

**THE AZAD JAMMU AND KASHMIR BASIC DEMOCRACIES
ACT, 1960
(ACT X OF 1960)**

An act to provide for the constitution of basic democratic institutions throughout the Azad Jammu and Kashmir Territory, and to Consolidate and amend certain laws relating to local Government.

WHEREAS it is expedient to provide for the constitution of basic democratic institutions throughout the Azad Jammu and Kashmir Territory, and to consolidate and amend certain laws relating to local Government ;

Now, THEREFORE, it is hereby enacted as follows :-

PART I

INTRODUCTORY

1. **Short title, extent and commencement:-** (1) This Act may be called the Azad Jammu and Kashmir Basic Democracies Act, 1960.
 - (2) It extends to the whole of the Azad Jammu and Kashmir Territory.
 - (3) It shall come into force at once.
2. **Power to except local areas from provisions unsuited thereto:-** (1) Should the circumstances of any local area in which this Act has been brought into force be such that, in the opinion of the Government, any of the provisions of the Act are unsuited thereto, the Government may, by notification in the official Gazette, except the local area or any part thereof, from the operation of those provisions, and thereupon the said provisions shall not apply to such area, or part thereof, until the notification is rescinded.
 - (2) While such exception as aforesaid remains in force, the Government may make rules for the regulation of the matters so excepted.
3. **Definitions:-** (1) In this Act, unless there is anything repugnant in the subject or context;-
 - (1) "annual value" means the gross annual rent at which a building or land may be let from year to year ;
 - (2) "Azad Jammu and Kashmir Territory" shall mean the districts of Muzaffarabad, Poonch and Mirpur and such other areas as may be specified by the Government from time to time;

1[***]

- (4) "building" includes any shop, house, hut, outhouse, shed or stable built of any material and used for any purpose, and also includes a wall and a well ;
- (5) "by-laws" means by laws made under this Act ;
- (6) "Cantonment Board" means a Cantonment Board constituted under the Cantonments Act, 1924 (II of 1924);
- (7) "Chairman" means the Chairman of the local Council concerned ;
- (8) "Collector" means the Chief officer in charge of the revenue administration of the District concerned, and includes a Deputy Commissioner, and any other officer specially appointed by the Government to perform all or any of the functions of a Collector under this Act;
- (9) "Commissioner" means the chief officer in charge of the revenue administration and includes any officer specially appointed by the Government to perform all or any of the functions of a Commissioner under this Act ;
- (10) "Controlling Authority" means -
 - (i) Commissioner, in the case of a District Council ;
 - (ii) Collector, in the case of all other local councils.
- (11) "District" means a revenue district ;
- (12) "District Council" means a District Council constituted under this Act ;
- (13) "elected member" means a member who has been chosen by the electors under the provisions of this Act;
- (14) "Election Commissioner" means the Election Commissioner appointed by the Government ;
- (15) "elector" means a person who is entitled to vote at an election to a Union Council or a Town or Union Committee ;
- (16) "function" includes powers to be exercised and duties to be discharged ;
- (17) "Government", means the Azad Jammu and

1 Omitted by The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1960 (Act XII of 1960) dt. 8-11-1960. The original extract of cl.3 of subsec. (1) of sec.3 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

“(3) "appointed member" means a member who is neither an elected member nor an official member ;”

Kashmir Government ;

- (18) "infectious disease" means cholera, plague, small pox and tuberculosis, and includes such other disease as the Government may, by notification in the official Gazette, declare to be an infectious disease for the purposes of this Act.
- (19) "land revenue" includes tirmi or grazing dues levied for grazing on land ;
- (20) "local area" means the area under the jurisdiction of a local council ;
- (21) "local body" means a body constituted under any law, other than this Act, relating to local government ;
- (22) "local council" means a council constituted under this Act, and includes a Town Committee and a Union Committee, but does not include any such Committee as is mentioned in Section 28 ;
- (23) "Local Fund" means the fund of a local council, a municipal body or a Cantonment Board, or of any other local authority ;
- (24) "member" means a member of a local council ;
- (25) "Municipal body" means a municipal committee and includes any other body constituted under any law, other than this Act, for the time being in force relating to local government in urban areas, but does not include a Cantonment Board ;
- (26) "Official" means a person who is in receipt of a salary from the revenues of the Government, or out of a Local Fund ;
- (27) "Official member" means a member who is an official;
- (28) "Prescribed" means prescribed by rules ;
- (29) "Principal Officer" means a servant of a local council notified as such by the Government;
- (30) "public road" means a road maintained by the Government, or by a local council or other local authority ;
- (31) "public street" means a street maintained by the Government, or by a local council or other local authority ;
- (32) "public way" means a way maintained by the Government, or by a local council or other local authority ;

- (33) "rate" includes cess ;
- (34) "regulations" means regulations made under this Act ;
- (35) "representative member" means a member representing a local council ;
- (36) "road" includes a road which is not a thoroughfare ;
- (37) "rules" means rules made under this Act ;
- (38) "rural area" means any area which is not an urban area;
- (39) "street" includes a street which is not a thoroughfare ;
- (40) "Sub-Division" means the Sub-Division of a District ;
- (41) "Sub-Divisional Officer" means the officer in charge of a Sub-Division ;
- (42) "Tehsil" means a revenue Tehsil or Taluka in the Azad Jammu and Kashmir Territory and includes any area declared by the Government to be a Tehsil for the purposes of this Act ;
- (43) "Tehsil Council" means a Tehsil Council constituted under this Act ;
- (44) "Tehsil Officer" means the revenue officer in charge of a Tehsil, and includes any officer appointed by the Government to perform all or any of the functions of a Tehsil Officer under this Act ;
- (45) "Town" means an area declared to be a Town under Section 8 ;
- (46) "Town Committee" means a Town Committee constituted under this Act ;
- (47) "Union " means an area declared to be a Union under Section 8;
- (48) "'Union Committee" means a Union Committee constituted under this Act ;
- (49) "Union Council" means a Union Council constituted under this Act ;
- (50) "urban area" means an area within the jurisdiction of a municipal body or a Cantonment Board, and includes any other area which the Government may, by notification in the official Gazette, declare to be an urban area for the purposes of this Act ;
- (51) "way" includes a footway, square, court, alley or

passage accessible to the public whether 'a thoroughfare or not.

- (2) In this Act, unless there is anything repugnant in the subject or context,-
 - (a) the following words and expressions shall have the same meaning as are respectively assigned to them in section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898):
 - (i) complaint ;
 - (ii) cognizable offence ;
 - (iii) officer in charge of a police-station ;
 - (iv) police-station ; and
 - (b) the following words and expressions shall have the same meaning as are respectively assigned to them in section 2 of the Code of Civil Procedure, 1908 (Act V of 1908):-
 - (i) decree ;
 - (ii) movable property.
- 4. **Repeals and Savings:-** (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 an enactment stands repealed under subsection (1), any appointment, rule, regulation or by-law 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 inconsistent 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.
- 5. **Succession:-** A local council established under this Act shall be the successor of such local body or bodies established under any of the repealed enactments as the Controlling Authority may, by notification in the Official Gazette, specify, and the extent to which, or the purpose or purposes for which a Council shall be such successor may also be specified in such notification.
- 6. **Act to override other laws, and their amendment:-** The provisions of this Act shall take effect notwithstanding anything inconsistent therewith contained in any other law relating to local government, and where any provision of such law is in conflict with any of the provisions of this Act, such law shall, until suitably amended be deemed to

have been so amended as to be in conformity with this Act.

7. **Certain matters to be prescribed:-** Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority by whom, or the manner in which, it shall be done, then, it shall be done by such authority and in such manner as may be prescribed.

PART II

LOCAL AREAS & LOCAL COUNCILS

Chapter I - Local Areas

8. **Local Areas:-** (1) The local areas for the purposes of this Act shall be the Districts, and Tehsils, and the Towns and Unions declared to be Towns or Unions under sub-section 2).
- (2) The Election Commissioner may, in the prescribed manner, divide the urban and rural areas of a Tehsil, as the case may be, within his jurisdiction, separately in to a number of areas, and declare, by notification in the official Gazette, each such area to be a Town or Union :

Provided that no area which is not included in such urban areas shall be declared to be a Town.

CHAPTER II

CONSTITUTION OF LOCAL COUNCILS

9. **Local councils to be constituted:-** (1) The local councils to be constituted under this Act shall be the following, that is to say:-
- (i) a Union Council for a Union in rural areas ; and a Town Committee for a Town or a Union Committee for a Union in urban areas ; and
 - (ii) a Tehsil Council for a Tehsil ;
 - (iii) a District Council for a District.
- (2) A Union Council or a Union Committee shall be known by such local name as the Controlling Authority may assign, and the other councils shall be known by the name of the Town, Tehsil, District or Division concerned.
10. **Constitution of local councils:-** (1) As soon as may be, the local councils mentioned in Section 9 shall be constituted in accordance with the provisions of this Act.
- (2) Every local council shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Act and the rules, to acquire and hold property, both movable and

immovable, and shall by its name sue and be sued.

CHAPTER III

COMPOSITION OF LOCAL COUNCILS

11. **Union Councils:-** (1) A Union Council shall, subject to the other provisions of this Section, consist of such number of elected ¹[**] members as may be fixed by the Election Commissioner[***].
- (2) The principles to be followed in determining the number of elected members shall be prescribed.
- ²[***]
- (4) No official shall be member of a Union Council.
- (5) A Union Council shall, in the prescribed manner, elect one of its members to be its Chairman, and the Chairman so elected shall ex-officio be a member of the Tehsil Council within whose jurisdiction the Union lies.
- (6) There shall be paid to the Chairman of a Union Council such honorarium as may be prescribed.
- ³["(5-A) The Chairman of a Union 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 of the Union Council:
- Provided that where a motion of no-confidence against the Chairman has been moved and has not been carried, no similar motion shall be moved against him until after the expiry of six months from the date the motion was moved."]
12. **Town and Union Committees:-** (1) A Town Committee or a Union Committee shall, subject to the other provisions of this Section, consist of such number of

¹ The words "and appointed" and at the end of subsec. (1) the words "and the Commissione respectively" Omitted by The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1960 (Act XII of 1960) dt. 8-11-1960. The original extract of c subsec. (1) of sec.11 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

"11. **Union Councils:-** (1) A Union Council shall, subject to the other provisions of this Section, consist of such number of elected ¹[**]and appointed members as may be fixed by the Election Commissioner and the Commissioner, respectively."

²Omitted by The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1960 (Act XII of 1960) dt. 8-11-1960. The original extract of c subsec. (3) of sec.11 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

"(3) The total number of appointed members of Union Council shall not be more than one-half of the total number of its elected members."

³ Add. By The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1964 (Act VII of 1960) dt. 20-10-1964.

elected ¹[**] members as may be fixed by the Election Commissioner and ²[***].

(2) The principles to be followed in determining the number of elected members shall be prescribed.

³[***]

(3) The total number of appointed members of a Committee under this Section shall not be more than one-half of the total number of its elected members.

(4) No official shall be a member of any such Committee.

(5) A Town Committee, or a Union Committee shall in the prescribed manner, elect one of the members of the Committee or, as the case may be, of a Committee within such group, to be the Chairman and the Chairman so elected shall ex-officio be a member :

⁴["(5-A) The Chairman of a Town Committee or a Union Committee shall vacate office if a vote of no-confidence is passed against him in the prescribed manner by two-third majority of the total number of members of the Town Committee or the Union Committee, as the case may be, provided that where a motion of no-confidence against the Chairman has been moved and has not been carded, no similar motion shall be moved against him until after the expiry of six months from the date the motion was moved."]

(a) In the case of a Town Committee, of the Tehsil Council ; and

(b) In the case of a Union Committee of the

¹ The words "and appointed" Omitted by Ibid. The original extract of subsec. (1) of sec.12 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

"**Town and Union Committees:-** (1) A Town Committee or a Union Committee shall, subject to the other provisions of this Section, consist of such number of elected and appointed-members as may be fixed by the Election Commissioner and such appointed members, if any as may be appointed in accordance with the provisions of Section 19."

²The words "and such appointed members", if any, as may be appointed in accordance with the provisions of Section 19" Omitted by Ibid. The original extract of subsec.(1) of sec. 12 is reproduced as under:

"**Town and Union Committees:-** (1) A Town Committee or a Union Committee shall, subject to the other provisions of this Section, consist of such number of elected and appointed-members as may be fixed by the Election Commissioner and such appointed members, if any as may be appointed in accordance with the provisions of Section 19."

³ Omitted by Ibid. . The original extract of c subsec. (3) of sec.12 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

"(3) The total number of appointed members of a Committee under this Section shall not be more than one-half of the total number of its elected members."

⁴ Add. By The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1964 (Act VII of 1960) dt. 20-10-1964.

municipal body or the Cantonment Board; within whose jurisdiction the Town or the Union lie.

- (6) There shall be paid to every Chairman elected under this Section such honorarium as may be prescribed.

13. **Tehsil Councils:-** A Tehsil council shall, subject to other provisions of the Section, consist of representative members, and such number of official¹[**]and appointed members as may be fixed by the Commissioner.

(2) The Chairmen of the Union Councils and Town Committees in a Tehsil shall ex-Officio be the representative members of the Tehsil Council.

(3) The total number of official²[**] members of a Tehsil Council shall not be more than the total number of representative members.

(4) The Sub-Divisional Officer, if any, having his headquarters in the Tehsil, shall ex-Officio be an official member of the Tehsil Council and its Chairman.

(5) The Tehsil Officer shall ex-Officio be an official member of the Tehsil Council, and if a Sub-Divisional Officer is not its Chairman, or in his absence, the Tehsil Officer shall be or shall perform the functions of the Chairman.

14. ³**[District Councils:- (1).** (1) A District Council shall, subject to the other provisions of this section,

¹ The words "and appointed" Omitted by Ibid. The original extract of subsec. (1) of sec.13 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

"A Tehsil council shall, subject to other provisions of the Section, consist of representative members, and such number of official and appointed members as may be fixed by the Commissioner."

² The words "and appointed" Omitted by Ibid. The original extract of subsec. (3) of sec.13 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

"(3) The total number of official and appointed members of a Tehsil Council shall not be more than the total number of representative members."

³ Sec.14 was subs. Three times. The original extract of c subsec. (1) of sec.14 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

"(1) A District Council, shall, subject to the other provisions of this Section, consist of such number of official and appointed members as may be fixed by the Commissioner."

A. Subs.by The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1960 (Act XII of 1960) dt. 8-11-1960. The original extract of c subsec. (1) of sec.14 of The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1960 (Act XII of 1960) dt. 8-11-1960 is reproduced as under:

"(1). A District Council shall, subject to the other provisions of this Section consist of such number of official members including the Vice-President of the Municipal Committee as ex-officio member, if any, and members appointed by the Commissioner from amongst the Chairmen of the Union Councils and of the Town and Union Committees, if any, in the district, as may be fixed by the Commissioner."

B-The words 'and members' shall be added and inserted between the words 'Chairman' and of 'the Union Council' by The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1962 (Act v of 1962) dt. 1-09-1962

C-Subs. By The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1964 (Act VII of 1960) dt. 20--10-1964.

consist of such number of official and elected members as may be fixed by the Commissioner:

Provided that the total number of elected members shall not be less than the total number of official members.

- (2) The holders of such offices as may be specified by the Government shall *ex-officio* be official members of the District Council.
- (3) The elected members of the District Council shall be elected in the prescribed manner from amongst the electors by an electoral college consisting of the Chairman of the Union Councils, Town Committees and Union Committees within the District:
Provided that no official shall be as elected.
- (4) The Collector shall *ex-officio* be an official member of the District Council and its Chairman."]

¹[" 14A. *Vice-Chairman* :—

(1) Every District Council shall, in the prescribed manner, elect one of its members other than an official member to be its Vice-Chairman.

(2) Subject to the provisions of clause (3) the term of office of a Vice-Chairman shall be five years, or the residue of his term of office as member, whichever is less.

(3) A Vice-Chairman shall vacate office, if a vote of no-confidence is passed against him in the prescribed manner by two-thirds of the total number of members constituting the District Council other than official members :

Provided that where a motion of no-confidence against the Vice-Chairman has been moved and has not been carried, no similar motion shall be moved until after the expiry of six months from the date the motion was move.

(4) A Vice-Chairman shall perform such functions as may be prescribed and such other functions as may be entrusted to him by the Chairman.

Explanation:- A Vice-Chairman of a Municipal body and a Vice-President of a Cantonment Board, where they are members of a District Council, shall be deemed to be non-official members for the

¹ Ins By Ibid.

purpose of this section ".

]CHAPTER IV

ELECTIONS AND APPOINTMENTS

TO LOCAL, COUNCILS

A - ELECTIONS

15. **Wards:-** For the purposes of election to a Union Council or to a Town or Union Committee, the Union or Town shall be divided into as many wards as are necessary under the provisions of this Act and the rules.
16. **Electoral Rolls:-** (1) For each ward there shall be maintained, in the prescribed manner, a register in which shall be entered the names of persons who possess the qualifications and are not subject to any of the disqualifications specified in Part 1 of the Second Schedule.
- (2) The register maintained under sub-section (1) shall be the electoral roll for the ward:

Provided that the electoral roll prepared under the Azad Kashmir District Board Act, 1955, after such adjustment and rearrangement as may be necessary to bring it into accord with the requirements of this Act, shall, for a period of two years from the date of the promulgation of this Act, be the electoral roll for the ward, in the case of rural areas and in the case of urban areas the provisional lists prepared by the Government shall be the preliminary electoral rolls and shall be finalised after inviting and hearing claims and objections in the manner prescribed under sub-section (2-a) ¹]; Provided further that the Election Commissioner may make any correction in the electoral roll or include in it the name of any person who possesses the qualifications of an elector.]

(2-a) For the purposes of preparation, revision of finalization of rolls after inviting and hearing claims and objections referred to in sub-section (2), the Electoral Rolls Act, 1957, as in force in Pakistan, is adapted alongwith the Electoral Rolls Preparation Rules, 1957, made thereunder, so far as they may be applicable : Provided that references in the said Act or Rules to a constituency for the election of a member to the National Assembly or a Provincial Assembly, shall be construed as references to a ward for election to a basic democracy.

- (3) The electoral roll shall from time to time be amended and revised in the prescribed manner.

¹ The full stop at the end of first proviso of subsec.(2) of sec. 16 subs. By colon and thereafter proviso add. By The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1960 (Act XII of 1960) dt. 8-11-1960.

(4) The inclusion of a disqualified person in, or the omission of

a qualified person from, the electoral roll, or any other defect in its preparation or maintenance, shall not, by itself, vitiate any election to, or any act or proceedings of, any local council constituted on the basis of such electoral roll.

17. **Electors:-** Every person whose name is entered in the electoral roll, and no person whose name is not so entered, shall be entitled to cast a vote at an election to the Union Council or the Town or Union Committee concerned.

18. **Elected Members:-** (1) For each ward there shall be chosen, in the prescribed manner, by the electors whose names appear for the time being on the electoral roll for that ward, such number of members as is fixed under sub-section (2), from amongst such electors in the Union or Town in which the ward lies as possess the qualifications and are not subject to any of the disqualifications specified in Part II of the second Schedule.

(2) The number of members to be elected from any ward shall be fixed by the Election Commissioner.

B - APPOINTMENTS

¹[***]

19. **Appointment of Members:-** (1) The appointed members:
(a) of a Union Council or a Town Committee, shall be appointed by the Collector ;
(b) of a Tehsil Council shall, with the previous

10mitted by The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1960 (Act XII of 1960) dt. 8-11-1960. The original extract of sec.19 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

“19. **Appointment of Members:-** (1) The appointed members:
(a) of a Union Council or a Town Committee, shall be appointed by the Collector ;
(b) of a Tehsil Council shall, with the previous approval in writing of the Commissioner, be appointed by the Collector : and
(c) of a District Council shall be appointed by the Commissioner after consultation with the Collector.
(2) In the matter of appointment of members, regard shall be had to the ability of persons to render service to the people, and due consideration shall be given to the representation of minorities and women, of organizations concerned with the agricultural, industrial or community development, and of other special interests of importance to the local area.”

approval in writing of the Commissioner, be appointed by the Collector : and

- (c) of a District Council shall be appointed by the Commissioner after consultation with the Collector.

(2) In the matter of appointment of members, regard shall be had to the ability of persons to render service to the people, and due consideration shall be given to the representation of minorities and women, of organizations concerned with the agricultural, industrial or community development, and of other special interests of importance to the local area.

CHAPTER V

TERM OF OFFICE OF LOCAL COUNCILS AND GENERAL PROVISIONS RELATING TO THEIR MEMBERSHIP

- 20. **Term of office:-** (1) The term of office of a local council shall be a period of five years commencing on the day on which it assumes office.
(2) A local council shall assume office on such date, not later than thirty days from the day on which the names of its members are notified in the prescribed manner, as may be appointed by the Controlling Authority.
- 21. **Oath of office:-** Every person elected or appointed to be a member of a local council shall, before taking his seat, make and subscribe, in the prescribed manner, an oath in the prescribed form.
- 22. **Casual vacancy:-** If the seat of an elected or appointed member becomes vacant during the term of office of a local council, a new member shall be elected or appointed, as the case may be, and such member shall hold office for the residue of such term.
- 23. **Resignation and removal of members:-** (1) Any member of a local council may resign his office by tendering his resignation to the Chairman, and if he is the Chairman, to the Controlling Authority, and the seat of the member of the office of Chairman, as the case may be, shall become vacant when the resignation is accepted by the Controlling Authority.
(2) A person shall, on the acceptance of his resignation from membership :
 - (a) of a District Council, if he be the Vice-Chairman of a Municipal body or the Vice-President of a Cantonment Board, cease to be such Vice-

Chairman, or Vice-President;

- (b) of the Tehsil Council if he be the Chairman of a Union Council or a Town Committee, cease to be such Chairman.
- (3) If any chairman of a Union Committee who, under the provisions of this Act is a member of a municipal body or a Cantonment Board resigns from such membership, then on his resignation being duly accepted, he shall cease to be the chairman of the Union Committee.
- (4) A member of a local council shall render himself liable to removal from membership :
 - (a) if he incurs any of the disqualifications specified in Part II of the Second Schedule ;
 - (b) if he, without reasonable excuse, absents himself from three consecutive meetings of any local council ; or
 - (c) if he is guilty of an abuse of power or of any misconduct in the discharge of his duties as a member, or has been responsible for any loss or misapplication of any money or property of any local council, or any local body or other local authority.

1[***]

- (5) The Controlling Authority may, after such inquiry, if any, as may be considered necessary, remove any appointed member of a local council, who is liable to removal under this Section, from such membership.

Provided that no appointed member shall be removed without consultation with, or without the previous approval in writing of, the authority in consultation with whom or with whose approval he was appointed under Section 21.

- (6) An elected member of a local council shall not be removed from such membership unless, at a special meeting to be convened for the purpose in accordance with rules made by competent authority, a resolution to the effect that he is liable to be removed under this Section is passed :

¹Omitted by The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1960 (Act XII of 1960) dt. 8-11-1960. The original extract of subsec. (5) of sec.23 of The Azad Jammu & Kashmir Basic Democracies Act, 1960 is reproduced as under:

“(5) The Controlling Authority may, after such inquiry, if any, as may be considered necessary, remove any appointed member of a local council, who is liable to removal under this Section, from such membership.

Provided that no appointed member shall be removed without consultation with, or without the previous approval in writing of, the authority in consultation with whom or with whose approval he was appointed under Section 21.”

- (a) in the case of a member of a Union Council or a Town Committee, by a majority of the representative members of the Tehsil Council concerned :
- (b) in the case of a member of a Union Committee by a majority of the representative members of the municipal body or the Cantonment Board concerned ; and
- (c) in the case of a member who is the Chairman of a Union Council or a Town Committee, or of a Union Committee, and is ex-officio a member of a Tehsil Council or of a municipal body or Cantonment Board, by a majority of such members of the District Council, concerned as are the Chairman of the Union Councils, of the Town and Union Committees, and of the municipal bodies, in the District and the Vice-Presidents of the Cantonment Boards therein ;

and on the passing of such resolution, the member shall stand removed.

(7) A person removed under this Section shall cease to be a member of every local council, municipal body or other local authority of which he may be a member, and shall not be eligible for election or appointment to any local council for such period, not exceeding five years, as the Controlling Authority of the local council, from which he is removed, may fix in each case;

(8) Nothing in this Section shall apply to any official member.

(9) No court shall have jurisdiction to enquire into or question the validity of any thing done or any order made or resolution passed under this Section.

1[23-A. Any person debarred or disqualified under any law for the membership of an elective or a basic democracy or for being elected to the office of the President or for being appointed as a Minister, shall, if elected to a basic democracy, cease to be a member of such basic democracy on such disqualification and his election shall be deemed to be null and void.]

24. **Notification of election, nomination, resignation and removal of members:-** Every election, nomination, resignation or removal of a member shall be notified by the Controlling Authority in the prescribed manner.

CHAPTER VI

1 Add. by The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1960 (Act XII of 1960) dt. 8-11-1960.

FUNCTIONS OF LOCAL COUNCILS

25. **Civic functions of Union Councils:-** Subject to rules, and such directions as the Government may from time to time give, and within the limits of funds at its disposal, a Union Council may undertake all or any of the functions enumerated in Part I of the Third Schedule, and such other functions :
- (a) as are declared by the Government to be appropriate matters for administration by Union Councils generally or by any particular Union Council ; or
 - (b) as are delegated by the District Council, with the previous approval in writing of the Commissioner, to Union Councils generally or to any particular Union Council in the District ; or
 - (c) as are entrusted to Union Councils under any other law for the time being in force.
26. **Police and defence functions of 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 terms and conditions of service of the members of such police force.
- (2) The village police shall exercise such powers and discharge such duties as are specified in Part II of the Third Schedule.
- (3) Where the Collector is of the opinion that in any Union 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 duly 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 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 Chairman of every 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 to bring to the notice of the police the presence in the Union of persons of 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 encroachments upon any public road, street or way or any public place, building or property ;
 - (e) to publicize in the 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 Chairman to interfere in the performance by any official of his official duties.

28. **Functions relating to agricultural development, etc:-**

(1) A Union Council shall be responsible for agricultural, industrial and community development in the Union, and may, for that purpose, perform such functions as may be prescribed.

(2) In the performance of its functions under sub-section (1), a Union Council may act in consultation with an advisory committee to be set up in the prescribed manner by the Collector, and called the Union Development Advisory Committee.

(3) In the matter of appointment of members to a Union Development Advisory Committee, preference shall be given, as far as possible and subject to rules, to the Chairman of other elected bodies, if any, performing in the Union functions connected with agricultural, industrial or community development.

(4) A Union Council may, for the purposes of national reconstruction, adopt such measures and perform such functions as may be prescribed.

29. **Functions of Town and Union Committees:-**

(1) A Town Committee or a Union Committee shall perform such functions as may be prescribed, and may, for the purposes of national reconstruction, social uplift and

family planning, and the creation of civil consciousness, adopt, with the previous sanction of the Government, such measures as may be necessary.

(2) Notwithstanding the provisions of sub-section (1), the Government may, by notification in the official Gazette, direct that any provisions of this Act or the rules relating to the functions of Union Councils, or of any other law relating to the functions of any municipal body or Cantonment Board, shall, to such extent, and subject to such exceptions or modifications as may be specified in the notification, apply to all or any of the Town or Union Committees.

(3) Nothing in this Section shall be construed as preventing the municipal body or the Cantonment Board of which the Chairmen of the Union Committees are members ex-officio to delegate any of its functions to the Committee or Committees concerned.

30. **Functions of Tehsil Councils:-** (1) Subject to rules, a Tehsil Council may, and if required by the District Council shall, undertake all such functions in the Tehsil as the District Council is competent to undertake in the District.

(2) A Tehsil Council shall co-ordinate the activities of all Union Councils and Town Committees in the Tehsil, as the case may be and shall in this behalf perform such functions as are likely to promote the purposes of this Act.

(3) The Government may, either generally or in respect of any particular Tehsil Council, direct from time to time that any functions entrusted to the District Council, or to any Union Council or Town Committee in the Tehsil shall, subject to such terms and conditions as may be specified in the direction, be undertaken by Tehsil Council concerned.

(4) In the performance of their functions, the Tehsil Councils shall be responsible to the District Council concerned, and shall act in accordance with such directions as the District Council may from time to time give.

31. **Compulsory and optional functions of District Councils:-** (1) Subject to rules, a District Council shall, within the limits of the funds at its disposal, make adequate arrangements for carrying out the requirements of the District in respect of matters enumerated in Part I of the Fourth Schedule.

(2) A District Council may, and if required by the Government, shall, subject to such terms and conditions as may be specified, undertake all or any of the functions enumerated in Part II of the Fourth Schedule.

32. **Co-ordinative functions of District Councils:-** A District Council shall co-ordinate the activities of all local councils and municipal bodies and Cantonment Boards within the District, and may, among other things:
- (a) formulate and recommend to the authorities, development schemes of importance to the District ;
 - (b) review generally the progress in various branches of administration in the District ; and
 - (c) consider local problems of importance to the District in all branches of administration, and make suggestions for development, improvement and general advancement.
33. **Commercial Schemes:-** A local council may, in the prescribed manner, and with the previous sanction of the Government, promote, administer, execute and implement schemes for undertaking any commercial or business enterprise.
34. **Transfer of functions from local councils to Government and vice versa:-** Notwithstanding anything in this Act or in any other law for the time being in force, the Government may from time to time direct that, subject to such terms and conditions as may be specified in the direction:-
- (a) any institution or service maintained by a local council shall be transferred to the management and control of the Government ; and
 - (b) any institution or service maintained by the Government shall be transferred to the management and control of a local council.

CHAPTER VII

EXECUTIVE POWERS AND CONDUCT OF BUSINESS

35. **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 persons 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.

36. **Disposal of business:-** (1) All business of a local council shall, to the extent and in the manner prescribed, be disposed of at its meetings, or the meetings of its committees, or by its Chairman or its servants.
- (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 a member chosen for that purpose by the members present.
- (3) A local council shall have power to act notwithstanding any vacancy in its membership.
- (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 up and recorded in a book to be kept for the purpose.
- (6) All decisions taken by a local council shall be reported to the Controlling Authority within the prescribed period.
37. **Committees and sub-committees of local councils:-** A local council may appoint such committees or sub-committees consisting of such number of its members and co-opted members, if any, and to perform such functions as may be prescribed by regulations.
38. **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
- (c) 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 resolution.
- (3) No contract executed otherwise than in conformity with the provisions of this Section shall be binding on the local council.
39. **Works:-** The Government may by rules provide for:-
- (a) the preparation of plans and estimates for works to be executed by a local council ;

- (b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and administratively sanctioned ; and
 - (c) the agency by which such plans and estimates shall be prepared and such works shall be executed.
40. **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.

CHAPTER VIII

SERVANTS OF LOCAL COUNCILS

41. **Local Councils Service:-** (1) There shall be constituted a Local Councils Service in such manner and subject to such conditions as may be prescribed.
- (2) The Government may from time to time specify the posts in the local councils which shall be filled by persons belonging to the Local Councils Service.
42. **Servants of Local councils:-** (1) The Controlling Authority may, on the prescribed terms and conditions, appoint a Secretary and one or more Principal Officers to be the servants of a local Council who shall perform such functions as are assigned to them in relation to such local council by or under this Act.
- (2) A local council may, and if so required by the Controlling Authority shall, on the prescribed terms and conditions, employ such other servants as are deemed necessary for the efficient performance of its functions under this Act.
- (3) If in the opinion of the Controlling Authority, the number of servants employed by a local council under sub-section (2), or the remuneration fixed for any of them is excessive, the local council shall, on being required by the Controlling Authority to do so, reduce the number of its servants or the remuneration of any of them as the case may be.

- (4) Subject to the provisions of this Act and the rules:-
- (a) the Controlling Authority may suspend, remove, dismiss, or otherwise punish any person appointed under sub-section (1); and
 - (b) the local council may suspend, remove, dismiss or otherwise punish any person appointed under sub-section (2).
- (5) The Controlling Authority may transfer any of the persons appointed under sub-section (1) from one local council to another local council within its jurisdiction.
43. **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 social insurance for its employees, and require its employees to subscribe to it.
44. **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 councils ;
 - (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 councils.

PART III

FINANCIAL MATTERS CHAPTER I

LOCAL FUNDS AND PROPERTY

45. **Constitution of Local Funds:-** (1) For every local council there shall be formed Local Fund which shall be known as:-
- (a) the Union Fund, in the case of a Union Council or a Union Committee ;
 - (b) the Town Fund, in the case of a Town Committee ;
 - (c) the Tehsil Fund, in the case of a Tehsil Council ;
 - (d) the District Fund, in the case of a District Council ;
- (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 or under any law for the time being in force ;
 - (e) all sums contributed by individuals or institutions, or other local councils, or by local bodies or other local authorities ;
 - (f) all receipts accruing 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 accruing from investments and
 - (i) such proceeds from such sources of income as the

Government may direct to, be placed at the disposal of the local council ;

46. **Custody or investment of Local Funds and establishment of special funds:-** (1) The moneys credited to a local Fund shall be kept in a Government treasury, or in a bank transacting the business of a Government treasury, or in such other manner as may be specified by the Government from time to time.
- (2) A local council may invest any portion of the Local Fund in such 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.
47. **Application of the Local Fund:-** The moneys from time to time credited to the Local Fund shall be applied in the following order of preference :-
- firstly, in the payment of salaries and allowances to the servants of the local council;
- secondly, in the repayment of loans ;
- thirdly, in meeting the expenditure charged, on the Local Fund-under this Act;
- fourthly, in the fulfilment 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 the local council, with the previous sanction of Controlling Authority, 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.
48. **Charged Expenditure:-** 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 lime to time, be specified by the Government ;

- (c) any sums required to satisfy and 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 Fund is not paid, the Controlling Authority 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.
49. **Budgets:-** (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 Controlling Authority.
- (2) If the budget is not prepared or sanctioned by a local council before the commencement of any financial year, the Controlling Authority 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 Controlling Authority 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 far 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.
50. **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 Controlling Authority by such date as may be prescribed.
 - (3) A copy of the annual statement of accounts, and

such other statements 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 51.

51. **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 authority shall, in the prescribed manner, submit to the Controlling Authority an audit report which shall, among other things, mention:-
- (a) cases of embezzlement ,
 - (b) cases of loss, waste or misapplication of the Local Fund, and
 - (c) cases of other irregularities in the maintenance of accounts.
52. **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 part be earmarked for and applied in the repayment of loans.
53. **Property of local councils:-** (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 any 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 ; and
 - (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.
54. **Development plan:-** (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;
 - (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 of a local council shall wholly or in part be earmarked for and applied in the implementation of a development plan.
- (4) The development plans of local councils in a District or in the State, may be consolidated in such manner as may be prescribed.
55. **Surcharge:-** 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 on behalf 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 Controlling Authority 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.

CHAPTER II

LOCAL TAXATION

56. **Local Rate:-** (1) All land in a District assessable to land revenue shall be subject to the payment of a rate to be known as local rate.
- (2) The local rate in each District shall bear such proportion to the land revenue in the District as the Government may, by notification in the official Gazette, from time to time fix :
- Provided that the local rate shall not exceed fifty per centum of the land revenue as the case may be.
- (3) The local rate shall be collected in the prescribed manner along with land revenue by the village revenue officials responsible for its collection, and the proceeds thereof shall be credited to the Local Funds of the District Council and the Union Council in the District in such proportion, as may be fixed by the Government from time to time.
57. **Taxes to be levied:-** (1) A District Council, with the previous sanction of the Government and a Union Council with the previous sanction of the Commissioner, may levy, in the prescribed manner, all or any of the taxes, rates, tolls and fees mentioned in the Fifth 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 and 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.
- (3) No Tehsil Council shall have the power to levy any tax, rate, toll or fee, and such Councils shall be financed by the Government.
58. **Notification and enforcement of taxes:-** (1) All taxes, rates, tolls 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.

59. **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.
60. **Directions with regard to levy of tax, etc:-** (1) The Government may direct any District or Union Council and the Commissioner may direct any Union Council:-
- (a) to levy any tax, rate, toll or fee which the Council is competent to levy under Section 57;
 - (b) to increase or reduce any such tax, rate, toll or fee, or the assessment thereof, to such extent as may be specified ; or
 - (c) to 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 or the Commissioner, as the case may be, may make an order giving effect to the direction.
61. **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 animals to a tax, rate, toll or fee, or the assessment thereof.
- (2) Any official of a local council authorized 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 authorized in this behalf may, in the prescribed manner seize and dispose of any goods on which any octroi, terminal tax or toll is due and is not paid.
62. **Collection and recovery of taxes etc:-** (1) Unless otherwise provided, all taxes, rates, tolls and fees levied under his 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 movable property belonging to the person concerned, or by attachment and sale of the immovable property belonging to him.

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

63. **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 person, and on such requisition the amount of the tax due shall be deducted from the salary or wages of the person concerned and credited to the Local Fund of the council.
64. **Petitions against valuation, assessment, etc.:-** No assessment of a tax, rate, toll or fee under this Act or valuation therefore, or the liability of a person to be so taxed, shall be called in question except by a petition presented to such authority, in such manner and within such period as may be prescribed.
65. **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 the assessment and collection of taxes.

PART IV

PROVINCIAL DEVELOPMENT ADVISORY COUNCILS

66. Omitted.
67. Omitted.
68. Omitted.

PART V GENERAL CHAPTER I

CONDUCT OF ELECTIONS

69. **Conduct of elections:-** (1) Subject to such directions as

may from time to time be issued by the Election Commissioner by all elections to Union Councils and Town and Union Committee 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; corrupt or illegal practices and other election offences, and penalties therefore, and submission, trial and disposal of election petitions.

(2) Notwithstanding the provisions of sub-section (1), the Government may, by notification in the official Gazette, direct that any provisions of the Representation of the People Act, 1957 (XXXI of 1957), or the rules made thereunder, shall, to such extent and subject to such exceptions or modifications as may be specified in the notification, apply to the elections to all or any of the Union Councils or Town or Union Committees and for this purpose the Representation of People Act, 1957, alongwith the rules made thereunder, as in force in Pakistan, shall be deemed to be adapted by the Government.

CHAPTER II

ADMINISTRATION OF LOCAL COUNCILS

70. **Supervision over local councils:-** The Government shall exercise general supervision and control over the local councils in order to ensure that their activities conform to the purposes of this Act.
71. **Control over the activities of local councils:-** (1) If, in the opinion of the Controlling Authority, any thing 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 Controlling Authority may, by order:-
- (a) quash the proceedings ;
 - (b) suspend the execution of any resolution passed or order made by the local council ;
 - (c) prohibit the doing of 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 any Controlling Authority other than the Government, the local council concerned may within thirty days of the receipt of the order, represent against it:
- (a) to the Government, if the order was made by the Commissioner ;
 - (b) to the Commissioner, if the order was made by the

Collector ; and

- (c) to the Collector, if the order was made by the Sub-Divisional Officer ; and

the authority to whom the matter is so represented 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.

72. **Power of the Controlling Authority to give directions to local councils:-** (1) The Controlling Authority 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 Controlling Authority is satisfied that a local council or person or authority has failed to comply with any direction made under sub-section (1), the Controlling Authority may appoint a person or persons to give effect to such direction, and may further direct that the expenses incurred in connection therewith shall be borne by the local council.

(3) Should the expenses be not so paid, the Controlling Authority may make an order directing the person 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.

73. **Inquiry into the affairs of local councils:-** (1) The Government may, either suo mota or on an application made to it by any persons, cause an enquiry to be made by such officer as may be authorized by it in this behalf, into the affairs of a local council generally, or into any particular matter concerning a local council.

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

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

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

74. **Suspension of particular departments or institutions:-**
(1) If, after such enquiry as may be necessary, the Government is of the opinion that a local council is not able to run a particular department or institution, efficiently, it may, by notification in the official Gazette, suspend the authority of the 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 arrangements as it thinks fit, and may require the local council, or in case the local council fails to comply, the treasury, bank or person holding the funds of the local council, to place such amount as may be necessary for the management of such department or institution at the disposal of the Government.
75. **Supersession of local councils:-** (1) If, after such inquiry as may be necessary, the Government in the case of District Council, and the Commissioner in the case of any other local council, is of the opinion that a local council:
- (a) is unable to discharge or persistently fails in discharging its duties, or
 - (b) is unable to administer its affairs or meet its financial obligations, or
 - (c) generally acts in a manner contrary to public interest, or
 - (d) otherwise exceeds or abuses its powers, the Government or the Commissioner, as the case may be, may, by notification in the official Gazette, declare the local council to be superseded for such period, not exceeding the residue of the term of such local council, as may be specified.
- (2) On the publication of a notification under subsection (1) :-
- (a) persons holding office as Chairman and members of the local council shall cease to hold office ;
 - (b) all functions of the local council shall, during the period of supersession, be performed by such person or authority as the Government or the Commissioner, as the case may be, 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) On the expiry of the period of supersession, the local council shall be reconstituted in accordance with the provisions of this Act and the rules.

76. **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 courses to be studied, and
- (d) for the holding of examinations and the award 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.

CHAPTER III

INTER - COUNCIL MATTERS

77. **Joint Committees:-** Any local council may join any other local council or councils, or any other local 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.

78. **Disputes between councils:-** If any dispute arises between two or more local councils, the matter shall be referred :

- (a) to the Collector, if the parties concerned are in the same District ;
- (b) to the Commissioner, if the parties concerned are in different Districts ;
- (c) to the Government, if one of the parties is a Cantonment Board and the decision of the authority to which the dispute is so referred shall be final.

CHAPTER IV

OFFENCES AND PENALTIES

79. **Offences:-** Every act or omission specified in the Eighth Schedule shall be an offence under this Act.
80. **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.
81. **Compounding of offences:-** The Chairman or any person generally or specially authorized by the local council in this behalf may compound any offence under this Act.
82. **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 authorized by the local council in this behalf.

CHAPTER V

MISCELLANEOUS

83. **Appeals:-** (1) Any person aggrieved by an order passed by a local council or its Chairman in pursuance of this Act or the rules or by-laws, may appeal to such authority, in such manner and within such period as may be prescribed.
- (2) Any order passed in appeal shall be final and shall not be called in question in any court.
84. **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 the commission of any offence under this Act and to assist the officials and servants of local councils in the exercise of their lawful authority.
85. **Standing Orders:-** The Government may, by Standing Orders issued from time to time:-
- (a) define and regulate the relations of local councils inter se, and with local bodies and 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 councils in carrying out the purposes of this Act.
86. **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 Sixth Schedule, and all matters incidental, consequential and supplemental thereto.
87. **By-laws:-** (1) A local council may, and if required by the Government shall, make by-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 by-laws, may provide for all or any of the matters enumerated in Part I of the Seventh Schedule, and all matters incidental, consequential and supplemental thereto.
88. **Regulations:-** A local council may make regulations to regulate the procedure in respect of all or any of the matters enumerated in Part II of the Seventh Schedule, and all matters incidental, consequential and supplemental thereto.
89. **General Provisions relating to rules, etc:-** (1) All by-laws shall be made subject to the condition of previous publication.
- (2) All by-laws and regulations made by a Local Council or shall be subject to the sanction of the Commissioner, and the Commissioner, may sanction any by-laws or regulations subject to modifications.
- (3) The Government may frame model by-laws and regulations, and in framing their by-laws and regulations the local councils shall be guided by such model by-laws and regulations.
- (4) All rules shall be notified in the official Gazette, and all by-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.
- (5) Copies of rules, and of by-laws and regulations pertaining to a local council shall be kept available at the office of the local council concerned for inspection and sale.
- (6) All rules and by-laws, when duly made, shall be deemed to form part of this Act and shall have effect

accordingly.

90. **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 by-laws, to a Commissioner, Collector, or any other officer subordinate to it.
- (2) A Commissioner or Collector may, with the previous sanction of the Government, delegate any of his powers under this Act or the rules or by-laws, not being powers delegated to him under sub-section (1), to any officer subordinate to him.
91. **Institution of suits against local councils, 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.
92. **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 by-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.
93. **Records 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.
94. **Members and servants of local councils to be public servants:-** Every member and every servant of a local council, and every other person duly empowered to act on

behalf of a local council, shall be deemed to be a public servant within the meaning of Section 21 of the Penal Code (Act XLV of 1860).

95. **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 or in good faith intended to be done under this Act, or for any damage caused or likely to be caused by any such thing.

PART VI

TRANSITIONAL PROVISIONS

96. **Interim authorities, rules, by-law, 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, the Government, not with-standing anything 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 by-Saws, and such taxes, rates, tolls or fees in that area for such period, not exceeding six months, as may be considered necessary for enabling the local council so constituted to prepare for carrying out the purposes of this Act.

97. **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.
-

**THE FIRST SCHEDULE
ENACTMENTS TO STAND REPEALED**

[See Section 4]

1. The Azad Jammu and Kashmir District Boards Act, (1955).
2. The Punjab Village and Small Towns Petrol Act, 1918, (Pun. Act VIII of 1918).
3. The Punjab Small Towns Act, 1921 (Pun. Act II of 1922)
4. The Punjab Village Panchayat Act, 1939 (Pun. Act XI of 1939).

**THE SECOND SCHEDULE
QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS
AND MEMBERS**

**PART I
QUALIFICATIONS AND DISQUALIFICATIONS
OF ELECTORS**

[See Section 16 (1)]

1. **Qualifications of electors:-** A person shall be entitled to be an elector if :
 - (a) he is state 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 Town or Union for 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 lo 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 Town or Union if he ordinarily resides, or owns or possesses a 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 in which he would have been resident if he had not held such office or had not been so employed ¹:"Provided further that the restriction of continuous residence for not less than six months within a Town or a Union shall not apply to persons who are dislocated or are liable to be dislocated due to the construction of Mangla Dam in the Mirpur District and such persons shall, if otherwise qualified, be entitled to get themselves enrolled as electors in any union or town in any district of the Azad Jammu and Kashmir Territory and they shall be enrolled as such".]

2. **Disqualifications of electors:-** A person shall be disqualified for being an elector :
- (a) if he is of 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 live 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

QUALIFICATIONS & DISQUALIFICATIONS OF CANDIDATES & MEMBERS

[See Section 180 and 23 (2)]

1. **Qualifications 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 a Union Council or a Town or Union Committee

¹ The full stop at the end of Part I, in Paragraph 1 of second schedule subs. by colon and thereafter following proviso add. By The Azad Jammu & Kashmir Basic Democracies (Amdt.) Act, 1967 (Act I of 1967) dt. 11-02-1967.

"Provided further that the restriction of continuous residence for not less than six months within a Town or a Union shall not apply to persons who are dislocated or are liable to be dislocated due to the construction of Mangla Dam in the Mirpur District and such persons shall, if otherwise qualified, be entitled to get themselves enrolled as electors in any union or town in any district of the Azad Jammu and Kashmir Territory and they shall be enrolled as such".

if his name appears for the time being on the electoral roll for the Town or Union concerned, and he does not suffer from a disqualification mentioned in Part I.

2. **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 or has voluntarily acquired the citizenship of a foreign State, or has made a declaration of allegiance to adherence to a foreign State ;
 - (b) if he is an undischarged insolvent ;
 - (c) 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 sentence, as the case may be ;
 - (d) if he is a 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 ;
 - (e) if he is under contract for work to be done for or goods to be supplied to the Union. Council or the Town or Union Committee concerned, or has otherwise any pecuniary interest in its affairs;
 - (f) if he is for the time being disqualified for membership of an elective body or under any law for the time being in force.

THE THIRD SCHEDULE

FUNCTIONS OF UNION COUNCILS AND VILLAGE POLICE

PART I FUNCTIONS OF UNION COUNCILS

[See Section 25]

- 1. Provision and maintenance of public ways and public streets.
- 2. Provision and maintenance of public places, public open spaces, public gardens and public play-grounds.
- 3. Lighting of public ways, public streets and public places.
- 4. Plantation and preservation of trees in general, and plantation and preservation of trees on public ways, public streets and public places in particular.

5. Management and maintenance of shamilats, burning and burial grounds, common meeting places and other common property.
6. Provision and maintenance of accommodation for travellers.
7. Prevention and regulation of encroachments on public ways, public streets and public places.
8. Prevention and abatement of nuisances in public ways, public streets and public places.
9. Sanitation, conservancy, and the adoption of other measures for the cleanliness of the Union.
10. Regulation of the collection, removal and disposal of manure and street sweepings.
11. Regulation of offensive and dangerous trades.
12. Regulation of the disposal of carcasses of dead animals.
13. Regulation of the slaughter of animals.
14. Regulation of the erection and re-erection of buildings in the Union.
15. Regulation of the dangerous buildings and structures.
16. provision and maintenance of wells, water pumps, tanks, ponds, and other works for the supply of water.
17. Adoption of measures for preventing the contamination of the sources of water-supply for drinking.
18. Prohibition of the use of the water of wells, ponds and other sources of water-supply suspected to be dangerous to public health.
19. Regulation or prohibition of the watering of cattle, bathing or washing at or near wells, ponds or other sources of water reserved for drinking purposes.
20. Regulation or prohibition of the steeping of hemp, Jute or other plants in or near ponds or other sources of water-supply.
21. Regulation or prohibition of dyeing or tanning of skins within residential areas.
22. Regulation or prohibition of the excavation of earth, stones or other material within residential areas.
23. Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within residential areas.
24. Registration of births and deaths, and the maintenance of such vital statistics as may be prescribed.

25. Voluntary registration of the sale of cattle and other animals.
26. Holding of fairs and shows.
27. Celebration of public festivals.
28. Provision of relief measures in the event of any fire, flood, hail-storm, earthquake or other natural calamity.
29. Relief for the widows and orphans, and the poor, and persons in distress.
30. Promotion of public games and sports.
31. Agricultural, industrial and community development, promotion and development of cooperative movement, village industries, forests, livestock and fisheries.
32. Adoption of measures for increased food production.
33. Provision of first aid centres.
34. Provision of libraries and reading rooms.
35. Co-operation with other organizations engaged in activities similar to those of the Union Council.
36. Aid in the promotion of education under the direction of the District Council.
37. Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the Union or visitors.

PART II

POWERS AND DUTIES OF VILLAGE POLICE

[See Section 26]

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

- (1) He shall keep watch and ward in the Union.
- (2) He shall assist the police to the best of his ability in all matters connected with the prevention and detection of crime, and the apprehension of offenders.
- (3) He shall assist the Chairman and the Union Council in the performance of their official functions.
- (4) He shall, unless otherwise provided, report in person on the state of his beat office 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

in charge of the police station the movement of all bad characters in the Union, and shall report the arrival of suspicious characters in the neighbourhood.

- (6) He shall report to the officer in charge of the police-station such information as he may obtain respecting any person found lurking in the 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 officer 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 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 offences.
- (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 Union Council.
- (11) He shall immediately give information to the Union Council of the outbreak of any epidemic or infectious disease among human beings or animals, or crop disease, or pest attack.
- (12) He shall immediately give information to the 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,

- (15) He shall report to the Union Council 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 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 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 to be stolen property or who 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 Force ; 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 persons in making such arrests as they may lawfully make, and he shall report such arrests without delay to the officer in charge 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 in charge of 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 COUNCILS
PART I
COMPULSORY FUNCTIONS

[See Section 31 (1)]

1. Provision and maintenance of primary schools.
2. Provision and maintenance of libraries and reading rooms,
3. Provision and maintenance of hospitals and dispensaries, including veterinary hospitals and dispensaries.
4. Provision, maintenance and improvement of public roads, culverts, and bridges.
5. Plantation and preservation of trees on roadsides and public places.
6. Provision and maintenance of public gardens, public playgrounds and public places.
7. Maintenance and regulation of public ferries other than those maintained by Government departments.
8. Maintenance and regulation of cattle pounds.
9. Provision and maintenance of seraes, dakbungalows, zailghars, rest-houses and other buildings for the convenience of travellers.
10. Prevention, regulation and removal of encroachments.
11. Prevention and abatement of nuisances.
12. Holding of fairs and shows.
13. Promotion of public games and sports.
14. Celebration of public festivals.
15. Promotion of sanitation and public health.
16. Prevention, regulation and control of infectious diseases.
17. Enforcement of vaccination.

18. Protection of food stuffs, and prevention of adulteration.
19. Registration of marriages.
20. Registration of the sale of cattle.
21. Provision of water-supply, construction, repair and maintenance of water works and other sources of water supply.
22. Agricultural, industrial and community development promotion of national reconstruction promotion and development of co-operative movement and village industries.
23. Adoption of measures for increased agricultural production.
24. Regulation of traffic; licensing of vehicles other than motor vehicles and the establishment and maintenance of public stands for vehicles.
25. Improvement of the breeding of cattle, horses and other animals, and the prevention of cruelty to animals.
26. Relief measures in the event of any fire, flood, hailstorm, earthquake, famine, or other natural calamity.
27. Cooperation with other organizations engaged in activities similar to those of the District Council.
28. Any other functions that may be directed by Government to be undertaken by District Councils - either generally or by a particular District Council.

PART II

OPTIONAL FUNCTIONS

[See Section 31 (2)]

(a) Education

1. Provision and maintenance of schools other than primary schools.
2. Construction and maintenance of buildings to be used as hostels for students.
3. Provision of scholarships.
4. Training of teachers.
5. Payment of grants and subsidies to educational institutions.
6. Promotion and assistance of educational societies.
7. Undertaking of educational surveys, framing of educational plans and implementation thereof.
8. Promotion of adult education.

9. Provision of milk supply and meals for school children.
10. Publication of school books and the maintenance of printing presses.
11. Provision of school books to orphans and indigent students free of cost or at concessional rates.
12. Maintenance of depots for the sale of school books and articles of stationery.
13. Any other measures likely to promote the cause of education.

(b) Culture

14. Establishment and maintenance of information centres.
15. Organization of general cultural activity.
16. Maintenance of radio sets at public institutions and public places.
17. Organization of museum, exhibitions and art galleries.
18. Provision and maintenance of public halls, public meeting places and community centres.
19. Furtherance of civic education and the dissemination of information on such matters as local government, rural reconstruction, hygiene, community development, agriculture, industries, cattle breeding and other matters of public interest.
20. Celebration of the Holy Prophet's Birth Day, and other national occasions.
21. Reception of distinguished visitors.
22. Encouragement of national and regional languages.
23. Promotion of physical culture, the encouragement of public games and sports, and the organization of rallies, matches and tournaments.
24. Preservation of the historical and indigenous characteristics of the local area.
25. Any other measures likely to promote cultural progress and advancement.

(c) Social Welfare

26. Establishment, management and maintenance of welfare homes, asylums, orphanages, widow-homes and other institutions for the relief of the distressed.
27. Burial and cremation of paupers found dead within the local area.
28. Prevention of beggary, prostitution, gambling, taking of

- injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils.
29. Promotion of social, civic and patriotic virtues among the people and discouraging of parochial racial, tribal, and sectarian prejudices.
 30. Organization of social service volunteers.
 31. Organization of legal aid for the poor.
 32. Adoption of measures for the promotion of the welfare of women, backward classes, and children and families of the persons serving in the Armed Forces.
 33. Adoption of measures for the settlement of disputes by conciliation and arbitration.
 34. Any other measures likely to promote social welfare.

(d) Economic Welfare

35. Establishment and maintenance of model agricultural farms.
36. Popularization of improved methods of agriculture, maintenance of improved agricultural implements and the lending of such implement to cultivators, and adoption of measures for bringing waste lands under cultivation.
37. Maintenance of crop statistics, protection of crops, the lending of seeds for sowing purposes, distribution of fertilizers and the popularization of their use and the maintenance of fodder reserves.
38. Promotion of agricultural credit; agricultural education; and adoption of other measures likely to promote agricultural development.
39. Construction and repair of embankments, supply, storage, and control of water for agricultural purposes.
40. Preservation and reclamation of soil and the drainage and reclamation of swamps.
41. Management, protection and maintenance of village forests.
42. Provision, regulation and maintenance of markets.
43. Provision of facilities for the procurement of raw materials and the marketing of products of village industries.
44. Establishment, maintenance and management of industrial schools and the training of workers in village industries.
45. Adoption of other measures likely to promote the

development of village industries.

46. Organization, maintenance and management of village stores.
47. Popularization of the co-operative movement and the promotion of education in co-operation.
48. Any other measures likely to promote economic welfare.

(e) Public Health

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

56. Establishment, management, maintenance and the visiting of Unani, Ayurvedic and Homoeopathic dispensaries.
57. Establishment, management, maintenance and the visiting of health centres, maternity centres and centres for the welfare of infants and children; the training of Dais and the adoption of other measures likely to promote the health and welfare of women, infants and children.
58. Measures to alleviate diseases of animals and birds, and the prevention and control of contagious diseases among birds and animals.
59. Preservation of cattle wealth.
60. Provision, maintenance and improvement of pastures and grazing grounds.
61. Regulation, of milk supply; establishment of milk colonies; and provision and regulation of sanitary stables.
62. Establishment and maintenance of cattle farms and dairies.
63. Establishment and maintenance of poultry farms.
64. Any other measures likely to promote public health animal

husbandry, and welfare of birds.

(f) Public Works

65. Improvement of the means of communications.
66. Drainage, water-supply, payment of streets and other works of public utility.
67. Framing and execution of village plans, village improvement schemes, town planning schemes and regional planning schemes.
68. Maintenance of maps for local areas.
69. Construction, management and maintenance of such other works of public utility not specified elsewhere as may be required for fulfilling any obligation imposed by or under this Act or any other law for the time being in force.

(g) General

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

**THE FIFTH SCHEDULE TAXES, RATES, TOLLS AND FEES
WHICH MAY BE LEVIED BY DISTRICT AND UNION COUNCILS**

[See Section 57]

1. Tax on the annual value of buildings and lands.
2. Tax on lands not subject to local rate.
3. Tax on hearths.
4. Tax on the transfer of immovable property.
5. Tax on the import of goods for consumption, use or sale in a local area.
6. Tax on the export of goods from a local area.
7. Tax on professions, trades and callings.
8. Tax on births, marriages and feasts.
9. Tax on advertisements.
10. Tax on cinemas, dramatic and theatrical shows, and other entertainments and amusements.
11. Tax on animals.
12. Tax on vehicles (other than motor vehicles), including carts and bicycles, and all kinds of boats.
13. Tolls 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 works of public utility.
18. Conservancy rate.
19. Rate for the provision of water works or the supply of water.
20. Fees on applications for the erection and re-erection of buildings.
21. School 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 voluntary labour or having it done on his behalf.

THE SIXTH SCHEDULE

MATTERS RESPECTING WHICH RULES

MAY BE MADE

[See Section 8 (2)]

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 therefore, and the submission, trial and disposal of election petitions.
2. Omitted.
3. Election of Chairmen.
4. Prescription of the form of oath of office by members.

5. Regulation of the functions of Union Councils with regard to village defence and village police, including the appointment, the terms and conditions, and the training and discipline of members of the village police.
6. Functions of local councils with regard to national reconstruction, the agricultural, industrial and community development, and food production.
7. The manner in which Union Development Advisory Committees shall be constituted, and their functions.
8. The manner in which schemes for undertaking commercial or business enterprises by local councils may be promoted, administered, executed and implemented.
9. Regulation of the making of contracts on behalf of local councils.
10. Regulation of the execution of works by local councils.
11. Prescription of records, reports and returns to be maintained, prepared or published by local councils.
12. Constitution and regulation of the Local Councils Service.
13. Regulation of matters referred to in Section 44 pertaining to servants of local councils.
14. Administration, regulation, custody, investment and operation of Local Funds, and special funds.
15. Preparation and sanction of budgets, and matters relating thereto.
16. Maintenance of accounts, and their audit.
17. Regulation of the raising and repayment of loans by local councils.
18. Determination of the property that shall vest in local councils, and other matters specified in Section 53.
19. Preparation, regulation, consolidation, sanction and implementation of development plans.
20. The manner in which, and the authority by whom, members, officials and servants of local councils, and other persons, may surcharged under Section 55.
21. Regulation of the assessment and collection of the local rate, and the distribution of the proceeds thereof between District and Union Councils.
22. Regulation of the assessment, collection, and administration of taxes, rates, tolls and fees, and all matters relating thereto.

23. The manner in which, and the authorities to whom, appeal shall lie against the orders of local councils.
24. The manner in which local councils shall be inspected, and the powers of inspecting officials,
25. Any other matter required under any of the provisions of this Act to be prescribed.

SCHEDULE

MATTERS FOR BY-LAWS AND REGULATIONS

PART I

MATTERS RESPECTING WHICH BY-LAWS

MAY BE MADE

[See Section 87 (2)]

1. Registration of births and deaths, and marriages.
2. Registration of the sale of cattle and animals.
3. Registration, management and regulation of orphanages, widow-homes and other institutions for the relief of the poor.
4. Organization of village defence, and adoption of measures for village safety and security.
5. Regulation and management of shamilats 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 foodstuffs.
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 purposes of this Act not provided for in the rules.

PART II

MATTERS RESPECTING WHICH REGULATIONS

MAY BE MADE

[See Section 88]

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 other matter required by or under any of the provisions of this Act to be determined by regulations.

THE EIGHTH SCHEDULE OFFENCES UNDER THE ACT

[See Section 79]

1. Evasion of the payment of a tax or other impost law-fully levied by a local council.
2. Failure to furnish on requisition information in respect of any matter which a local council is authorized to call for under any of the provisions of this Act or the rules or by-laws, or furnishing wrong information.
3. Doing an act without licence or permission, when the doing of such act requires a licence or permission under any of the provisions of this Act or the rules or by-laws.
4. Erection or re-erection of a building without the sanction required under this Act.
5. Carrying on any dangerous or offensive trade without such sanction.
6. Making and encroachment on any 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 hemps, 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 this 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 so specified.
13. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance 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 so specified.
15. Failure to remove any dirt, dung, night-soil, manure, or any obnoxious or offensive matter from any Sand or building when so required under this Act.
16. Failure to provide, close, remove, alter, repair, clean, disinfect, or put in proper order any laterine, 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 any remove any thick vegetation or undergrowth which has been declared under this Act to be injurious to health or offensive to the neighbourhood.
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 any 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 the land in such manner as is declared under this Act to be injurious to public health or offensive to the neighbourhood.
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 sewer or drain not set apart 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 neighbourhood.
22. Failure by the owner or occupier of any building or land to put up and keep in good condition proper troughs and 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, becomes cognizant of the existence of any infectious disease, to make a report about such infectious disease to the prescribed local council.
24. Failure by any person cognizant of the existence of any infectious disease in any building to communicate the information to the prescribed local council.
25. Failure by the owner to disinfect an infected building, or the letting of an infected building with out disinfection.
26. Sale of articles of food and drink by a person suffering from any infectious disease.
27. Failure by the owner or drive of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.
28. Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substances, fifth or refuse of any kind.
29. Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.
30. Selling to the prejudice of any purchaser any article of food or drink which is not of the nature, substance or quality demanded by such purchaser.
31. Begging importunately for aims, or exposing or exhibiting with the object of exciting charity any deformity or disease or any offensive sore or wound.
32. Keeping a brothel on practising 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, placard or other paper or means of advertisement against or upon any building or place other than the 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 encampment without the permission required under this Act.
39. Causing or permitting animals to stray.
40. Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after 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.
42. Playing of music or radio, beating a drum or tomtom, blowing a horn or trumpet or beating or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued under this Act.
43. Discharging firearms or letting of fireworks, crackers, fire-balloons or detonators, or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood, or risk of injury to property.
44. Quarrying, blasting, cutting timber, or carrying on building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.
45. Burying or burning a dead body at a place other than a recognized burial or burning ground without the permission required under this Act.
46. Letting loose or setting on ferocious dogs or other dangerous animals.
47. Failure to demolish or otherwise secure a building

- declared under this Act to be a dangerous building.
48. Using or allowing the use for human habitation of a building declared under this Act to be unfit for human habitation.
 49. Failure to lime-wash or repair a building if so required under this Act.
 50. Doing of any other act which is prescribed as an offence under this Act.
 51. Contravention of any of the provisions of this Act the rules or the by-laws, or of any order, direction, notice or declaration made or issued thereunder.
 52. Attempts and abetments of any of the offences aforesaid.
-