

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT,
MUZAFFARABAD**

Dated the 20th February, 1990.

No. 160-164/LD/Leg/90. The following Act of the Assembly received the assent of the President on the 14th February, 1990, is hereby published for general information:-

(ACT VII OF 1990)

AN

ACT

to provide for the constitution of Local Government institutions throughout the Azad Jammu and Kashmir Territory and to consolidate and amend certain laws relating to Local Government and to provide for certain matters connected therewith.

WHEREAS it is expedient to provide for the constitution of Local Government institutions throughout the Azad Jammu and Kashmir Territory and to consolidate and amend certain laws relating to Local Government and to provide for certain matters connected therewith;

1. **Short title, Extent and Commencement.**- (1) This Act may be called the Azad Jammu and Kashmir Local Government Act, 1990.
 - (2) It extends to the whole of Azad Jammu and Kashmir.
 - (3) It shall come into force at once.
2. **Definition.**- In this Act, unless the context otherwise requires:-
 - (i) 'annual rental value' means the gross annual rent at which a building or land may be let from year to year;
 - (ii) 'budget' means an official statement of the income and expenditure of a Local Council for a financial year;
 - (iii) 'building' includes any shop, house, hut, outhouse, shed, stable, enclosure, wall, well, verandah, platform, plinth, ramp, staircase and steps;
 - (iv) 'bye-laws' means bye-laws made under this Act;
 - (v) 'cattle' means cows, buffalos, bulls, oxen, bullocks, heifers, calves, camels, sheep and goats;
 - (vi) 'Cantonment Board' means a Cantonment Board, constituted under the Cantonment Act, 1924 (II of 1924), as adapted in Azad Jammu and Kashmir,
 - (vii) 'Chairman' means the Chairman of the local council

constituted under this Act;

- (viii) 'Collector' means the chief Officer Incharge of the Revenue Administration of the District concerned, and includes a Deputy Commissioner, and any other officer especially appointed by the Government to perform all or any of the functions of a Collector under this Act;
- (ix) 'Commissioner' means the Chief Officer Incharge of the revenue administration and includes any officer especially appointed by the Government to perform all or any of the functions of a Commissioner under this Act;
- (x) "conservancy" means the collection, treatment removal and disposal of refuse;
- ¹[(X-A) "Development Council" means the Azad Kashmir Local Government Development Council constituted under this Ordinance;]
- (xi) 'Dehi Council' means a Council constituted under this Act;
- (xii) 'District' means a revenue district;
- (xiii) "District Council" means a Council for the district constituted under this Act.
- (xiv) "District Co-ordination Committee" means a committee constituted under this Act;
- (xv) "Drain, included a sewer, a house drain, a drain of any other description a tunnel, a culvert, a ditch, a channel and any device for carrying sullage or rain water;
- (xvi) "Dwelling house, means any building used substantially for human habitation;
- (xvii) 'Elector' means a person who is entitled to vote at an election and whose name appears in the Electrol Rolls;
- (xviii) 'Election Commissioner' means the Election Commissioner appointed under this Act and includes an Additional and a Deputy Election Commissioner;
- (xix) 'Elected member' means a member who has been chosen in election by the electors under the provisions of this Act;
- (xx) 'Election Tribunal' means the Election Tribunal constituted under this Act;
- (xxi) 'Erect or re-erect a building' means the construction of a new building and includes such material alteration of a building as enlargement of any wall, verandah, fix platform, plinth or part of the building structural

conversion of one or more places for human habitation into a greater number of such places, addition of any room, building substance or other structure to a building reconstruction of whole or any part of the external walls of a building or the renewal of the parts of wooden building, construction in a wall adjoining any street or land not belonging to the owner of the wall, or a door opening to such street or land, such alteration of the internal arrangement of a building as effects its drainage, ventilation or other sanitary arrangement or its security or stability;

- (xxii) 'food' includes every eatable used for food or drink by human beings, but does not include drugs or water;
- (xxiii) 'function' includes power to be exercised and duties to be discharged;
- (xxiv) 'Government' means the Azad Government of the State of Jammu and Kashmir;
- (xxv) 'infectious disease' means cholera, plague, small pox and tuberculosis and includes such other diseases as the Government may by notification in the official Gazette declare to be an infectious disease for the purpose of this Act.
- (xxvi) 'import for the purposes, of this Act' means import within the limit of Local Councils;
- (xxvii) 'Land' includes land which is being built up or is built up or its covered with water or is under cultivation or is fallow;
- (xxviii) 'Local Area' means the area under the jurisdiction of local council;
- ¹ (xxix) 'Local Council' means a Local Council constituted under this Act, and includes a Union Council, District Council, Town Committee, Municipal Committee and a Municipal Corporation;]
- (xxx) 'Local fund' means the fund of a local council.
- (xxxi) 'Market' means a place where persons assemble for the sale and purchase of meat, fish, poultry, fruit, vegetables

¹Subs. by the AJ&K Local Government (Amdt.) Act, 1992 (XVII of 1992), dt. 15.07.1992. Original cl. is reproduced as under:-

"Local Council" means a council constituted under this Act and includes a Union Council, District Council, Town Committee & Municipal Committee;"

or other eatable of food or for the sale and purchase of livestock or animals and includes any place which may from time to time be notified as a market;

(xxxii) 'member' means a member of local council;

(xxxiii) 'Municipal Committee' means a Municipal Committee constituted under this Act;

(xxxiv) 'municipality' means an area declared to be municipality under this Act;

¹[(xxxiv-A) "Municipal Corporation" means a Municipal Corporation constituted under this Act;

(xxxiv-B) "Mayor and Deputy Mayor" means the Mayor and Deputy Mayor of the Municipal Corporation constituted under this Act.]

(xxxv) 'occupier' means a person in actual possession of land or building whether as an owner or otherwise;

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

(xxxvii) 'population' means the population in accordance with the last two preceding census, officially published;

(xxxviii) 'prescribed' means prescribed by rules;

(xxxix) 'Primary education' means education pertaining to all or any of the classes I to V in any school other than a middle school.

(xl) 'prohibited zone' means any part of the local area of an urban local council declared as such under section 5 of this Act;

(xli) 'public road' means a road maintained by Government or by a local council or local authority;

(xlii) 'public street' means a street maintained by a local council or local authority;

(xliii) 'public way' means a way maintained by Government or by a local council or local authority;

¹After cl. (xxxiv), two new cls. "(xxxiv-A)" and "(xxxiv-B)" added by the AJ&K Local Government (Amdt.) Act, 1992 (XVII of 1992) dt. 15.07.1992.

VOLUME IX: 1989-1993

- (xliv) 'public place' means any building premises or place to which the public have access;
- (xlv) 'rate' includes cess;
- (xlvi) 'relative' means parents, guardians, children and adopted children;
- (xlvii) 'refuse' includes rubbish, offal, night soil, carcass of animals, deposits of a sewerage, waste and any other offensive matter;
- (xlviii) 'road' includes a road which is not a thoroughfare;
 - (l) 'Rules' means rules made under this Act;
 - (li) 'Rural area' means an area which is not an urban area;
 - (lii) 'specify' means specified by rules or an order of the Government;
 - (liii) 'street' includes a street which is not a thoroughfare;
 - (liv) 'sullage' includes sewerage, polluted water, rain water and any other offensive matter carried by a drain;
 - (lv) 'tax' includes any cess, fee, rate, toll or other impost leviable under this Act;
 - (lvi) 'trade allowance' includes such allowance as have the sanction of custom in market area;
 - (lvii) 'town' means an area declared to be a town under this Act;
 - (lviii) "town committee" means a town committee constituted under this Act;
 - (lix) 'union' means an area declared to be union under this Act;
 - (lxi) 'union council' means a union council constituted under this Act;
 - (lxii) 'urban area' means an area which has been declared by the Government to be an urban area;
 - (lxiii) 'urban local council' means a town committee or a Municipal committee;
 - (lxiv) 'vehicle' means a wheeled conveyance capable of being used on a street;
 - (lxv) 'Vice chairman' means a vice chairman of a local council constituted under this Act;
 - (lxvi) 'village' means the area comprising of revenue estate within the meaning of the meaning of the West Pakistan land Revenue Act 1967 as adapted in Azad Jammu and

Kashmir;

- (lxv) 'voter' means a person whose name for the time being appears on the electoral rolls prepared or adopted for the purposes of this Act;
- (lxvi) 'water work' includes a lake, stream, spring, well, pump, reservoir, cistern tank, duck, sluice, pipe, culvert, engine and other appliances and anything used for supplying water;
- (lxvii) 'worker' means a worker as defined in the Industrial Relations Ordinance, including self employed craftsmen like blacksmiths, carpenters, tailors and shoemakers;

3. **Election Commissioner.**- (1) The Government may appoint an Election Commissioner, who shall be responsible for the organization, conduct and supervision of elections to the local Government institutions and matters connected therewith.

(2) The Government may appoint an Additional or a Deputy Election Commissioner to assist the Election Commissioner in performance of his functions under the provisions of this Act;

Provided that any appointment made, order passed, notification issued and action taken before the Commencement of this Act, shall be deemed to have been validly made, passed, issued or taken under the provisions of this Act;

(3) It shall be the duty of all executive and subordinate judicial authorities in the state and all Local authorities under the administrative control of Government to assist the Election Commissioner in the performance of his functions;

4. (1) The Government may, in prescribed manner, divide the urban and rural area of a district as the case may be, separately into a number of areas and declare by notification each such area to be a Local Council.

(2) The Government may, by notification in the official Gazette, delegate any of its powers under sub-section (1), to the Election Commissioner.

5. **Local Council.**- As soon as may be, the following Local councils should be constituted in accordance with the provisions of this Act.-

- (a) Dehi Council, for each Deh (village) or a group of villages as the case may be.
- (b) A union council for each union;
- (c) A District Council for each District;
- (d) A Town Committee for an urban area consisting of such

number of members as may be prescribed;

- (e) A Municipal Committee for an urban area consisting of more than ten thousand population except in the case of a district head quarter where a Municipal Committee shall be constituted irrespective of its population.

¹[(f) A Municipal Corporation for an Urban area having a population exceeding sixty thousand:
Provided that there shall be constituted the Municipal Corporation for the Capital Area of Muzaffarabad and for the City of Mirpur, notwithstanding the condition of the population.]

6. Every local Council shall be a body corporate, having perpetual succession a common seal with powers, subject to the provision of this Act and rules, to acquire, hold and transfer property both movable and immovable and shall by its name sue or be sued.
7. Government may, by notification, specify the name by which any local council shall be known and unless the name of a local council is so specified it shall known as the local council of the place where its office is situated.

COMPOSITION OF LOCAL COUNCILS/UNION COUNCIL

8. (1) A Union Council shall, subject to the other provisions of this Act consist of such number of members as may be fixed by the Government.
- (2) The principles to be followed in determining the strength of members shall be prescribed.
- (3) No official shall be a member of the Union Council.
- (4) The members of Union Council shall elect from among themselves a Chairman/Vice Chairman of the Union Council.

DISTRICT COUNCIL

9. (1) A District Council shall consist of:-
- (a) one non-official members directly elected form each Union Council;
- (b) the Chairman of town Committees shall be the ex-officio members of the District Councils for the purpose of discussion / approval of their schemes, but shall not have the right to vote; and

¹After cl. (e), a new cl.“(f)” added by the AJ&K Local Government (Amdt.) Act, 1992 (XVII of 1992) dt. 15.07.1992.

- (c) Chairman, Vice Chairman and members of the Union Council concerned shall be entitled to participate in the meetings of District Council for the purpose of discussion and approval of their schemes, but shall not have the right to vote.
- (2) The officer of the nation building departments at the district level shall ex-officio be the official members of the District Council, but shall not have the right to vote. They shall be notified by the Government, and
- (3) The non-official members of the District Council, shall elect one of its members as Chairman, Vice-Chairman.
- (4) The Women members equal to ten percent (10 %) of the total number of seats, subject to minimum of two, shall be elected by the directly elected members of the District Council.

Explanation.- For working out the member of women members mentioned in this sub-section, a fraction of 0.5 and above shall be counted as one.

DEHI COUNCIL

- 10. (1) There shall be a Dehi Council for each Village having population of not less than 500. In case the population of a village is less than 500 it may be grouped with an adjoining village to form the area of a Dehi Council.
- (2) A Dehi Council shall consist of such number of members as may, by notification be fixed by the Government.
- (3) The members of a Dehi Council shall be nominated by the Union Council in a prescribed manner.
- (4) The Dehi Council shall be non-formal bodies and shall not constitute a tier of Local Government.

TOWN COMMITTEE

- 11. (1) A Town Committee shall consist of such number of elected members as may be fixed by the Government;
- (2) The elected members of the Town Committee shall, in the prescribed manner, elect one of its members as its Chairman and Vice-Chairman.
- 12. **Municipal Committees.-** (1) A Municipal Committee shall consist of such number of members as may be fixed by the Government.
- (2) The elected members of Municipal Committee shall, in the prescribed manner, elect one of members to be its Chairman and Vice-Chairman.

(3) The Elected Chairman of a Municipal committee shall be ex-officio member of the District Council.

(4) The Women members equal to ten percent (10 %) of the total number of seats fixed, subject to minimum of two, shall be elected by the directly elected members of the Municipal Committee.

Explanation: For working out the number of women members mentioned in this sub-section, a fraction of 0.5 and above shall be counted as one.

¹[12-A. (1) A Municipal Corporation shall consist of such numbers of members as may by notification be fixed by the Government.

(2) The elected members of the Municipal Corporation shall, in the prescribed manner, elect a Mayor and a Deputy Mayor of the Corporation from amongst themselves.

(3) The elected Mayor shall be ex-officio member of the District Council concerned.

(4) The women members equal to one tenth of the total number of seats fixed, subject to a minimum of two, shall be elected by the directly elected members of the Municipal Corporation.]

13. A member and a Chairman/Vice-Chairman of a local council shall before taking his seat make and subscribe to an oath in such form as may be prescribed.

14. **Declaration of properties.-** Every Chairman, Vice-Chairman and member shall before he enters upon his office authorised by the Government in this behalf and in such manner as the Government may direct, file a declaration in writing of properties, both movable and immovable, whether within or outside Azad Kashmir or Pakistan, which he or any member of his family owns or has in his possession or under his control or in which he or nay member of his family has any beneficial interest, in the form set out in the tenth Schedule.

Explanation: For the purposes of this Section, the expression 'member of his family' in relation to a person means.-

(a) the spouse of such person; and

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

15. **Vote of No confidence.-**

(1) A Chairman/Vice Chairman¹[,Mayor or Deputy Mayor] of a

¹After Section 12, a new Section 12-A added by the AJ&K Local Government (Amdt.) Act, 1992 (XVII of 1992) dt. 15.07.1992.

Local Council shall vacate office if a vote of no confidence is passed against him, in the prescribed manner, by two third majority of the total number of members constituting the Local Council.

(2) A motion of no confidence against a Chairman or Vice Chairman ²[, Mayor or Deputy Mayor] shall not be moved before the expiry of six months from the date of his assumption of the office and a second or subsequent motion shall not be moved except with an interval of six months between the first and second motions or any two subsequent motions.

(3) A motion of no confidence shall not be competent after the expiry of thirty days beyond every interval of six months provided under sub-section (2) and in such a situation it shall be deemed to have been moved and rejected for the purpose of sub-section (2).

(4) No court shall have jurisdiction to inquire into or questions the validity of anything done, or any order made or passed under this section.

16. **Wards.-** (1) For the purpose of elections to Local Council, the area under its jurisdiction shall be divided in the following manner.-

(a) Each Union Council would be a single member ward as far as possible or a multi-member ward or both and would elect as many members as are notified by the Government.

(b) District Council.- Each Union Council would be a ward and the number of members would be as fixed by the Government.

(c) Town Committee.- Would have single member ward as far as possible or a multi member ward or both as may be fixed by the Government.

(d) Municipal Committee.- Would have such number of single member ward as far as possible or a multi member ward or both as may be fixed by the Government.

(2) The Government or the Election Commissioner may declare any area or ward of a Local Council to be a single or

¹ Between the words "Vice-Chairman" and "of", the comma and words "Mayor or Deputy Mayor" ins. by the AJ&K Local Government (Amdt.) Act, 1995 (XXIII of 1995) dt. 23.10.1995.

² Between the words "Vice Chairman" and "shall", the comma and words "Mayor or Deputy Mayor" ins. by the AJ&K Local Government (Amdt.) Act, 1995 (XXIII of 1995) dt. 23.10.1995.

multi-member ward, as the case may be.

17. **Electoral Roll.** The Electoral rolls prepared for the elections of the Azad Jammu and Kashmir Legislative Assembly shall be the electoral rolls for election of the Local Councils, after such re-arrangements as may be necessary:

Provided that an electoral roll shall not be invalid by reason of any erroneous description in the electoral roll of any person enrolled or registered there on 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:

Provided further that the Election Commissioner may, if considers necessary, order the inclusion of the name of any prospecting candidate in the Electoral Roll prepared under the Azad Jammu and Kashmir Legislative Assembly Electoral Rolls Ordinance, 1970 and the Rules made thereunder, if otherwise qualified. Such name shall be the part of Electoral Rolls from the date of inclusion.

18. **Right of vote.**- Every person enrolled as a voter on the electoral roll shall have the right of vote:

Provided that if a person is enrolled more than once in the electoral roll of the same electoral units or on the electoral rolls of more than one electoral units he shall be eligible to vote in one electoral unit only.

19. **Elected Member.**- (1) For each ward there shall be elected, in the prescribed manner by the electors whose names appear for the time being on the electoral rolls for that ward, such number of members as is fixed under sub-section (2) from amongst such electors in the local council in which the ward lies as possess the qualification and are not subject to any of the disqualification specified in the second schedule.

(2) The number of members to be elected for any ward shall be fixed by the government.

20. **Powers of Government to issue instructions.**- The Government may issue such instructions and exercise such powers including the power to review an order passed by an officer under the Act or the rules, and make such consequential order as may be necessary for ensuring that an election is conducted honestly, justly and fairly and in accordance with the provisions of the Act and the rules.

TERMS OF OFFICE OF LOCAL COUNCIL

21. **Term of office.**-

- ¹[(1) (a) The term of office of a local council shall be for a period of four years commencing from the date on which it assumes office:
- (b) On the expiry of the term of office of a Local council, the Government may;-
- (i) extend its term of office for a period not exceeding six months but due to special circumstances the term may be extended for a further period of six months; or
- (ii) appoint any person for the like period to perform function of the local council.
- (c) The Government may dissolve the local council at any time before the expiry of its term and a fresh election shall be held within such time as the Government may deem proper].
- (2) A local council shall assume office on such date, not later than ²[sixty days] from the day on which the names of its members are notified in the prescribed manner, as may be fixed by the Government.
- (3) A local council may allow such honorarium, allowance or remuneration to its chairman as may be fixed by the Government.

22. **Causal vacancy.**- (1) If the seat of an elected member, becomes vacant during the term of office of a local council, a new member, shall be elected within ninety days from the date the seat falls vacant or within such longer period as the Election Commissioner, may by notification in the official Gazette, specify in special cases and such member shall hold office for

¹Sub-section (1) subs. by the AJ&K Local Government (Amdt.) Act, 1999 (V of 1999) dt. 28-04-1999. The extract of original sub-section (1) is reproduced as under:-

“(1) The term of office of a Local Council shall be for a period of four years commencing from the date on which it assumes office:

Provided that on expiry of the term of office of a local council, Government may extend its term of office for a period not exceeding six months or appoint any person for the like period to perform such function of the local council as may be specified:

Provided further that the Government may dissolve the Local Councils at any time before the expiry of its terms and a fresh election shall be held within ninety days from the date of such dissolution.”

²For the words “thirty days” the words “sixty days” subs. by the AJ&K Local Government (Amdt.) Act, 1992 (XVII of 1992) dt. 15.07.1992.

the remaining term.

(2) If the seat of the Chairman or Vice Chairman becomes vacant during the term of office of a local council, the new Chairman or Vice Chairman shall be elected within thirty days from the date the seat falls vacant and such Chairman or Vice-Chairman shall hold office for the remaining term:

Provided that if the vacancy in the office of a member occurs within four months before the expiry of the term of a local council, the vacancy shall not be filled.

23. **Resignation and removal of members.**- (1) A Vice-Chairman or member of a Local Council may resign his office by tendering resignation in writing to the Chairman of the Local Council of which he is the Vice-Chairman or member and if he is the Chairman of a Local Council to the Government and the seat of the member or the office of the Chairman or Vice-Chairman, as the case may be shall become vacant when the resignation is received by the competent authority.

(2) Government may after giving him an opportunity of being heard, remove a Chairman, Vice-Chairman or member of a Local Council from office, if he.-

- (a) incurs any of the disqualifications specified in part II of the second Schedule.
- (b) absents himself without reasonable cause from three consecutive meetings of the Local Council;
- (c) ¹[is guilty of an abuse of power or misconduct, misrepresentation or makes false recommendations or attestation with intent to cause an undue favour or gain to any person in capacity as a member or has been responsible for any loss or mis-appropriation of any money or property of any Local Council, or any local body or other local authority; or]
- (d) refuses to take oath.

Explanation: In this sub-section 'Misconduct' includes bribery, corruption and misappropriation or willful diversion of funds of

¹Clause (c) of sub-section (2) of Section 23 is subs. by the Local Government (Amdt.) Act, 1995 (XXIII of 1995) dt. 23.10.1995. The original extract of cl. (c) is reproduced as under:-

“(c) is guilty of an abuse of power or misconduct in the discharge of his duties as a member or has been responsible for any loss or mis-appropriation of any money or property of any Local Council, or any local body or other local authority; or”

the local council or any attempt at, or abetment of such misconduct.

(3) A member, Chairman or Vice-Chairman removed under sub-section (2) may submit a review petition within a period of 30 days, from the date of the order of removal or within 30 days from the promulgation of this Ordinance to the Government.

(4) When a Chairman, or a Vice Chairman is removed from office, he shall not during the un-expired period of the term of office be eligible for re-election to the said office of any local council.

24. **Notification of Election, resignation and removal of Chairman, Vice-Chairman and Members.**- The election, resignation or removal of a Chairman, a Vice Chairman or a member on the vacation of office by a Chairman, Vice-Chairman or a member of a Local Council shall be notified.

25. **Functions of Local Councils.**- Subject to rules and such directions as the Government may give from time to time, and within the limits of funds at its disposal a Dehi. Union and District Council, Municipal Committee and Town Committee shall undertake the functions as enumerated in third, fourth and fifth Schedules respectively as are required to be undertaken by it and any undertake such other function.-

(a) as are declared by the Government to be appropriate matters for administration by them; and

(b) all or any of the functions so given which shall be undertaken by them.

26. **Police and defence functions of Dehi or Union Councils.**- (1) The Government may establish a Village Police Force in such rural areas as may be notified from time to time and may by rules regulate the appointment, the training and discipline, and the term and conditions of services of the members of such police force.

(2) The village police shall exercise such powers and discharge such as are specified in part III of the third schedule.

(3) Where the Collector is of the opinion that in any Dehi, Union Council or a Part thereof, special measures are required to secure village defence or public security, he may, by order, require that all or any of the able bodied adult male inhabitants of the Union or such Part thereof shall be liable to patrol duty for such period and in such manner as may be specified in the order.

(4) Where an order is made under sub-section (3) the Deh, Union Council shall exercise such powers and discharge such

duties as may be prescribed.

27. **Revenue and general administrative functions.**-(1) It shall be the duty of the every Dhi and Union Council,-
- (a) to assist the Village revenue officials in the union, by whatever name called or however designated, in the proper performance of their duties with regard to the collection of rent or land revenue and the general administration;
 - (b) to render such assistance in the preparation of records and assessments, and in the work of survey or crop inspection, and of other branches of revenue administration in the union as the Collector may require:
 - (c) to report to the police the commission of any offence, bring to the notice the police the presence in the Deh of persons of the notorious character and to assist in the investigation and prevention of crime, and in arresting criminals;
 - (d) to report to competent authority all cases of damage to or encroachment upon any public road, street or way, or any public place, building or property;.
 - (e) to publicise in the Deh or Union all matters the publicity of which is required by the Government or other competent authority;
 - (f) to assist officials in the execution of their official duties and to furnish such information as may be required by them for official purposes.
- (2) Nothing in sub-section (1) shall be construed as authorizing the local council to interfere in the performance by any official of his official duties.
28. **Functions relating to agricultural development etc.**-(1) A Dehi/Union Council shall be responsible for agricultural, industrial and community development in the Dehi or Union and may, for that purpose, perform such functions as may be prescribed.
- (2) A Dehi or Union Council may, for the purpose of national re-constructions adopt such measure and perform such functions as may be prescribed.
29. **Functions of District Council.**-(1) Subject to rules a District Council shall within the limit of the funds at its disposal make adequate arrangements for carrying out the requirements of the District in respect of matters enumerated in Schedule IV.

- (2) A District Council shall coordinate the activities of all local councils and municipal bodies within the District.
30. **Functions of Town Committee and functions of Municipal Committee.**- The functions of a town and Municipal Committees shall be as specified in the fifth schedule to this Act.
31. **Transfer of functions.**- The Government may from time to time direct that any service maintained by a local council shall be transferred to the control of the Government or any service maintained by the Government shall be transferred to the control of a local council.
32. **Executive powers.**- (1) The executive powers of a local council shall extend to the doing of all acts necessary for the due discharge of its functions under this Act.
- (2) Save as otherwise provided in this Act and the rules, the executive powers of a local council shall vest in and be exercised by its Chairman, either directly or through other person authorised by him, in accordance with the rules.
- (3) All acts of a local council, whether executive or not, shall be expressed to be taken in the name of the local council, and shall be authenticated in the manner prescribed.
33. **Disposal of business.**- (1) All business of local Council shall, to the extent and in the manner prescribed, be disposed of at its meetings, or through its committees/Sub-Committees or by its Chairman.
- (2) All meetings of a local council shall be presided over by its Chairman, and unless otherwise provided by this Act, in his absence by Vice Chairman or a member chosen for that purpose by the members present.
- (3) A local council shall have power to act notwithstanding any vacancy caused.
- (4) No proceedings shall be invalid by reason only that some person who was not entitled to do so, sat, or voted or otherwise took part in the proceedings.
- (5) Minutes of the meetings of a local council shall be drawn and recorded in a book to be kept for the purpose.
- (6) All decisions taken by a local council shall be reported to the respective competent authority within the prescribed period.
34. **Committees and Sub-Committees of Local Councils.**- A local council may appoint such committees or sub-committees

consisting of its members and co-opted members a if any, to perform such functions as may be prescribed.

35. **District co-ordination Committees.**- (1) Government may set up District co-ordination committee in each district consisting of such number of members as may be determined by Government.
- (2) The members of a District Co-ordination Committee shall be elected or appointed in such manner as may be prescribed.
- (3) The appointed members of the District Co-ordination Committees shall have no right of vote;
- Provided that if any elected members of a local council is appointed as member or Chairman of the District Co-ordination committee, he shall have right of vote.
- (4) There shall be a Chairman of the District Co-ordination Committee to be elected or appointed in such manner as may be prescribed.
- (5) The meetings of the District Co-ordination Committee shall be held and regulated in such manner as may be prescribed.
36. **Functions:-** The District Co-Ordination Committees may perform the following function:-
- (a) Co-ordination of the activities of all local councils within their respective jurisdiction and such Departments of Government, statutory bodies or other agencies as may be specified;
 - (b) Settlement of disputes arising between local councils within their respective jurisdiction; and
 - (c) Government may entrust any other functions to the District Co-Ordination Committees.
37. **Disputes between Local Councils.-**
- (1) If any dispute arises between two or more local councils, the matter shall be referred;
- (a) The District Co-ordination Committee if the local Councils concerned are in the same district;
 - (b) Government, if the local councils concerned are in different districts.
- (2) The decision of Government, or of District Co-ordination Committee or a dispute referred to it under subsection (1) shall be final and binding on the local councils concerned.

38. **Chief Executive Officer.**- There shall be appointed by Government a Chief Executive Officer for each District Co-ordination Committee and he shall perform such functions and exercise such powers as may be prescribed.
39. **Abolition and Reconstitution.**- Government may abolish or reconstitute a District Co-ordination Committee and may increase or decrease its membership.
40. **Contracts.**- (1) All contracts made by or on behalf of a local council shall be;
- (a) in writing and expressed to be made in the name of the local council;
 - (b) executed in such manner as may be prescribed and reported to the local council by the Chairman at the meeting next following the execution of the contract.
- (2) A local council may, by resolution, lay down the procedure that shall regulate the making of various contracts and in the execution of contracts, the Chairman shall act in accordance with such resolutions.
- (3) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the local council.
41. **Works.**- The Government may by rules provide for;-
- (a) the operation of plans and estimates for work to be executed by a local council;
 - (b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and administratively sanctioned; and
 - (c) the agency by which such plans and estimates shall be prepared and such works shall be executed.
42. **Records, reports and returns.**- A local 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 the Government from time to time for the publication of information about the working of the local council.

¹[42-A. [Omitted]

[42-B. [Omitted]]

²[43. **Local Council Service**:- (1) There shall be constituted Azad

¹Sections 42-A and 42-B omitted by the Local Government (Amdt.) Act, 1999 (V of 1999) dt. 28.04.1999. Sections 42-A and 42-B were inserted by the Act XXII of 1995 dt. 23-10-1995. The same are reproduced as under:-

“42-A. **Azad Kashmir Local Government Development Council**:-

(1) There shall be an Azad Kashmir Local Government Development Council consisting of,-

- | | |
|---|----------------------|
| (a) The Prime Minister of Azad Jammu and Kashmir; | Chairman |
| (b) A Vice Chairman, who shall be nominated by the Government for first term and for the next term or terms shall be elected by the non-official members from amongst themselves; | Members |
| (c) Ten members, two from each District, elected by the members of the District Council from amongst themselves; | Members |
| (d) Chairman of the District Councils; | Member |
| (e) Secretary Local Government; | Member |
| (f) Secretary Planning and Development; | Member |
| (g) Additional Secretary Finance; | Member |
| (h) Superintending Engineer, Local Government; | Member |
| (i) Director Local Government; | Member/
Secretary |

(2) The term of the Azad Kashmir Local Government Development Council shall be four years:

Provided that for the 1st term the Government may nominate the members of the council.

(3) The terms and conditions and status of the Vice-Chairman shall be determined by the Government and he shall perform such functions as may be Prescribed.

(4) Government may remove any member of the Development Council at any time without assigning any reason.

(5) Government may fillup any casual vacancy of a member of the Development Council at any time it considers necessary.

(6) The staff for Development Council shall be provided by the Local Government Board. The Government may at any time fill-up any post in the Development Council by a person belonging to the Azad Jammu and Kashmir Local Council service or a person in the service of Government or any statutory authority.”

²Subs. by the Local Government (Amdt.) Act, 1995 (XXIII of 1995) dt. 23.10.1995. The Original extract of S. 43 of Act VII of 1990 dt.20-2-1990 is reproduced as under:-

“43. **Local Council Service**:- (1) There shall be constituted Azad

Jammu and Kashmir Local Council Service comprising:-

- (a) members of Local Council as appointed before constitution of the Local Government Board, under any enactment repealed by the Local Government Ordinance, 1979 (Ordinance LXXXVI of 1979) and its succeeding Ordinances;
- (b) such other persons as may be appointed to the Azad Jammu and Kashmir Local Council Service by the Local Government Board.

(2) The terms and conditions of the service of the members of the Azad Jammu and Kashmir Local Council Service shall be such as may be prescribed:

Provided that the terms and conditions of Service of such members of the Local Council service as are inducted into the Azad Jammu and Kashmir Local Council Service under this Act shall not be less favorable than the terms and conditions applicable to them before such induction.

(3) All members of the Azad Jammu and Kashmir Local Council Service constituted under this Act shall be deemed to be

Jammu and Kashmir Local Council Service comprising:-

- (a) members of Local Councils as appointed before constitution of the Local Government Board, under any enactment repealed by the Local Government Ordinance 1979 (Ordinance LXXXVI of 1979) and its succeeding Ordinances;
- (b) such other persons as may be appointed to the Azad Jammu and Kashmir Local Council Service by the Local Government Board, with the approval of the Government.

(2) The terms and conditions of the service of the members of the Azad Jammu and Kashmir Local Council Service shall be such as may be Prescribed:

Provided that the terms and conditions of service of such members of the Local Council Service as are inducted into the Azad Jammu and Kashmir Local Council Service under this Act shall not be less favourable than the terms and conditions applicable to them before such induction.

(3) All members of the Azad Jammu and Kashmir Local Council Service constituted under this Act shall be deemed to be the employees of the Azad Jammu and Kashmir Local Government Board.

(4) The members of the Azad Jammu and Kashmir Local Council Service shall be liable to such disciplinary action and penalties and in accordance with such procedure as may be Prescribed.”

the employees of the Azad Jammu and Kashmir Local Government Board.

(4) The members of the Azad Jammu Kashmir Local Council Service shall be liable to such disciplinary action and penalties and in accordance with such procedure as may be prescribed.]

¹[44. **Azad Jammu and Kashmir Local Government Board**:- (1) There shall be constituted a Board to be called the

¹Subs. by the AJ&K Local Government (Amdt.) Act, 1995 (XXIII of 1995) dt. 23.10.1995. Original Section 44 of Act VII of 1990 is reproduced as under:-

“44. **Azad Jammu and Kashmir Local Government Board**:- (1) There shall be constituted a Board to be called the Azad Jammu and Kashmir Local Government Board consisting of a Chairman and not less than three and not more than five members to be appointed by the Government.

(2) The Secretary to Government of the Azad Jammu and Kashmir Local Government Department shall be ex-officio Chairman of the Board.

(3) The members of the Board shall hold office for two years but shall be eligible for re-appointment.

(4) Government may remove any membership of the Board at any time without assigning any reason.

(5) Government may fill-up any casual vacancy of a member of the Board, any time it considers necessary.

(6) There shall be a Secretary of the Board to be appointed by Government to deal with the day to day administration of the Board and to perform such other functions and to exercise such powers as may be assigned to him by the Board.

(7) The Board shall be body corporate, having per-petual succession and a common seal with power, to acquire, hold and transfer property, movable and immovable, and shall by its name sue or be sued.

(8) The Board may employ such officers and servants for the Board and on such terms and conditions as may be Prescribed.

(9) The employees of the Board shall be liable to such disciplinary action and penalties and in accordance with such procedure as may be provided in the rules/regulations framed by the Board.

(10) Government may at any time direct the Board to fill up any post in the Board by a person belonging to the Azad Jammu and Kashmir Local Council Service or a person in the service of Government or any statutory authority.

Azad Jammu and Kashmir Local Government Board consisting of a Chairman, a Vice-Chairman and not less than three and not more than five members to be appointed by the Government.

¹[(2) Minister Incharge of the Local Government shall be ex-officio Chairman, and Secretary Local Government shall be ex-officio Vice Chairman of the Board].

(3) The members of the Board shall hold office for two years but shall be eligible for re-appointment.

(4) Government may remove any member of the Board at any time without assigning any reason.

(5) Government may fill-up any causal vacancy of a member of the Board, any time it considers necessary.

(6) There shall be Secretary of the Board to be appointed by Government to deal with the day to day administration of the Board and to perform such other functions and to exercise such powers as may be assigned to him by the Board.

(7) The Board shall be body corporate, having perpetual succession and a common seal with power, to acquire, hold and transfer property, movable and immovable, and shall be its name sue or be sued.

(8) The Board may employ such officers and servants for the Board and on such terms and conditions as may be prescribed.

(9) The employees of the Board shall be liable to such disciplinary action and penalties and in accordance with such procedure as may be provided in the rules or regulations framed by the Board.

(10) Government may at any time direct the Board to fill-up any post in the Board by a person belonging to the Azad Jammu and Kashmir Local Council Service or a person in the Service of Government or any statutory authority.

(11) Every local council shall contribute towards the expenditure of the Board an amount calculated at such rate as may, from time to time, be fixed by the Government.]

(11) Every Local Council shall contribute towards the expenditure of the Board an amount calculated at such rate as may, from time to time, be fixed by the Government.”

¹Sub-section (2) of Section 44 subs. first time by the Local Government (Amdt) Act, 1992 (XVII of 1992) dt. 15.07.1992, and second time whole Section 44 is amended by Act, 1995 (XXIII of 1995), 23.10.1995, *ibid.* the extract of sub-section (2) of Section 44 is reproduced as under:-

“(2) The Minister Incharge of the Local Government and Rural Development Department, and Secretary Local Government, shall respectively be the ex-officio Chairman and Vice-Chairman of the Board.”

- ¹[45. **Functions of the Board:-** (1) The Board shall perform the following functions:-
- (a) to functions as a planning commission for local councils;
 - (b) to advise and evolve organization and methods (O&M) techniques for the benefit of Local Council;
 - (c) to undertake research and evaluation in the field of Local Government and to issue publications for the benefit of Local Council;
 - (d) to make recruitment and appointments, or transfer, take disciplinary action and deal with other service matters in respect of the members of the Azad Jammu and Kashmir Local Council Service, in accordance with such manner

¹Subs. by the Local Government (Amdt.) Act, 1995 (XXIII of 1995) dt. 23.10.1995. Extract of Section 45 of Act VII of 1990 dtd. 20-2-1990 is reproduced as under:-

- “45. **Functions of the Board.-** The Board shall perform the following functions:-
- (a) to function as a planning commission for local councils;
 - (b) to advice and evolve organization and methods (O&M) techniques for the benefit of Local Councils;
 - (c) to undertake, research and evaluation in the field of Local Government and to issue publications for the benefit of Local Councils;
 - (d) to make recruitment and appointments, order, transfer, take disciplinary action and deal with other service matters in respect of the members of the Azad Jammu and Kashmir Local Council Service, in accordance with such manner and procedure and subject to such conditions as may be Prescribed;
 - (e) to make recruitment and appointments, take disciplinary action and deal with other service matters, in respect of the employees of the Board in accordance with such manner and procedure and subject to such conditions as may be laid down in the rule/regulations to be framed by the Board;
 - (f) to set up and operate pension fund and such other funds as may be considered necessary for the benefit and welfare of the employees of the Board and the members of the Azad Jammu and Kashmir Local Council Service;
 - (g) to operate the Azad Jammu and Kashmir Local Government Board fund; and
 - (h) to perform such other functions as may be specified by the Government from time to time.”

- and procedure and subject to such conditions as may be prescribed;
- (e) to make recruitment and appointments, take disciplinary action and deal with other service matters, in respect of the employees of the Board in accordance with such manner and procedure and subject to such conditions as may be laid down in the rules or regulations to be framed by the Board.
 - (f) to set up and operate pension fund and such other funds as may be considered necessary for the benefit and welfare of the employees of the Board and the members of the Azad Jammu and Kashmir Local Council Service;
 - (g) to operate the Azad Jammu and Kashmir Local Government Board fund; and
 - (h) to perform such other functions as may be specified by the Government from time to time.]
46. **Azad Jammu and Kashmir Local Government Board Fund.-**
- (1) There shall be a fund of the Board to be known as the Azad Jammu and Kashmir Local Government Board Fund.
 - (2) The fund shall comprise:-
 - (a) Contribution from Local Council;
 - (b) rents and other receipts in respect of the properties vesting in the Board;
 - (c) grants from Government or any other agency;
 - (d) all money raised by the Board from banks or any agency as loans;
 - (e) all profits or interest accruing from investment; and
 - (f) all other proceeds and such other amounts as the Government may direct to be placed at the disposal of the Board.
47. **Accounts and Audit.-**
- (1) The accounts of all receipts and expenditure of the Board shall be kept in such form and manner as may be prescribed.
 - (2) An annual statement of accounts shall be prepared after the close of every financial year and shall be transmitted to Government by such date as may be specified.
 - (3) The accounts of the Board shall be audited in such manner and after such interval and by such authority as may be prescribed.
 - (4) The audit authority shall have access to all books and other documents pertaining to accounts.

- (5) The audit authority, on the completion of audit, shall in the manner prescribed, submit to Government and to the Board an audit report which shall among other things mention,-
- (a) Cases of embezzlement;
 - (b) Cases of loss, mis-appropriation, waste or mis-application of funds; and
 - (c) Cases of other irregularities in the maintenance of accounts.
- (6) Government may constitute an Azad Jammu and Kashmir Local Government Board Accounts Committee consisting of such official and non official members to review audit reports made under this section and perform such other functions as may be prescribed.
48. **Servants of Local Council.**- A Local Council may, and if so required by Government shall on the prescribed terms and conditions employ such servants as are deemed necessary for the efficient performance of its functions under the Act.
49. **Members of Local Council Service to be Civil Servants.**- (1) Notwithstanding any-thing to the contrary in any other law, a member of the Local Councils service constituted under the Act shall be deemed to be a Civil Servants for the purposes the Azad Jammu and Kashmir Service Tribunals Act, 1975.
- (2) Till such time the Local Council Service is constituted under the Act a member of the Local Council Service constituted under the Basic Democracies Act, 1960, shall be deemed to be Civil Servant for the purposes of the Azad Jammu and Kashmir Service Tribunals Act, 1975.
- (3) All proceedings regarding any matter pending before the Azad Jammu and Kashmir Service Tribunal immediately before the enforcement of the Act shall be heard and be decided by the said Tribunal as if those were instituted under the Act.
50. **Provident fund, Pension and other facilities for Servants of Local Councils.**- (1) A local council may establish and maintain a provident fund and require any of its servants to contribute to such Fund, and may itself contribute to it in such manner and proportion as may be prescribed.
- (2) A local council may, in the prescribed manner and with the previous sanction of the Government, provide for the payment of pension to its servants after retirement.
- (3) A local council may, with the previous sanction of the Government grant a special pension or gratuity to the family of any servant who dies of disease or injury contracted or suffered

in the discharge of official duties.

(4) A local council may, in the prescribed manner, operate a scheme of special insurance for its employees, and require its employees to subscribe to it.

51. **Service Rules.**- The Government may by rules,-

- (a) prescribe the conditions of service of the servants of local councils;
- (b) prescribe the grades of pay for the servants of local councils;
- (c) prescribe a schedule of establishment setting forth the staff that shall be employed by a local council;
- (d) prescribe the qualifications for various posts under local council;
- (e) prescribe the principles to be followed in making appointments to various posts under local councils;
- (f) prescribe the method for the holding of enquiries in cases where disciplinary action is proposed to be taken against servants of local councils; and

Provide for penalties and appeals against orders imposing penalties;

- (g) provide for other matters necessary for the efficient discharge of their duties by the servants of local council;

52. **Constitution of local Funds.**- (1) For every local council there shall be formed local Fund which shall be known as,-

- (a) the Deh Fund, in the case of a Dehi Council;
- (b) the Union Fund, in the case of the Union Council;
- (c) the Town Fund, in the case of a Town Committee;
- (d) the District Fund, in the case of a District Council;
- (e) the Municipal funds, in the case of a Municipal Committee.

(2) To the credit of the local Fund formed under Sub-section (1) shall be placed,-

- (a) the balance of such fund as on the coming into force of this Act is at the disposal of the local body, if any, of which the local council concerned is the successor;
- (b) the proceeds of all taxes, rates, tolls, fees and

other charges levied by the local council under this Act;

- (c) all rents and profits payable or accruing to the local council from the property vested in or managed by the council;
- (d) all sums received by the local council in the performance of its functions under this Act;
- (e) all sums contributed by individuals or institutions, or other local councils, or by local bodies or other local authorities;
- (f) all receipts occurring from the trust placed under the management of the local council;
- (g) all grants made by the Government and other authorities;
- (h) all loans raised, and all profits occurring from investments; and
- (i) such proceeds from such sources of income as the Government may direct to be placed at the disposal of the local council;

53. **Custody or investment of local Funds and establishment of special fund.**- (1) The money credited to a local fund shall be

kept in a Government Treasury, or in bank transaction the business of a Government Treasury, or in such other manner as may be specified by the Government from time to time.

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

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

54. **Application of the Local Funds.**- The moneys from time to time credited to local funds shall be applied in the following order or preference:-

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

Secondly, in the payment of loans;

Thirdly, in meeting the expenditure, charged on the local Fund under this Act;

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

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

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

55. **Charged Expenditure.**- (1) The following expenditure shall be charged on the local fund, 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 local council;
- (b) such sums as the local council may be required by the Government to contribute towards the conduct of elections, the maintenance of the Local councils service, the auditing of accounts, and such other matters, as may from time to time be specified by the Government;
- (c) any sums required to satisfy any judgment, decree or award against the local council by any court or tribunal; and
- (d) any expenditure declared by the Government to be so charged.

(2) If any expenditure charged on the local Funds is not paid the Government may, by order, direct the person or persons 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.

56. **Budget.**- (1) Every local council shall, in the prescribed manner, prepare and sanction, before the Commencement of each financial year, a statement of its estimated receipts and expenditure for that year, hereinafter referred to as the budget, and forward a copy thereof to the Government.

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

(3) Within thirty days of the receipt of the copy of a budget under sub-section (1) the Government may, by order, modify it, and the budget so modified shall be deemed to be the sanctioned budget of the local 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 as may, be subject to the provisions of this Section applicable to a budget.

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

57. **Accounts.-** (1) Accounts of the receipts and expenditure of a local council shall be kept in the prescribed manner and form.

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

(3) A copy of the annual statement of accounts and such other statement as may be prescribed shall be placed at a conspicuous place in the office of the local council concerned for public inspection, and all objections or suggestions concerning such accounts received from the public shall be considered by the local council and brought to the notice of the audit authority referred to in section 58.

58. **Audit.-** (1) The Accounts of every local 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 the books and other documents pertaining to accounts, and may also examine the Chairman or any member or servant of the local council concerned.

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

- (a) cases of embezzlement;
- (b) cases of loss, waste or misapplication of the Local funds; and
- (c) cases of other irregularities in the maintenance of accounts.

59. **Loans.-** (1) Subject to the provisions of this Act and the rules, the Local Authorities Loans Act, 1914 (IX of 1914) and any other law for the time being in force, a local council may, with the previous sanction of the Government, raise loans in the prescribed manner, and make, suitable arrangements, to the satisfaction of the Government, for the repayment of the loans in such installments as may be fixed.

(2) A local council, may and if required by the Government shall, establish and maintain such separate funds as may be necessary for the repayment of loans, and the Government may, among other things, require that any specified items of income of the local council shall wholly or in parts be earmarked for and applied in the repayment of loans.

60. **Property of local council.**- (1) The Government may by rules,-
- (a) determine the property which shall vest in local councils;
 - (b) Provide for the management, maintenance, improvement and development of the property belonging to or vesting in local councils;
 - (c) regulate the alienation of such property; and
 - (d) provide for the compulsory acquisition of such immovable property as may be required by a local council for the purposes of this Act.
- (2) A local council may,-
- (a) manage, maintain, inspect, develop or improve nay property which is owned by or vests in it or which is placed under its charge;
 - (b) apply such property for the purpose of this Act or the rules;
 - (c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property with the previous sanction of such authority as may be prescribed.
61. **Power to dispense of plots land.**- (1) A Municipal Committee ¹[or Municipal Corporation] may retain, or may lease, sell, exchange, cancel the allotment issued by it rent out or otherwise dispose of any plot or land vested in it by the Government. Mirpur Development Authority or any other authority, in the prescribed

²["Provided that the Municipal Corporation or

¹ In sub-Section (1) of Section 61, between the words "Municipal Committee" and "may" the words "or Municipal Corporation" inserted by the Azad Jammu and Kashmir Local Government (Amendment) Act, 2001 (VIII of 2001) dt. 12.12.2001.

² Proviso of sub-section (1) of Section 61 subs. by the Local Government (Amdt.) Act, 2001 (VIII of 2001) dt. 12.12.2001. The extract of original proviso is reproduced as under:-

"Provided that the Municipal Committee shall not,-

Committee shall not interfere with the plots reserved for environmental, Government and other specified purposes as prescribed in master plan.]

(2) Any allotment of a plot or land under the foregoing provisions of this Act or schedule-V of the Act shall amount to an agreement to sell and the title to such a plot or land shall be transferred through a title certificate granted by the Municipal Committee concerned. Such a certificate granted by the Municipal Committee shall be a sufficient proof of ownership of the property in respect of which it has been issued.

(3) The cost of plot or land shall not be less than the price fixed by the Mirpur Development Authority or the Chairman Allotment Committee, Housing Schemes of Azad Jammu and Kashmir and the amounts realized shall be the revenue of that Municipal Committee.

¹[(4) The plots shall be allotted by an allotment Committee consisting of:-

-
- (i) create new plots in open and other spaces;
 - (ii) deviate/encroach upon limits laid down in the Master Plan;
 - (iii) interfere with the plots reserved for environmental, Government and other specified purposes.”

¹Subsection (4) of Section 61 has been subs. two times:-

A. Sub-section (4) of Section 61 subs. by the Local Government (Amdt.) Act, 2001 (VIII of 2001) dt. 12.12.2001. The extract of sub-section (4) of Section 61 of Act VII of 1990 dt. 20-2-1990 is reproduced as under:-

“(4)The plots shall be allotted by an allotment committee consisting of.-

- (a) Chairman of Municipal Committee concerned (Chairman Allotment Committee).
- (b) Three members nominated by the Government from amongst the elected members of Municipal Committeeconcerned.
- (c) Three other members also nominated by the Government from amongst residents of the limits of concerned Muncipal Committee.
- (d) Executive Engineer Muncipal Committee will be the technical member of the Committee.

B. In sub-section (4) of Section 61, in cls.(b) and (c), for the word “three” the word “six” subs. by Act XXIII of 1995 dt. 23-10-1995.

- ¹“(a) Chairman of the Municipal Committee, Municipal Corporation or Town Committee concerned (Chairman allotment Committee);

Provided that if there is no elected Chairman of the committee or corporation, as the case may be, the Administrator or any other person performing the functions of the Chairman shall be the Chairman of the Allotment Committee.

- (b) Three members from amongst the elected members of the Committee or Corporation shall be elected by the Committee or Corporation.”]

- (c) Three members nominated by the Government from amongst the elected members of Municipal Corporation or Committee concerned[:]

[Provided that the Government may in the absence of elected members, nominate three other members from amongst the local residents of Municipal Corporation or Municipal Committee as the case may be, for a period specified for such nomination.”]

- (d) Executive Engineer Municipal Corporation or Committee shall be the technical member of the Committee;

- (e) Estate Officer of the Corporation or Committee shall be member / Secretary.

- (f) The decision of the Committee shall be made by the majority of the members and proceedings thereof shall not be invalid due to the absence of any member.]

- (5) Any person aggrieved by an order passed under sub-section (3) or (4) above may within sixty days prefer an appeal to Secretary Local Government and his decision shall be final.

- (6) The Municipal Committee or the person authorised by it in this behalf may after giving reasonable opportunity of being

¹ In sub-section (4) of Section 61, Cls. (a) and (b) has been subs. and after cl. (c) the semi colon is substituted by a colon and thereafter a new proviso ins. /added by the Local Government (Amdt.) Act, 2010 (Act III of 2010) dated 17-6-2010. The extract of cls. (a) and (b) of sub-section (4) of Section 61 is as under:-

“(a) Chairman of the Municipal Corporation or committee concerned (Chairman allotment Committee);

(b) Three Members nominated by the Government from amongst the resident of the limits of concerned Municipal Corporation or Committee;”

heard, direct any person to remove any movable or immovable encroachment made by him without any lawful authority or any land or property vested in the Municipal Committee.

(7) If any direction under sub-section (6) is not complied within such time as may be specified therein, the Municipal Committee or the person empowered in this behalf may get the encroachment removed and in so doing may use such force including police force as may be necessary and may also recover the cost thereof from the person responsible for the encroachment.

(8) Whoever contravenes any provisions of this Section or of any rules or regulations made or scheme sanctioned thereunder shall, if no other penalty is provided for such contravention, be punishable with imprisonment which may extend to 3 months or fine which may extend to two thousand rupees or with both.

¹["61-A. **Appointment of Revising Authority** :-

- (a) There shall be a Revising Authority, to be appointed by the Government for the scrutiny of irregularities or illegalities committed in respect of allotment of plots or estate or in determination of title of any allottee or person applying for allotment.
- (b) Revising Authority either suo moto, or on reference made to it by any authority or on an application made by any person, may call for any case in respect of any allotment, in which an order has been made by an allotment authority or which is pending before or disposed of by the appellate authority established under this Act;
- (c) The Revising Authority may after hearing the party likely to be affected, confirm, modify or set aside such allotment order or may make any other order which it may deem fit.]”

62. **Development Plans**.- (1) A local council may, and if required by the Government shall, prepare and implement development plans for such periods and in such manner as may be specified.

- (2) Such plans shall be subject to the sanction of the prescribed authority, and shall provide for.-
 - (a) the promotion, improvement and development of such function or functions of the local council as may be specified;

¹ Section 61-A added by the Local Government (Amdt.) Act XXIII of 1995dt. 23.10.1995.

- (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) The Government may direct that any specified items of income, a local council shall wholly or in part be earmarked for and applied in the implementation of a development plan.

(4) The development plan of local councils in a District, may be consolidated in such manner as may be prescribed.

63. **Surcharges.**- Every member of a local council, every official or servant of a local council, and every person charged with the administration of the affairs of a local council, or acting with the administration of the affairs of a local council, shall be liable for the loss, waste or misapplication of any money, or property belonging to a local council, which is a direct consequence of his negligence or misconduct, and the liability of such member, official, servant or person shall be determined by the Government in the prescribed manner, and the amount for which he is held liable shall be recoverable as a public demand or as arrears of land revenue.
64. **Taxes to be levied.**- (1) The Government or a Local Council, with the previous sanction of the Government may, levy, in the prescribe manner, all or any of the taxes, rates, tolls and fees mentioned in the sixth schedule.
- (2) The Government may, by notification in the official Gazette, specify separately the taxes, rates, tolls and fees mentioned in the aforesaid schedule which may be levied respectively by a District Council, by a Union Council, and where such notification has been issued, no District Council shall be competent to levy any tax, rate, toll or fee leviable by a Union Council and no Union Council shall be competent to levy any tax, rate, toll or fee leviable by a District Council.
65. **Notification and enforcement of taxes.**- (1) All taxes, rates, tools and fees levied by a District or Union Council shall be notified in the prescribed manner and shall unless otherwise directed by the Government, be subject to previous publication.
- (2) Where a proposal for the levy of a tax, rate, toll or fee, or for a modification of a tax, rate, toll or fee which is in force is sanctioned, the sanctioning authority shall specify the date for the enforcement thereof, and such tax, rate, toll or fee or the modification shall come into force on such date.

66. **Model tax schedules.**- The Government may frame model tax schedules, and where such schedules have been framed, District and Union Councils shall be guided by them in levying a tax, rate, toll or fee.
67. **Directions with regard to levy of tax etc.**- (1) The Government may direct any local council,-
- (a) to levy any tax, rate, toll or fee which the Council is competent to levy under Section 64;
 - (b) to increase or reduce any such tax, rate, toll or fee, or the assessment there of, to such extent as may be specified; or
 - (c) to suspend or abolish the levy of any such tax, rate, toll or fee.
- (2) If a direction issued under sub-section (1) is not complied with, within the specified time, if any, the Government may make an order giving effect to the direction.
68. **Liability on account of taxes.**- (1) A local council may, by notice, call upon any person to furnish such information, produce such record or accounts or to present such goods or animals liable to any tax, rate, toll or fee, as may be necessary for the purpose of determining the liability of such person, goods or animal to a tax, rate, toll or fees, or the assessment thereof.
- (2) Any official of a local council authorised in this behalf, may, after due notice, enter upon any building or premises for the purposes of assessing the liability of such building or premises to any tax, or inspecting any goods or animal therein liable to any tax.
- (3) Any official of a local council authorised in this behalf, may, in the prescribed manner, seize and dispose of any goods on which any octori, terminal tax or toll is due and is not paid.
69. **Collection and Recovery of Taxes etc.**- (1) Unless otherwise provided, all taxes rates, tolls and fees levied under this Act shall be collected in the prescribed manner by the village revenue officials responsible for the collection of land revenue.
- (2) All arrears of taxes, rates, tolls and fees and other moneys claimable by a local, council under this Act shall be recoverable as a public demand or as arrears of land revenue.
- (3) Notwithstanding the provisions of sub-section (2) the Government may empower any local council to recover arrears of taxes, rates, tolls, fees and other moneys claimable by the council under this Act by distress and sale of the moveable property belonging to the person concerned, or by attachment and sale of the immovable property belonging to him.

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

70. **Deduction of taxes from salaries.**- If a local 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 persons, and on such requisition the amount of the tax due shall be deducted from the salary or wages of the person concerned and credited to the local fund of the council.
71. **Petitions against valuation, assessment etc.**- No assessment of a tax, rate, toll or fee under this Act or valuation thereof, or the liability of 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.
72. **Taxation Rules.**- (1) All taxes, rates, tolls fees and other charges levied by a local council shall be imposed, assessed, leased, compounded, administered and regulated in such manner as may be provided by rules.
(2) Rules framed under this Section may, among other matters, provide for the obligations of the tax-payer and the duties and powers of the officials and other agencies responsible for assessment and collection of taxes.
73. **Conduct of elections.**- Subject to such directions as may from time to time be issued by the Election Commissioner, all elections to local councils under this Act shall be organized and conducted in accordance with the rules, and such rules may provide for all matters connected therewith or incidental thereto, including by elections, and corrupt or illegal practices and other election offences, and penalties therefore, submission, trial and disposal of election petitions.
74. **Supervision over local councils.**- The Government shall exercise general supervision and control over the local councils in order to ensure that their activities confirm the purposes of this Act.
75. **Control over the activities of local councils.**- (1) If, in the opinion of the Government, anything done or intended to be done by or on behalf of a local council is not in conformity with law, or is in any way against public interest, the Government may by order:-
(a) Quash the proceedings;
(b) Suspended the execution of any resolution

passed or order made by the local council;

- (c) prohibit the doing or anything proposed to be done; and
- (d) require the local council to take such action as may be specified.

(2) Where an order under Sub-section (1) is made by the Government, the local council concerned may, within thirty days of the receipt of the order, represent against it and the Government shall, within thirty days of the receipt of the representation, either confirm or modify or set-aside the order.

(3) If for any reason the order is not confirmed or modified within the aforesaid period, it shall be deemed to have been set-aside.

76. **Power of the Government to give directions to local councils.-**

(1) The Government may direct any local council, or any person or authority responsible thereto, to take, within such period as may be specified such action as may be necessary for carrying out the purposes of this Act.

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

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

77. **Inquiry into affairs of local council.-** (1) The Government may, whether *suo moto* or on application made to it by any person, cause an enquiry to be made by such officer as may be authorised by it in this behalf into the affairs of a local council generally, or into any particular matter concerning a local council and take such remedial measures as may be warranted by the findings of such enquiry.

(2) Such officer shall, for the purposes of the enquiry, have the powers of a Court under the Code of Civil procedure, 1908 (Act V of 1908), to take evidence and to complete the attendance of witnesses and the production of document.

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

(4) Any amount payable under Sub-section (3) by any

person, not being a local council, shall be recoverable as a public demand or arrears of land revenue.

78. **Suspension of particular Departments or Institutions.**- (1) if, after such enquiry as may be necessary a local council is not able to run a particular department or institution, efficiently the Government may, by notification in the official Gazette, suspend the authority of the local council over such department or institution for such period as may be specified in the order.

(2) Where the authority of a local council over any department or institution is so suspended, the Government may itself take over the management of such department or institution or make such other arrangement as it thinks fit, and may require the local council, or in case the local council failed to place such amount as may be necessary for the management of such department or institution at the disposal of Government.

79. **Supersession of local Councils.**- (1) If, after such inquiry as may be necessary, the Government is of the opinion that a local council,-

- (a) is unable to discharge or persistently failed in discharging its duties; or
- (b) is unable to administer its affairs or meet its financial obligations; or
- (c) generally acts in manner contrary to public interests; or
- (d) otherwise exceeds or abuses its powers, the Government may after hearing objection from local council may, by notification in the official Gazette, declare the local council to be superseded for such period not exceeding the residue of term of such local council, as may be specified.

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

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

(3) When a local council is superseded, fresh election to the local council shall be held within a period of ninety days after expiry of the period of supersession in accordance with the provisions of this Act and the rules.

(4) No suit or other legal proceedings shall lie against Government or any person or authority for any loss or damage of any kind caused by the supersession of any local council.

80. **Training institutions.**- (1) The Government may set up schools, colleges or other institutions for the training of the members and staff of local councils, and for the promotion of research in local Government and allied subjects, and may by rules provide.-

- (a) for the administration of such schools, colleges and other institutions;
- (b) for the compulsory training of members and staff;
- (c) for the course to be studied; and
- (d) for the holding of examinations and the awards of diploma and certificates to successful candidates.

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

81. **Joint Committee.**- Any local council may join any other local council or councils or any other authority or authorities in appointing a Joint Committee for any purpose in which such councils or authorities may be jointly interested, and may delegate to such joint committee any power which may be exercised by it, including the power to make regulations for the conduct of business.

82. **Offences.**- Every act or omission specified in the Ninth Schedule shall be an offence under this Act.

83. **Punishment.**- An offence under this Act shall be punished with fine which may extend to two hundred rupees and if the offence is a continuing one, with a further fine which may extend to twenty rupees for every day of the date of the first commission during which period the offender has persisted in the offence.

84. **Compounding of offences.**- The Chairman or any person generally or specially authorised by the local council in this behalf may compound any offence under this Act.

85. **Cognizance of offences.**- No court shall take cognizance of any offence under this Act except on a complaint in writing received from the Chairman or a person generally or specially authorised by the local council in this behalf;

86. **Appeals.**- (1) Any person aggrieved by an order passed by a local councils or its Chairman in pursuance of this Act or the rules or bye-laws, may appeal to such authority, in such manner and within such period as may be prescribed.
(2) Any order passed in appeal shall be final and shall not be called in question in any Court.
87. **Duties of Police.**- It shall be the duty of all police officers to give immediately information to the Chairman or an official of the local council concerned of commission of any offence under this Act and to assist the officials and servants of local councils in the exercise of their lawful authority.
88. **Standing orders.**- The Government may, by standing orders issue from time to time,-
(a) define and regulate the relation of local councils *inter se*, other local authorities;
(b) provide for co-ordinating the activities of local councils and Government departments;
(c) provide for giving financial assistance to local councils, including the making of grants for specified purposes on specified terms and conditions;
(d) provide for the making of financial contributions by one local council to another local council or to any other local authority;
(e) provide for the general guidance of local council in carrying out the purpose of this Act.
89. **Power to make rules.**- (1) The Government may make rules to carry out the purposes of this Act.
(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the matters enumerated in the seventh Schedule and all matters incidental, consequential and supplemental thereto.
90. **Bye-Laws.**- (1) A local council may, and if required by the Government shall make bye-laws, not inconsistent with rules to carry out the purposes of this Act.
(2) In particular and without prejudice to the generality of the foregoing power such bye-laws may provide for all or any of the matters enumerated in Part I of the Eighth schedule, and all matters incidental, consequential and supplemental thereto.
91. **Regulations.**- A local council may make regulations to regulate the procedure in respect of all or any of matters enumerated in Part II of the Eight Schedule, and all matters incidental, consequential and supplemental thereto.

92. **General provisions relating to rules, etc.**- (1) All bye-laws shall be made subject to the sanction of the Government and the Government, may sanction any bye-laws or regulations subject to modifications.
- (2) The Government may frame model bye-laws and regulations, and in framing these bye-laws and regulations the local councils shall be guided by such model bye-laws and regulations.
- (3) All rules shall be notified in the official Gazette, and all bye-laws and regulations shall be published in such manner as in the opinion of the authority making them be best adapted for informing the residents of the local area concerned:
- Provided that all election, by election to fill a seat of Chairman, Vice Chairman or member of a local council held prior to the promulgation of Azad Jammu and Kashmir Local Government (Election of Chairman and Vice-Chairman) Rules, 1979 or any other rules, shall be deemed to have been validly conducted under relevant rules.
- (4) Copies of rules, and of bye-laws and regulations pertaining to local council shall be kept available at the office of the local council concerned for inspection and sale.
- (5) All rules, bye-laws when duly made shall be deemed to form part of this Act and shall have effect accordingly.
93. **Delegation of powers.**- (1) The Government may, by notification in the official Gazette, delegate any of its powers under this Act or the rules or bye-laws, to any official of the Government.
94. **Institution of suits against local council etc.**- No suit shall be instituted against a local council or against any member, official or servant of a local council in respect of any act done or purporting to be done in official capacity, until the expiration of one month next after notice in writing has been, in the case of a local council, delivered or left at its office and in the case of a member, official, or servant, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.
95. **Notice and service thereof.**- (1) Where anything is required to be done or not to be done by any person under this Act or the rules or bye-laws, a notice shall be served on the person concerned specifying the time within which requirement shall be complied with.

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

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

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

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

97. **Members and servants of local council to be public servants.-** Every member and every servant of a local council and every other person duly empowered to act on behalf of local council, shall be deemed to be a public servant within the meaning of section 21 of the penal code (Act XLV of 1860).

98. **Protection of action taken in good faith etc.-** No suit, prosecution or other legal proceedings shall lie against the Government or any local council or against any person authorized by either, for anything done in good faith or intended to be done under this Act, or for any damage caused or likely to be caused by any such thing.

99. **Interim authorities, rules, bye-laws, taxes etc.-** (1) In any area within the jurisdiction of a local body or bodies in which the provisions of this Act are brought into force but a local council is not constituted, or a local council constituted under this Act has been dissolved by the Government, notwithstanding anything contained in this Act, may, by order, empower any person or persons to perform all or any of the functions of such body or bodies as had jurisdiction therein immediately before such enforcement, or such functions of a local council or councils under this Act as may be specified in the order, until a properly constituted local council for the local area assumes office in accordance with the provisions of this Act.

(2) Where a local council is constituted under this Act in any area not being an area within the jurisdiction of any local body, the Government may enforce such rules and without observing the procedure for previous publication, such bye-laws, and such taxes, rates, tolls, or fees in that area for such period,

not exceeding six months as may be considered necessary, fee enabling the local council so constituted to prepare for carrying out the purposes of this Act.

100. **Interim arrangement for the maintenance of institutions to be transferred to local council.**- Where on the enforcement of this Act in any local area any service undertaken or institution maintained by the Government is required under any of the provisions of this Act, to be compulsorily undertaken or maintained by a local council such service or institution shall notwithstanding anything contained in this Act continue to be undertaken or maintained by the Government until the management thereof is duly transferred to the local council.
101. **Repeal and Protection.**- (1) On the coming into force of this Act in any area the enactments mentioned in the First Schedule shall, if and in so far as applicable to that area, stand repealed.
- (2) Where any enactment stands repealed under sub-section (1), any appointment, rule, regulation or bye-laws made, notification, order or notice issued, tax imposed or assessed, contract entered into, suit instituted or action taken under such enactment shall, so far as it is not in consistent with the provisions of this Act and the rules, be deemed to have been respectively made, issued, imposed or assessed, entered into, instituted or taken under this Act.
102. **Powers to exclude any area.**- the Government may, by notification exempt area or areas from any or all of the provisions of the Act.
103. **Removal of difficulties.**- If any difficulty arises in carrying out the provisions of this Act, the Government, may issue such order as may be necessary in furtherance of the objects of this Act.
104. **Savings.**- Notwithstanding any judgment, decree or order of any court including High Court, everything done all actions taken, notifications issued, orders or appointments made, proceedings initiated, jurisdiction or powers exercised under the provisions of the Azad Jammu and Kashmir Local Government Ordinance, 1979 (Ordinance LXXXVI of 1979) or its succeeding Ordinance issued from time to time shall be deemed to have been validly done, taken, issued, made, initiated or exercised under this Act.

VOLUME IX: 1989-1993

Sd/-

(Syed Shakir Shah)

Under Secretary Legislation Law Department

Sd/-

President.

Azad Jammu and Kashmir

THE FIRST SCHEDULE

- (a) The Azad Jammu and Kashmir Basic Democracies Act, 1960 (Act X of 1960);
- (b) Punjab Municipal Act, 1911 as adopted in Azad Jammu and Kashmir
- (c) The Azad Jammu and Kashmir Local Government Ordinance , 1990 (Ordinance VIII of 1990).

THE SECOND SCHEDULE

Qualification and Disqualifications of Electors and Members.

Part I

Qualifications and disqualifications of Electors.

1. Qualifications of electors.- A person shall be entitled to be an elector if,-
 - (a) he is a National of the Jammu and Kashmir State;
 - (b) he is not less than twenty-one years of age on the first day of January in the year in which the preparation or revision of the electoral roll commences;
 - (c) he has been resident in the local council area a period of not less than six months immediately preceding the first day of January in the year in which the preparation or revision of the electoral roll commences; and
 - (d) he is not subject to any disqualification for being an elector.

Explanation: (1) The expression 'National of the Jammu and Kashmir State' means a person who falls within the definition of a State-Subject as defined under the State Law.

Explanation: (2) A person shall be deemed to be a resident in a local councils if he ordinarily resides, or owns or possess dwelling house therein.

Provided that any person who holds a public office, or is in the service of Government, shall during any period for which he holds such office or is employed in such service, be deemed to be a resident in the Town or Union or Deh in which he would have been resident if he had not held such office or had not been so employed.

2. Disqualification of electors.- A person shall be disqualified for being an elector:-
- (a) if he is unsound mind and stands so declared by a competent court;
 - (b) if he has been convicted of an offence or a corrupt or illegal practice relating to elections, or has been found guilty of any such offence or practice in any proceedings for questioning the validity or regularity of an election, unless five years or such less period as the Government may, by notification in the official Gazette, specify in this behalf has elapsed from the date of the order, or from the date of the expiration of the sentence, if any.

PART II

Qualification and Disqualification of Candidates/Members.

3. Qualification of candidates.- A person who is not less than twenty-five years of age on the first day of January preceding the election shall be qualified to be elected as a member of local council if his name appears for the time being on the electoral roll for the local council concerned, and he does not suffer from a dis-qualification mentioned in Part I.
4. Disqualification of candidates.- A person shall be disqualified for being a member or a candidate for the membership of a local council.-
- (a) if he has ceased to be a national of the Jammu and Kashmir State;
 - (b) if he is an un-discharged insolvent;
 - (c) if he has been convicted of an offence or a corrupt or illegal practice relating to elections, or has been found guilty of any such offence or practice in any proceedings for questioning the validity or regularity of an election, unless five years or such less period as the Government may, by notification in the official Gazette, specify in this behalf has elapsed from the date of the order, or from the date of the expiration of the sentence, if any;
 - (d) if he has been ordered to execute a bond under section 110 of the Code of Criminal Procedure, 1898 (Act V of

1898) or has been, on conviction for an offence involving moral turpitude, sentenced to imprisonment for a term of not less than six months, unless five years or such less period as the Government may, by notification in the official Gazette, specify in this behalf, has elapsed from the date of the expiration of the period of the bond or sentences, as the case may be;

- (e) if he is whole-time salaried official in the service of Government, or of a public statutory corporation, a local council, or a local body or other local authority;
- (f) he is of un-sound mind and stands so declared by a competent Court;
- (g) if he has been on conviction for any offence sentenced to transportation for any term or imprisonment for a term of not less than two years unless a period of five years has elapsed since his release;
- (h) if he has been dismissed for misconduct from the service of Azad Jammu and Kashmir or the service of Pakistan unless a period of three years has elapsed since his dismissal; or
- (i) he is propagating any opinion, or acting in any manner, prejudicial to the Ideology of Pakistan, the Ideology of State's accession to Pakistan or the sovereignty or integrity of Pakistan State's or security of Azad Jammu and Kashmir or Pakistan, or morality, or the maintenance of public order, or the integrity or independent of the judiciary of Azad Jammu and Kashmir or Pakistan, or the Armed forces of Pakistan; or
- (j) he has been removed or compulsorily retired from the service of Azad Jammu and Kashmir or Pakistan on the ground of misconduct, unless a period of three years has elapsed since his removal or compulsory retirement;
- (k) if he has been convicted by a court of competent jurisdiction for an offence under section 181 or 182 of the Azad Penal Code unless a period of three years has elapsed from the termination of such sentence.
- (l) he is found guilty of corrupt or illegal practice under any other law for the time being in force, unless a period of seven years has elapsed from the date on which that order takes effect; or
- (m) he has been convicted under Section 10 of the Azad Jammu and Kashmir political Parties Act, 1987, unless a

period of five years has elapsed from the date of such conviction; or

- (n) he has been a Chairman, Vice Chairman or member of a local council superseded under Section 79 of this Act:

Provided that the Government may, in any particular case, if satisfied that any of the aforesaid persons is not directly responsible for supersession of the local Council concerned, order that the disqualification, under clause (n) shall not apply to that person; or

- (o) if he has been elected a Local Council as a candidate or a nominee of a political party and thereafter withdraws or disassociates himself from that party; or
- (p) if he has been elected other than as nominee of a political party, joins any political party, and thereafter withdraws or disassociates himself from that party;

Provided that person disqualified under clause (o) and (p) shall not be precluded to contest an election for a local council held at any time thereafter.

Explanation: Withdrawal or disassociation shall be deemed to have taken place if the President/Chairman of political party as the case maybe, declares in writing that any such member has withdrawn or disassociated from that political party;

- (q) if he acts in any manner prejudicial to the interest of official political party of which he was the nominee or which he joined after election.

THE THIRD SCHEDULE

FUNCTIONS OF DEHI COUNCIL, UNION COUNCIL AND VILLAGE POLICE.

Part I- Functions of Dehi Council.

Part II – Functions of Union Council.

Part III – Powers and duties of village police.

PART I

FUNCTION OF DEHI COUNCIL

1. Such functions in connection with 'Zakat' and 'Ushar' as may be assigned by Government under relevant laws.
2. Relief for widows, orphans, the poor and persons in distress.

VOLUME IX: 1989-1993

3. Prevention and abatement of nuisances in public ways, public streets and public places.
4. Sanitation, conservancy and the adoption of other measures for the cleanliness of the Deh.
5. Regulation of the collection, removal and disposal of manure and the street sweepings.
6. Prohibition of the use of the water of wells, ponds and other sources of water supply suspected to be dangerous to public health.
7. Regulation or prohibition of the watering of cattle, bathing or washing near wells, ponds or other sources of water reserved for drinking purposes.
8. Regulation or prohibition of the steeping of hemp, jute or other plants in or near ponds or other sources of water supply.
9. Regulation or prohibition of lying or tanning of skins within residential areas.
10. Holding of fairs and shows.
11. Celebration of the public festivals.
12. Promotion of public games and sports.
13. Adoption of measures for increased food production.
14. Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the village or visitors.
15. To report to the police, the commission of any offence to bring to the notice of the police, person in Deh, or persons of notorious character and to assist in the investigation and prevention of crimes and arresting criminals.
16. Such other functions as may be delegated by the Union Council.

PART II
FUNCTIONS OF UNION COUNCILS.

1. Conciliation Courts.
2. Such functions in connection with 'Zakat and Usher' as may be assigned by the Government under relevant law.
3. Supervision and coordination of functions of Dehi Councils.
4. Prohibition of the use of the water of Wells, ponds and other sources of water supply suspected to be dangerous to public health.

VOLUME IX: 1989-1993

5. Holding of fairs and shows.
6. Promotion of public games and sports.
7. Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the village or visitors.
8. To report to the police, the commission of any offence to bring to the notice of the police, person in Deh, or persons of notorious character and to assist in the investigation and prevention of and arresting criminals.
9. Coordination of development activities of all nations building Departments in particular Agricultural Sector.
10. Adoption of necessary measures to promote Islamic values and ways of life.
11. Registration of births and deaths and the maintenance of such vital statistics as may be prescribed.
12. Plantation and preservation of trees in general and plantation and preservation of trees on public ways, public streets and public places in particular.
13. Lightening of public ways, public streets and public places.
14. Management and maintenance of 'Shamilate' burial grounds, common meeting places and other common property.
15. 'Prevention' and regulation of encroachment of public ways, public streets and public places.
16. Regulation of the disposal of carcasses of dead animals.
17. Regulation of the slaughter of animals.
18. Provision and maintenance of wells, water pumps, tanks, ponds and other works for the supply of water.
19. Adoption of measures for preventing the contamination of the sources of water supply for drinking.
20. Provision and maintenance of accommodation for travellers.
21. Voluntary registration of the sale of cattle and other animals.
22. Provision and maintenance of public ways and public streets.
23. Provision and maintenance of public places, public open places, public gardens and public grounds.

VOLUME IX: 1989-1993

24. Regulation of the erection and re-erection of buildings in the Union.
25. Regulation of the dangerous buildings and structures.
26. Regulation or prohibition of the excavation of earth, stones or other material within residential areas.
27. Regulation or prohibition of the establishment of brick kiln, potteries and other kilns within residential area.
28. Provision of relief measures in the event of any fire, flood, haild storm earthquake or other natural calamity.
29. Agricultural, industrial and community development, promotion and development of co-operative movements, village industries, forests, livestock and fisheries.
30. Provision of first aid centers.
31. Provision of libraries and reading rooms.
32. Cooperation with other organizations engaged in activities similar to those of the Dehi Council.
33. Aid in the promotion of education under the direction of the District council.

PART III

POWERS AND DUTIES OF VILLAGE POLICE

Every Village Kotwal or other member belonging to the village police, by whatever name designated shall exercised the powers and discharge the duties enumerated hereunder:-

1. He shall keep watch and ward in the Deh.
2. He shall assist the police to the best of his ability in all matters connected with the prevention and detection of crimes and the apprehension of offenders.
3. He shall assist the Chairman of the Union, Dehi Councils in the performance of their official functions.
4. He shall unless otherwise, provided, report in person on the state of his best once a fortnight to the officer in charge of the police station within the limits of which the Union is situated.
5. He shall observe and from time to time report to the officer incharge of the Police Station the movement of all bad characters in the Deh, Union, and shall report the arrival of suspicious characters in the neighborhood.
6. He shall report to the officer in charge of the police station such information as he may obtain respecting any person found larking in the Deh, Union, who has no

ostensible means of subsistence, or who cannot give a satisfactory account of himself.

7. He shall keep the officer in charge of the police station informed of all disputes which are likely to lead to any riot of serious affray, and of all intelligence he receives affecting the public peace in the Union.
8. He shall report to the office in charge of the police station any information he may obtain respecting the commission of or intention to commit, any of the following offences in the Dehi Union, that is to say,-
 - (a) rioting;
 - (b) concealment of birth by secret disposal of dead body;
 - (c) exposure of a child;
 - (d) mischief by fire;
 - (e) mischief to animals by poisoning;
 - (f) attempt to commit culpable homicide or suicide; and
 - (g) attempt to commit or abet the commission of any of the above offense.
9. He shall to the best of his ability, prevent, and he may interpose for the purpose of preventing the commission of any offence specified in paragraph (8), or any other cognizable offence.
10. He shall maintain a Birth and death register and shall report all births and deaths within his beat to the Dehi or Union Council.
11. He shall immediately give information to the Dehi or Union Council of the outbreak of epidemic or infectious disease among human beings or animals, or crop disease or post attach.
12. He shall immediately give information to the Dehi or Union Council of damage to any embankment or irrigation work.
13. He shall supply any local information required for official purposes.
14. He shall assist the village revenue officials in the collection and recovery of rent or land revenue, taxes, rates, tolls, fees and other dues.

VOLUME IX: 1989-1993

15. He shall report to the Dehi or Union Councils any information that he may obtain respecting the commission of or intention to commit any offence under this Act.
16. He shall immediately give information to the Dehi or Union Council of any damage or obstruction to, or encroachment on any property, movable or immovable to or vesting in any local council, and may interpose for the prevention of any such damage, obstruction or encroachment.
17. He shall serve processes upon persons resident within the Deh or Union.
18. He may without an order from a magistrate, and without a warrant, arrest:-
 - (a) Any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned;
 - (b) any person having in his possession, without lawful excuse any implement of house breaking;
 - (c) any person who has been proclaimed an offender under the Code of Criminal Procedure, 1898 (Act V of 1898) or by an order of the Government;
 - (d) any person in whose possession anything is found which may reasonably be suspected of having committed an offence with reference to such thing;
 - (e) any person who has escaped or attempts to escape from lawful custody;
 - (f) any person who obstructs a public servant in the execution of his official duties;
 - (g) any person reasonably suspected of being a deserter from the Azad Kashmir Regular forces, the Pakistan Army, Navy or Air Forces; and
 - (h) any released convict committing a breach of any rule under sub-section (3) of Section 565 of the Code of Criminal Procedure, 1898 (Act V of 1898).
19. He shall assist private person in making such arrests as they may lawfully make, and he shall report such arrests

without delay to the officer incharge of the police station.

20. He shall take charge of all persons arrested by the village officials or by any private person under any law for the time being in force, and shall forthwith take or send any person or persons so taken charge of by him or any person or persons he himself may arrest, before the officer incharge, or the police station;

Provided that during the hours of darkness the person or persons arrested may be detained in custody at the village, but must be taken as early as possible on the following morning to the police station.

21. He shall carry out such other duties as are entrusted to him from time to time in accordance with the rules.

THE FOURTH SCHEDULE
FUNCTION OF DISTRICT COUNCIL

1. Such functions in connection with Zakat and Usher as may be assigned by Government under relevant law.
2. Provision and maintenance of libraries and reading rooms.
3. Provision and maintenance of Primary Schools/other educational institutions.
4. Provision and maintenance of hospitals and dispensaries, including veterinary hospitals and dispensaries.
5. Provisions, maintenance and improvement of public roads, culverts, and bridges.
6. Plantation and preservation of trees on road sides and public places.
7. Provision and maintenance of public gardens, public play-grounds and public places.
8. Maintenance and regulation of public ferries, other than those maintained by Government Departments.
9. Maintenance and regulation of cattle ponds.
10. Provision and maintenance of seraes, dakhunglows, zailghers, rest-houses and other buildings for the convenience of travelers.
11. Prevention, regulation and removal of encroachments.

VOLUME IX: 1989-1993

12. Prevention and abatement of nuisances.
13. Holding of fairs and shows.
14. Promotion of public games and sports.
15. Celebration of public festivals.
16. Promotion of sanitation and public health.
17. Prevention, regulation and control of infectious diseases.
18. Enforcement of vaccination.
19. Protection of food stuffs, and prevention of adulteration.
20. Registration of marriages.
21. Registration of the sale of cattle.
22. Provision of water-supply, construction, repair and maintenance of water works and other sources of water supply.
23. Agricultural, industrial and community development;
24. Promotion of national reconstruction; promotion and development of co-operative movement and village industries.
25. Adoption of measures for increased agricultural production.
26. Regulation of traffic; licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.
27. Improvement of the breeding of cattle, horses and other animals, and the prevention of cruelty to animals.
28. Relief measures in the event of any fire, hail-storm, earthquake famine, or other natural calamity.
29. Co-operation with other organizations engaged in activities similar to those of the District Council.
30. Any other functions that may be directed by Government to be undertaken by District Councils either generally or by a particular District Council.
31. Provisions and maintenance of schools other than primary schools.
32. Construction and maintenance of buildings to be used as hostels for students.
33. Provision of Scholarships.
34. Training of teachers.

VOLUME IX: 1989-1993

35. Payment of grants and subsidies to educational institutions.
36. Promotion and assistance of educational societies.
37. Undertaking of educational surveys, framing of educational plans and implementation thereof.
38. Promotion of adult education.
39. Provision of milk supply and meals for school children.
40. Publication of school books and the maintenance of printing presses.
41. Provision of school books to orphans and indigent students free of cost or at concessional rates.
42. Maintenance of depots for the sale of school books and articles of stationery.
43. any other measures likely to promote the cause of education.
44. Organization of general cultural activity.
45. Establishment and maintenance of information centers.
46. Organization of museum, exhibitions and art galleries.
47. Maintenance of radio sets at public institutions and public places.
48. Provision and maintenance of public halls, public meeting places and community centers.
49. 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.
50. Celebration of the Holy Prophet's Birth day, and other national occasions.
51. Reception of distinguished visitors.
52. Encouragement of national and regional languages.
53. Promotion of Physical culture, the encouragement of public games and sports and the organization of rallies, matches and tournaments.
54. Preservation of the historical and indigenous characteristics of the local area.
55. Any other measures likely to promote cultural progress and advancement

VOLUME IX: 1989-1993

56. Establishment, management and maintenance of welfare homes, asylums, orphanages, widow-homes and other institutions for the relief of the distressed.
57. Burial and cremation of paupers found dead within the local area.
58. Prevention of beggary, prostitution, gambling, taking of injuries drugs and consumption of alcohol liquor, juvenile delinquency and other social evils.
59. Promotion of social, civic and patriotic virtues among the people and discouraging parochial, racial, tribal and sectarian prejudices.
60. Organization of social service volunteers.
61. Organization of legal aid for the poor.
62. 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.
63. Adoption of measures for the settlement of disputes by conciliation and arbitration.
64. Any other measures likely to promote social welfare.
65. Establishment and maintenance of mode agricultural farms.
66. 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.
67. 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.
68. Promotion of agricultural credit; agricultural education; and adoption of other measures likely to promote agricultural development.
69. Construction and repair of embankments, supply, storage, and control of water for agricultural purposes.
70. Preservation and reclamation of soil and the drainage and redemption of swamps.
71. Management, protection and maintenance of village forests.
72. Provision, regulation and maintenance of markets.

VOLUME IX: 1989-1993

73. Provision of facilities for the procurement of raw materials and marketing of products of village industries.
74. Establishment, maintenance and management of industrial schools and the training of workers in village industries.
75. Adoption of other measures likely to promote the development of village industries.
76. Organization, maintenance and management of village stores.
77. Popularization of the cooperative movement and the promotion of education is co-operation.
78. Any other measures likely to promote economic welfare.
79. Promotion of education in public health.
80. Farming and implementation of anti-malaria schemes, and schemes of the prevention and control of infectious diseases.
81. Organization and maintenance of first aid centers.
82. Provision and maintenance of mobile medical aid units.
83. Promotion and encroachment of societies for the provision of medical aid.
84. Promotion of medical education and the payment of grants to institutions for medical workers.
85. Medical inspection of compounders, dispensers, nurses and other medical workers.
86. Establishment, management, maintenance and the visiting of Unani, ayurvedic and Homeopathic dispensaries.
87. Establishment, management, maintenance and the visiting of health centers, maternity centers and centers 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.
88. Measures to alleviate disease of animals and birds and the prevention and control of contagious diseases among birds and animals.
89. Preservation of cattle health.
90. Provision, maintenance and improvement of pastures and grazing grounds.

VOLUME IX: 1989-1993

91. Regulation of milk supply, establishment of milk colonies and provision and regulation of sanitary stables.
92. Establishment and maintenance of cattle farms and dairies.
93. Any other measures likely to promote public health, animals, husbandry and welfare of birds.
94. Improvement of the means of communications.
95. Drainage, water-supply, payment of streets and other works of public utility.
96. Farming and execution or village plans, village improvement, schemes, town planning schemes and regional planning schemes.
97. Maintenance of maps for local areas.
98. 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 Act or any other law for the time being in force.
99. Measures likely to promote the religious and moral advancement and increase the material prosperity of the local area and its inhabitants.

THE FIFTH SCHEDULE
COMPULSORY FUNCTIONS OF
MUNICIPAL COMMITTEES AND TOWN COMMITTEES.

Such Functions in connection with Zakat and Ushr as may be assigned by Government under relevant law.

A. PUBLIC HEALTH

1. **Responsibility for sanitation.**-A Municipal Committee shall be responsible for the sanitation of the Municipal area.
2. **In-sanitary buildings and land.**
 - (1) A Municipal Committee may, by notice require the owner or occupier of any building or land which is in an insanitary or un-wholesome state,-
 - (a) to clean or otherwise put it in a proper state;
 - (b) to make arrangements to the satisfaction of the Municipal Committee for its proper sanitation; and

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

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

3. **Removal Collection, and disposal of refuse.**- (1) A Municipal Committee shall make adequate arrangements for the removal of refuse from all public roads and streets, public latrines, Urinals, drains and all buildings and land vested in the Municipal Committee and for the collection and proper disposal of such refuse.

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

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

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

4. **Latrines and urinals.**- (1) A Municipal Committee shall provide and maintain in sufficient number and in proper situations public latrines and Urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleaned.

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

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

objectionable, the Municipal Committee may, by notice, require the owner of such premises,-

- (a) to provide such or such additional privy or urinal accommodation as may be specified in the notice.
- (b) to make such structural or other alteration in the existing privy or urinal accommodation as may be so specified.
- (c) to remove the privy or urinal; and
- (d) Where there, is any underground sewerage system to substitute connected privy or connected urinal accommodation for any service privy or service urinal accommodation.

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

6. **Infectious disease.**- A Municipal Committee shall adopt measures to prevent infectious diseases and to restrain infection within the Municipality.

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

B. WATER SUPPLY

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

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

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

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

(3) A Municipal Committee may by notice, require the owner or any person having the control of any private source of water supply used for drinking purposes.

- (a) to keep the same in good order and to clean it from time to time of time of silt, refuse and decaying matter;
- (b) to protect the same from contamination in such manner as the Municipal Committee directs; and
- (c) if the water therein is proved to the satisfaction of the Municipal Committee to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the use of such water for drinking purposes.

C. DRAINAGE

9. **Drainage.**- (1) A Municipal Committee shall provide an adequate system of public drains in the Municipality and all such drains shall be constructed, maintained, kept cleared and emptied with due regard to the health and convenience of the public.
- (2) Every owner or occupier of any land or building within the municipality may with the previous permission of the Municipal Committee and subject to such terms and conditions including the payment of fees, as the Municipal Committee may impose, cause his drains to be emptied into public drains.
- (3) All private drains shall be subject to control regulation and inspection by the Municipal Committee.
- (4) Subject to the provision of any other law for the time being in force a Municipal Committee may by notice direct a commercial or industrial concern to provide for the disposal of its waste or effluent in the manner specified, and failure on the part of owner, tenant or occupier thereof to comply with such directions shall be offence under this Act.
- (5) A Municipal Committee may, by notice require the owner of any building land or an industrial concern within the Municipality.
- (a) to construct such drains within the building or land or the street adjoining and building or land and to take such other measures for treatment and disposal efficiently as may be specified in the notice.
- (6) In case of failure of the owner to comply with the requirement of notice under sub-section (5) the Municipal Committee may itself cause to carry out such requirements and the cost so incurred shall be deemed to be a tax levied on the owner of the building or land, as the case may be under this Act.

10. **Drainage and sewerage a schemes for commercial and industrial area/areas.**- (1) A Municipal Committee may through a notice require the owners, tenants and occupiers of commercial and industrial concerns in any area or areas within a Municipality to have at their own cost prepared, a scheme for the adequate and safe drainage and disposal of their wastes and effluent of the quality permitted under the rules or the bye-laws and submit it to the Municipal Committee within the time specified in the notice; provide that the time limit may be extended by the Municipal Committee for a maximum period of three months at the request of the owners, tenants or occupiers of the commercial and the industrial units concerned.
- (2) The drainage, sewerage and disposal scheme as approved by the Municipal Committee with modification, if any shall be executed and implemented by the owner's tenants or occupiers of the commercial or industrial units at their expense in such manner and within such time as may be specified by the Municipal Committee.
- (3) In case of the failure of the owners, tenants or occupiers of the commercial or industrial concerns to comply with the provisions of sub-section (1) and (2) the Municipal Committee may itself prepare the drainage, sewerage and disposal scheme and execute and implement it after approval by Government at its own expense and the cost so incurred shall under, this Act be deemed to be a tax levied on the owners, tenants or occupiers of the industrial and commercial units concerned.

D. ARTICLES OF FOOD AND DRINK

11. **Private Markets.**- (1) No private market for the sale of articles of food or drial or animals shall be established or maintained within a Municipality except under a licence granted by the Municipal Committee and in conformity with conditions of such licence.
- (2) A Municipal Committee may levy fees in respect of private markets in the prescribed manner.
- (3) A Municipal Committee may, by notice, require the owner of any private market to construct such works, provide such conveniences and make such arrangements for the maintenance of the market, and within such period as may be specified in the notice.
12. **Slaughter houses.**- AMunicipal Committee shall provide and maintain at such site or sites within or outside the limits of the Municipality one or more slaughter houses for the slaughter of animals or sale of any specified description of animals.

E. ANIMALS AND CATTLE.

13. **Prohibition on Picketing or Tethering in streets.**- No animals shall be picketed or tethered in such streets or places as may be specified by the Municipal Committee and any animals found picketed or tethered in any such street or place shall be liable to seizure and impounding.
14. **Prohibition against keeping and maintaining cattle.**- (1) Notwithstanding anything to the contrary contained in any other law or any agreement, instrument, custom or usage or decree, judgment or order of any court or other authority,-
- (a) no, person shall, after the expiry of the period allowed under sub-section (2) keep or maintain cattle in any part of a prohibited zone; provided that the prohibition shall not apply to.-
 - (i) cattle kept bona-fide for sacrificial purposes;
 - (ii) cattle kept for drawing carts or use in mills with the permission of the Municipal Committee and subject to such conditions as it may impose.
 - (iii) cattle under treatment in any veterinary hospital;
 - (iv) Cattle brought to a cattle market demarcated by the Municipal Committee for the purpose of sale; and
 - (v) cattle brought to a slaughter-house or kept by butchers for the purpose of slaughter within the area demarcated by the Municipal Committee;
 - (b) no person shall ,within the limits of the Municipal Committee keep, tether, stall, feed or graze any cattle on any road, street or through fare or in any public place.
- (2) The Municipal Committee may, by a general or specified order direct that any person incharge of cattle shall remove the cattle from the prohibition order may be allowed to keep and maintain their cattle at the places earmarked as 'Cattle Colonies' by the Municipal Committee on such terms and conditions as it may impose.
15. **Dangerous animals.**- A Municipal Committee may, by bye-laws define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not

otherwise dangerous shall be deemed to be dangerous animals and such by-laws among other matters, provide for the detention, destruction or disposal otherwise of such animals.

16. **Disposal carcasses.**- Whenever an animal in the charge of a person dies, other-wise than by being slaughtered for sale or consumption or for some other religious purpose such person shall either,-
- (a) convey the carcasses within twenty four hours to a place if any, fixed by the Municipal Committee for the disposal of the dead bodies of animals or to a place beyond the limits of the Municipality not being a place within one miles of such limits;
 - (b) give notice of the deaths to the Municipal Committee where upon the Municipal Committee shall cause the car- case to be disposed of and charge such fees from the person concerned as the bye-laws may provide.
17. **Educational Institutions.**- (1) A Municipal Committee shall establish, maintain and manage such educational institutions as may be required by Government and may with the previous approval of Government maintain such other educational institutions as may be necessary for the promotion of education in the municipality.
- (2) All educational institutions maintained by the Municipal Committee shall be maintained in a state of efficiency and shall confirm to such standards as may be prescribed as standards.
 - (3) A Municipal Committee may, with the previous approval of Government give financial aid to private educational institutions within the municipality.
18. **Compulsory education.**- Subject to any law for the time being in force, a Municipal Committee shall be responsible for enforcement of compulsory education in the municipality and it may in this behalf adopt all such measures as may be necessary to ensure that every child of school-going age in the municipality attendance a school recognized by the Municipal Committee.

G. PUBLIC SAFETY.

19. **Fire fighting.**- (1) For the prevention and extinction of fire, a Municipal Committee shall maintain a fire brigade consisting of such staff and such number of fire stations and such implements, machinery, equipment and means of communicating intelligence as may be prescribed.
- (2) On the occurrence of the fire within a municipality any Magistrate, any official of a fire brigade directing the operations

and any police officer not below the rank of Sub-Inspector, may.-

- (a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or saving life and property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire, break into or through, or pull down, or cause to be broken into or through, or pulled down, or use for the passage of houses or either appliances. And 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 incharge 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 purported to be done under this section.

(4) A Municipal Committee shall prepare fire-fighting plan and revise it at least once a year.

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

21. **Floods.**- For the fighting of floods, rescuing of people from the flood affected areas, and affording relief to flood stricken people a Municipal Committee shall provide such boat appliances and equipments as may be specified by Government.

22. **Dangerous and offensive articles and trades.**- (1) The articles and trades given in the first schedule shall be deemed to be dangerous or offensive for the purposes of this section.

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

- (a) no person shall carry on any dangerous or offensive trades.

- (b) no premises shall be used or offered 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 articles except for domestic use or;
 - (ii) any dangerous or offensive article in excess of such limits as may be fixed by bye laws.

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

H. TOWN PLANNING

23. **Master plan.**- A Municipal Committee shall draw up master plan for the municipality which shall, among other matter provide for.-
- (a) a survey of the municipality including its history, statistics, public services and other particulars.
 - (b) development, expansion and improvement of any area within the municipality; and
 - (c) restrictions, regulations, and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the municipality.
24. **Site Development schemes.**- (1) Where a Master plan has been drawn and such Master plan has been approved, without any Modifications by Government, no owner of land exceeding such area as may be specified in this behalf in the Master Plan so approved, shall develop the sites or erect or re-erect a building on any plot of land covered by the Master plan, except in conformity with the provisions of a site Development Scheme sanctioned.
- (2) Where a Master plan has not been drawn up under section 23 no owner land shall develop the site or erect or re-erect any building on any plot or land except in conformity with the provision of site development schemes, sanctioned by the municipal committee.
- (3) Among other matters, a site development scheme may provide for.
- (a) the division of the site into plots;
 - (b) the streets, drains and open spaces to be provided;

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

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

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

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

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

I. BUILDING CONTROL

26. **Erection and re-erection of building.**- (1) No person shall erect or re-erect a building unless the site has been approved and the

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

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

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

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

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

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

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

27. **Completion of buildings alteration of building etc.-** (1) Every person who has erected or re-erected a building within thirty days of the completion of the building report such completion to the Municipal Committee.

(2) The Municipal Committee shall cause every building which has been completed to be inspected, and if it has been constructed in violation or contravention of any provisions of this Act the rule or the bye-laws or of the Master Plan or site development scheme, if any, the Municipal Committee may require the alteration of the building so as to be in compliance with and where such alteration is not possible the Municipal

Committee may require the building or any part thereof to be demolished, or on the application of the owner of such building compound the offence; provided that no offence shall be compounded if it involves any violation or contravention of the provisions of Master Plan or of a sanctioned site development Scheme or if the building has been constructed or cause other than it was shown to be used in the sanction building plan.

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

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

Provided that the municipal Committee shall not sanction any change in the use of a building which may be in violation or contravention of the Master plan, or site development scheme if any.

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

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

(4) If the building is in dangerous condition and declared unfit for human habitation the Municipal Committee may for the purpose of demolition, eject the owner or occupier from such building with such necessary force as may be required.

J. STREETS.

29. **Public Streets.-** (1) A Municipal Committee shall provide and maintain such public streets and other means of public

communication as may be necessary.

(2) A Municipal Committee shall in the prescribed manner, prepare and execute a road Maintenance and Development Programme which shall form part of the budget.

30. **Streets.-** (1) No new street shall be laid out except with the previous sanction of the Municipal Committee, and in conformity with the terms and condition of such sanction.

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

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

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

31. **Encroachment.-** (1) No person shall make an encroachment movable or immovable on an open space or land vesting in or managed, maintained or controlled by a Municipal Committee, on or over or under a street, road, graveyard, within the municipal limits or a drain except under a licence granted by the Municipal Committee and to the extent permitted by such licence.

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

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

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

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

32. **Street lighting.-** (1) A Municipal Committee shall take such measures as may be necessary for the proper lighting of the

public streets and other public places vesting in the Municipal Committee by oil gas, electricity or such other illuminant as the Municipal Committee may determines.

(2) A Municipal Committee may form and enforce street lighting scheme.

33. **Street watering.**- A Municipal Committee shall take such measures, as may, be necessary for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff, and other apparatus as may be necessary.

34. **Traffic Control.**- A Municipal Committee shall under bye-laws, make such arrangement for the control and regulation of traffic as may be necessary to Prevent danger to and ensure the safety, convenience and comfort of the public.

(2) A Municipal Committee may provide parking meters on such public places as may be determined by it.

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

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

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

Explanation: In this section a public vehicle means any vehicle which ordinarily used for hire.

K. ARBORICULTURE

36. **Arboriculture.**- A Municipal Committee shall plant trees on public streets and other public places within the municipality and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

OPTIONAL FUNCTIONS OF MUNICIPAL COMMITTEE

37. **Optional Functions.**- A Municipal Committee may, and if required by Government shall undertake following functions.

A. PUBLIC HEALTH

38. **Promotion of Public health.**- Subject to the provisions of this Act and the rules, a Municipal Committee may take such

measures for promoting public health, including education in health, as it considers necessary or as the case may be, Government directs.

39. **A Municipal Committee may,-**
- (a) establish, maintain or manage or contribute towards the maintenance of health centers maternity centers for the welfare on women, infants and children; and
 - (b) Provide for the training of dais.
40. **Hospital and dispensaries.-** A Municipal Committee may establish, maintain and manage in the prescribed manner, such number of hospital and dispensaries as may be necessary.
41. **Medical and relief medical education.-** A Municipal Committee may take such measure as may be necessary or as may be specified by the Government for.-
- (a) the provision, maintenance and management of first aid centers;
 - (b) the provision, maintenance and management of mobile medical and units;
 - (c) the provision and encouragement of societies for the 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.
42. **Environmental pollution.-** (1) A Municipal Committee may prepare and implement schemes for the prevention of the pollution of air by the gases, dust or other substances exhausted or omitted by automobiles, engines, factories brick or lime kilns, crushing machines for grinding stone, salt or other materials and such other sources of air pollution as the bye-laws may provide.
- (2) `A Municipal Committee may prepare and implement schemes for the prevention of the pollution of water or land from such sources and in such manner as the bye-laws may provide.

(B). Dhobi Ghats Ferries ETC.

43. (1) A Municipal Committee may, from time to time,-
- (a) set up suitable places for use by the public for bathing for washing clothes or for drying clothes;
 - (b) specify the time at which and the sex of persons by whom such places may be used; and

prohibit by public notice, the use by the public for any of the said purposes of any places not so set apart.

(2) No person shall establish, maintain or run human or a bath for public use except under a licence granted by the Municipal Committee, and in conformity with the conditions and terms of such licence.

44. **Dhobi Ghats.**- A Municipal Committee may provide dhobi ghats and may by bye-laws regulate the use of dhobi ghats and levy fees for their use.
45. **Public water sources.**- (1) A Municipal Committee may, with the previous sanction of the Government declare any source of water spring, river, tank, pond or public stream or any part thereof within the municipality which is not private property to be public water source.
- (2) A Municipal Committee may in respect of any public water course provide such amenities make such arrangements for life saving execute such works and subject to the provisions of any law for the time being in force relating to irrigation drainage and navigation regulate the use thereof as the bye-laws may provide.
46. (1) A Municipal Committee may by by-laws provide for the licensing of boats and other vessels playing for hire in a public water course and may specify the terms and conditions for the grant of licenses and the fees to be charged therefore.
- (2) The Government may declare any part of the public water-course to be a public ferry and entrust the management thereof to the Municipal Committee which shall manage and operate the public ferry in such manner and levy such tolls as may be necessary.
47. A Municipal Committee may with the previous sanction of the Government declare any public water course as public fishery and thereupon the right of fishing in such water course shall vest in the Municipal Committee which may exercise such right in such manner as may be provided by bye-laws.
48. **Bye-laws for articles of food and drink.**- A Municipal Committee may, by bye-laws,-
- (a) prohibit the manufacture, sale or preparation or the exposure for sale, or any specified article of food or drink in any places or premises not licence by the Municipal Committee;
- (b) Prohibit the import into the Municipality for sale or the

hawking for sale of any specified article of food or drink by person not so licenced;

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

49. **Milk Supply.**- (1) Except under a licence granted by the municipal Committee and in conformity with the conditions of such licence, no person shall, within the municipality keep milk cattle for the sale of milk, or sell milk or export or import milk for sale or manufacture of butter, ghee, or any other milk or dairy product, nor shall any premises be used for such purpose.

(2) A Municipal Committee may in the prescribed manner, and with the previous sanction of Government form and enforce milk supply scheme which may among other matters provide for the establishment of milk men's colonies the prohibition of the keeping of milk cattle in the municipality or any part thereof, and the adoption of such other measures as may be necessary for ensuring as adequate, supply of pure milk to the public.

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

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

- (a) the fees to be charged for the use of or, for the right to expose goods in the market;
- (b) the fees to be levied on vehicles and animals bringing goods therein for sales;
- (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 broker commission agents,

weighmen and other person practicing their calling therein.

(D). ANIMAL HUSBANDRY

51. **Animal Husbandry.**- (1) A Municipal Committee may provide for the establishment, maintenance and management of veterinary hospital and dispensaries and by bye-laws regulate their working and fix the fees to be charged for treatment in such hospital and dispensaries.
- (2) A Municipal Committee may by bye-laws define contagious diseases among animals and provide for measures that shall be adopted for prevention of the spread of such disease including the compulsory inclusion of animals and the subject to such treatment as may be necessary of such animals as may be suspected to have been infected with carries of any such disease.
52. **Animal Homes and farms.**- (1) A Municipal Committee may with the previous approval of the Government establish maintain and manage animal homes where subject to such terms and conditions and on the payment of such fees and other charges the bye-laws may provide the animals of private persons may be kept.
- (2) A Municipal Committee may with the previous approval of the Government establish maintain and manage cattle farms and poultry farms and such farm shall be managed and administered in such manners the bye-laws may provide.
53. **Registration of the sale of cattle's.**- A Municipal Committee may, by bye-laws require that every sale of such of the animals as may be specified shall be registered with the municipal Committee in such manner and subject to the payment of such fees as the bye-laws may provide.
54. **Livestock improvement.**- A Municipal Committee may, with the previous, approval of the Government frame and execute a livestock scheme, which may among other matters provided 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.
55. **Cattle Show Zoo etc.**- (1) A Municipal Committee may hold cattle shows and fairs within the limits of the municipality and charge such fees from the people attending such shows or fairs as the bye-laws may provide.
- (2) A Municipal Committee may, with the previous approval of the Government maintain or contribute towards the maintenance of Zoological gardens.

(E). PUBLIC SAFETY.

56. **Famine.**- In the event of a famine, a municipal Committee may, with the sanction of the Government, execute such famine works and order such famine relief measures as if may be specified by the Government.
57. **Burial and burning places.**- (1) A Municipal Committee may provided suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenance and administration of each burial and burning place.
- (2) The Government may, by notification in the official gazette, declare that burial or burning place which is open to public for burial or burning, shall vest in Municipal Committee and their-upon such burial or burning place, shall vest in a Municipal Committee shall take all measure necessary for the proper maintenance and administration thereof.
- (3) A burial or burning place which is not administered by a Municipal Committee shall be registered with the Municipal Committee and shall be subject to regulation supervision and inspection by the Municipal Committee in such manner as the bye-laws may provide.
- (4) No new burial or burning place shall be established within a municipality, except under a licence granted by the Municipal Committee and in conformity with the conditions of such licence.

F. TREES, PARKS, GARDENS AND FORESTS.

58. **Gardens.**- (1) A Municipal Committee may lay-out and maintain within the municipality such public gardens as may be necessary for the recreation and convenience of the public and such public gardens shall be maintained and administered in such manner as the bye-laws, may provide.
- (2) For every public garden there shall be framed and enforced, in the prescribed manner, a garden Development plan, which shall provide for the development and improvement of the garden.
59. **Open space.**- A Municipal Committee may provide and maintain within the municipality such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed hedged, planted and equipped with such amenities and in such manner as the bye-laws may provide.
60. **Forest.**- A Municipal Committee may in the prescribed manner frame and enforce Forest plans providing for the improvement, development and exploitations of forests and maintain plant and work forests in accordance with such plans.

61. **Nuisances pertaining to trees and plantations.**- (1) A Municipal Committee may, by bye-laws determine the posts of trees and plants and provide for their destruction.
- (2) If any land or premises within a municipality is grown with rank or noxious vegetation, or undergrowth, a Municipal Committee may by notice require the owner or occupier of such land or premises to clear such vegetation or undergrowth within a specified time and if he fails to do so within such time the Municipal Committee may have such vegetation or under growth cleared and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the owner or occupier under this Act.
- (3) A Municipal Committee may in the manner provided in the bye-laws require the felling of any tree which is dangerous or the trimming of the branches of any tree which overhang or are likely to interfere with the traffic or are otherwise inconvenient.
- (4) A Municipal Committee may in the manner provided in the bye-laws prohibit the cultivation of any crop which is considered dangerous to public health with such part of the municipality as may be specified.
62. **Tanks and low lying areas.**- A Municipal Committee may take such steps with regard to the excavation and re-excavation of tanks and the reclamation of low- laying areas as it thinks fit or as the case may be Government directs.

G. EDUCATION

63. **A Municipal Committee may:-**
- (a) construct and maintain buildings to be used as hostels for students;
 - (b) Give scholarships to deserving or specially bright students;
 - (c) provide for the training of teachers;
 - (d) promote adult education;
 - (e) provide school books to orphans and indigent students free of cost or at concessional rates.
 - (f) maintain depots for the sale of school books and articles of stationery; and
 - (g) with the previous approval of Government.-
 - (i) promote and assist educational societies;
 - (ii) undertake educational survey and enforce educational plans;

- (iii) provide whether free of charge or on payment milk or meals for school children.

H. CULTURE

64. **A Municipal Committee may:-**

- (a) establish and maintain information centers for the furtherance of civic education and dissemination of information on such matters as community development and other matters of public interest;
- (b) maintain radio and television sets at public institutions and public places;
- (c) organize museums, exhibitions and art galleries;
- (d) celebrate the national occasions;
- (e) provide for the reception of distinguished visitors visiting the Municipality;
- (f) encourage, national and regional languages;
- (g) promote physical culture and encourage public games and sports and organise rallies and tournaments;
- (h) promote tours to the Municipals and adopt measures for the preservation of the historical and indigenous characteristics of the Municipality; and
- (i) provide promote or subsidies facilities for the recreation of the public.

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

66. **Fairs and shows etc.-** A Municipal Committee may make such arrangements on the occasion of any fairs, shows or public festivals within the Municipality as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs and shows.

(I). SOCIAL WELFARE

67. **Social Welfare.-** A Municipal Committee may,-

- (a) establish, manage and maintain welfare home asylums, orphanages widow homes and other institutions for the relief of the distressed;
- (b) provide for the burial and burning of paupers found dead within the Municipality at its own expense;

- (c) adopt such measures as may be prescribed for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor juvenile delinquency and other social evils;
- (d) organise social service volunteers, and
- (e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in Armed Forces and women and children.

J. MUNICIPAL POLICE

68. **Municipal Police.**- (1) A Municipal Committee may, and if directed by Government shall maintain such police force, to be known as Municipal Police, as may be necessary.
- (2) The Municipal Police shall be a police force within the meaning of section 2 of the police Act, 1861, and shall consist of such number of officers and men who shall receive such pay and allowances and shall be employed on such terms and conditions as the Government may, from time to time, determine.
- (3) The Government may, notwithstanding anything contained in the police Act, 1861 or in any other law, prescribe the duties which the Municipal police may or may not be required to perform.
- (4) Any officer or servant of a Municipal Committee when empowered in that behalf by a general or special order of the Government, may exercise the powers of a police officer for such purposes of this Act as may be specified in such order.
69. **Additional functions.**- Nothing contained in this chapter shall preclude Municipal Committee to perform such functions as may be assigned to it by or under any other law.
70. **Development plans.**- Preparation and implementation of development plans.
71. Sponsoring and promoting community development projects.
72. Promotion, execution and implementation of commercial schemes.

THE SIXTH SCHEDULE

Taxes, Rates, Tolls and Fees which may be levied by District, Union Council, Town, Municipal Committees.

1. Tax on the annual value of building and lands.
2. Tax on lands not subject to local rate.
3. Tax on hearth.

VOLUME IX: 1989-1993

4. Tax on the transfer of immovable property.
5. Tax on the import of goods for consumption, use or sale in a local area.
6. Tax on the export of goods from a local area.
7. Tax on the 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 vehicle) including carts and bicycles and all kinds of boats.
13. Tools on roads bridges and ferries.
14. Lighting rate.
15. Drainage rate.
16. Rate for the remuneration of village police.
17. Rate for the execution of any work of public utility.
18. Conservancy rate.
19. Rate for the provision of water works or the supply of water.
20. Fees on application for the erection and re-erection of buildings.
21. Schools fees in respect of schools established or maintained by a local council.
22. Fees for the use of benefits derived from any works of public utility maintained by a local council.
23. Fees at fairs, agricultural shows, industrial exhibitions, tournaments and other public gatherings.
24. Fees for markets.
25. Fees for licences, sanctions and permits granted by a local council.
26. Fees for specific services rendered by a local council.
27. Fees for the slaughtering of animals.
28. Any other tax which the Government is empowered to levy by law.
29. A special 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 local

council concerned exempts any person in lieu of doing voluntarily labour or having it done on his behalf.

THE SEVENTH SCHEDULE.

MATTERS RESPECTING WHICH RULES MAY BE MADE.

1. Organization and conduct of elections under this Act, and matters connected therewith or incidental thereto, including by-elections and corrupt or, illegal practices and other election offences, and penalties therefrom, and the submission trial and disposal of election petitions.
2. Election of Chairman/Vice Chairman.
3. Prescription of the form of oath of office by members.
4. Regulation of the functions of Dehi/Union Councils with regard to villages defence and village police, including appointment, the terms and conditions, and the training and discipline of members of the village police.
5. Functions of local councils with regard to national reconstruction, the agricultural, industrial and community development, and food production.
6. The manner in which any Advisory Committee shall be constituted, and their functions.
7. The manner in which schemes for undertaking commercial or business enterprises by local councils may be promoted, administered, executed and implemented.
8. Regulations of the execution of works by local councils.
9. Regulations of the making of contracts on behalf of local councils.
10. Prescription of records, reports and returns to be maintained, prepared or published by local councils.
11. Constitution and regulation of the local councils Service.
12. Regulation of matters referred to in Section 48 pertain to servants of local councils.
13. Administration, regulation, custody, investment and operation of local funds, 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 re-payment of loans by local councils.
17. Determination, of the property that shall vest in local councils and other matters specified in Section 60.

VOLUME IX: 1989-1993

18. Preparation, regulation, consolidation, sanction and implementation of development plan.
19. The manner in which and the authority by whom, members, officials and servants of local councils, and other person may be surcharged under Section 63.
20. Regulation of the assessment of collection of the local rate, and the distributions of the proceeds thereof between District and Union Councils.
21. Regulation of the Assessment, collection and administration of taxes, rates, tolls and fees, and all matters relating thereto.
22. The manner in which, and the authority to whom, appeal shall lie against the orders of local councils.
23. The manner in which local councils shall be inspected and the powers of inspecting officials.
24. Any other matter required under any of the provisions of this Act to be prescribed.

THE EIGHT SCHEDULE

MATTERS FOR BYE-LAWS AND REGULATIONS

PART I

**MATTERS RESPECTING
WHICH BYE-LAWS MAY BE MADE**

1. Registration of birth and deaths and marriages.
2. Registration of the sale of cattle and animal.
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 Shamilat and other 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.

VOLUME IX: 1989-1993

12. Regulation of milk supply.
13. Regulation of stables.
14. Prevention of encroachments.
15. Prevention or abatement of nuisances.
16. Regulation of the erection and re-erection of buildings.
17. Regulation of dangerous building and structures.
18. Regulation of dangerous and offensive trades.
19. Management and regulation of public ferries.
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. Prevention of beggary, juvenile delinquency, prostitution and other social evils.
25. Specification of purposes, for which licences shall be required, and the terms and conditions subject to which licences may be issued.
26. Promotion and furtherance of any of the functions of local councils, and the carrying out of any of the purpose of this Act not provided for in the rules.

PART II
MATTERS RESPECTING
WHICH REGULATIONS MAY BE MADE

1. Conduct of business by local councils, prescription of quorum, the asking of questions, and other matters.
2. Constitution and functions of committees and sub-Committees of local councils, co-operation of members thereon and conduct of business by them.
3. Any matter required by or under any of the provision of this Act to be determined by regulations.

THE NINTH SCHEDULE
OFFENCES UNDER THE ACT

1. Evasion of the payment of a tax or other impost lawfully levied by local councils.
2. Failure to furnish on requisition information in respect of any matter which a local council is authorised to call for under any of the provision of this Act or the rules or bye-

laws or furnishing wrong information.

3. Doing an act without licence or permission, when the doing of such act required a licence or permission under any of the provision of this Act or the rules or bye-laws.
4. Erection or re-erection of a building without the sanction required under this Act.
5. Carrying on the dangerous or offensive trade without such sanction.
6. Making an encroachment on any public road, public road, public street or public place without the sanction of the prescribed local council.
7. Doing an act by which water for drinking is rendered foul or unfit for use.
8. Using water for drinking from any source which is suspected to be dangerous to public health, and the use whereof has been prohibited under this Act.
9. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for public.
10. Steeping hemp, jute or any other plant in or near a pond or other excavation within such distance of the residential area as may be specified under the Act.
11. Dyeing or tanning skins within such distance of the residential area as may be so specified.
12. Excavation of earth, stone or any other material within such distance of the residential area as may be specified.
13. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distances of the residential area as may be so specified.
14. Disposing of carcasses of animals within such distance of the residential area as may be specified.
15. Failure to remove any dirt, dung, night-soil, manure, or any obnoxious or offensive matter from any land or building when so required under this Act.
16. 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, rubbish or refuse when so required under this Act.
17. Failure by the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which has been declared under this Act to be injurious to

health or offensive to the neighbor-hood.

18. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering any street, or any branches of trees growing thereon which overhang any street or obstruct the same or cause danger, or which so overhang on well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof, or have been declared under this Act to be in any way offensive or injurious to health.
19. Cultivation of such crops, use of such manure or irrigation of any land in such manner as is declared under this Act to be injurious to public health or offensive to the neighborhood.
20. Without the permission required under this Act causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow drain or be put upon any street or public place, or into any irrigation channel or any power or drain does not set a part for the purpose.
21. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up, or drain off any private well tank or other source of water-supply, which is declared under this Act to be injurious to health or offensive to the neighborhood.
22. Failure by the owner or occupier of any building or land to put up and keep in good condition through hand pipes for receiving or carrying water or sullage from the building or land when so required under this Act.
23. Failure by a medical practitioner who during the course of such practice become cognizant of the existence of any infectious disease to the prescribed local council.
24. Failure by any person cognizant of existence of any infectious disease in any building to communicate the information to the prescribed local council.
25. Failure by the owner to dis-infect an infected building or the letting of an infected building without dis-infection.
26. Sale of articles of food and drink by a person suffering from any infectious disease.
27. Failure by the owner or driver of a vehicle to dis-infect any infected vehicle or carrying passengers in an infected vehicle.

VOLUME IX: 1989-1993

28. Feeding or allowing to be fed any animal, meant for dairy or food purposes on a deleterious substances, filth or refuse of any kind.
29. Slaughtering animals for the sale of meat at a place other than the place seta part for the purpose.
30. Selling to the prejudice of any purchaser any article of food drink which is not of the nature, substance or quality demanded by such purchaser.
31. Beginning importantly for alms, or exposing or exhibiting with the subject of exciting charity and deformity of disease or any offensive sore or wound.
32. Keeping a brothel or practicing prostitution in such area as may be declared a prohibited area for the purpose.
33. Failure by the owner or occupier of a building to make adequate arrangements for house scavenging when so required under this Act.
34. Cutting down of any tree, or cutting off a branch of any tree, or erection or demolition of any building or part of a building where such action is declared under this Act to be a cause of danger or annoyance to the public.
35. Laying out, making or commencing to lay out or make a street without the sanction of the prescribed local council.
36. Fixing any bill, notice, play card or other paper or means of advertisement against or upon any building or place other than place fixed for the purpose.
37. Stacking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared under this Act to be dangerous.
38. 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 enactment without the permission required under this Act.
39. Causing or permitting animals to stay or keeping, tethering, stalling feeding or grazing any cattle on any road, street or through fare or in any public place or damaging or causing or permitting to be damaged any road, street or through fare by allowing cattle to move thereon.
40. Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after

VOLUME IX: 1989-1993

sunset to half an hour before sunrise.

41. Failure while driving, leading or propelling a vehicle, without reasonable excuse, to keep to the left or when passing vehicle going in the same direction, to keep to the right of that vehicle, or to follow other specified rules of the road.

AJK LAW Department (Library)

**TENTH SCHEDULE
DECLARATION OF PROPERTIES**

ACQUIRED BY (NAME)
**MEMBER UNION/MARKAZ/DISTRICT/COUNCIL/MUNICIPAL/
TOWN COMMITTEE**

I, Member Union/Markaz/District/Council/Municipal/Town Committee, hereby declare that no immovable and movable property (bonds, shares, certificates, securities, insurance policies, jewellery and motor vehicles), having total value of Rs. 10, 000/- or more is held by me and members of my family, except as stated below:-

Name	Description property areas and extent of interest held.	Name of owner or person in possession or control of property.	Relation with the Declarant	Province & District in which property situated.	Approximate value of property.	How and when acquired whether by inheritance, purchase, gift or reward.	Net yearly income from property.	Remarks
1	2	3	4	5	6	7	8	9

Signature of the Member.