public markets, slaughter houses, manure and night soil depots, and public buildings of any description constructed or maintained by the council;
 - (c) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water works, and all bridges, buildings, engines, works, materials and things connected with or appertaining to such water works and any adjacent land, appertaining thereto not being private property;
 - (d) all public sewers and drains; all sewers, drain tunnels, culverts, gutters and water courses within the street line of a public street, and all works, materials and things appertaining thereto, all dust, dirt, dung, ashes, refuse, animal matter, filth, or rubbish of any kind collected by the council from the streets, houses, privies, sewers, cesspools or elsewhere;
 - (e) all public lamps, lamp posts, and apparatus connected therewith, or appertaining thereto;
 - (f) all public streets, and pavements, stones and other materials thereof, and all trees within the street line and all erections, materials, implements and things provided for such streets.
- (3) Subject to the other provisions of this Ordinance a council shall—
- (a) control, 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; and
 - (c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property in the prescribed manner.
- (4) Government may, by rules provide for the management, maintenance, improvement, development and regulation or alienation of the property belonging to or vesting in a council.

Earmarking
of income
for Development
Plans.

77. Government may direct that any specified items of income of a council shall wholly or in part be earmarked for and applied in the implementation of a scheme or development plan proposed under this Ordinance.

CHAPTER XI

ADMINISTRATION OF SERVICE

Sind Councils
Unified
Grades.

78. (1) There shall be constituted a service known as the Sind Councils Unified Grades comprising such posts in councils in such scales of pay as may, from time to time, be specified.

(2) Appointments to the Sind Councils Unified Grades shall be made by such authority and in such manner and on such terms and conditions as may be prescribed.

(3) The members of the Local Council Service constituted under the repealed enactment shall, if they possess the requisite qualifications, be absorbed in the Sind Councils Unified Grades.

Provided that the terms and conditions of their service shall not be less favourable than the terms and conditions applicable to them immediately before the coming into force of this Ordinance.

(4) Government may transfer a person belonging to the Sind Councils Unified Grades from one council to another council.

(5) A person belonging to the Sind Councils Unified Grades shall be liable to such disciplinary action and penalties in accordance with such procedure as may be prescribed.

79. (1) Government may, for the persons belonging to the Sind Councils Unified Grades, and in the prescribed manner, establish and maintain —

Pension, Benevolent and Provident fund.

(a) the Sind Councils Unified Grades Fund from which such payments in respect of such persons shall, in the prescribed manner, be made;

(b) pension fund from which person shall, in the prescribed manner, be paid to such persons;

(c) benevolent fund from which any special pension or gratuity, shall, in the prescribed manner be paid to the family of any such person when he dies of disease or injury contracted or suffered by him in the discharge of his official duties;

(d) provident fund for such persons, to which contribution shall be made by such persons and in such manner and proportion, as may be prescribed.

(2) Government may operate a scheme of social insurance for the persons belonging to the Sind Councils Unified Grades and require such persons to subscribe to such scheme in such manner and proportion as may be prescribed.

80. (1) A council shall prepare a schedule of establishment showing the number of posts in each grade which are deemed necessary for the efficient performance of its functions under this Ordinance and submit the same within three months of the coming into force of this Ordinance to Government for approval.

Schedule of establishment

(2) If, in the opinion of Government, the number of posts in the schedule of establishment or the remuneration fixed for any post included in it is excessive, the council shall, on being required by Government for doing so, reduce the number or the remuneration, as the case may be.

(3) A change in the schedule of establishment approved by Government under sub-section (1) shall be made in the same manner as the schedule of establishment.

(4) Notwithstanding the foregoing provision the Mayor or Chairman may, in the case of emergency, create such posts as are considered necessary for a period of three months.

Appointment
of servants
of councils.

81. (1) Appointment to a scheduled post shall be made by such authority, in such manner and on such terms and conditions as, may be prescribed and the person so appointed shall be the servant of the council:

Provided that no appointment shall be made by the council to the post reserved for the Sind Councils Unified Grades.

(2) A servant of a council shall be liable to such disciplinary action and penalties in accordance with such procedure as may be prescribed; provided that the council shall have power to impose the penalty on such servants.

Provident
fund and
Social Insurance.

82. (1) A council may, establish and maintain:—

(a) provident fund for the benefit of its servants, who shall contribute to such fund in such manner and proportion as may be prescribed;

(b) pension fund from which pension shall, in the prescribed manner, be paid to the servants of the council;

(c) benevolent fund in the prescribed manner from which any special pension or gratuity, shall, in the prescribed manner be paid to the family of a servant of the council, who dies of disease or injury contracted or suffered by him in the discharge of his official duties.

(2) A council may operate a scheme of social insurance for its servants and require such servants to subscribe to such scheme in such manner and proportion, as may be prescribed.

Legal Adviser.

83. A council or group of councils may, in such manner and on such terms and conditions as may be prescribed appoint a whole time or part time Legal Adviser, not being a member of the Sind Councils Unified Grades or servant of the council or councils to appear in all legal proceedings and to render such advice as may be required.

Training
and training
institutions.

84. (1) Government may set up institutions or make other arrangements as may be necessary for—

(i) the pre-service and in-service training of the servants of the councils;

(ii) the training of members, Chairmen and Vice-Chairmen of councils;

(iii) organizing conferences and seminars on local government and related subjects;

(iv) undertaking research in local government and allied subjects independently or in collaboration with the universities or research institutions;

(v) the courses to be studied in the institutions established under clause (i) and examinations and award of diplomas and certificates to successful candidates;

(vi) affiliating the institutions established with the universities and associating the universities, colleges or training institutes for the training of staff of the engineering, education, public health and other departments of the councils.

(2) Civil servants and employees of other agencies or private bodies may get training in the institutions under sub-section (1) on such terms and conditions as may be determined by Government.

(3) A council may be required to pay towards the cost of institutions set up or other arrangements made under sub-section (1) in such proportion as Government may, from time to time, determine.

85. (1) There shall be constituted a Board to be called the Sind Local Government Board.

Local Government Board.

(2) The Board shall consist of a Chairman, Vice-Chairman and such number of members as may be appointed by Government.

(3) The Chairman and Vice-Chairman of the Board shall perform such functions and exercise such powers as may be prescribed.

86. (1) The Board shall perform such functions and maintain such funds as may be prescribed.

Functions of the Board.

(2) The Board shall with the approval of Government employ such number of employees as may be necessary, on such terms and conditions as may be prescribed.

(3) Government may, from time to time, specify that a post in the Board shall be filled by persons belonging to the Sind Councils Unified Grades or any other service.

87. The expenditure on the maintenance of the Board shall be borne by the councils by making contribution at such rate as may, from time to time, be fixed by Government.

Expenditure on maintenance of the Board.

88. Government may appoint Divisional and District Local Government Boards to exercise such functions and powers under this Ordinance as may be delegated to them by Government.

Divisional and District Local Board.

CHAPTER X

DIVISIONAL AND DISTRICT CO-ORDINATION COMMITTEES AND INTER COUNCIL MATTERS

89. (1) Government may set up a divisional or district co-ordination committee in a division or a district, consisting of such number of members, from urban and rural areas of the division or, as the case may be, the district, as may be fixed by Government.

Divisional and district co-ordination committees.

(2) The Chairmen and members of a divisional co-ordination committee or a district co-ordination committee shall be elected in the prescribed manner.

Functions.

90. (1) The divisional co-ordination committee and district co-ordination committee shall co-ordinate the activities of all councils and all nation building departments in the division or district, as the case may be, and may perform such other functions as may be assigned to them by Government for the furtherance of the purposes of this Ordinance.

Dispute
between
councils.

91. (1) If any dispute arises between two or more councils, the matter shall be referred:—

- (a) to the District Co-ordination Committee, if the parties concerned are in the same District;
- (b) to the Divisional Co-ordination Committee if the parties concerned are in different district within the same division;
- (c) to Government, if the parties concerned are in different divisions.

(2) The decision of the authority to which the dispute is referred under sub-section (1) shall be final, and binding on the council concerned

CHAPTER XIII

PATROL DUTY

Order of per-
formance of
patrol duty.

92. Where Government is of the opinion that in any local area special measures are required to secure public safety and the inhabitants have not, either voluntarily, or on being required so to do by Government, made sufficient provision for watch and ward it may by an order in writing direct that from the date specified in the order all able bodied adult male inhabitants of the local areas shall be liable to patrol duty.

Duration of
order.

93. An order under section 92 shall remain in force for such period not exceeding one year as Government may fix but it may be renewed from time to time.

Number and
selection of
Patrols.

94. (1) The council shall in respect of its local area for which an order under section 92 has been passed report forthwith—

- (a) the number of able-bodied adult male inhabitants of the local area;
- (b) the number of persons which in its opinion will be required for patrol duty each night;
- (c) the method which in its opinion such persons shall be selected that is, whether by rotation or by lot or otherwise.

(2) Government shall, upon receipt of the report of the council under sub-section (1), determine the number of persons required for patrol duty and the method of their selection, and inform the council which shall act accordingly.

(3) Where the selection is by lot, names once drawn shall not be drawn again, until all the remaining names on the list have been drawn.

(4) The council shall by publication of the list or otherwise inform the persons liable to patrol duty as to the nature, place and time of such duty.

(5) If any person liable to patrol duty is not in a position himself to perform such duty he may provide an able bodied substitute approved by the council.

95. Exemption from patrol duty may be granted by Government, or by the council subject to confirmation by Government.

Exemptions
from patrol
duty

96. Government may delegate any of its powers under this Chapter to the Collector.

Delegation
of power to
Collector

97. (1) The council may within fifteen days of failure of any person to perform patrol duty by himself or his substitute impose a fine not exceeding ten rupees per diem on any person who has failed to show sufficient cause to perform patrol duty personally or by the substitute provided by him:

Consequences
of failure.

Provided that fine shall be imposed within fifteen days of such failure.

(2) All fines imposed under sub-section (1), may upon application by the council be recovered by the Collector as arrears of land revenue.

(3) No appeal shall lie against an order of fine passed under sub-section (2) but the Collector may in his discretion waive the recovery of the fine.

98. (1) All persons on patrol duty under this Ordinance shall exercise the same powers and enjoy the same protection and privileges as are exercised and enjoyed by a police constable on duty as watchman.

Power and
Privileges of
Patrols.

(2) Every person shall be bound to render to a person on patrol duty all the assistance which he is bound to render to a police officer.

(3) Every person on patrol duty shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

CHAPTER XIV OFFENCES AND PENALTIES

99. Every act or omission specified in Schedule VI shall be an offence under this Ordinance.

100. (1) Whoever commits any of the offences mentioned in Part I of Schedule VI shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both and if the offence is a continuing one with a further

Punishments.

fine which may extend to one hundred rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

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

Compounding of offences.

101. The council or any person generally or specially authorized by the council in this behalf may compound any offence under this Ordinance.

Cognizance of offences.

102. No court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Mayor or Chairman or a person generally or specially authorized by the council in this behalf.

CHAPTER XV MISCELLANEOUS

Rules.

103. (1) 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 Schedule VII and all matters incidental, consequential and supplemental thereto.

Bye-laws.

104. (1) A council may, and if required by Government shall, make bye-laws not inconsistent with the rules, to carry out the purpose of this Ordinance.

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

(3) All bye-laws shall be made subject to the condition of previous publication.

(4) bye-laws shall be subject to the sanction of Government and Government may sanction the same with or without modification.

(5) If the council fails to make any bye-laws when required by Government to do so, Government may frame the bye-laws and publish them in the official Gazette and the bye-laws so published shall be deemed to be bye-laws made by the council.

(6) Government may frame model bye-laws and the councils may adopt them or be guided by them.

(7) All bye-laws shall be published in such manner as in the opinion of the authority making them is best suited for information of the residents of the local area concerned.

General provision relating to Rules and bye-laws.

105. (1) All rules and bye-laws made under this Ordinance shall be deemed to form part of this Ordinance.

(2) Copies of rules and bye-laws pertaining to a council shall be kept available at the office of the council for inspection and sale.

106. (1) Government may, by notification, delegate any of its powers under this Ordinance or the rules to any officer subordinate to it. Delegation of powers.

(2) A council may by notification delegate any of its powers to the Mayor or as the case may be, Chairman, or a committee or sub-committee or any officer serving under the council.

107. (1) A council may join any other council or a local authority in appointing a joint committee for any purpose to which such councils, or local authorities are jointly interested and may delegate to such joint committees any power which may be exercised by it including the power to make bye-laws for conduct of its business. Joint Committees.

108. Any person aggrieved by an order passed under this Ordinance or the rules or bye-laws may appeal to such authority, in such manner and within such period as may be prescribed, and the order passed in appeal shall be final. Appeals

109. Government may by standing order, issued, from time to time—
(a) co-ordinate the activities of councils and Government Departments;
(b) provide general guidance to the councils in carrying out the purposes of this Ordinance. Regulation of selection of councils and conduct of their activities.

110. Encroachments shall be dealt with in accordance with the provisions of the Sind Public Property (Removal of Encroachment) Act, 1975 (Sind Act V of 1975). Encroachments

111. Any land or building required by a council temporarily or permanently, may be acquired through the Commissioner in accordance with the law relating to such acquisition for the time being in force. Acquisition of land or building.

112. (1) A person who directly or indirectly acquires any share or interest in any contract with a council or obtains any employment other than an employment as a servant of the council, under the council shall be disqualified from being a servant of that council. Disqualification for service in a council.

(2) Where any servant of a council acquires directly or indirectly any share or interest in any such contract as aforesaid, shall, after enquiry in the prescribed manner be removed from the service of the council.

113. (1) A suit may be instituted against a council in respect of any act done or purported to be done under this Ordinance after the expiration of one month next after notice in writing has been delivered or left at its office stating the cause of action the name, description of place or residence of the intending plaintiff and the relief which he claims and the plaint shall contain a statement that such notice has been so delivered or left. Institution of suits against council.

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

Provided that in a suit instituted without such notice the court shall allow not less than two months to the council to submit its written statement.

Notice and
service there
of.

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

Provided that no notice shall be necessary in case of violation of clause 2 of paragraph 51 in Schedule II.

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

(3) Every notice, shall, unless otherwise provided, be served or presented by giving or tendering the notice or sending it by post to the person for whom it is intended or where the notice cannot be so served or presented by affixing it on some conspicuous part of his place of residence or business.

(4) A notice intended for the public in general shall be deemed to have been duly served if a copy thereof is affixed at such public place as may be determined by the council concerned and in case of a Corporation, municipal committee, town committee, and district council, is published in a newspaper.

Records to
be public
documents.

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

Members
and servants
of councils
to be public
servant.

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

Protection of
action taken
in good faith.

117. (1) No suit, prosecution, or other legal proceedings shall lie against Government, Election Authority or any council or any officer or other person for anything done in good faith or intended to be done under this Ordinance, or any rule or direction given thereunder.

(2) No Court shall question the legality of any action taken in good faith by or under the authority of the Election Authority or an Officer appointed by it or any decision given by any of them.

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

Certain matters to be prescribed.

119. Where any difficulty arises within twelve months of the coming into force of this Ordinance, as to the implementation of any of the provisions of this Ordinance, Government may give appropriate directions for removal of such difficulty.

Removal of difficulties.

120. (1) The Sind Local Government Ordinance, 1972, is hereby repealed.

Repeal and Savings.

(2) Notwithstanding the repeal of the enactment under subsection (1)—

(a) everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceeding commenced, person appointed or authorized, jurisdiction or power conferred, licence, certificate or permit granted, rule made and order issued under any of the provisions of the repealed enactment shall, if not inconsistent with the provisions of this Ordinance, continue in force and, so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, granted, made or issued under this Ordinance;

(b) all union councils, district councils, town committees, municipal committees and corporations existing immediately before the coming into force of this Ordinance, shall be deemed to be the councils and the officials or Administrators performing the duties and functions of such councils shall continue to perform such duties and functions until newly elected councils assume office in accordance with the provisions of this Ordinance; provided that Government may, in the meantime, remove or transfer any such official or Administrator and appoint any other person to be Administrator or official of such council or make any other arrangement for running of the affairs of the council.

SCHEDULE I

Number of members of the council under clause (a) of section 14:—

1. Karachi Metropolitan Corporation 150.
2. Other corporations, municipal committees and district councils:—
 - (i) population upto 50,000 20 members
 - (ii) population between 50,000 to 1 lac 25 members
 - (iii) population between 1 lac to 2 lacs 30 members
 - (iv) population between 2 lacs to 3 lacs 35 members
 - (v) population between 3 lacs to 4 lacs members
 - (vi) population between 4 lacs to 5 lacs 45 members
 - (vii) population between 5 lacs to 6 lacs 50 members
 - (viii) population between 6 lacs to 7 lacs 55 members
 - (ix) population between 7 lacs to 8 lacs 60 members
 - (x) population above 8 lacs 65 members
3. Town committees.
 - (1) population upto 5,000 5 members
 - (2) population between 5,000 to 10,000 8 members
 - (3) population between 10,000 to 15,000 12 members
 - (4) population between 15,000 to 20,000 15 members
 - (5) population between 20,000 to 25,000 18 members
4. Union Councils.

The number of members shall be equal to the total population divided by one thousand and five hundred to the nearest whole number by counting a fraction equal to half or above as one.

Note.—The number of seats for minority community on any council shall be proportionate to their population and be rounded upto a whole number and the number of Muslim seats shall be obtained by deducting the number of minority seats.

SCHEDULE II

(See section 40)

FUNCTIONS TO BE PERFORMED BY CORPORATIONS,
MUNICIPAL COMMITTEES AND TOWN COMMITTEES
COMPULSORY FUNCTIONS

PART I

FUNCTIONS TO BE PERFORMED BY THE METROPOLITAN
CORPORATION ONLY ...

1. Functions relating to maintenance of important public health services:—

- (a) Planning, development and maintenance of trunk sewerage system, sewerage treatment plants and sewerage farms.
- (b) Planning, development and maintenance of refuse disposal plants.
- (c) Planning, development and maintenance of abattoir cattle colonies.
- (d) Planning and supervision of vector control.
- (e) Planning, development and maintenance of food laboratories.
- (f) Air and water pollution control.

2. Functions relating to planning, development and maintenance of public roads and storm water drains:—

- (a) Planning, development and maintenance of storm water drains.
- (b) Construction and maintenance of roads and bridges.

3. Miscellaneous functions:—

- (a) Planning, development and maintenance of workshops and press.
- (b) Planning, development and maintenance of zoological gardens, aquaria, parks, gardens and playgrounds.
- (c) Planning, development and maintenance of libraries, museums and art galleries.
- (d) Procurement, allocation and regulation of grants, loans and other assistance.
- (e) Planning, development and maintenance of public amenity projects such as recreation centres, beaches, and graveyards.
- (f) Preservation of landscape.
- (g) Planning, development and maintenance of fire fighting services.

COMPULSORY FUNCTIONS

PART II

FUNCTIONS TO BE PERFORMED BY CORPORATIONS,
MUNICIPAL COMMITTEES AND TOWN COMMITTEES.public
health

1. *Responsibility for sanitation.*—A corporation, municipal committee or town committee shall be responsible, for the sanitation, and may for that purpose cause such measures to be taken as are required by or under this Ordinance.

2. *Removal, collection and disposal of refuse.*—A corporation, municipal committee or town committee shall make adequate arrangements for the removal of refuse from all public streets, public latrines, urinals, drains and all buildings and lands vested in the council concerned and for the collection and proper disposal of such refuse.

3. *Births, deaths and marriages.*—A corporation, municipal committee or town committee shall, subject to any other law for the time being in force, register all births, deaths and marriages within the local area and information of such births, deaths and marriages shall be given by such persons or authorities, and shall be registered in such manner as the bye-laws may provide.

4. *Infectious diseases.*—A corporation, municipal committee or town committee shall adopt such measures to prevent infectious diseases and for restraining infection within the local area as the rules and bye-laws may provide.

Water
Supply and
drainage.

5. A corporation, municipal committee or town committee shall, within the limits of the funds at its disposal provide, or cause to be provided, a supply of wholesome water sufficient for public and private purposes.

6. *Private sources of water supply.*—All private sources of water supply within the local area concerned shall be subject to control, regulation and inspection by the corporation, municipal committee or town committee.

7. *Drainage.*—A corporation, municipal committee or town committee shall, within the limits of the funds at its disposal provide adequate system of public drains in the local area and all such drains shall be constructed, maintained kept cleared and emptied with due regard to the health and convenience of the public.

Slaughter
house.

8. A corporation, municipal committee or town committee shall provide and maintain at such site or sites within or without the local area as may be approved by Government one or more slaughter houses for the slaughter of animals generally or of any specified description of animals for sale.

STREETS

9. A corporation, municipal committee or town committee 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 local area concerned and of the visitors thereto.

Public streets.

10. No new street shall be laid out except with the previous sanction of the corporation, municipal committee or town committee, and in conformity with the terms and conditions of such sanction.

Streets

11. A corporation, municipal committee or town committee shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in the council concerned by oil, gas, electricity or such other illuminant as the council may determine.

Street lights.

12. No person shall keep or let for hire, or drive or propel within the local area any public vehicle, other than a motor vehicle, except under a licence granted by the corporation, municipal committee or union committee and in conformity with the conditions of such licence.

Public vehicle.

OPTIONAL FUNCTIONS

1. (1) The occupiers of all buildings and lands within the local area shall be responsible for the removal of refuse from such buildings and lands subject to the general control and supervision of the corporation, municipal committee or town committee, as the case may be.

Removal, collection and disposal of refuse.

(2) The council concerned may cause public dustbins or other suitable receptacles to be provided at suitable places including streets or other places conveniently accessible to the public, and where such dustbins or receptacles are provided, the council concerned, 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 and be removed by the council.

(3) All refuse removed by or under the supervision of the staff of the council concerned shall be the property of the council.

2. (1) A corporation, municipal committee or town committee may and if required by Government, shall provide and maintain sufficient number of public latrines and urinals for separate use of each sex at appropriate places, and shall cause the same to be kept and maintained in proper order of cleanliness.

Latrines and urinals.

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

(3) Where any premises are with privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the council concerned may by notice require the owner of such premises—

- (a) to provide such or such additional privy or urinal accommodation as may be specified in the notice; or
- (b) to make such structural or other alterations in the existing privy or urinal accommodation as may be so specified; or
- (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.

Infectious
diseases.

3. (1) A corporation, municipal committee or town committee may and if required by Government shall, establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

(2) The council concerned may in the prescribed manner frame and implement schemes for the prevention and control of infectious diseases.

Health and
maternity
centres, etc.

4. A corporation, municipal committee or town committee may, and if required by 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; and
- (c) adopt such other measures as may be necessary to promote the health and welfare of women, infants and children.

Promotion
of public
health.

5. Subject to the provisions of this Ordinance and the rules the council may, and if 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, Government directs.

Hospitals &
dispensaries.

6. (1) A corporation, municipal committee or town committee may, and if so required by Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the local area and the people visiting it.

(2) Every hospital and dispensary maintained by a council 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 Government, every hospital and dispensary maintained by a corporation, municipal committee or town committee shall be provided with such drugs, medicines, instruments, apparatus, appliances, equipments and furniture in accordance with such scale and standards as may be prescribed.

7. A corporation, municipal committee or town committee may, and if necessary or so required by Government shall, take such measures as may be necessary or be specified by Government for—

Medical aid
and relief
and medical
education etc

- (a) the provision and maintenance of first aid centres;
- (b) the provision and maintenance of mobile medical aid units;
- (c) the promotion and encouragement of societies for providing 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.

8. (1) A corporation, municipal committee or town committee may, and if required by Government, shall, in the prescribed manner, frame and execute a water supply scheme for the construction and maintenance of such works for the provision, storage and distribution of water as may be necessary.

Water
supply.

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

9. (1) No new well, water-pump or any other sources of water for drinking purposes shall be dug, constructed, or provided except with the sanction of the council, concerned.

Private
sources of
water supply

(2) The council concerned may by notice require the owner or any person having the control of any private source of water supply used for drinking—

- (a) to keep the same in good order and to clear therefrom silt, refuse and decaying matter from time to time;
- (b) to protect the same from contamination in such manner as the council concerned may direct; and
- (c) if the water therein is proved to the satisfaction of the council concerned 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.

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

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

Drainage schemes.

11. (1) A corporation, municipal committee or town committee may, and if so required by Government, shall prepare a drainage scheme in the prescribed manner for the construction of drains at public and private expenses, and other works for the effective drainage and disposal of sullage.

(2) A drainage scheme prepared under clause (1) shall be submitted for approval to Government, which may approve it, reject it, or approve it subject to such modifications as it may deem fit.

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

(4) The council concerned may, by notice, require the owner of any building or land within the local area.—

- (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 specified.

Bathing, and washing places.

12. (1) A corporation, municipal committee or town committee may, from time to time—

- (a) set apart suitable places for use by the public for bathing, washing clothes, or for drying clothes;
- (b) specify the times at which and the sex of the 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 council concerned and in conformity with the conditions and terms of such licence.

13. (1) A corporation, municipal committee or town committee may provide dhobi ghats for the exercise of their calling by washermen, and may by bye-laws regulate the use of dhobi ghats and levy fees for their use.

Dhobi ghats
and
washermen.

(2) The council concerned may by bye-laws provide for the licensing of washermen and the regulation of their calling.

14. (1) A corporation, municipal committee or town committee may with the previous sanction of Government, declare any source of water, spring, river, tank, pond or public stream, or any part thereof within the local area, which is not private property, to be a public water-course.

Public water
sources.

(2) The council concerned may, in respect of any public water-course provide such amenties, make such arrangements for life-saving, execute such works, and, subject to the provision of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the bye-laws may provide.

15. (1) A corporation, municipal committee or town committee may by bye-laws provide for the licensing of boats and other vessels and may prescribe the terms and conditions for the grant of licences and the fees to be charged therefor.

Public
ferries.

(2) Government may declare any part of a public water-course to be a public ferry and may entrust the management thereof to the council concerned, and thereupon the council shall manage and operate the public ferry in such manner and levy such tolls as may be prescribed.

16. A corporation, municipal committee or town committee may, with the previous sanction of Government declare any public water-course as a public fishery, and thereupon the right of fishing in such water-course shall vest in the council concerned, which may exercise such right in such manner as may be prescribed by bye-laws.

Public
fisheries

ARTICLES OF FOOD AND DRINK

17. A corporation, municipal committee or town committee may by bye-laws—

Bye-laws for
articles of
food and
drink.

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

(b) prohibit the import into the local area for sale of any specified article of food or drink except by persons licensed under clause (a);

(c) prohibit the hawking of specified articles of food and drink in such parts of the local area as may be specified.

- (d) regulate the time and manner of transport within the local area of any specified article of food or drink;
- (e) regulate the grant and withdrawal of licences under this paragraph and the levying of fees therefor; and
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is deceased, or any article of food or drink which is noxious.

Milk supply.

18. (1) Except, under a licence granted by the corporation, municipal committee or town committee no person shall, within the local area, keep milch cattle for the sale of milk, or sell milk or expose or import milk for sale or manufacture butter, ghee, or any other milk or dairy product, or keep or maintain any premises therefor.

(2) The local council concerned may, in the prescribed manner, and with the previous sanction of Government, frame and enforce a milk supply scheme, which may, among other matters, provide for the establishment of milkmen's colonies, the prohibition of the keeping of milch cattle in the local area 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.

19. (1) A corporation, municipal committee or town committee may establish and maintain public markets of any article of food and drink and 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) The council concerned may, in respect of a public market, provide by bye-laws—

- (a) the fees to be charged for the use, or for the right to expose food for sale 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 market

20. No private market for the sale of articles of food or drink or for the sale of animals shall be established or maintained within the local area, except under a license granted by the corporation, municipal committee or, as the case may be, town committee and in conformity with the conditions of such license.

21. Notwithstanding the provisions of paragraph 20, the owner of every private market within the local area 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 license to the council concerned and until the license is granted shall continue to maintain the same.

22. If Government is satisfied that in public interest any private market should be discontinued or taken over by the corporation, municipal committee or town committee it may direct that the market should be discontinued or rights or interest thereto should be acquired the market shall be discontinued, taken over by the council concerned subject to the payment of such compensation as would have been payable if the market had been acquired under the Land Acquisition Act, 1894 (Act I of 1894).

23. The council concerned 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.

ANIMALS.

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

Animal
husbandry.

(2) The local council concerned may, subject to the provisions of any other law for the time being in force, by bye-laws define contagious diseases among animals and provide for measures that shall be adopted for prevention of the spread of such diseases, including the compulsory inoculation or subjection to such treatment as may be necessary of animals as may be suspected to have been infected with carriers of any such disease.

25. (1) A corporation, municipal committee or town committee may by bye-laws provide for the seizure, detention and impounding of animals found straying in any street, public place or cultivated land.

Stray
animals.

(2) The council concerned may, and if so required by Government shall, in accordance with the bye-laws establish and maintain cattle pounds for the impounding of cattle and charge fines and fees therefor.

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

26. (1) A corporation, municipal committee or town committee may, with the previous approval of Government, establish and maintain animal

Animal
homes and
farms.

homes, where, subject to such terms and conditions and on payment of such fees and other charges, as the bye-laws may provide, the animals of private persons may be kept.

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

Registration
of the sale
of cattle.

27. A corporation, municipal committee or town committee may by bye-laws require that every sale of such animals as may be specified shall be registered with the council concerned in such manner, and subject to the payment of such fees, as the bye-laws may provide.

Livestock
Improvement

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

Dangerous
Animals.

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

Cattle
shows, zoo,
etc.

30. (1) A corporation, municipal committee or town committee may hold cattle shows and fairs within the limits of the local area and charge such fees from the people attending such shows or fairs as the bye-laws may provide.

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

Disposal of
carcasses.

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

(a) convey the carcass within twenty-four hours to a place, if any, fixed by the corporation, municipal committee or town committee for the disposal of the dead bodies of animals, or to a place at least one mile beyond the limits of the local area;

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

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

TOWN PLANNING.

32. A corporation, municipal committee or town committee may, and if so required by Government, shall draw up a master plan for the local area which shall, among other matters provide for—

Master plan.

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

33. (1) Where a master plan has been drawn up and has been approved by Government with or without any modifications, no owner of land exceeding such areas as may be specified in this behalf in the master plan shall develop the site or erect or re-erect a building on any plot or land covered by the master plan, except in conformity with the provisions of a site development scheme sanctioned for the area in the prescribed manner.

Site development schemes.

(2) Among other matters, a site development scheme may provide for—

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

34. (1) The execution of a site development scheme shall be subject to the inspection and control of the corporation, municipal committee or town committee and which may give such directions with regard to the execution of the schemes as may be necessary for the proper development of site.

(2) If any area is developed or otherwise dealt with in contravention of the provisions of sanctioned site development scheme, the council concerned 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 notwithstanding anything to the contrary contained in any law, be carried out or caused to be carried out by the council in the prescribed manner, or the council may require and enforce the demolition of the offending structure, and no compensation shall be payable therefor to such owner or person.

(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 council concerned or if the development is not in conformity with the site development scheme the council may, in the prescribed manner, take over the development of the site and execute the necessary works and the cost incurred thereon by the council shall be deemed to be tax levied on the owner or owners under this Ordinance.

BUILDING CONTROL

Erection and
re-erection
of buildings

35. (1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved, and the building plan has been sanctioned by the corporation, municipal committee or town committee.

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

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

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

(5) The council concerned 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 paragraph shall apply to any work, addition or alteration which is declared by bye-laws to be exempt.

36. (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 corporation, municipal committee or town committee.

Completion
of buildings,
etc.

(2) The council concerned shall cause every building which has been completed to be inspected, and if it has been constructed in violation or contravention of any provisions of this Ordinance, or the rules, bye-laws, master plan or site development scheme under this Ordinance, if any, the council may require the alterations of the building so as to be in compliance therewith, and, where such an alteration is not possible, the council may require the building or any part thereof to be demolished or, on the application of the owner of such building, compound the offence of such contravention, 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 clause (2), and such requirement is not complied with, within the specified period, the council concerned may have the building demolished through its own agency and the cost incurred thereon shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance and be recovered accordingly.

37. (1) If any building or any thing fixed thereon be deemed by the corporation, municipal committee or town committee to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passers by, the council concerned 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 council may take the necessary steps itself and the cost incurred thereon shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance and be recovered accordingly.

Regulation
of Buildings.

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

STREETS

38. (1) The council concerned shall, in the prescribed manner, prepare and execute road maintenance and development programme which shall form part of the budget, and Government may alter or amend the programme in such manner as it considers necessary.

Public
streets.

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

Streets.

(2) The council concerned 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 council concerned may have the necessary work done through its agency, and the cost incurred thereon shall be deemed to be a tax, levied on the persons concerned under this Ordinance and be recovered accordingly.

(3) 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.

40. (1) A corporation, municipal committee or town committee may, with the previous sanction of Government, assign names to streets and paint the names or fix the name plates on or at conspicuous places at or near the end, corner or entrance of the street.

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

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

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

Street lighting.

41. (1) The council concerned may, with the previous sanction of Government, frame and enforce street lighting scheme in the prescribed manner.

Street
watering.

42. A corporation, municipal committee or town committee may take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for the purpose, maintain such vehicles, staff, and other apparatus as may be necessary.

Control.

43. A corporation, municipal committee or town committee may by bye-laws make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

Public
Vehicle.

44. (1) No horse or other animal shall be used for drawing a public vehicle within the local area except under a licence granted by the council concerned and in conformity with the conditions of such licence.

(2) The council concerned shall in such manner as bye-laws may provide, and with the previous approval of Government, fix the fares for the use of public vehicles, and no person plying a public vehicle shall charge a fare in excess thereof.

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

PUBLIC SAFETY

47. (1) For the prevention and extinction of fire, a corporation, municipal committee or town committee may, and if so required by Government, shall maintain a fire brigade, consisting of such staff and such number of fire stations, and such implements, machinery, equipment and means of communicating intelligence as may be prescribed. Fire fighting.

(2) On the occurrence of a fire within the local area, any magistrate or any official of a fire brigade directing the operations or 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 use or cause to be broken into or through, or pulled down, or used any premises for the passage of hoses or other appliances, and any damage or loss suffered thereby by the owner or occupier of the premises shall, subject to the provisions of clause (4), be compensated by the council concerned by reasonable repairs of the premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the persons in charge of any fire engine to render such assistance as may be possible; and
- (f) generally take such measures as may appear necessary for the preservation of life and property.

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

(4) Notwithstanding the provisions of clause (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 paragraph shall be deemed to be damage by fire for the purposes of any policy of insurance against fire.

48. A corporation, municipal committee or town committee shall be areas, and affording relief to flood-stricken people, a corporation, municipality, perform such functions as may be prescribed. Civil defence.

Floods.

49. For the fighting of floods, rescuing of people from flood-affected areas, and affording relief to flood-stricken people, a corporation or municipal committee or town committee may and if so, required by Government, shall provide such boats, appliances and equipment as it deems necessary or as may be specified by Government.

Famine.

50. In the event of a famine, a corporation, municipal committee or town committee may, with the sanction of Government, execute such famine works and undertake such famine relief measures as may be necessary or may be specified by Government.

Dangerous and offensive articles and trades.

51. (1) Government may by rules define the articles and trades which shall be deemed to be dangerous or offensive for the purpose of this paragraph.

(2) Except under and in conformity with the conditions of a licence granted by the corporation, municipal committee or town committee—

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

(3) The council concerned may, with the previous sanction of Government, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trade in any specified part of the local area, and for the restriction of such trades in other part of such area.

(4) In case of contravention of clause (2) any officer not below the rank of Assistant Health Officer authorized by the council concerned may seize the dangerous and offensive article, and seal the premises where such article is found:

Provided that the seized article which is of perishable nature may be disposed in such manner as deemed fit:

Provided further that as soon as possible after the seizure of the article but not later than forty-eight hours therefrom, a case shall be registered in a court of competent jurisdiction which may confirm, modify or set aside the action taken by the officer.

(5) No electricity, gas or water connection shall be provided to any premises for a dangerous and offensive trade, unless a licence for carrying on such trade at such premises is granted by the corporation, municipal committee or town committee, as the case may be, and in case any such licence is revoked, the electricity, gas or water connection shall, on receipt of the intimation of revocation of licence be discontinued by the concerned authorities.

52. (1) A corporation, municipal committee or town committee may, and if so required by Government, 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.

Burial and
burning
places.

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

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

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

TREES, PARKS, GARDENS AND FORESTS.

53. (1) A corporation, municipal committee or town committee may plant trees on public streets and other public places within the local area and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

Arboricul-
ture.

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

54. (1) A corporation, municipal committee or town committee may, and if so required by Government, shall lay out and maintain within the local area 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 bye-laws may provide.

Gardens.

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

Open
spaces.

55. A corporation, municipal committee or town committee may provide and maintain within the local area such open spaces as may be necessary for the convenience of the public, and such spaces shall be grassed, hedged, planted and equipped with such amenities and in such manner as the bye-laws may provide.

Forests.

56. A corporation, municipal committee or town committee may, in the prescribed manner, frame and enforce afforestation plans providing for the improvement, development and exploitation of forests and plants, and shall maintain and work forests in accordance with such plans.

Noisances
pertaining
to trees and
plants.

57. (1) A corporation, municipal committee or town committee may by bye-laws specify the pests which destroy or cause damage to trees and plants and provide for their destruction.

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

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

(4) The council concerned may, in the manner provided in the bye-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of the local area as may be specified.

Tanks and
low lying
areas.

58. A corporation, municipal committee or town committee may and if so required by Government, shall take such steps with regard to the excavation, and re-excavation of tanks and the reclamation of low lying areas as it thinks fit, or as are required by Government.

EDUCATION

Education.

59. (1) The corporation, municipal committee or town committee may maintain such educational institutions as may be required by Government, and may, with the previous approval of Government, maintain such other educational institutions as the council concerned may establish or the council concerned may establish or consider necessary for the promotion of education in the local area.

59. (1) The corporation, municipal committee or town committee concerned shall be maintained in a state of efficiency and shall conform to such standards as may be prescribed.

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

(4) The council concerned may, with the previous approval of Government, give financial aid to private educational institutions within the local area.

60. Subject to any law for the time being in force, the corporation, municipal committee or town committee shall be responsible for the enforcement of compulsory education in the local area, and it may in this behalf adopt all such measures as may be necessary to ensure that every child of school-going age attends a school recognized by the council concerned. Compulsory education.

61. A corporation, municipal committee or town committee may— General provisions about education.

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

CULTURE

62. A corporation, municipal committee or town committee may, and Culture, if so required by Government shall—

- (a) establish and maintain information centres for the furtherance of civil education and dissemination of informa-

tion on such matters as community development or matters of public interest;

- (b) maintain radio sets at public institutions and public places;
- (c) organize museums, exhibitions, and art galleries;
- (d) provide and maintain public halls and community centres;
- (e) celebrate the Holy Prophet's Birthday, Pakistan Day, Quaid-e-Azam's Birthday, and other national holidays;
- (f) provide for the reception of distinguished visitors visiting the council concerned;
- (g) encourage national and regional languages;
- (h) promote physical culture, and encourage public games and organize rallies and tournaments;
- (i) promote tours to the council concerned and adopt measures for the preservation of the historical and indigenous characteristics of the local area;
- (j) provide or promote subsidized facilities for the recreation of the public; and
- (k) adopt any other measures likely to promote cultural progress and advancement.

Libraries.

63. A corporation, municipal committee or town committee may, and if so required by Government, shall establish and maintain such public libraries, reading rooms and circulating libraries as may be necessary for the use of the public.

Fairs and Shows, etc.

64. (1) A corporation, municipal committee or town committee shall, with the previous approval of Government, make such arrangements on the occasion of any fairs, shows or public festivals within the local area 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.

SOCIAL WELFARE

65. A corporation, municipal committee or town committee may, and if so required by Government, shall—

- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed;

- (b) provide for the burial or burning of paupers found dead within the local area 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) organize 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.

DEVELOPMENT

66. (1) A corporation, municipal committee or town committee may, and if so required by Government shall, prepare and implement development plans for such periods and in such manner as may be specified.

Development
Plans.

(2) Such plans shall be subject to the sanction of the prescribed authority, and shall provide for—

- (a) the promotion, improvement and development of such function or functions of the council concerned as may be specified;
- (b) the manner in which the plan shall be financed, executed, implemented and supervised;
- (c) the agency through which the plan shall be executed and implemented; and
- (d) such other matters as may be necessary.

(3) Government may direct any specified items of income to be earmarked and applied in the implementation of a development plan.

67. A corporation, municipal committee or town committee may, in the prescribed manner sponsor or promote community development projects for the local area or any part thereof and may in this behalf perform such functions as may be prescribed.

Community
Development
Projects.

68. A corporation, municipal committee or town committee may, in the prescribed manner, and with the previous sanction of Government promote, administer, execute and implement schemes for undertaking any commercial or business enterprise.

Commercial
Schemes.

Miscellaneous
functions.

69. A corporation, municipal committee or town committee may—
- (a) regulate the licensing of architects and town planners;
 - (b) prepare and implement land development and improvement schemes;
 - (c) perform public housing and settlement functions relating to maintenance of important public health services;
 - (d) plan preservation of landscape, river training and flood control.

SCHEDULE III

FUNCTIONS OF DISTRICT COUNCILS

(See Section 40)

PART I

COMPULSORY FUNCTIONS

1. Aggregation of the financial allocations and physical programmes and targets received from the Provincial Governments in different sectors and to draw up a District Development Programme. In this work the council will take into account Federal projects, their allocations and the physical targets falling in or benefitting districts. (Generally, the organization may develop and take on complete planning functions).

2. To make proposals, if necessary, to the Provincial Planning and Development Departments for modifications in the aggregate district programme after identifying the (a) gaps (b) internal inconsistencies, (c) compatibility of the programme with the capacity available in the district for implementation, maintenance and supervision and (d) evaluating it in the light of local priorities.

3. To facilitate the formation of associations for the performance of tasks that can be done only collectively or can better be performed collectively, for example, consumer association for distribution of electricity, farmers association for water courses management, associations for distribution of agricultural inputs, co-operative marketing associations, etc.

4. To discharge the overall responsibility for the identification of projects and appraisal and approval of projects prepared and to be constructed by union councils in the following sub-section:—

Primary, middle and secondary schools.

Rural health centres.

Basic health units.

Family welfare clinics.

Piped water supply.

Potable water/storage tanks.

Handpumps.

Sanitation.

Rural roads.

5. To supplement the programme of the district derived from the Provincial development programme with—

(a) Voluntary resources; Labour, land and cash contributions.

(b) Taxes; On property, consumption and other sources identified by the community (except on trade).

(c) Fees and charges for the use of utility services provided by the councils such as water supply, sanitation, etc.

6. Disbursement of ADP funds for the approved projects (placed at the disposal of district council by the Provincial Government to various union councils.

7. To arrange the procurement and distribution of locally made equipment and materials for health centres and schools.

8. To take appropriate measures for the development of skills, crafts and cottage industries. (Development of skills would include promotion of industrial homes, domestic and cottage level crafts and trades, modest repairs of agricultural and other machinery, training of dehi mazdoorse etc.).

9. To review the implementation of the district development programme (as an extension of the function of P&D Department and as their agent) by holding review meetings within the district as well as through periodic inspections and progress reports from the council.

10. To submit to the Planning and Development Department regular progress reports on the implementation of development projects at different levels within the district.

11. To monitor the supply of agricultural inputs and to make appropriate recommendations to the concerned authorities.

12. To formulate union development programmes derived from the District Development Programme in consultation with the respective union councils and to review periodically its implementation.

13. Disseminate information about the projects and allocations of funds for the District Development Programmes throughout the district to keep the people fully informed about the projects to be executed in the district. This will not only mobilize the interest of the people in the development work for the district but also make them more watchful about the use of development funds by the Government functionaries thus leading ultimately to better community supervision.

14. Provision and maintenance of libraries and reading rooms.

15. Provision and maintenance of hospitals and dispensaries including veterinary hospitals and dispensaries.

16. Provision, maintenance and improvement of public roads, culverts and bridges.

17. Plantation and preservation of trees on road sides and public places.

18. Provision and maintenance of public gardens, public playgrounds and public places.

19. Maintenance and regulation of public ferries other than those maintained by Government Departments.

20. Maintenance and regulation of cattle ponds.

21. Provision and maintenance of serais, dak bungalows, zailghars, rest houses and other buildings for the convenience of travellers.

22. Prevention, regulation and removal of encroachments.

23. Prevention and abatement of nuisances.

24. Holding of fairs and shows.

25. Promotion of public games and sports.

26. Celebration of public festivals.

27. Promotion of sanitation and public health.

28. Prevention, regulation and control of infectious diseases.

29. Enforcement of vaccination.

30. Protection of foodstuffs and prevention of adulteration.
31. Registration of marriages.
32. Registration of the sale of cattle.
33. Provision of water supply, construction, repair and maintenance of water work and other sources of water supply.
34. Agricultural, industrial and community development, promotion of national reconstruction; promotion and development of co-operative movement and village industries.
35. Adoption of measures for increased agricultural production.
36. Regulation of traffic; licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.
37. Improvement of the breeding of cattle, horses and other animals and the prevention of cruelty to animals.
38. Relief measures in the event of any fire, flood, hailstorm, earthquake, famine, or other natural calamity.
39. Co-operation with other organizations engaged in activities similar to those of the district councils.
40. Any other functions that may be directed by Government to be undertaken by district council either generally or by a particular district council.

PART II

OPTIONAL FUNCTIONS

(a) Education.

1. Provision and maintenance of schools.
2. Construction and maintenance of buildings to be used as hostel for students.
3. Provision of scholarships.
4. Training of teachers.
5. Payment of grants and subsidies to educational institutions.
6. Promotion and assistance of educational societies.

7. Undertaking of educational survey, framing of educational plans and implementation thereof.

8. Promotion of adult education.

9. Provision of milk supply and meals for school children.

10. Publication of school books and the maintenance of printing presses.

11. Provision of school books to orphans and indigent students free of cost or at concessional rates.

12. Maintenance of depots for the sale of school books and articles of stationery.

13. Any other measures likely to promote the cause of education.

14. Establishment and maintenance of information centres.

15. Organization of general cultural activity.

16. Maintenance of radio sets at public institutions and public places.

17. Organization of museums, exhibitions and art galleries.

18. Provision and maintenance of public halls, public meeting places and community centres.

19. Furtherance of civic education and the dissemination of information on such matters as Local Government, rural reconstruction, hygiene, community development, agriculture, industries, cattle breeding and other matters of public interest.

20. Celebration of the Holy Prophet's birthday, Pakistan Day, Quaid-e-Azam's Death Anniversary and other National occasions.

21. Reception of distinguished visitors.

22. Encouragement of National and regional languages.

23. Promotion of physical culture, the encouragement of public games and sports and the organization of rallies, matches and tournaments.

24. Preservation of the historical and indigenous characteristics of the local area.

25. Any other measures likely to promote cultural progress and advancement.

(b) Social Welfare.

26. Establishment, management and maintenance of welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed.

27. Burial and cremation of paupers found dead within the local area.

28. Prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils.

29. Promotion of social, civic and patriotic virtues among the people and discouraging of parochial, racial, tribal, sectarian and provincial prejudices.

30. Organization of social service volunteers.

31. Organization of legal aid for the poor.

32. Adoption of measures for the promotion of the welfare of women, backward classes, and children and families of the persons serving in the Armed Forces.

33. Adoption of measures for the settlement of disputes by conciliation and arbitration.

34. Any other measures likely to promote social welfare.

(c) Economic Welfare

35. Establishment and maintenance of model agricultural farms.

36. Popularization of improved methods of agriculture, maintenance of improved agricultural implements and the lending of such implements to cultivators and adoption of measures for bringing waste lands under cultivation.

37. Maintenance of crop statistics, protection of crops, the lending of seeds for sowing purposes, distribution of fertilizers and the popularization of their use and the maintenance of fodder reserves.

38. Promotion of agricultural credit; agricultural education; and adoption of other measures likely to promote agricultural development.

39. Construction and repair of embankments, supply, storage, and control of water for agricultural purposes.

40. Preservation and reclamation of soil and the drainage and reclamation of swamps.
41. Management, protection and maintenance of village forests.
42. Provision, regulation and maintenance of markets.
43. Provision of facilities for the procurement of raw materials and the marketing of products of village industries.
44. Establishment, maintenance and management of industrial school and the training of workers in village industries.
45. Adoption of other measures likely to promote the development of village industries.
46. Organization, maintenance and management of village stores.
47. Popularization of the co-operative movement and the promotion of education in co-operation.
48. Any other measures likely to promote economic welfare.

(d) Public Health

49. Promotion of education in public health.
50. Framing and implementation of anti-malaria schemes and schemes for the prevention and control of infectious diseases.
51. Organization and maintenance of first-aid centres.
52. Provision and maintenance of mobile medical aid units.
53. Promotion and encouragement of societies for the provision of medical aid.
54. Promotion of medical education and the payment of grants to institutions for medical relief.
55. Medical inspection of compounders, dispensers, nurses and other medical workers.
56. Establishment, management, maintenance and the visiting of Unani, Ayurvedic and Homoeopathic dispensaries.
57. Establishment, management, maintenance and the visiting of health centres, maternity centres and centres for the welfare of infants and

children, the training of dais and the adoption of other measures likely to promote the health and welfare of women, infants and children.

58. Measures to alleviate diseases of animals and birds, and the prevention and control of contagious diseases among birds and animals.

59. Preservation of cattle health.

60. Provision, maintenance and improvement of pastures and grazing grounds.

61. Regulation of milk supply, establishment of milk colonies; and provision, and regulation of sanitary stables.

62. Establishment and maintenance of cattle farms and dairies.

63. Establishment and maintenance of poultry farms.

64. Any other measures, likely to promote public health, animal husbandry and welfare of birds.

(e) Public Work

65. Improvement of the means of communications.

66. Drainage water supply, pavement of streets and other works of public utility.

67. Framing and execution of village plans, village improvement schemes, town planning schemes and regional planning schemes.

68. Maintenance of maps for local areas.

69. Construction, management and maintenance of such other works of public utility not specified elsewhere as may be required for fulfilling any obligation imposed by or under this Ordinance or any other law for the time being in force.

(f) General

70. Measures likely to promote the religious and moral advancement and increase the material prosperity of the local area and its inhabitants.

SCHEDULE IV
FUNCTIONS OF UNION COUNCILS

(See Section 40)

- (1) To act as construction agency for the following sub-sectors:—

Primary, middle and secondary schools;

Rural health centres;

Family welfare clinics;

Basic health units;

Piped water supply;

Potable water/storage tanks;

Handpumps;

Sanitation;

Rural roads;

In pursuance of the above, the union councils shall be responsible for site selection, project preparation, land acquisition where necessary, construction and maintenance of new buildings as well as the maintenance of already completed projects.

- (2) To raise local resources through:

(a) Voluntary resources; labour, land and cash contribution.

(b) Taxes; property, consumption and other sources identified by the community (except on trade).

(c) Fees and charges for the use of utility services provided by the councils such as water supply, sanitation, etc.

- (3) Procurement and distribution of locally made equipment and materials for health centres and schools.

- (4) Take appropriate measures, on its own or on behalf of the district council, for the development of rural skills, crafts and cottage industry.

- (5) Monitor the implementation of development projects of line departments by regular review meetings, inspections and review of periodic progress reports and to take appropriate action within the sphere of their jurisdiction.
- (6) Make recommendations about the location of various facilities to the district council.
- (7) Identify gaps in various sectors (e.g. non-availability of teachers and medicines in the schools and dispensaries) for the provision of facilities in the union area and to take steps within the available sources and in accordance with priorities laid down by district council.
- (8) Keep a watch over the actual supplies and delivery of various agricultural and service inputs within the union area and to report any inadequacies to the supplies organization/district council.
- (9) Widely circulate information on the projects, allocations and physical programmes to be executed by various line departments and the union councils within the union area to enlist the voluntary financial and material support to the local development programmes and to stimulate better community supervision.
- (10) To encourage and to facilitate the formation of associations for collective use and collection of charges for services such as electric supply and water course management, co-operative tubewell development co-operative for input supplies and output marketing, water-course management etc.
- (11) Provision and maintenance of public ways and public streets.
- (12) Provision and maintenance of public places, public open spaces, public gardens and public playgrounds.
- (13) Lighting of public ways, public streets and public places.
- (14) Plantation and preservation of trees in general, and plantation and preservation of trees on public ways, public streets and public places in particular.
- (15) Management and maintenance of shamilats, burning and burial grounds, common meeting places and other common property.
- (16) Provision and maintenance of accommodation for travellers.
- (17) Prevention and regulation of encroachments on public ways, public streets and public places.

- (18) Prevention and abatement of nuisances in public ways, public streets and public places.
- (19) Sanitation, conservancy, and the adoption of other measures for the cleanliness of the union.
- (20) Regulation of collection, removal and disposal of manure and street sweepings.
- (21) Regulation of offensive and dangerous trades.
- (22) Regulation of the disposal of carcasses of dead animals.
- (23) Regulation of the slaughter of animals.
- (24) Regulation of the erection and re-erection of buildings in the union.
- (25) Regulation of dangerous buildings and structures.
- (26) Provision and maintenance of wells, water pumps, tanks, ponds, and other works for the supply of water.
- (27) Adoption of measures for preventing the contamination of the sources of water supply for drinking.
- (28) Prohibition of the use of the water of wells, ponds and other sources of water supply suspected to be dangerous to public health.
- (29) Regulation or prohibition of the watering of cattle, bathing or washing at or near wells, ponds or other sources of water reserved for drinking purposes.
- (30) Regulation or prohibition of the steeping of hemp, jute or other plants in or near ponds or other sources of water supply.
- (31) Regulation or prohibition of dyeing or tanning of skins within residential areas.
- (32) Regulation or prohibition of the excavation of earth, stones or other material within residential areas.
- (33) Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within residential areas.
- (34) Registration of births and deaths, and the maintenance of such vital statistics as may be prescribed.
- (35) Voluntary registration of the sale of cattle and other animals.

- (36) Holding of fairs and shows.
- (37) Celebration of public festivals.
- (38) Provision of relief measures in the event of any fire, flood, hailstorm, earthquake or other natural calamity.
- (39) Relief for the widows and orphans and the poor, and persons in distress.
- (40) Promotion of public games and sports.
- (41) Agricultural, industrial and community development, promotion and development of co-operative movement, village industries, forests, livestock and fisheries.
- (42) Adoption of measures for increased food production.
- (43) Provision of first-aid centres.
- (44) Provision of libraries and reading rooms.
- (45) Co-operation with other organization engaged in activities similar to those of the union council.
- (46) Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the union or of visitors.

SCHEDULE V

(See Section 60)

TAXES, RATES, TOLLS AND FEES WHICH MAY BE LEVIED BY THE KARACHI METROPOLITAN CORPORATION, CORPORATIONS, MUNICIPALITIES AND DISTRICT COUNCILS.

PART I

TAXES, RATES, TOLLS AND FEES TO BE LEVIED BY KARACHI METROPOLITAN CORPORATION.

1. Tax on Motor vehicles and boats.
2. Drainage tax.
3. Development tax for specified periods for specific public benefit or public utility projects.
4. Rate for the bulk supply of water.

PART II

TAXES, RATES, TOLLS AND FEES WHICH MAY BE LEVIED BY A CORPORATION INCLUDING THE METROPOLITAN CORPORATION, MUNICIPAL COMMITTEES AND TOWN COMMITTEES.

1. Tax on the transfer of immovable property.
2. Tax on applications for the erection and re-erection of buildings.
3. Tax on the import of goods for consumption, use or sale in the local area.
4. Tax on the export of goods from the local area.
5. Tolls on roads and bridges and ferries.
6. Tax on professions, trades and callings.
7. Tax on births, marriages, adoptions and feasts.
8. Tax on advertisements.
9. Tax on animals.
10. Tax on cinemas, dramatic and theatrical shows and other entertainments and amusements.
11. Tax on vehicles, other than motor vehicles and boats.
12. Lighting rate and fire rate.
13. Conservancy rate.
14. Rate for the execution of any work of public utility.
15. Rate for the provision of water works or the supply of water.
16. Cess on any of the taxes levied by Government.
17. School fees.
18. Fees for benefits derived from any works of public utility maintained by the council.
19. Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gatherings.

20. Fees for markets.
21. Fees for licences, sanctionds and permits granted by the council.
22. Fees for specific services rendered by the council.
23. Fees for the slaughtering of animals.
24. Any other fee leviable under any of the provisions of this Ordinance.
25. Any other tax which is levied by Government.

PART—III

TAXES, RATES, TOLLS AND FEES TO BE LEVIED BY DISTRICT COUNCILS AND UNION COUNCILS.

1. Tax on the annual value of buildings and lands.
2. Tax on lands not subject to local rate.
3. Tax on hearths.
4. Tax on the transfer of immovable property.
5. Tax on the import of goods for consumption, use or sale in the local area (by union council only).
6. Tax on the export of goods from the local area.
7. Tax on professions trades and callings.
8. Tax on births, marriages and feasts.
9. Tax on advertisements.
10. Tax on cinemas, dramatic and theatrical shows, and other entertainments and amusements.
11. Tax on animals.
12. Tax on vehicles (other than motor vehicles but including carts and bi-cycles and all kinds of boats).
13. Toll on roads, bridges and ferries.
14. Lighting rate.

15. Drainage rate.
16. Rate for the execution of any works of public utility.
17. Conservancy rate.
18. Rate for the provision of water works or the supply of water.
19. Fees on application for the erection and re-rection of building
20. Schools fees in respect of schools established or maintained by the council.
21. Fee for the use of benefits derived from any works of public utility maintained by the council.
22. Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gatherings.
23. Fees for markets.
24. Fees for licences, sanctions and permits granted by the council.
25. Fees for specific services rendered by the council.
26. Fees for the slaughtering of animals.
27. Any other tax which is levied by Government.
28. Community tax on the adult males for the construction of any public work of general utility for the inhabitants of the local area concerned unless the council exempts any person in lieu of doing voluntary labour or having it done on its behalf.

SCHEDULE VI

(See Section 99 and 100)

OFFENCES UNDER THE ORDINANCE

PART I

1. Keeping or maintaining any cattle in any part of the local area or failure to remove them in contravention of the Ordinance and rules and bye-laws thereunder from the prohibited zone within the specified time when an order to this effect has been made.

2. Carrying of any dangerous or offensive trades or storing of offensive or dangerous articles without the sanction required under this Ordinance.
3. Tampering with any road, drain, pavement, main pipe, meter or any apparatus or appliance for the supply of water.
4. Exhibiting any obscene advertisement.
5. Stocking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared by the council to be dangerous.
6. Discharging fire-arms or letting off fire-works, cracker fire balloons or detonators or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood, or risk or injury to property.
7. Wilfully obstructing any servant of a council or any person authorized by the council in the exercise of powers conferred by or under this Ordinance.
8. Fixing of wooden khokhas, plying of hand carts for the sale of goods and temporary shops or permanent shops or extension thereof on footpaths or beyond the street line.
9. Opposing forcible seizure of animals under this Ordinance or rescuing the seized animals either from the pound or from any person taking them to a pound.
10. Erection or re-erection of a building without the sanction required under this Ordinance.
11. Erection or re-erection or addition to or altering any building within the area of the scheme respecting which notice has given by the council.
12. Erection or re-erection, addition or alteration of any building or buildings within the area of the development scheme except in accordance with such scheme.
13. Dyeing or tanning skins within such distance of the residential area as may be specified by the council.
14. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be specified by the council.
15. Failure to demolish or otherwise secure a building declared by the council to be dangerous building.
16. Failure of industrial or commercial concerns to provide adequate and safe disposal of effluvia.

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

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

19. Violation of site development schemes under this Ordinance.

20. Cutting down of any tree, or cutting of a branch of any tree, or erection or demolition of any building or part of a building in such a way as is declared under this Ordinance, to be a cause of danger or annoyance to the public.

PART II

21. Without the permission of the council, causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, or drain to be put upon any street, or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose.

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

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

24. Using water for drinking from any source which is suspected to be dangerous to public health and the use whereof, has been prohibited by the council.

25. Excavation of earth, stone or any other material within such distance of the residential area as specified by the council.

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

27. Slaughtering of animals except in accordance with this Ordinance or rules or bye laws.

28. Burying or burning a dead body at a place which is not public or registered burial or burning place, except with the sanction of the council.

29. Evasion of payment of a tax or other impost lawfully levied by a council.

30. Failure to furnish, on requisition, information in respect of any matter which a council is authorized to call for under this Ordinance or the rules or bye-laws or furnishing wrong information.

31. Doing an act without licence or permission under any of the provisions of this Ordinance or the rules or bye-laws.

32. Picketing, parking animals or collecting carts or vehicles on any street or using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the council.

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

34. Throwing or placing any refuse on any street, or in any place, not provided or appointed for the purpose by a council.

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

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

37. Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance of the residential area as may be specified by a council,

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

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

40. Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cesspool or other receptacle for filth, sullage, water or refuse when so required by a council.

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

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

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

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

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

46. Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substances fitth or refuse of any kind.

47. Defacing or distrubing any direction post, lamp post or lamp, or extinguishing any light arranged by a council without due authority.

48. Fixing any bill, notice, placard or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by a council.

49. Playing of music or radio, beating a drum or tomtom, blowing a horn or trumpet or beating or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued by a council.

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

51. Using or allowing the use for human habitation of a building declared by a council to be unfit for human habitation.

52. Failure to lime-wash or repair a building if so required by a council.

53. Failure by the owner or occupier of a building to make adequate arrangements for house scavanging when so required by a council.

54. Begging importunately for alms or exposing or exhibiting with the object of exciting charity any deformity or disease or any offensive sore or wound.

55. Failure of the head of the family to report the birth or death to a council or a person appointed in this behalf within a reasonable time.

56. Any owner or keeper of an animal who through neglect or otherwise damages or causes or permits to be damaged any land on crop or, produce of land, or any public road, by allowing such animals to trespass thereon.

57. Releasing, purchasing or delivering animals contrary to the provisions of this Ordinance or omitting to provide any impounded animal with sufficient food and water by the pound keeper.

58. Doing of any other act which is prescribed as an offence under this Ordinance.

59. Contravening any provisions of this Ordinance, rules or bye-laws, or any order, direction, notice or declaration made or issued thereunder.

60. Attempts and abetments of any of the offences as aforesaid.

SCHEDULE VII

(See Section 104)

MATTERS RESPECTING WHICH RULES MAY BE MADE.

1. Organization and conduct of elections under this Ordinance and matters connected therewith or incidental thereto including bye-elections and disposal of election petitions.

2. Elections of the Mayor and Chairman.

3. Conduct of business by councils, prescription of quorum, asking of questions and other matters.

4. Constitution and functions of committees and sub-committees of councils, co-option of members thereon and of business by them.

5. The procedure regulating execution of contracts.

6. Functions of the Board and its Chairman and Vice-Chairman and the Divisional and District Boards.

7. Prescription of the form of oath of office by members.

8. Recognition of alienation of the property vested in or acquired by councils.

9. Regulation of the preparation of plans and estimates of works to be executed by councils.

10. Prescription of records, reports and returns to be maintained, prepared or published by councils.

11. Constitution and regulation of the Council Unified Grades.
12. Regulation of matters pertaining to the servants of councils.
13. Administration, regulation, custody, investment and operation of local fund and special funds.
14. Preparation and sanction of budgets and matters relating thereto.
15. Maintenance of accounts and their audit.
16. Regulation of the raising and repayment of loans by councils.
17. Determination of the property that shall vest in council.
18. Preparation, regulation, consolidation, sanction and implementation of development plans.
19. Regulation of the assesment and collection of the local cess.
20. Regulation of the assesment collection and administration of taxes, rates, tolls and fees, and all matters relating thereto.
21. The manner in which and the authorities to whom appeal shall lie against the orders of councils.
22. The manner in which the councils shall be inspected and the powers of inspecting officers and inspection team.
23. Any other matter required under any of the provisions of this Ordinance to be prescribed.

SCHEDULE VIII

(See Section 104)

MATTERS RESPECTING WHICH BYE-LAWS MAY BE MADE

1. Registration of births and deaths and marriages.
2. Registration of sale of cattle and animals.
3. Registration, management and regulation of orphanages, widow-homes and other institutions for the relief of the poor.
4. Organization of village defence, and adoption of measures for village safety and security.
5. Regulation and management of common property.

6. Regulation of burning and burial grounds.
7. Regulation of the slaughter of animals and construction and maintenance of slaughter houses.
8. Detention and destruction of stray dogs.
9. Enforcement of vaccination.
10. Prevention and control of infectious diseases.
11. Prevention of adulteration of food stuffs.
12. Regulation of milk supply.
13. Regulation of stables.
14. Prevention of encroachments.
15. Prevention and abatement of nuisances.
16. Regulation of the erection and re-erection of buildings.
17. Regulation of dangerous buildings and structures.
18. Management and regulation of public ferries.
19. Regulation of dangerous and offensive trades.
20. Management and regulation of cattle ponds.
21. Regulation of traffic.
22. Organization and regulation of fairs, shows, tournaments and other public gatherings.
23. Enforcement of compulsory education.
24. Specification of purposes for which licences shall be required, and the terms and conditions subject to which licences may be issued.
25. Promotion and furtherance of any of the functions of the councils, and the carrying out of any of the purposes of this Ordinance, not provided for in the rules.

Karachi:

LIEUTENANT GENERAL S. M. ABBASI.

Dated the 25th July, 1979

Governor of Sind.

G. M. KOUREJO,

Secretary to the Government of Sind,
Law Department.

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