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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW, JUSTICE, HUMAN RIGHTS AND
PARLIAMENTARY AFFAIRS

(Law, Justice and Human Rights Division)

Islamabad, the 3rd December, 2002

F. No. 2(1)/2002-Pub.—The following Ordinance promulgated by the
President on 15th November, 2002 is hereby published for general information :—

ORDINANCE NO. CXXXVII OF 2002 ✓

AN

ORDINANCE

*to consolidate and amend the law relating to cantonments and to reconstruct
and regulate local-self government in the cantonment areas*

(2045)

[1430(2002) Ex. Gaz.]

Price : Rs. 63.50

*Cantonments
Ordinance
2002*

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WHEREAS it is expedient to consolidate and amend the law relating to cantonments and to reconstruct and regulate local self-government in the cantonment areas and to provide for matters connected therewith or ancillary thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

CHAPTER I.-PRELIMINARY

1. **Short title, extent and commencement.**-(1) This Ordinance may be called the Cantonments Ordinance, 2002.

(2) It extends to the whole of Pakistan.

(3) The Federal Government may, by notification in the official Gazette, direct that this Ordinance, or any provisions thereof which it may specify, shall come into force on such date as it may appoint in this behalf.

2. **Definitions.**- In this Ordinance, unless there is anything repugnant in the subject context,-

- (i) "armed forces" means forces governed by the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Navy Ordinance, 1961 (XXXV of 1961) or the Pakistan Air Force Act, 1953 (VI of 1953);
- (ii) "Assessing Authority" means the Cantonment Administrative Officer or a Cantonment Officer designated by him as such;
- (iii) "Assistant Health Officer" means a medical officer appointed by the Board to be the Assistant Health Officer for the cantonment.
- (iv) "Board" means Cantonment Board constituted under this Ordinance;
- (v) "body corporate" means a body having perpetual succession and a common seal with power to acquire and hold moveable and immoveable property, and transfer any property held by it, and enter into any contract and may sue and be sued in its name;
- (vi) "budget" means an official statement of estimated receipts and expenditure for a financial year;
- (vii) "building" includes any shop, house, hut, outhouse, shed, stable or enclosure built of any material and used for any purpose, and also includes wall, well, veranda, platform, plinth, ramp and steps;
- (viii) "building line" means a line beyond which the outer face or any part of external wall of a building does not project in the direction of any street, existing or proposed;
- (ix) "bye-laws" means the bye-laws made under this Ordinance;
- (x) "cantonment" means a cantonment declared as such under the Cantonments Act 1924 (II of 1924) or under this Ordinance;

- (xi) "Cantonment Authority" means the person appointed as head of station as head of station;
- (xii) "Cantonment Administrator" means the person appointed as Administrator of Cantonment;
- (xiii) "Cantonment Officer" means the person appointed as Officer of Cantonment;
- (xiv) "Cantonment Fund" means the fund raised from its own resources;
- (xv) "Competent Authority" means the person appointed as other officer of Authority in cantonments;
- (xvi) "Corps Commander" means the person appointed as which Pakistan Army and for naval and air equivalent corps;
- (xvii) "Council" means the person appointed as Council of Cantonment;
- (xviii) "dairy" includes any place where milk is produced for sale into the hands of a dairyman who includes any place for storage or sale of milk;
- (xix) "dairy-man" means a person who is engaged in the sale of milk for human consumption;
- (xx) "Director" means a person appointed as Director of Military Land Ordinance to Commanders of appointment of a coordinator of Services Headquarters of Government inquiries of of for such other powers as are conferred on him and Cantonment;
- (xxi) "Director-General of Cantonments" means the person appointed as Director-General of Defence.

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- (xi) "Cantonment Administrator" means the Officer Commanding the station as head of the Cantonment Administration;
- (xii) "Cantonment Administration" includes the Cantonment Administrator and officials and employees of the Cantonment Administration;
- (xiii) "Cantonment Administrative Officer" means an officer appointed by the Government to assist the Cantonment Administrator in matters of Cantonment Administration;
- (xiv) "Cantonment Fund" means fund of a Cantonment Administration raised from its own local or other sources;
- (xv) "Competent Authority" means the Chief of the Army Staff or any other officer appointed by the Government to be Competent Authority in respect of one or more cantonments including the cantonments where more than one armed forces are stationed.
- (xvi) "Corps Commander" means the Commander of Corps area into which Pakistan for army purposes, is for the time being divided and for naval and airforce cantonments means an officer of equivalent command;
- (xvii) "Council" means a Union Council constituted under this Ordinance;
- (xviii) "dairy" includes any farm, cattle-shed, milk store, milkshop or other place where milk is kept for purposes of sale or is manufactured for sale into butter, ghee, cheese, or curds, and in relation to a dairyman who does not occupy any premises for the sale of milk, includes any place where he keeps the vessels used by him for the storage or sale of milk;
- (xix) "dairy-man" includes the keeper of a cow, buffalo, goat or other animal, the milk of which is offered or intended to be offered for sale for human consumption, or any purveyor of milk and any occupier of dairy;
- (xx) "Director" means Director Military Lands and Cantonments and a person appointed by the Federal Government from the officers of Military Lands and Cantonments Group for the purpose of this Ordinance to assist and advise the Services Headquarters, Corps Commanders of Pakistan Army and officers of equivalent rank or appointment for Naval and Air Force Cantonments who will act as a coordinator between three Service Headquarters and between Services Headquarters and Federal Government will act on behalf of Government regarding service matters, disciplinary cases and inquiries of officers of Military Lands and Cantonments Group and for such other matters as it may be decide and exercise such powers as are delegated by the Director General Military Lands and Cantonments;
- (xxi) "Director-General" means Director-General Military Lands and Cantonments Department; an attached department in the Ministry of Defence who will be Head of the Local Government in

- Cantonments and exercise such other powers as may be delegated by the Federal Government.
- (xxii) "disaster" includes famine, flood, cyclone, fire, earthquake, drought, and damages caused by force majeure;
- (xxiii) "drain" includes a sewer, a house drain or a drain of any other description, used for carrying sullage or rain water;
- (xxiv) "elector" means a person whose name appears on the electoral rolls prepared under section 64;
- (xxv) "Garrison Commander" means a Corps Commander or a Division Commander, or any other officer appointed as such by the Competent Authority and in case of more than one service cantonment the Garrison Commander appointed by the Federal Government;
- (xxvi) "Government" means the Federal Government;
- (xxvii) "Health Officer" means the senior executive medical officer in military employment and in on duty in a cantonment;
- (xxviii) "infectious or contagious disease" means cholera, leprosy, enteric fever, smallpox, tuberculosis, diarrhoea, plague, influenza, venereal disease and any other epidemic, endemic or infectious disease, which the Government, may, by notification in the official Gazette declare to be an infectious or contagious disease for purposes of this Ordinance;
- (xxix) "land" includes vacant land or on which any structure has been raised or is being raised or is covered with water or is under cultivation or is fallow or is barren and, in relation to a town improvement scheme includes land as defined in clause (a) of section 3 of the Land Acquisition Act 1894 (I of 1894);
- (xxx) "local area" means an area specified in section 10;
- (xxxi) "local governments" in relation to a cantonment as bodies corporate, includes -
- a Cantonment Board and Cantonment Administration; and
 - a Union Council and a Union Administration.
- (xxxiv) "Maintenance Engineer" means the Public Works Officer of that grade, or the officer of the Military Engineer Services of the corresponding grade, having charge of the military works in a cantonment or, where more than one officer has charge of the military works in a cantonment, such one of those officers as the Officer Commanding the station may designate in this behalf, and includes the officer of whatever grade in immediate executive engineering charge of a cantonment;
- (xxxv) "market" includes any place where persons assemble for the purpose of selling meat, fruit, vegetables, livestock or any other article of food or any place notified as market under this Ordinance or any other law for the time being in force;

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(xxxvi) "member" means an elected or a nominated member of a Union Council, or the Board, as the case may be;

(xxxvii) "Military Estate Officer" means the officer appointed by the Federal Government to perform the duties of the Military Estate Officer under this Ordinance;

"muaziat or dehs" means revenue estates declared as such under the Local Revenue Act, 1967 (W.P. Act XVII of 1967);

(xxxviii) "municipal offences" means the offences specified in the Third Schedule;

(xxxix) "municipal services" include water supply, sanitation, conservancy; removal and disposal of sillage, refuse, garbage, sewer or storm water, solid or liquid waste; drainage, and public toilets; express ways, bridges, flyovers, public roads, streets, foot paths, traffic signals, pavements and lighting thereof, public parks, gardens, arboriculture, landscaping, bill boards, hoardings, fire fighting, land use control, zoning, master planning, classification, declassification or reclassification of commercial or residential areas, markets, housing, urban infrastructure, environment and construction, maintenance and development thereof and enforcement of any law, rule or bye-law relating thereto;

(xl) "Naib Nazim" means Naib Union Nazim;

(xli) "Nazim" means Union Nazim;

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

(xliii) "occupier" includes an owner in occupation of, or otherwise using his own land or building;

(xliv) "Officer Commanding the station" means the armed forces officer nominated by the Competent Authority to be the Officer Commanding the station for purposes of this Ordinance;

(xlv) "owner" includes any person who is receiving or is entitled to receive the rent of any building or land whether on his own account or on behalf of himself and others or an agent or trustee, or who would so receive the rent or to be entitled to receive it if the building or land were let to a tenant;

(xlvi) "party wall" means a wall forming part of a building and used or constructed to be used for the support or separation of adjoining buildings belonging to different owners, or constructed or adapted to be occupied by different persons;

(xlvii) "peasant" means a person who is landless farm worker or one who during the period of five years preceding the year in which election is held, has been the owner of not more than five acres of land and depends directly on it for subsistence;

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

- (xlix) "President" means President of the Board;
- (i) "public place" means any building, premise or place to which the public have access;
- (ii) "rent" means whatever is lawfully payable in money or kind by a tenant or lessee on account of the occupation of any building or land or use of any machinery, equipment or vehicle;
- (iii) "resident" means a person deemed to reside in a cantonment if he maintains therein a house or a portion of the house which is at all times available for occupation by himself or his family even though he may himself reside elsewhere; provided that he has not abandoned all intentions of again occupying such house either by himself or his family;
- (liii) "Schedule" means a schedule to this Ordinance;
- (liv) "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;
- (lv) "street" includes any way, road lane, square, court, alley or passage in a cantonment whether a thoroughfare or not and whether built upon or not, over which the public have a right of way and also the road way or foot way.
- (lvi) "street line" means a line dividing the land and forming part of a street from adjoining land;
- (lvii) "tax" for purposes of imposition and recovery includes taxes, toll or other impost leviable under this Ordinance;
- (lviii) "Union" means a local area notified as such under section 11;
- (lix) "Union Administration" includes the Union Nazim, Union Naib Nazim, Union Secretaries and employees of the Union;
- (lx) "Vice-President" means the Vice-President of the Board;
- (lxi) "water reservoir" includes a spring, well, tube well, pond, tank, water course, culvert and any channel used for supplying water other than canal, river, lake or stream;
- (lxii) "work" also includes a survey whether incidental to any other work or not; and
- (lxiii) "worker" means a person directly engaged in work or is dependent on personal labour for subsistence and includes a worker as defined in the Industrial Relations Ordinance, 2002 (XCI of 2002);

CHAPTER II-DECLARATION OF CANTONMENTS AND DELIMITATION OF LOCAL AREAS

3. Definition of cantonments. - (1) The Government may, by notification in the official Gazette, declare any place or places in which any part of the armed forces of Pakistan is quartered or where defence installations or defence production units are located or which, being in the vicinity of any such place or places, is or are required for the service of such forces to be a cantonment for purposes of this Ordinance and of all

other enactments for that any cantonment:

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other enactments for the time being in force, and may, by a like notification, declare that any cantonment shall cease to be a cantonment :

Provided that any Cantonment declared or notified under any law for the time being in force immediately before the commencement of this Ordinance shall continue to retain such status and shall be deemed to have been notified as such under this Ordinance.

(2) The Government may, by a like notification, define the limits of any cantonment for the aforesaid purposes.

(3) When any place is declared a cantonment for the first time, the Government may, until a local government is constituted in accordance with the provisions of this Ordinance, by order make any provision which appears necessary to it either for the administration of the cantonment or for the constitution of the local government.

(4) The Government may, by notification in the official Gazette, direct that in any place declared a cantonment under sub-section (1) the provisions of any enactment relating to local government other than this Ordinance shall have effect only to such extent or subject to such modifications, or that any authority constituted under any such enactment shall exercise authority only to such extent, as may be specified in the notification.

4. Alteration of limits of cantonments.- (1) The Government may, by notification in the official Gazette, declare its intention to include within a cantonment any local area outside cantonment situated in the vicinity thereof or to exclude from a cantonment any local area comprised therein.

(2) The Government may, by notification in the official Gazette, create a new cantonment by bifurcating any existing cantonment.

(3) Any inhabitant of a cantonment or local area in respect of which a notification has been published under sub-section (1) may, within six weeks from the date of the notification, submit in writing to the Government through the Competent Authority an objection to the notification, and the Government shall take such objection into consideration.

(4) On the expiry of six weeks from the date of the notification, the Government may, after considering the objections, if any, which have been submitted under sub-section (2), by notification in the official Gazette, include the local area in respect of which the notification was published under sub-section (1), or any part thereof, in the cantonment or, as the case may be, exclude such area or any part thereof from the cantonment.

5. Effect of including area in cantonment. - (1) When, by a notification under section 4, any local area outside cantonment is included in a cantonment, such area shall thereupon become subject to this Ordinance and to all other enactments for the time being in force throughout the cantonment and to all notifications, rules, bye-laws, orders and directions issued or made thereunder, on a date notified by the Government.

(2) When by a notification under section 4, any area as mentioned in sub-section (1) is included in a cantonment, the local fund or portion of local fund or other property of the concerned local government shall vest in the Cantonment Administration and the liabilities of the concerned local government shall also be transferred to the Cantonment Administration.

6. Disposal of cantonment fund when area ceases to be a cantonment. - (1) When, by a notification under section 3, any cantonment ceases to be a cantonment and the local area comprised therein is placed under the control of concerned local government, the balance of the

cantonment fund and other property vesting in Cantonment Administration shall vest in the concerned local government, and the liabilities of the Cantonment Administration shall also be transferred to the concerned local government.

(2) When, in like manner, any cantonment ceases to be a cantonment and the local area comprised therein is not immediately placed under the control of the concerned local government, the balance of the cantonment fund and other property vesting in Cantonment Administration shall vest in Government and the liabilities of Cantonment Administration shall be transferred to the Government.

7. **Disposal of cantonment fund when area ceases to be a part of cantonment.** - When, by a notification under section 4, any local area forming part of a cantonment ceases to be under the control of a Cantonment Administration and is placed under the control of concerned local government, such portion of the cantonment fund and other property vesting in the Cantonment Administration and such portion of the liabilities of the Cantonment Administration, as the Government may, by general or special order, direct, shall be transferred to the concerned local government:

Provided that if any local area forming part of a cantonment ceases to be under the control of Cantonment Administration and is not immediately placed under the control of the concerned local government, such portion of the cantonment fund and other property vesting in the Cantonment Administration shall vest in Government and such portion of the liabilities of the Cantonment Administration shall be transferred to the Government, as the Government may, by general or special order, direct.

8. **Application of funds and property transferred under section 6 & 7.** - Any cantonment fund or portion of a cantonment fund or other property of Cantonment Administration vesting in Government under the provisions of section 6 or section 7 shall be applied in the first place to satisfy any liabilities of the Cantonment Administration transferred under such provisions to the Government, and in the second place for the benefit of the inhabitants of the local area which has ceased to be a cantonment or, as the case may be, part of a cantonment.

9. **Limitation of operation of Ordinance.** - The Government may, by notification in the official Gazette, exclude from the operation of any part of this Ordinance, the whole or any part of a cantonment.

LOCAL AREAS

10. **Local areas.** - For the purpose of this Ordinance, local areas shall be cantonments and Unions, the Government may, by notification in the official Gazette, notify.

11. **Delimitation of Unions.** - (1) A Union shall be an area comprising one or more *muaziat* or *dehs* or, in case of an area where revision of settlement under the law has not been taken, one or more census villages or, in the case of area with urban characteristics, the whole number of population census blocks as delimited for the purpose of the last preceding census or a combination of whole number of census blocks and a whole number of *muaziat* or *dehs*, notified as such by the Provincial Government:

Provided that as far as may be, -

- (a) the area of a Union shall be a territorial unity;
- (b) the area of a Union shall comprise a whole number of census blocks as delimited for the purpose of the last preceding population census; or a whole number of *muaziat* or *dehs* or a combination of a whole number of census blocks and *muaziat* or *dehs*; and
- (c) the population of Unions within a cantonment shall, as far as possible be uniform based on the Union population criteria of the district in which the concerned cantonment is located:

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Provided further that in specific cases the Government
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(2) Government, or an officer authorised by it, shall invite objections on
proposals relating to delimitation of Unions and after giving an opportunity of
being heard, dispose them of in such manner as may be deemed fit.

12. Local Governments for local areas. - There shall be a local government
for each local area comprising -

- (a) Cantonment Administration and Cantonment Board in each
Cantonment; and
- (b) Union Administration and Union Council in each Union, of a
cantonment.

CHAPTER III.-CANTONMENT ADMINISTRATION

13. Cantonment Administrator. - (1) The President shall exercise the
powers and perform the functions as Cantonment Administrator.

(2) Besides exercising supervision and control over the financial,
executive, and administrative matters of the Cantonment Administration, his other
functions shall be-

- (a) to provide vision and direction for efficient municipal functioning;
- (c) to formulate strategies for development of municipal infrastructure and
improvement of delivery of the municipal services in the cantonment;
- (d) to oversee formulation of the long term and annual municipal development
programmes;
- (e) to oversee the delivery of services by the Cantonment Administration and
implementation of the laws governing the municipal services;
- (f) to supervise the utilization of the funds allocated to the Cantonment
Administration and to ensure their proper accounting; and
- (g) to establish and supervise the working of the Internal Audit Office.

(3) The Cantonment Administrator may, in case of emergency direct
the execution of any work or the doing of any act which would ordinarily require
the sanction of the Board and the immediate execution or doing of which, in his
opinion, is necessary for the service or safety of the public, and may direct that
the expense of executing such work or doing such act shall be paid from the
cantonment fund:

Provided that such action shall be reported to the Board.

14. Composition of Cantonment Administration. - In every cantonment
there shall be a Cantonment Administration which shall consist of Cantonment
Administrator, Cantonment Administrative Officer, Cantonment officers, and
officials of the offices entrusted to the Cantonment Administration.

15. Structure of Cantonment Administration. - (1) The Cantonment
Administrator shall be the head the Cantonment Administration.

(2) Subject to sub-section (3), the Cantonment administrative officer shall
act as coordinating and administrative officer-in-charge of the following
Cantonment Officers, namely:-

- (a) Cantonment Officer (Municipal Regulations) who shall be
responsible for licensing management of cantonment lands estates,

properties, facilities and enterprises and enforcement of relevant cantonment laws, rules and bye-laws.

(b) Cantonment officer (Infrastructure and Services) who shall be responsible for water, sewerage, sanitation, roads other than Government and private roads, streets and street lighting, fire-fighting, and park services.

(c) Cantonment Officer (Planning) who shall be responsible for spatial planning and land use control, building control, and coordination of development plans and projects with Union Administration.

(d) Cantonment Officer (Finance) who shall be responsible for budget, revenue and accounts.

(3) The Government may reduce the number of Cantonment Officers by combining above functions if the situation so warrants, in a particular Cantonment.

16. Functions and powers of Cantonment Administration.- (1) The functions and powers of the Cantonment Administration shall be to-

- (i) prepare spatial plans for the cantonment in collaboration with Union Administration, including plans for land use, zoning and related functions for which the Cantonment Administration is responsible;
- (ii) seek approval of the Cantonment Board to the spatial plans prepared by it after due process of dissemination and public enquiry, incorporating modifications on the basis of such inquiry;
- (iii) execute and manage development plans of the cantonment;
- (iv) exercise control over land-use, land sub-division, land development and zoning by public and private sectors for any purpose, including for agriculture, industry, commerce, markets, shopping and other employment centres, residential, recreation, parks, entertainment, passenger and transport freight and transit stations;
- (v) exercise building control;
- (vi) enforce all municipal laws, rules and bye-laws governing its functioning;
- (vii) prevent and remove encroachments;
- (viii) regulate affixing of sign-boards and advertisements;
- (ix) provide, manage, operate, maintain and improve the municipal infrastructure and services, including-
 - (a) water supply and control and development of water sources, other than system maintained by the Union Administration;
 - (b) sewage and sewage treatment and disposal;
 - (c) storm water drainage;
 - (d) sanitation and solid waste collection and sanitary disposal of solid, liquid, industrial and hospital wastes;
 - (e) roads and streets, other than roads falling under the jurisdiction of, and maintained by, the Government,

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rieties) who shall be other than Government fire-fighting, and park

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in collaboration with land use, zoning and Administration is

to spatial plans elimination and public basis of such inquiry; the cantonment;

sub-division, land private sectors for any commerce, markets, residential, recreation, port freight and transit

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and sanitary disposal wastes;

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Provincial Government, District Government or the agencies controlled by them and streets maintained by the Union Administration;

(f) traffic planning, engineering and management including traffic signalling system, signs on roads, street markings, parking places, transport stations, stops, stands and terminals;

(g) street lighting;

(h) fire fighting;

(i) parks, play grounds, public places, open spaces and arboriculture;

(j) slaughter houses;

(k) regulating animal trespass and establish cattle pounds; and

(l) providing and maintaining places of burial and cremation;

(x) compile information provided by Union Administration of prioritised projects in the cantonment;

(xi) prepare budget, including annual financial requirements of the Union Administration, long term and annual municipal development programmes in collaboration with the Union Administration;

(xii) release allocations to Union Administration for their financial requirements as per the approved budget;

(xiii) maintain, with the assistance of the Union Administration, a comprehensive data base and information system for Cantonment Administration and provide public access to it on nominal charges;

(xiv) propose taxes, cess, user fees, rates, tolls, charges, levies and duties under the First Schedule for approval of the Board and notify the same in the official Gazette after such approval;

(xv) collect approved taxes, cess, user fees, rates, rents, tolls, charges, duties, fines and penalties;

(xvi) organize sports, culture, recreational events, fairs and shows;

(xvii) co-ordinate and support municipal functions amongst Unions;

(xviii) regulate markets and services and issue licences, permits, grant permissions and impose penalties for violation thereof as and where applicable;

(xix) manage properties, assets and funds vested in the Cantonment Administration;

(xx) develop and manage schemes, including site development schemes in collaboration with Union Administration;

(xxi) authorise an officer or officers to issue notice to a person committing any municipal offence and initiate legal proceedings for continuance of commission of such offence or for failure to comply with the directions contained in such notice;

- (xxii) prosecute, sue and follow up criminal, civil and recovery proceedings against violators of municipal laws in the courts of competent jurisdiction;
 - (xxiii) authorise an officer to take action in matters of urgency like removal of encroachments, and other such subjects as may be decided by the Cantonment Administration.
 - (xxiv) maintain municipal records and archives;
 - (xxv) prepare financial statements and present them for internal and external audit in the manner as may be prescribed;
 - (xxvi) without disturbing the existing arrangement, persuade the District Government to meet its statutory obligation of opening and maintaining educational institutions for the needs of civil population of the cantonment, and also to encourage other organisations for similar action;
 - (xxvii) to establish and maintain health facilities in the shape of dispensaries and hospitals with the approval of the Government; and
 - (xxviii) carry out inspection of Union Administration.
- (2) The Cantonment Administration may,—
- (a) assign or contract out, on such terms and conditions as are approved by the Board and after inviting public objections, any of its functions to any public-private, public or private organization:
Provided that responsibility for discharge of such functions shall continue to vest with the Cantonment Administration.
 - (b) on such terms and conditions as are mutually agreed, transfer its functions and responsibilities with regard to providing municipal services to the Union Administration:
Provided that no function or responsibility shall be transferred without allocation of corresponding resources and funds:
Provided further that the responsibility to regulate and monitor such functions and services shall remain with the Cantonment Administration.
 - (c) with funds raised through voluntary contributions or external grant, but without recourse to additional enhanced taxation, user charges or fees or recourse to any other sources of public funds and without incurring debt of any nature, undertake any development project;
 - (d) with the approval of the Government and concerned regulatory authorities of the Government set-up, acquire, manage and operate any commercial activity on a self-financing basis with no liability to the public exchequer; and
 - (e) set-up a corporate body to perform any of its functions, singly or jointly with other public or private bodies:
Provided that responsibility for discharge of such functions shall continue to vest with the Cantonment Administration.

17. Cantonment Administration Officer of the Cantonment

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18. Source of income and Cantonment Officers of the officers of Pakistan may be prescribed:

Provided that the mentioned group is Government may a Government, Provincial Governments.

19. Cantonment Officer of the Cantonment

17. **Cantonment Administrative Officer.**- (1) The Government may appoint the Cantonment Administrative Officer who shall be the Principal Accounting Officer of the Cantonment Administration and shall be the focal person-

- (a) for redressing public complaints relating to Cantonment Administration; and
- (b) for liaising with District Government and other organizations, for resolution of disputes relating to Cantonment Administration.

(2) The Cantonment Administrative Officer shall —

- (a) ensure that the business of the office under his administrative control is carried out in accordance with law and the rules and the human and material resources placed at his disposal are optimally utilized to improve governance;
- (b) co-ordinate and supervise the activities of the office and ensure efficient service delivery by the functionaries under his administrative control;
- (c) supply information to the Monitoring Committees of the Board and Union Councils;
- (d) take appropriate corrective actions based on the information received from Monitoring Committees;
- (e) enforce relevant Federal, Provincial and municipal laws and rules;
- (f) prepare development plans and propose budgetary allocations for their execution;
- (g) implement approved plans and policies
- (h) authorize disbursement of performance bonuses to the employees;
- (i) prepare proposals for expenditures necessary for the conduct of programmes, projects, services and other activities;
- (j) act as Departmental Accounting Officer for his respective office and be responsible to the Finance and Accounts Committee of the Board; and
- (k) perform functions of the Rent Controller under the Cantonments Rent Restriction Act, 1963 (XI of 1963):

Provided that while dealing with other organizations, the Cantonment Administrative Officer shall not bypass the Cantonment Administrator.

18. **Source of induction of officers.**- The Cantonment Administrative Officer and Cantonment Officers shall be appointed by the Government from amongst the officers of Pakistan Military Lands and Cantonments Group in such manner as may be prescribed:

Provided that if no suitable officer of technical nature from the above mentioned group is available, for the post of a Cantonment Officer, the Government may appoint an officer on deputation from other departments of the Government, Provincial Government or organizations controlled by the aforesaid Governments.

19. **Cantonment Officer.**-The functions and powers of the Cantonment Officer of the Cantonment Administration shall be to-

- (a) ensure that the business of the office under his administrative control is carried out in accordance with law and the rules and the human and material resources placed at his disposal are optimally utilized to improve governance;
- (b) co-ordinate and supervise the activities of the office and ensure efficient service delivery by the functionaries under his administrative control;
- (c) supply information to the Monitoring Committees of the Board and Union Councils;
- (d) take appropriate corrective actions based on the information received from Monitoring Committees;
- (e) enforce relevant Federal, Provincial and municipal laws and rules;
- (f) prepare development plans and propose budgetary allocations for their execution;
- (g) implement approved plans and policies
- (h) authorize disbursement of performance bonuses to the employees;
- (i) prepare proposals for expenditures necessary for the proper conduct of programmes, projects, services, and other activities;
- (j) propose relevant bye laws on service delivery to the Cantonment Administrative Officer, and
- (k) act as Departmental Accounting Officer for his respective office and be responsible to the Finance and Accounts Committee of the Cantonment Administration; and
- (l) perform the functions of the Additional Rent Controller when so entrusted by the Cantonment Administrative Officer.

CHAPTER IV. —CANTONMENT BOARD

20. **Composition of Cantonment Board.** — (1) For every Cantonment there shall be a Cantonment Board, which shall consist of the following, namely:-

- (a) Officer Commanding the Station or if the Government so directs in respect of any cantonment such other armed forces officer as may be nominated by the Competent Authority, as President of the Board;
- (b) a Vice-President indirectly elected from amongst the Union Nazims of the cantonment.
- (c) all Nazims of Union Councils in a cantonment as members;
- (d) Indirectly elected members on reserved seats, namely: -
 - (i) such number of women as represent thirty-three percent of total number of Unions in the cantonment, subject to minimum one member; and
 - (ii) such number of peasants and workers as represents five percent of the total number of the Unions in the cantonment; and such number of persons from minority communities as represent five percent of the total number of Unions in the cantonment;

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Provided that the Government may, by notification in the official Gazette vary the number of reserved seats to such extent as it deems fit.

- (e) official members including Health Officer and Maintenance Engineer, nominated by the Officer Commanding the station, equal to the number of elected members as specified in clauses (b), (c) and (d).

(2) If in calculating a percentage for the purposes of clause (d) of sub-section (1), the number of reserved seats does not come out to be a whole number and such number is —

- (a) less than half, the number shall be rounded down to the next lower number, or
(b) a half or more, the number shall be rounded up to the next higher number.

(3) The Officer Commanding the station may, with the sanction of the Garrison Commander, nominate, in place of an armed forces officer whom he is empowered to nominate under clause (e) of sub-section (1), any person who is ordinarily resident in the cantonment or in vicinity thereof.

21. **Oath or affirmation by the nominated members:** — (1) The President and every nominated member of a Board shall, before taking his seat, make, at a meeting of the Board, an oath or affirmation of his allegiance in the following form, namely: -

I, -----, having become President/ been nominated a member of this Board, do solemnly swear (or affirm) that I will bear true faith and allegiance to Pakistan and that I will faithfully discharge the duty upon which I am about to enter.

(2) If any such person fails to make the oath or affirmation within such time as the Government considers reasonable, the Government shall, by notification in the official Gazette, declare his seat to be vacant.

22. **Resignation.** — Any civilian nominated member of a Board who wishes to resign his office may forward his resignation in writing to the President.

23. **Removal of nominated member.** — Where the Officer Commanding the station makes a report to the effect that any nominated member is unable to discharge his duties for any reason, the Garrison Commander and where Officer Commanding the station is also the Garrison Commander, the Corps Commander may, by order in writing, relieve such member of his office.

24. **Nominations, resignations etc. to be notified.** — All nominations, resignations and removal of nominated members shall be notified in the official Gazette.

25. **Liability of members.** — Every member of a Board shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board. If such a loss, waste or misapplication is a direct consequence of his neglect or misconduct while such member; and a suit for compensation for the same may be instituted against him either by the Board or by the Government.

- (i) to approve taxes, cess, rates, rents, fees, user-charges, tolls, levies and duties proposed by Cantonment Administration as specified in the First Schedule;
- (ii) to approve bye-laws prepared by the Cantonment Administration;
- (iii) to approve annual budget and appropriations for the Cantonment Administration;
- (iv) to approve long and short term development plans of the cantonment;
- (v) to approve annual development plans received from the Union Councils;
- (vi) to approve posts of personal staff for the office of the Vice-President and the terms and conditions of their service;
- (vii) to approve land use, zoning and master plan, development and maintenance programmes or projects proposed by the Cantonment Administration;
- (viii) to elect Monitoring Committees of the Cantonment Board to monitor the working of the Cantonment Administration;
- (ix) to ensure that Monitoring Committees perform their functions in a non-intrusive manner without interfering in the day to day working of the relevant offices of the Cantonment Administration and do not assume a command and control role;
- (x) to review the reports of the Monitoring Committees and take appropriate action;
- (xi) to elect an Insaaf Committee;
- (xii) to elect Cantonment Finance and Accounts Committee to review the audit reports of the accounts of Cantonment Administration;
- (xiii) to review the performance of Cantonment Administration presented by the Cantonment Administrative Officer;
- (xiv) to authorise the Cantonment Administration, subject to applicable laws and with the prior permission of the Government, floating of municipal bonds for raising funds for financing municipal projects;
- (xv) to require, by resolution, the Cantonment Administration to undertake measures for improvement in the delivery of municipal services;
- (xvi) to process Union Monitoring Reports concerning service delivery in cantonment areas; and
- (xvii) to elect Code of Conduct Committee which shall be responsible for enforcing the code of conduct for regulating the conduct of the members of the Board.

(3) Save as otherwise provided, decisions of the Board shall be taken by resolutions passed by a simple majority of the members present.

(3) On such removal, he shall also lose his seat in the by-election.

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Provided that in case of an equality of votes, the President shall have a second or casting vote.

(4) All meetings of the Board shall be presided over by the President and in his absence by the Vice-President, and in the absence of both, the members (both elected and nominated) present shall elect one from amongst them to preside.

(5) The quorum of the meetings of the Board shall be fifty-one percent of its membership.

(6) The Cantonment Administrative Officer shall be the principal executive and administrative officer of the Cantonment Administration and the Secretary of the Board and shall have the right to take part in the discussion but not to move any proposals at the meeting of the Board and shall also be responsible to record minutes of the proceedings of meetings of the Board in a book maintained by him.

(7) No member of a Board shall vote at a meeting of the Board or any of its committees on any question relating to his own conduct, or on any matter, other than a matter affecting generally the inhabitants of cantonment, which affects his own pecuniary interest or valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.

(8) Minutes of the proceedings of Board meetings shall be signed by the President and shall, at such time and in such place as may be fixed by the Board, be open to inspection free of charge by any inhabitant of the cantonment.

(9) No disqualification or defect in the election, nomination or appointment of a person acting as the President or a member of a Board or any of such Committees shall, vitiate any act or proceedings of the Board or Committee if the majority of persons present at the time of the act being done or the proceeding being taken, were duly qualified members thereof.

(10) The meetings of the Board shall be open to public, unless the Board, by a resolution, decides to hold any meeting in camera.

(11) Copies of the minutes shall, as soon as possible, be forwarded for information to the Competent Authority, Garrison Commander, Cantonment Administration, and the concerned Military Estates Officer.

28. Recall of Vice-President. — (1) On a resolution passed by a majority vote, the Board may decide to remove a Vice-President if he is found working against public policy and interest or flagrantly abusing his position as Vice-President.

(2) In the event of a resolution as provided in sub-section (1) the Cantonment Administrator shall recommend to the Competent Authority, the removal of the Vice-President.

(3) On such removal by the Competent Authority, the Vice-President shall also lose his seat as a Union Nazim and this vacancy shall be filled through by-election.

(4) Before his removal, the Vice-President or the member shall have the right to appear before the Board and address in his defence.

29. **Joint Committees of Councils.** —The Board may, with the consent of Union Councils, set up joint committees of the councils for any purpose in which such councils may be jointly interested and may delegate to such joint committees any power which may be exercised by them, including the power to make bye-laws for their functioning.

CHAPTER V.—UNION ADMINISTRATION

30. **Composition of Union Administration.** —There shall be constituted a Union Administration for every Union consisting of Union Nazim, Naib Union Nazim and Union Secretaries and, where required, the members of ancillary staff.

Provided that the Government may reduce the number of Union Secretaries in a particular cantonment.

31. **Structure of Union Administration.** —(1) The Union Nazim shall be the head of the Union Administration.

(2) The Naib Union Nazim shall deputise the Union Nazim during his temporary absence.

(3) The Union Secretaries shall coordinate and facilitate in community development, functioning of the Union Committees and delivery of municipal services under the supervision of Union Nazim.

Provided that the functions of the Union may be assigned to one or more Secretaries.

32. **Functions of the Union Administration.** —The functions of Union Administration shall be—

- (a) to collect and maintain statistical information for socio-economic surveys;
- (b) to identify deficiencies in the delivery of services and make recommendations for improvement thereof to the Cantonment Administration;
- (c) to register births, deaths and marriages and issue certificates thereof
- (d) to work out annual requirement of Union Administration for day to day expenditure and seek approval of the Union Council for submission to the Cantonment Administration;
- (e) to disseminate information on matters of public interest;
- (f) to cooperate with the public, private or voluntary organizations, engaged in activities similar to those of the Union;
- (g) to establish and maintain libraries approved and funded by the Cantonment Administration with prior approval of the Board;
- (h) to organize sports tournaments, fairs, shows and other cultural and recreational activities with the prior approval of the Cantonment Administration;
- (i) to organize cattle fairs and cattle markets as assigned by the Cantonment Administration;

- (j) to improve playgrounds
- (k) to assist the Administration and assist in prior approval
- (l) to prepare the budget and submit it for funding.
- (m) to promote public place Administration
- (n) to assist in maintenance

33. **Entrustment of functions of Cantonment Administration.** —The Cantonment Administration with mutual consent of the Union Administration.

Provided that resources available to the Union Administration shall be available to the Cantonment Administration.

34. **Government to prescribe administrative, and regulatory functions.** —The Government may prescribe the functions of the Union Administration.

35. **Functions of Union Nazim.** —

- (a) to provide leadership and annual development plan;
- (b) to assist the Cantonment Administration;
- (c) to dispose of the land;
- (d) to report to the Government.
- (i) to encroach on public land;
- (ii) to violate public law;
- (iii) to violate environment;
- (iv) to violate public order;
- (v) to breach public trust.

36. **Personal responsibility.** —The Union Nazim shall be personally responsible for the decisions made by him under the provisions of this Order. No expenditure incurred by him shall be a charge on the Union Administration.

37. **Setting aside.** —The Union Nazim may set aside any order or decision recorded in writing, if it is against public policy, and public interest.

38. **Resignation.** —The Union Nazim may tender his resignation to the Government.

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- (j) to improve and maintain public open spaces, public gardens and playgrounds with prior approval of the Cantonment Administration;
- (k) to assist the relevant authorities in disasters and natural calamities, and assist in relief activities, including de-silting of canals with prior approval of the Cantonment Administration;
- (l) prepare the projects of the Union Annual Development Plan and submit to the Cantonment Administration for approval and funding.
- (m) promote plantation of trees, landscaping and beautification of public places in the Union under the directions of the Cantonment Administration;
- (n) assist Cantonment Administration in establishment and maintenance of burial and cremation places;

33. **Entrustment of functions by Cantonment Administration, etc.**—The Cantonment Administration may entrust any of its functions to the Union Administration with mutual agreement:

Provided that resources required for carrying out such functions shall be made available to the Union Administration.

34. **Government to prescribe powers of Union Administration.**—The administrative, and regulatory powers of the Union Administration shall be such as may be prescribed by the Government.

35. **Functions of Union Nazim.**—A Union Nazim shall—

- (a) provide leadership for Union-wide development and preparation of the annual development plan;
- (b) assist the Cantonment Administration in spatial planning process;
- (c) dispose of the business of Union Administration; and
- (d) report to the concerned authorities in respect of
 - (i) encroachment on State and local government property and violation of land use and building laws, rules and bye-laws;
 - (ii) sale and trade of dangerous and offensive articles;
 - (iii) environmental and health hazards;
 - (iv) adulteration of articles of food; and
 - (v) breach of public watercourses, within the area of the Union.

36. **Personal responsibility of Union Nazim.**—The Union Nazim shall be personally responsible for any loss, financial or otherwise, flowing from the decisions made by him personally or under his directions in violation of any provisions of this Ordinance or any other law for the time being in force and for any expenditure incurred without lawful authority.

37. **Setting aside decisions of Union Nazim.**—The President may suspend action on an order or decision taken by Union Nazim, if he, for reasons to be recorded in writing, considers the same to be against the interest of the people or public policy, and place the same before the Board for final decision.

38. **Resignation by Union Nazim.**—The Union Nazim may resign his office by tendering resignation in writing addressed to the President.

39. **External recall of Union Nazim.** — (1) Subject to sub-section (4), on a motion moved by the President, the Board may decide by a majority vote, to remove a Union Nazim if he is found—

- (a) working against public interest or public policy; or
- (b) flagrantly abusing his position as Union Nazim.

(2) In the event of passage of a resolution as provided in sub-section (1) the President shall recommend to the Competent Authority, the removal of the Union Nazim.

(3) On such removal by the Competent Authority, the Union Nazim shall lose his seat as a Union Nazim and his vacancy shall be filled through by-election.

(4) Before his removal, the Union Nazim shall have the right to appear before the Board and address in his defence.

40. **Internal recall of Union Nazim.** — (1) If in the opinion of a member of Union Council, there is a reason to believe that the Union Nazim is acting against the public policy or the interest of the people or on the ground of inaction or neglect to serve the needs of the people, he may, seconded by another member of the council, give a notice to move a motion in the Union Council for recall of Union Nazim.

(2) On receipt of notice referred to in sub-section (1), the Naib Union Nazim shall summon a session of Union Council within three days if the Union Council is not already in session.

(3) Where the Union Council is already in session, the motion referred to in sub-section (1) shall be taken up for deliberation on the next day from its receipt in the Union Council.

(4) If the motion referred to in sub-section (1) is approved by a majority of votes of the total membership of the Union Council through a secret ballot, followed by endorsement by majority vote of the Board the Union Nazim shall cease to hold office from the date of notification issued by the Government under sub-section (6).

(5) Where the motion fails in the Union Council, the proposer and seconder of such motion shall lose their seats as members of the Union Council.

(6) The Government shall notify the result of the approval of the motion.

(7) The Union Nazim shall have the right to appear before the Union Council and address it in his defence.

(8) No motion for recall of Union Nazim shall be moved during the first six months of assumption of office of Union Nazim nor shall such motion be repeated before the expiry of one year from the rejection of previous motion.

CHAPTER VI.—UNION COUNCILS

41. **Composition of Union Councils in Cantonment.** — There shall be a Union Council in each Union comprising the following members, namely: —

- (a) twelve members, elected to general seats, including four reserved for women;

- (b) six members including two
- (c) one member

Provided that in a of ten percent of the total communities, shall be alloc

- (d) Union Nazim

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(b) six members elected to seats reserved for peasants and workers
including two reserved for women;

(c) one member elected to a seat reserved for minority communities;

Provided that in a Union where the population of minorities is in excess
of ten percent of the total population of the Union, reserved seats for minority
communities, shall be allocated in the manner prescribed by the Government; and

(d) Union Nazim and Naib Union Nazim;

Provided that if the situation so warrants, the Government may, by
notification in the official Gazette, vary the number of seats as mentioned in
clauses (a) to (c).

42. **Functions of the Union Council.**—The functions of the Union Council
shall be to—

- (a) recommend the annual development plan of the Union Administration for
approval and funding by the Board;
- (b) recommend statement of annual financial requirements for the Union and
its approval and funding by the Board;
- (c) facilitate the formulation and functioning of Citizen Community Boards;
- (d) facilitate the formation of co-operatives for improving economic returns
and reduction of interstitial poverty;
- (e) mobilise the community involvement in maintenance of public ways,
public streets, culverts, bridges and public buildings, desilting of canals
and other development pursuits;
- (f) adopt appropriate measures and provide support to the Cantonment
Administration for achievement of socio-economic development and
improvement of services;
- (g) elect Monitoring Committees of the Union, each for municipal services,
finance, safety, health, education, literacy, works and services;
- (h) elect an Ethics Committee of the Union Council which shall be
responsible for enforcing the code of ethics to regulate the conduct of the
members of the council;
- (i) elect an Insaaf Committee which shall be responsible for the selection of
the panel of Conciliators of Musaliha Anjuman for out of court amicable
settlement of disputes;
- (j) review the performance of Union Administration and Union Monitoring
Committees; and
- (k) review the annual statement of accounts and external or special audit
report in respect of the Union Administration.

43. **Conduct of the business of the Union Council.**—(1) The Union
Council shall regulate its business in accordance with the rules prescribed by the
Government.

(2) The Union Council shall meet at least once in every month.

(3) All decisions of the Union Council shall be taken by resolutions
passed by a simple majority of its total membership.

(4) All meetings of the Union Council shall be presided over by Union
Nazim and, in his absence, by the Naib Union Nazim or, in absence of both Union

Nazim and Naib Union Nazim or where a motion for recall of Union Nazim or Naib Union Nazim has been moved, by a member elected by the Union Council from amongst its members present in the meeting.

(5) No member of a Union Council shall vote at a meeting of the Union Council or any of its committees on any question relating to his own conduct, or on any matter, other than a matter affecting generally the inhabitants of cantonment, which affects his own pecuniary interest or valuation of any property in respect of which he is directly or indirectly interested, or of any property of or for which he is a manager or agent.

(6) The quorum of the meeting of the Union Council shall be fifty-one percent of its total membership.

(7) The meeting of the Union Council shall be open to the public, unless the Union Council, by a resolution, decides to hold any meeting in camera.

(8) The minutes of the meeting of Union Council shall be recorded and maintained by an officer authorized by the Union Council.

(9) The meetings of the Union Council shall be open to public, unless the council, by resolution, decides to hold any meeting in camera.

(10) Copies of the minutes shall, as soon as possible, be forwarded to the Board.

44. Address of Union Nazim.—(1) At the commencement of the first session of the Union Council after its election and on commencement of first session of every year the Union Nazim shall address the Union Council and shall inform the council his plans and programmes for the said year and the performance of the Union Administration during the preceding year.

(2) Notwithstanding anything contained in sub-section (1), the Union Nazim may address the Union Council whenever he deems necessary to associate or consult the Union Council in functioning of the Union Administration.

45. Resignation by Naib Union Nazim.—The Naib Union Nazim may resign from his office by tendering resignation in writing addressed to the President.

46. Recall of Naib Union Nazim.—(1) If in the opinion of a member of Union Council, there is a reason to believe that the Naib Union Nazim is acting against the public policy or the interest of the people or for any other reason, he may, seconded by another member of the Council, move a motion in the Union Council for recall of Naib Union Nazim.

(2) On receipt of notice referred to in sub-section (1), the Union Nazim shall summon a session of Union Council within three days, if the Union Council is not already in session.

(3) Where the Union Council is already in session, the motion referred to in sub-section (1) shall be taken up for deliberations immediately on its receipt in the Union Council.

(4) If the motion referred to in sub-section (1) is approved by a majority of votes of the total membership through a secret ballot, the Naib Union Nazim shall cease to hold office on approval of the motion by the Union Council.

(5) The Naib Union Nazim shall have the right to appear before the Union Council and address in his defence.

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CHAPTER VII

47. Composition of
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(6) Where the motion fails in the Union Council, the proposer and seconder of such motion shall lose their seats as members of the Union Council.

(7) No motion for recall of Naib Union Nazim shall be moved during the first six months of assumption of office of Naib Union Nazim nor shall such motion be repeated before the expiry of one year from the rejection of previous motion.

CHAPTER VII.—CITIZEN COMMUNITY BOARD

47. **Composition of Citizen Community Board.**—(1) In every local area, groups of non elected citizens may, through voluntary, proactive and self help initiatives, set up any number of Citizen Community Boards. Such Citizen Community Boards shall be set up, *inter alia*, for the purpose of—

- (a) energizing the community for development and improvement in service delivery;
- (b) development and management of a new or existing public facility; identification of development and municipal needs;
- (c) mobilization of stakeholders for community involvement in the improvement and maintenance of facilities;
- (d) welfare of the handicapped, destitute, widows and families in extreme poverty;
- (e) establishment of farming, marketing and consumers cooperatives;

Provided that grants will be available subject to section 276 of this Ordinance, and reinforcing the capacity of a special Monitoring Committee at the behest of the concerned Union Council or Cantonment Board.

(2) No person shall be eligible to set up a Citizen Community Board or become its member or hold the office of the chairman or secretary of the Citizen Community Board, if such person:

- (a) is a minor;
- (b) is of unsound mind;
- (c) has applied to be adjudicated as an insolvent and his application is pending;
- (d) is an undischarged insolvent;
- (e) is a defaulter of loans or Government dues and his name has been published as such.

(3) In carrying out its purposes, a Citizen Community Board may interact with voluntary organisations for community welfare.

(4) The Citizen Community Board shall be set up, registered with the registration authority, and carry on its functions and activities in such manner and subject to such rules as may be prescribed.

(5) The Citizen Community Board shall have a general body of its members who shall elect a Chairman, Executive Committee and a Secretary of the Board for carrying out its functions.

48. Personal responsibility of the head of the Citizen Community Board and Executive Committee and its officers.—The Chairman, Executive Committee and its officers shall be responsible for any loss, financial or otherwise, flowing from the decisions made by them individually or collectively in violation of any provisions of this Ordinance or any other law for the time being in force and for any expenditure incurred without lawful authority.

49. Raising of funds by Citizen Community Board.—(1) A Citizen Community Board may raise funds through voluntary contributions, gifts, donations, grants and endowments for its declared purposes without compromising the larger interest of the community.

(2) A Citizen Community Board may also receive project-based cost sharing support from any local government in accordance with the provisions of this Ordinance.

(3) All funds of Citizen Community Board shall be kept in a scheduled bank or post office and all transactions shall be made through cheques.

(4) The accounts of the Citizen Community Board shall be operated jointly by the Chairman and the Secretary.

(5) The accounts of the Citizen Community Board shall be subject to audit as may be prescribed.

50. Citizen Community Board to be a non-profit Organization.—(1) A Citizen Community Board shall be a non-profit organization and its income and assets shall be used solely for the attainment of its objectives.

(2) The properties and income of a Citizen Community Board shall vest, and be held, in the name of its Executive Committee. It shall sue and be sued in the name of its Executive Committee. No portion of its income shall be paid by way of salary, dividend, profit or bonuses or otherwise distributed to any of its members or contributors, whether past or present.

(3) If a Citizen Community Board is not carrying on its functions and activities in accordance with this Ordinance, the registration authority may appoint an administrator, with such powers and functions as the registration authority deems appropriate, to run its affairs, take over its assets or for the disposal of any other matter.

(4) Where a local government has contributed towards creation of any assets or funds of a Citizen Community Board, in case of dissolution or de-registration, its assets shall pass on to such local government and the assets shall continue to be used for community welfare by the local government through any of its agencies or any other Citizen Community Board designated by such local government in this behalf.

CHAPTER VIII.—INSAAF

51. Composition of Insaaf
Insaaf Committee constituting convener to be selected by the

52. Constitution of Musa
Anjuman shall be constituted (Conciliators) one of whom : Committee of the Union Council amongst the residents of the integrity, good judgment and

Provided that the Union Council may not be appointed

(2) Any casual vacancy shall be filled by the Insaaf Committee thereof.

(3) The Musaleh Union Council or until replaced
Provided that Musaleh

(4) Where in the (Conciliator) is accused of neglect of his functions, the Insaaf Committee remove such Musaleh (Conciliator) from his place.

53. Encouragement for
Nazim, members of the Insaaf use their good offices to achieve people in the Union through not any proceedings have been disputes:

Provided that such settlements parties to the dispute agree to settlement.

Explanation.—For this purpose relates to disputes amongst the

54. Courts may refer
competent jurisdiction may, in the Musalihah Anjuman through

(2) The court may refer a dispute under sub-section 53 to parties to the dispute, the terms to be made, the manner in which and such other matters as it may

(3) Where on a reference a dispute is settled between the parties of the court.

CHAPTER VIII.—INSAAF COMMITTEE AND MUSALIHAT ANJUMAN

51. **Composition of Insaaf Committee.**—Every Union Council shall elect an Insaaf Committee constituting a panel of three members one of whom shall be its convener to be selected by the members of the committee.

52. **Constitution of Musalihat Anjuman.**—(1) In each Union, a Musalihat Anjuman shall be constituted consisting of a panel of three Musaleheen (Conciliators) one of whom shall be its Convener, to be selected by the Insaaf Committee of the Union Council, within thirty days after its election, from amongst the residents of the Union who are publicly known to be persons of integrity, good judgment and command respect:

Provided that the Union Nazim, Naib Union Nazim or the members of the Union Council may not be appointed as Musaleheen (Conciliators).

(2) Any casual vacancy in the panel of Musaleheen (Conciliators) shall be filled by the Insaaf Committee, as soon as practicable after occurrence thereof.

(3) The Musaleheen (Conciliators) shall be selected for the term of the Union Council or until replaced earlier:

Provided that Musaleheen (Conciliators) shall be eligible for re-selection.

(4) Where in the opinion of the Insaaf Committee, a Musaleh (Conciliator) is accused of consistent partiality and malpractices in performance of his functions, the Insaaf Committee may, subject to notice to show cause, remove such Musaleh (Conciliator) and select another Musaleh (Conciliator) in his place.

53. **Encouragement for amicable settlement of disputes.**—The Union Nazim, members of the Insaaf Committee and Musaleheen (Conciliators) shall use their good offices to achieve the amicable settlement of disputes amongst the people in the Union through mediation, conciliation and arbitration, whether or not any proceedings have been instituted in a court of law in respect of such disputes:

Provided that such settlement shall be carried out in such cases where all parties to the dispute agree thereto and no fee shall be charged for such settlement.

Explanation.—For the purpose of this section, the expression 'dispute' relates to disputes amongst the individuals, whether of civil or criminal nature.

54. **Courts may refer cases to Musalihat Anjuman.**—(1) Any court of competent jurisdiction may, in a case where it deems appropriate, refer a matter to the Musalihat Anjuman through the Union Nazim for settlement.

(2) The court making a reference to Musalihat Anjuman for settlement of a dispute under sub-section (1) may lay down the procedure for summoning the parties to the dispute, the terms of reference, the period during which settlement is to be made, the manner in which the report of the settlement is to be submitted and such other matters as it may deem appropriate for resolution of the dispute.

(3) Where on a reference made by the court under sub-section (1), the dispute is settled between the parties, the court may make such settlement as rule of the court.

(4) The Musalihat Anjuman shall inform the court if the dispute is not settled within the time fixed by the court or may ask for extension in time for settlement of the dispute.

55. **Appointment of Musaleh (Conciliator) for individual cases.**—Where in a dispute parties request for appointment of a person other than the Musaleheen (Conciliators) in the panel referred to in section 52 in a particular case as a Musaleh (Conciliator), the Union Nazim may, in consultation with the Insaaf Committee, appoint such person as Musaleh (Conciliator) for that case.

56. **Procedure of settlement of disputes.**—(1) The Convener of the Musalihat Anjuman selected under section 52 shall—

- (a) convene meetings of the Musalihat Anjuman as necessary and at such place or places in the Union as he considers appropriate; and
 - (b) conduct the proceedings in an informal manner as he considers with an object to bring an amicable settlement between the parties.
- (2) No legal practitioner shall be permitted to take part in the proceedings on behalf of any party.

(3) The report of the Musaleheen (Conciliators) shall be recorded in writing and copies thereof shall be provided to the parties attested by the Union Secretary.

CHAPTER IX.—CANTONMENT LOCAL GOVERNMENT ELECTIONS

57. **Franchise.**—(1) Members of Union Councils including Union Nazims and Naib Union Nazims shall be elected through elections based on adult franchise and on the basis of joint electorate.

(2) The Electoral College for election of Vice-President and reserved seats of women, peasants and workers and minorities in the Board shall, be all members of the Union Councils in the cantonment, including Union Nazims and Naib Nazims.

Explanation.—For the purpose of this section, all members of Union Councils notified as returned candidates in the elections held under this Ordinance, shall be deemed to be members of the Electoral College.

58. **Authority for local government elections.**—(1) All elections to the Union Council and the Board shall be organized and conducted by the President according to the rules made under this Ordinance and such rules may provide for all matters connected therewith or incidental thereto, including the time of holding the elections, by-elections, corrupt or illegal practices and other election offences and the submission, trial and disposal of election petitions.

Provided that in a cantonment where no Board has been constituted, the function of President under this sub-section shall be performed by the Officer Commanding the station.

3. The Government may authorize any of its officers to exercise any of its powers and to perform any of its functions under this Ordinance.

59. **Delimitation of electoral wards.**—(1) The ward for the elections of Vice-President, and for reserved seats of women, peasants and workers and

minorities in the Cantonment

Union Nazim and Naib Union Nazim

(2) The Union shall be the Union Council.

60. **Qualifications for election.**—A person shall qualify to be elected or appointed to government, if he—

- (a) is a citizen of Pakistan;
- (b) is at least twenty years of age;
- (c) is enrolled as a voter in the Union Council;
- (d) is of good character and does not violate Islamic teachings and well as abstain from gambling and shall not apply for any office in the government;
- (e) has academic qualifications of secondary school or higher institution, for the Union Nazim;
- (f) has not been declared bankrupt;
- (g) is not in the service of the Government or any body which is controlled by such Government holders of election either by salary or honorarium resigned or retired within six months has elected;
- (h) has not been employed in public service;
- (i) does not possess any immovable assets or joint dependent name assets or any arrangement for their sale, transfer or mortgage;
- (j) has not been declared financially insolvent by the Government, including utility companies;
- (k) has not been charged with any offence involving dishonesty or fraud or power or authority;
- (l) has not been declared bankrupt within six months for any

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(2) The Union shall be the multimember ward for election of members of a Union Council.

60. **Qualifications for candidates and elected members.**—(1) A person shall qualify to be elected or to hold an elective office or membership of a local government, if he—

- (a) is a citizen of Pakistan;
- (b) is at least twenty five years of age;
- (c) is enrolled as a voter in the electoral roll of the relevant ward;
- (d) is of good character and is not commonly known as one who violates Islamic injunctions; has adequate knowledge of Islamic teachings and practices, obligatory duties prescribed by Islam as well as abstains from major sins; provided that these qualifications shall not apply to a person who is a non-Muslim, but such a person shall have a good reputation;
- (e) has academic qualifications of not less than matriculation or secondary school Certificate or equivalent from a recognized institution, for contesting the election of a Union Nazim or Naib Union Nazim;
- (f) has not been declared by a competent court to be of unsound mind;
- (g) is not in the service of the Federal Government, a Provincial Government or a local government or, any statutory body or a body which is controlled by any such Government or, in which any of such Government has a controlling share or interest, except the holders of elected public office and part time officials remunerated either by salary or fee; provided that in case of a person who has resigned or retired from such service, a period of not less than six months has elapsed since his retirement;
- (h) has not been dismissed, removed or compulsorily retired from public service on grounds of moral turpitude;
- (i) does not possess assets which are inconsistent with his declaration of assets or justifiable means, whether held in his own name or of the dependents or any other person or corporate body in whose name assets are held in trust or under any other formal or informal arrangement whereby the de-facto control of such assets including their sale, transfer or pecuniary interest, is retained by him;
- (j) has not been adjudged a wilful defaulter of any tax or other financial dues owed to the Federal Government, a Provincial Government, or a local government or any financial institution, including utility bills outstanding for six months or more;
- (k) has not been convicted by a court of competent jurisdiction on a charge of corrupt practice involving moral turpitude or misuse of power or authority under any law for the time being in force;
- (l) has not been sentenced to imprisonment for more than three months for an offence under any law and or, a period of not less

- than five years has elapsed since his release; and in case of a member or a holder of a public office, has not been sentenced to imprisonment;
- (m) has not failed to file the required return of election expenses or is not convicted for exceeding the limits of elections expenses prescribed under the electoral laws;
 - (n) has not been declared an un-discharged insolvent by any court;
 - (o) does not engage in any transaction involving pecuniary interest with the local government of which he is a member;
 - (p) does not absent himself without reasonable cause from three consecutive meetings of the local government of which he is a member; provided that a member shall not be disqualified if the absence was necessitated by a national emergency or force majeure;
 - (q) does not fail to attend a training course when required to do so by law;
 - (r) has not been and is not involved, in activities prejudicial to the ideology, interest, security, unity, solidarity, peace and integrity of Pakistan and its people and the good order and harmony of society;
 - (s) has not used directly or indirectly for his election the platform, flag, symbol, affiliation and financial or material resources or support of a political, religious, ethnic or sectarian party, formation or organization; or
 - (t) takes oath within the specified period.
- (2) Whoever—
- (a) is found by the President to have contravened the provisions of sub-section (1) shall stand disqualified from being a candidate for election to a local government for a period of four years; or
 - (b) having been elected as a member of local government or being a holder of an elective office of a local government is found by the President to have contravened the provisions of sub-section (1) shall cease forthwith to be an elected member or to hold the office of such member and stand disqualified from being a candidate for election to a local government for a period of four years.

61. **Non-party elections.**—Local government elections in the cantonment shall be held on non-party basis.

62. **Joint candidacy and elections.** — (1) A Union Nazim and Naib Union Nazim shall contest elections in their respective wards as joint candidates :

Provided that on occurrence of a casual vacancy a candidate for the office of a Union Nazim or Naib Union Nazim shall contest the election for such office in his individual capacity;

(2) Union Nazim and Naib Union Nazim securing the highest number of votes, as joint candidates shall be declared elected.

63. **Election to vacant seats.** —(1) If a seat of a member becomes vacant during the term of office of a local government, a new member shall be elected

through by-elections and the remaining portion of the term.

(2) If any seat reserved through by-elections and the remaining portion of the term.

(3) All by-elections shall be held within the period of one year of office of the local government.

Provided that in the year of elections may be held within the year.

(4) A vacancy of Vice-President shall be filled through by-election within the year.

(5) When the office of Vice-President Board shall, by a majority vote of the elected members of the Board.

Provided that the office of Vice-President shall be filled through by-election for election of the Vice-President.

(6) When the office of Vice-President concerned Union Council shall be filled through by-election for election of the Vice-President Nazim from amongst its members to retain his office as a member.

Provided that the office of Vice-President shall be filled through by-election for election of the Vice-President.

64. **Electoral rolls.**—(1) The names of persons, qualified to be included in the electoral rolls, shall be prepared, on the basis of the electoral rolls, prepared under the provisions of the Electoral Rolls Act, 1974.

(2) A person shall be included in the electoral rolls if he is a citizen of Pakistan;

(a) is not less than 18 years of age; and

65. **Validity of electoral rolls.**—The electoral rolls shall be valid for the purpose of the description contained therein and no person shall be entitled to be included in the electoral rolls if he is not so entitled.

66. **Bar against dual candidature.**—A member of Union Council may contest election for the office of Vice-President after resigning from the office of Naib Nazim :

Provided that a member of Union Council shall not be eligible to contest election for the office of Vice-President without resigning from the office of Naib Nazim respectively :

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through by-elections and the member elected in by-elections shall hold office for the remaining portion of the term of the local government.

(2) If any seat reserved for women remains vacant, the same shall be filled through by-elections and the elected woman member shall hold office for the remaining portion of the term of the local government.

(3) All by-elections shall be held once a year on a date or dates fixed by the President. The period of one year shall be computed from the date of assumption of office of the local government:

Provided that in the year in which general elections are to be held, the by-elections may be held within eighteen months

(4) A vacancy of Vice-President, Union Nazim or Naib Union Nazim shall be filled through by-election within sixty days of the occurrence of vacancy.

(5) When the office of Vice-President falls vacant, the elected members of a Board shall, by a majority vote elect an officiating Vice-President from amongst the elected members of the Board.

Provided that the officiating Vice-President shall not be a candidate in the by-election for election of the Vice-President.

(6) When the office of a Union Nazim, falls vacant, the members of the concerned Union Council shall by a majority vote elect an officiating Union Nazim from amongst its members and the person so elected shall continue to retain his office as a member also:

Provided that the officiating Nazim shall not be a candidate in the by-election held for election of the Union Nazim.

64. **Electoral rolls.**—(1) In every Union the electoral rolls showing the names of persons, qualified to vote at elections to the Union Council shall be prepared, on the basis of the electoral rolls pertaining to the concerned cantonment, prepared under section 4 of the Electoral Rolls Act 1974 (XXI of 1974).

(2) A person shall be entitled to be enrolled as a voter if he -
is a citizen of Pakistan;

(a) is not less than eighteen years of age on the first day of January of the year in which an election is to be held;

65. **Validity of electoral rolls etc. not affected by reason of any mistake.**—The electoral rolls shall not be rendered invalid by reason of any erroneous description contained therein of any person listed or of an omission of the name of any person entitled to be enrolled as a voter or of inclusion of the name of any person not so entitled.

66. **Bar against dual membership, etc.**—A Union Nazim and Naib Union Nazim may contest election for any other political office except for the Vice-President after resigning from the existing office of Nazim, or as the case may be, Naib Nazim:

Provided that a member elected against the reserved seats in a Board or a member of Union Council may contest election for any other political office without resigning from the membership of the Board and Union Council respectively:

Provided further that such member except the Vice-President shall not hold more than one office at one time :

67. **Term of office.** - (1) The term of office of a local government shall be four years commencing on the 14th day of August of the year in which elections are held :

Provided that the term of office of the first local governments constitute under this Ordinance shall commence with their assumption of the office and expire on 14th August 2005 :

Provided further that a local government notwithstanding the expiry of its office shall continue to hold office until the successor local government assumes office.

(2) The Government shall notify the assumption of offices by the Vice-President, Nazims, Naib Nazims and members of the local governments.

(3) A Vice-President, Union Nazim or a Naib Union Nazim shall not hold the same office for more than two terms.

68. **Oath of office.**—The elected Vice-Presidents, Nazims, Naib Nazims and members shall, before assuming the charge of their respective offices, make oath as may be prescribed.

69. **Removals.**—(1) Where proceedings of disqualification under sub-section (2) of section 60 have been initiated on an application made by any person, or by the President on his own motion, against a member, Nazim, Naib Nazim, or the Vice-President, the President may issue a notice to show cause to a member, Nazim, Naib Nazim or, as the case may be, the Vice-President within a specified period as to why proceedings against him may not be taken for his removal for breach of any of the provisions of section 60.

(2) Where the President is not satisfied with the reply to the notice to show cause referred to in sub-section (1) or any reply to the said notice is not submitted within the period fixed by him, he may order for an enquiry in the matter and for that purpose appoint an enquiry officer.

(3) On the basis of enquiry held under sub-section (2), the President may order the removal of a member, Nazim, Naib Nazim or, as the case may Vice-President:

Provided that before an order of removal is passed the member, Nazim, Naib Nazim or, as the case may be, Vice-President against whom enquiry proceedings are carried out shall be afforded a reasonable opportunity of being heard including personal hearing if so requested.

70. **Resignations of elected members.**—(1) A member of the council may resign from his office by writing under his hand addressed to the Naib Nazim in case of Union Council and to the President in case of the Board, whereupon the resignation shall be deemed to have been accepted and effective forthwith.

(2) Copies of all resignations shall be forwarded by the President to the Government.

(3) Notwithstanding the resignation of a member any proceedings for removal under section 69 if already initiated, shall not abate.

71. **Ineligibility for re-election.**—A person who has been elected as a Nazim or a Vice-President shall be ineligible for re-election to any office for a term which may extend to fifteen thousand rupees, or

72. **Notification to be given.**—The Government shall, by notification, publish the result of the election of a member, Nazim, Naib Nazim or the Vice-President.

73. **Corrupt practice.**—A person who has been elected as a Nazim, Naib Nazim or the Vice-President shall be punishable for a term which may extend to fifteen thousand rupees, or

74. **Bribery.**—A person who has been elected as a Nazim, Naib Nazim or the Vice-President shall be punishable for a term which may extend to fifteen thousand rupees, or

(a) receives, agrees to receive, or refrains from voting at, or withdrawing a vote at, an election for the purpose of inducing

(i) a person to vote or elect

(ii) a person to vote or elect

(iii) a person to vote or elect

(iv) a person to vote or elect

(v) a person to vote or elect

(vi) a person to vote or elect

Explanation.—In this section, "money or estimable in money or reward."

75. **Personating.**—A person who has been elected as a Nazim, Naib Nazim or the Vice-President shall be punishable for a term which may extend to fifteen thousand rupees, or

76. **Undue influences.**—A person who has been elected as a Nazim, Naib Nazim or the Vice-President shall be punishable for a term which may extend to fifteen thousand rupees, or

(a) in order to compel or induce any person to vote or elect, or indirectly, by him or

(i) makes or threatens to make or

(ii) inflicts or threatens to inflict or

(iii) uses any office or position or

(b) on account of having withdrawn his vote or

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(c) by abduction, or

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71. **Ineligibility for re-election.**—Where a member or a Nazim, a Naib Nazim or a Vice-President has been removed or recalled he shall not be eligible for re-election to any office of local government for a period of four years.

72. **Notification to be issued.**—The Government shall notify every election, by-election and result of such elections and resignation, removal or recall of a member, Nazim, Naib Nazim, Vice-President, as the case may be.

73. **Corrupt practice.**—A person guilty of bribery, personating, or undue influence shall be punishable for an offence of corrupt practice with imprisonment for a term which may extend to three years, or with fine which may extend to fifteen thousand rupees, or with both.

74. **Bribery.**—A person is guilty of bribery, if he, directly or indirectly, by himself or by an other person on his behalf—

(a) receives, agrees or contracts for any gratification for voting or refraining from voting or for being or refraining from being a candidate at, or withdrawing or retiring from an election; and

(b) gives, offers or promises any gratification to any person for the purpose of inducing—

(i) a person to be or to refrain from being a candidate at an election;

(ii) a voter to vote or refrain from voting at any election;

(iii) a candidate to withdraw or retire from an election;

(iv) rewarding a person for having been or for having refrained from being a candidate at an election;

(v) rewarding a voter for having voted or refrained from voting at an election; or

(vi) rewarding a candidate for having withdrawn or retired from an election.

Explanation.—In this section, 'gratification' includes a gratification in money or estimable in money and all forms of entertainment or employment for reward.

75. **Personating.**—A person is guilty of personating, if he votes or applies for a ballot paper for voting as some other person whether that other person is living or dead or fictitious.

76. **Undue influences.**—A person is guilty of undue influences, if he—

(a) in order to compel any person to vote, refrain from voting or to induce or compel any person to withdraw his candidature at any election, directly or indirectly, by himself or by any other person on his behalf—

(i) makes or threatens to make use of any force violence or restraint;

(ii) inflicts or threatens to inflict any injury, damage, harm or loss; or

(iii) uses any official influence or governmental patronage; or

(b) on account of any person having voted or refrained from voting, or having withdrawn his candidature, does any of the acts specified in clause (a); or

(c) by abduction, duress or any fraudulent device or contrivances—

(i) impedes or prevents the free exercise of the franchise by a voter; or

- (ii) compels, induces or prevails upon any voter to refrain from voting or compels any voter to vote.

Explanation.—In this section, the expression "harm" includes social ostracism or excommunication or expulsion from any caste or community.

77. Illegal practices.—A person is guilty of illegal practice punishable with fine which may extend to two thousand rupees, if he—

- (a) obtains or procures, or attempts to obtain or procure, the assistance of any officer or official of the Federal Government, a Provincial Government or a local government or authority to further or hinder the election of a candidate;
- (b) votes or applies for a ballot paper for voting at an election knowing that he is not qualified for voting or is disqualified from voting;
- (c) votes or applies for a ballot paper for voting more than once at any polling station;
- (d) removes a ballot paper or a ballot box from a polling station or destroys, damages, tampers with the ballot-box used at a polling station;
- (e) knowingly induces or procures any person, to do any of the aforesaid acts; or

- (f) fails to provide statement of election expenses as required under this Ordinance.

- (g) makes or publishes a false statement—

- (i) concerning the personal character of a candidate or his relation calculated to adversely affect the election of such candidate or, for the purpose of promoting or procuring the election of another candidate, unless he proves that he had reasonable ground for believing, and did believe, the statement to be true;
- (ii) relating to the symbol of a candidate whether or not such symbol has been allocated to such candidate; or
- (iii) regarding the withdrawal of a candidate;
- (h) knowingly, in order to support or oppose a candidate, lets, tends, employs, hires, borrows or uses any vehicle or vessel for the purpose of conveying voters to or from the polling station, except when a person conveys himself or any member of the household to which he belongs, to or from the polling station;
- (i) causes or attempts to cause any person present or waiting to vote at the polling station to depart without voting.

78. Prohibition of canvassing.—A person is guilty of an offence punishable with fine which may extend to two thousand rupees, if he, on the polling day in connection with the election:—

- (a) convenes, calls or organizes within a ward any meeting; or
- (b) within a radius of two hundred meters of the polling station—
 - (i) canvasses for votes;

- (ii) solicits vote
- (iii) persuades a candidate; or
- (iv) exhibits, ex at a place t the radius c sign, banne discourage

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offence punishable with months, or with fine whic he—

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- (b) persistently shouts station; or
- (c) does any act which
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 - (iii) abets the d

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- (b) fraudulently takes or ballot box any ballot pape rules to put in;
- (c) without due authori
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 - (ii) destroys, ta or packet or
 - (iii) breaks any rules; or

- (d) causes any delay completion of the p close of the poll; or
- (e) fraudulently or with

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- (ii) solicits vote of any voter;
- (iii) persuades any voter not to vote at the election or for a particular candidate; or
- (iv) exhibits, except with the permission of the Returning Officer and at a place reserved for the candidate or his polling agent beyond the radius of one hundred meters of the polling station, any notice, sign, banner or flag designed to encourage the voter to vote, or discourage the voters from voting, for any contesting candidate.

79. **Disorderly conduct near polling station.**—A person is guilty of an offence punishable with imprisonment for a term which may extend to three months, or with fine which may extend to three thousand rupees, or with both, if he—

- (a) uses, in such manner as to be audible within the polling station any gramophone, megaphone, loudspeaker or other apparatus for reproducing or amplifying sounds;
- (b) persistently shouts in such manner as to be audible within the polling station; or
- (c) does any act which-
 - (i) disturbs or causes annoyance to any voter visiting a polling station for the purpose of voting;
 - (ii) interferes with the performance of the duty of the presiding officer, polling officer or any other person performing any duty at a polling station; or
 - (iii) abets the doing of any of the aforesaid acts.

80. **Tampering with papers.**—A person is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to six thousand rupees, or with both, if he—

- (a) fraudulently defaces or destroys any nomination paper or ballot paper;
- (b) fraudulently takes out of the polling station any ballot paper or puts into any ballot box any ballot paper other than the ballot paper he is authorised under the rules to put in;
- (c) without due authority-
 - (i) supplies any ballot paper to any person;
 - (ii) destroys, takes, opens or otherwise interferes with any ballot box or packet or ballot paper in use for the purpose of election; or
 - (iii) breaks any seal affixed in accordance with the provisions of the rules; or

- (d) causes any delay or interruption in the beginning, conduct or the completion of the procedure required to be immediately carried out on the close of the poll; or
- (e) fraudulently or without due authority attempts to do any of aforesaid acts

81. **Interference with the secrecy.**—A person is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to six thousand rupees, or with both, if he—

- (a) interferes or attempts to interfere with a voter when he records his vote;

(b) in any manner obtains or attempts to obtain, in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted, or

(c) communicates at any time any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted.

82. Failure to maintain secrecy.—Any candidate or polling agent attending a polling station, or any person attending the counting of votes, is guilty of an offence punishable with imprisonment which may extend to six months, or with fine which may extend to six thousand rupees, or with both, if he—

- (a) fails to maintain or aid in maintaining the secrecy of voting; or
- (b) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

83. Conduct of officials.—A presiding officer, Polling Officer or any officer or clerk performing a duty in connection with an election, or any member of a police force, is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, if he, during the conduct or management of an election or maintenance of order at the polling station—

- (a) persuades any person to give his vote;
- (b) dissuades any person to give his vote;
- (c) influences in any manner the voting of any person;
- (d) does any other act calculated to further or hinder the election of a candidate;
- (e) fails to maintain or aid in maintaining the secrecy of voting;
- (f) communicates, except for any purpose authorized by any law, to any person before the poll is closed any information as to the name or number on the electoral roll of any voter who has or has not applied for a ballot paper, or has or has not voted at a polling station; or
- (g) communicates any information obtained at the counting of votes as to the candidate for whom any vote is given by any particular ballot paper.

84. Breach of official duty.—A Presiding Officer or any other person employed by any such officer in connection with his official duties imposed by or under this Ordinance, is guilty of an offence punishable with fine which may extend to five thousand rupees, if he, without reasonable cause does or omits to do an act in breach of any official duty.

85. Assistance by Government servants.—A person in the service of the Federal Government, a Provincial Government, a local government, or a body owned or controlled by the Federal Government or a Provincial Government is guilty of an offence punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both, if he, in any manner, gives any assistance calculated to further or hinder the election of a candidate.

86. Summary trial.—All offences under this Chapter, except the offences under section 73 to 76, shall be tried summarily under the provisions of the Code of Criminal Procedure 1898 (Act V 1898).

87. Cognizance.—No court shall take cognizance of an offence under sections 82 and 84 except on the complaint of the competent authority.

88. Power to make rules.—The Government may, by notification in the official Gazette, make rules

CHAPTER

89. Power of Government.—The Government or such other authority as may be directed in this behalf may, at any time require—

- (a) to produce any document in its possession;
- (b) to furnish any information or statistics;
- (c) to furnish any other information.

90. Power of Competent Authority may—

- (a) call for any document or control any document;
- (b) require the production of reports and the performance of duties or

91. Power to require execution of report obtained under section 89.—The Competent Authority is or

- (a) that any Ordinance or Regulation is imperfect or defective;
- (b) that any administrative arrangement or performance of the duties of the Government or any officer or servant of the Government is defective or inefficient.

92. Power to provide for execution of report obtained under section 89.—If the period fixed by a direction under section 89 has not been duly taken, as the case may be, may make such provision as may be necessary that all expenses connected with

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87. **Cognizance.**—No court shall take cognizance of the offences under section 83 and 84 except on the complaint in writing of the Returning Officer concerned.

88. **Power to make rules.**—The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Chapter.

CHAPTER X.—SUPERVISION AND CONTROL

89. **Power of Government to require production of documents.**—The Federal Government or such other authority as it may authorize by the Government in this behalf may, at any time require a local government in the cantonment—

- (a) to produce any record, correspondence, plan or other document in its possession or under its control;
- (b) to furnish any return, plan, estimate, statement, accounts or statistics relating to its proceedings, duties or works; and
- (c) to furnish or obtain and furnish any report;

90. **Power of Competent Authority to call for documents.**—The Competent Authority may —

- (a) call for any book or documents in the possession or under the control of a local government; and
- (b) require the local government to furnish such statements, accounts, reports and copies of the documents relating to the proceedings, duties or works as he thinks fit.

91. **Power to require execution of works, etc.**—If, on receipt of any information or report obtained under section 89 or 90, the Federal Government or, as the case may be, the Competent Authority is of opinion—

- (a) that any duty imposed on a local government by or under this Ordinance has not been performed or has been performed in an imperfect, inefficient or unsuitable manner; or
- (b) that adequate financial provision has not been made for the performance of any such duty, it or he may direct the concerned local government, within such period as it or he thinks fit, to make arrangements to its or his satisfaction for the proper performance of the duty, or, as the case may be, to make financial provision to its or his satisfaction for the performance of the duty:

Provided that, unless in the opinion of the Federal Government or the Competent Authority, as the case may be, the immediate execution of such order is necessary, it, shall, before making any direction under this section, give the concerned local government opportunity of showing cause why such direction should not be made.

92. **Power to provide for enforcement of direction under section 91.**—If, within the period fixed by a direction made under section 91 any action directed under that section has not been duly taken, the Federal Government or the Competent Authority, as the case may be, may make arrangements for taking of such action and may direct that all expenses connected therewith shall be defrayed out of the local fund.

93. Power to override decision of the local government.—(1) If the President, dissents with decision of a local government which he considers prejudicial to the health, welfare discipline or security of the troops in the cantonment, he may, for the reasons to be recorded, by order direct the suspension of action thereon for any period not exceeding one month, and, if he does so, he shall forthwith refer the matter to the Garrison Commander and in case the Officer Commanding the station is himself the Garrison Commander, to the Corps Commander for final decision.

(2) The Director (ML&C) shall assist and advise the Garrison Commanders, Corps Commanders and officers of equivalent command for Naval and Air Force Cantonments in the performance of this function.

94. Power of Garrison Commander on reference under section 93.—When any decision of the local government has been referred to him under section 93, the Garrison Commander may, by order in writing—

- (a) cancel the order given by the President directing the suspension of action; or
- (b) extend the duration of the order for such period as he thinks fit; or
- (c) after giving the local government a reasonable opportunity of showing cause why such directions shall not be made, direct that the decision shall not be carried into effect or that it shall be carried out by the local government with such modifications as he may specify.

95. Inspection.—(1) There shall be an annual inspection of Cantonment Administration under arrangements of respective Garrison Commander and, in case the Officer Commanding the station is himself the Garrison Commander, under the arrangements of the Corps Commander.

(2) The Director (ML&C) shall assist and advise the Garrison Commanders, Corps Commanders and officers of equivalent command for Naval and Air Force Cantonments in the performance of this function.

(3) The inspecting authority shall advise the Cantonment Administrator to take appropriate action on the report within thirty days.

(4) The Cantonment Administrator shall annually inspect the Union Administration.

(5) The Cantonment Administrator shall advise the Union Nazim to take appropriate action on the report within thirty days.

(6) If any action is required to be taken against the concerned Nazim, the Cantonment Administrator may, initiate proceedings for recall against such Nazim as provided in section 39.

96. Report on administration.—Every Cantonment Administration shall, as soon as may be after the close of the year and not later than the date fixed in this behalf by the Government, submit to the Government, through the Competent Authority a report on the administration of the cantonment including of the Union Councils therein, during the preceding financial year, in such form and containing such details as the Government may direct. The comments, if any of the Competent Authority on the report shall, be communicated by him to the Cantonment Administration which shall be allowed a reasonable time to furnish a reply thereto and the comments together with the reply, if any, shall be forwarded to the Government along with the report.

97. Enquiries.—(1) The Officer Commanding the station is himself the General (ML&C) may require any matter concerning respect proceedings of the enquiry.

(2) The Director (ML&C) shall assist and advise the Corps Commanders and of Cantonments in the performance of this function.

(3) On the basis of the report, in case the Officer Commanding the station is himself the Corps Commander, shall take appropriate action on the information.

(4) In case of a Union Nazim to conduct an enquiry, the Nazim shall submit a report along with the Administrator.

(5) On the basis of the report, the Nazim shall advise the Union Nazim to place it before the Union Council.

98. Transparency.—(1) The Nazim shall place the report in the office of the Cantonment Administrator.

(2) Every office shall be open to the public for law for the time being in force may be prescribed.

(3) Information about the administration of the government during the period shall be placed in a prominent place within the cantonment.

99. Monitoring by committee.—(1) The Cantonment Administrator shall be responsible for monitoring the administration and preparing quarterly evaluation report.

(2) The Monitoring Committee shall monitor the functioning of the Administration and Union Councils and prepare quarterly evaluation report.

(3) The reports of the Monitoring Committee shall contain evaluation of the performance of the Administration and Union Councils.

(1) If the President, is prejudicial to the interest, he may, for the purpose of any period refer the matter to the station is himself the President. The Garrison Commander for Naval and

Section 93.—When any under section 93, the

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97. Enquiries.—(1) The Garrison Commander and in case the Officer Commanding the station is himself the Garrison Commander, the Corps Commander or the Director General (ML&C) may require a Cantonment Administrator to conduct an enquiry into any matter concerning respective local government and submit the report along with the proceedings of the enquiry.

(2) The Director (ML&C) shall assist and advise the Garrison Commanders Corps Commanders and officers of equivalent command for Naval and Air Force Cantonments in the performance of this function.

(3) On the basis of the findings of the enquiry, the Garrison Commander, and in case the Officer Commanding the station is himself the Garrison Commander, the Corps Commander, shall advise the Cantonment Administrator and the President to take appropriate action on the report within thirty days and place it before the Board for information.

(4) In case of a Union Council the Cantonment Administrator may require a Union Nazim to conduct an enquiry into any matter concerning the Union Council and submit a report along with the proceedings of the enquiry to the Cantonment Administrator.

(5) On the basis of findings of enquiry, the Cantonment Administrator shall advise the Union Nazim to take appropriate action on the report within thirty days and place it before the Union Council for information.

98. Transparency.—(1) Every citizen shall have the right to information about any office of the Cantonment Administration and Union Administration.

(2) Every office shall provide requisite information, if not restricted under any law for the time being in force, on the prescribed forms and on payment of such fee as may be prescribed.

(3) Information about the staffing and the performance of the office of a local government during the preceding month shall, as far as possible, be displayed at a prominent place within the premises of the office for access by the citizens.

99. Monitoring by committees.—(1) The Monitoring Committees of Board shall be responsible for monitoring the functioning of the offices of the Cantonment Administration and preparing quarterly evaluation reports on the prescribed format.

(2) The Monitoring Committees of Union Council shall be responsible for monitoring the functioning of all offices of local government, Cantonment Administration and Union Administration for delivery of services within its area and preparing quarterly evaluation reports on the prescribed format.

(3) The reports referred to in sub-sections (1) and (2) shall, in particular, contain evaluation of the performance of each office in relation to -

- (4) On receipt of a request, the Council may, by resolution of the Council, disqualify against such member.

CHAPTER XI.—LOCAL GOVERNMENTS.

101. Local government property. Government, all property of the Government that has been acquired or succeeded from a local government shall vest in

(a) all markets, slaughter every description;

(b) all water-works for the purposes and all bridges or appertaining thereto

(c) all sewers, drains, culverts, and other things as pertaining thereto;

(d) all dust, dirt, dung, and all other kind, and dead bodies

government from the :
or deposited in places

(e) all lamps and lamp-panels
thereto;

(f) all lands or other prop
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(g) all streets and pavements

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under this Ordinance or an

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(4) On receipt of a report under sub-section (3), a Union Council or Board may, by resolution of the majority of its members, invoke proceedings of disqualification against such member.

CHAPTER XI.—LOCAL GOVERNMENT PROPERTY AND CONTRACTS PROPERTY

101. Local government property.—Subject to any special reservation made by the Government, all property of the nature hereinafter in this section specified which has been acquired or succeeded from the predecessor Board or provided or is maintained by a local government shall vest in, and belong to, the concerned local government and—

- (a) all markets, slaughter-houses, manure and nightsoil depots and buildings of every description;
- (b) all water-works for the supply, storage or distribution of water for public purposes and all bridges, buildings, materials, and things connected therewith or appertaining thereto;
- (c) all sewers, drains, culverts and water-courses, and all works, materials and things as pertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animal matter, filth and rubbish of every kind, and dead bodies of animals, collected by the concerned local government from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in places appointed by the local government for such purpose;
- (e) all lamps and lamp-posts and apparatus connected therewith or appertaining thereto;
- (f) all lands or other property transferred to the local government by the Federal Government or a Provincial Government, or by gift, purchase or otherwise for local public purposes; and
- (g) all streets and pavements, stones and other materials thereof, and also all trees, erections, materials, implements, and things existing on or appertaining to streets,

shall be under its direction, management and control.

102. Application of local government property.—All properties vested in a local government shall be applied for the purposes, whether express or implied, for which, by or under this Ordinance or any other law for the time being in force, powers are conferred or duties or obligations are imposed upon the local government:

Provided that the local government shall not incur any expenditure for acquiring and renting land beyond the cantonment limits.

- (a) with sanction of the Government, and
- (b) on such terms and conditions as the Government may impose.

Surcharge for the loss, etc.—Every member of a local government, every official or servant of a local government and every person charged with the administration of a local government or acting on behalf of a local government shall be liable for the loss, waste, misappropriation or misapplication of any money or property belonging to a local government, which is direct consequence of his negligence or misconduct and shall be liable to pay such surcharge as may be determined by the Government and after giving the person concerned a reasonable opportunity of being

heard, such amount shall be recoverable as a public demand or as arrear of land revenue.

104. Acquisition of immovable property.—When there is any hindrance to the permanent or temporary acquisition upon payment of the land required by a local government for the purpose of this Ordinance Provincial the Government may, at the request of local government procure the acquisition thereof under the provisions of the Land Acquisition Act, 1894 (I of 1894) and on payment by the local government of the compensation awarded under the said Act and of the charges incurred by the Provincial Government in connection with the proceedings, the land shall vest in the concerned local government.

105. Stock taking.—(1) The Cantonment Administrative Officer shall, on assumption of his office and thereafter, once in every year on a date fixed by him, take the physical stock of moveable and immoveable properties of the Cantonment Administration and submit a report to the Board.

(2) The report referred to in sub-section (1) shall contain—

- (a) particulars of the properties held during the preceding year;
- (b) total value of the property, annual return therefrom and change in its value, if any;
- (c) particulars of unserviceable articles;
- (d) particulars of losses, if any; and
- (e) proposals for utilization, development and improvement during the following year.

106. Power to make rules regarding property.—The Government by notification in the official Gazette, may make rules to provide for all or any of the following matters, namely:—

- (a) the conditions on which property may be acquired by a local government or on which property vested in a local government may be transferred by sale, mortgage, lease, exchange or otherwise; and
- (b) any other matter relating to the local government property in respect of which no provision or insufficient provision is made by or under this Ordinance, and provision is, in the opinion of the Government necessary.

CONTRACTS

107. Essential requirement of a contract.—Every contract made on behalf of the Cantonment Administration shall be in writing as prescribed and be sealed with the common seal of the Cantonment Administration.

108. Power to make rules regarding contracts.—The Government shall prescribe by rules, the authority to make contracts, manner of making contracts, personal responsibility of the persons approving or making contracts, mode of inviting tenders, security for performance of contracts, enforcement of contracts, and other conditions for the completion of contracts.

CHAPTER XII.—PUBLIC SAFETY AND DANGEROUS

109. Dangerous and offensive specified in the Second Schedule purpose of this section.

(2) Except under and in the concerned local government—

- (a) no person shall
- (b) no premises shall be used for or offensive to
- (c) no person shall
 - (i) any dangerous
 - (ii) any dangerous and

(3) Notwithstanding the concerned local government the person affected, pass or offensive and dangerous to necessary to implement the

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110. Use of inflammable Cantonment Administration in the local area as may be huts or other buildings and Cantonment Administration inflammable materials, and disobeyed any such directions made or renewed.

(2) The Canton building which has no effect aforesaid to remove such roof notice, notwithstanding the issued or the such roof of Administration or before the

Provided that, in case of such a public notice Administration, the Canton exceeding the original cost caused by the removal.

111. Stacking or collecting may, by public notice, prohibit be necessary for the prevention of collecting the wood, dry placing of mats or thatched area, or within any limits

CHAPTER XII.—PUBLIC SAFETY AND SUPPRESSION OF NUISANCES DANGEROUS AND OFFENSIVE TRADES

109. **Dangerous and offensive articles and trades.**—(1) The articles and trades specified in the Second Schedule shall be deemed to be dangerous or offensive for the purpose of this section.

(2) Except under and in conformity with the conditions of a licence granted by the concerned local government—

- (a) no person shall carry on any dangerous and offensive trade;
- (b) no premises shall be used or offered to be used for any dangerous or offensive trade; and
- (c) no person shall store or keep in any premises
 - (i) any dangerous or offensive articles for domestic use; or
 - (ii) any dangerous or offensive articles in excess of such limits and quantity as may be fixed by the bye-laws.

(3) Notwithstanding the grant of a licence under sub-section (2), the concerned local government may, for reasons to be recorded, and after notice to the person affected, pass an order for the prohibition, closure or removal of any offensive and dangerous trade or article if such action is deemed expedient or necessary to implement the order.

PREVENTION OF FIRE

110. **Use of inflammable materials for building purposes.**—(1) The Cantonment Administration may, by public notice, direct that within such limits in the local area as may be specified in the notice, the roofs and external walls of huts or other buildings shall not, without the permission in writing of the Cantonment Administration, be made or renewed of grass, mats, leaves or other inflammable materials, and may, by notice in writing, require any person who has disobeyed any such direction as aforesaid to remove or alter the roofs or walls so made or renewed.

(2) The Cantonment Administration may, require the owner of any building which has no external roof or wall made of any such material as aforesaid to remove such roof or wall within such time as may be specified in the notice, notwithstanding that a public notice under sub-section (1) has not been issued or the such roof or wall was made with the consent of the Cantonment Administration or before the issue of such public notice:

Provided that, in case of any such roof or wall in existence before the issue of such a public notice or made with the consent of the Cantonment Administration, the Cantonment Administration shall make compensation, not exceeding the original cost of constructing the roof or wall, for any damage caused by the removal.

111. **Stacking or collecting inflammable materials.**—A local government may, by public notice, prohibit in any case where such prohibition appears to it to be necessary for the prevention of danger to life or property, the stacking or collecting the wood, dry grass, straw or other inflammable materials, or the placing of mats or thatched huts or the lighting of fires in any place in the local area, or within any limits therein, which may be specified in the notice.

112. **Care of naked lights.**—No person shall set a naked light on or near any building in any street or other public place in a cantonment in such manner as to cause danger of fire.

Provided that nothing in this section shall be deemed to prohibit the use, subject to the permission in writing of local government, of lights for purposes of illumination on the occasion of a festival or public or private entertainment.

113. **Fire-fighting.**—(1) For the prevention and extinction of fires, the Cantonment Administration shall maintain a fire brigade consisting of such staff and such number of fire stations and such implements, machinery, equipment and means of communicating intelligence as may be necessary.

(2) The Cantonment Administration shall prepare fire-fighting plan and revise it at least once a year.

114. **Discharging fire works, fire-arms, etc.**—No body in a local area shall discharge any fire arm or let off fire works or fire balloons, or detonate, engage in any game or carry on works such as blasts, timber cutting or building operation in such manner as to cause or likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property.

PUBLIC SAFETY

115. **Power to require buildings, wells, etc. to be rendered safe.**—Where in a local area any building or wall or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in the opinion of the Cantonment Administration in a ruinous state or for want of sufficient repairs, protection or enclosure a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Cantonment Administration by notice in writing require the owner or part owner or person claiming to be the owner or part owner thereof, or failing any of them the occupier thereof to remove the same, or may require him to repair, or to protect or enclose the same in such manner as it thinks necessary; and, if the danger is, in the opinion of the Cantonment Administration, imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

116. **Enclosure of waste land used for improper purposes.**—The Cantonment Administration may, by notice in writing, require the owner or part-owner, of any building or land in the local area, or the lessee or the person claiming to be the lessee of any such land, which by reason of disuse or disputed ownership or other causes, has remained unoccupied and has become the resort of idle and disorderly persons or of persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or is used for gaming or immoral purposes, or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

117. **Civil defence.**—The Cantonment Administration shall be responsible for the civil defence of its local area, and shall in this behalf, perform such functions as may be specified by Government.

118. **Floods.**—For the fighting of floods, rescuing of people from the flood-affected areas, and affording relief of flood-stricken people, the Cantonment Administration shall provide such boats, appliances and equipments as may be specified by Government.

119. **Registration and**
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119. **Registration and control of dogs.**—(1) A Board may make bye-laws to provide for the registration of all dogs kept within such area or areas within cantonment as may be specified.

(2) Such bye-laws shall—

(a) require the registration, by the Cantonment Administration of all dogs kept within the area or areas specified or any part thereof;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority of the concerned Cantonment Administration and fix the fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week, and may provide for such other matters as the Board thinks fit.

(3) A Cantonment Administration may—

(a) cause to be destroyed or confined for such period as it may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners if any may be destroyed, and cause them to be destroyed accordingly.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section.

(5) Whoever, being the owner and the person in charge of any dog, neglects to restraint it so that it shall not be at large in any street without being muzzled and without being secured by a chain lead or leash in any case which—

(a) he knows that the dog is likely to annoy or intimidate any person, or

(b) the Cantonment Administration has, by public notice during the prevalence of rabies, directed that dogs shall not be at large without muzzles and leash,

shall be punishable with the punishment as provided in the Third Schedule.

(6) Whoever—

(a) allows any ferocious dog which belongs to him or is in his charge to be at large without being muzzled, or

(b) sets on or urges any dog or other animal to attack, worry or intimidate any person, or

(c) knowing or having reason to believe that any dog or animal belonging to him or in his charge has been bitten by an animal

suffering or reasonably suspected to be suffering from rabies, neglects to give immediate information of the fact to the Cantonment Administration or gives information which is false, shall be punishable with punishment as provided in the Third Schedule.

120. **Traffic control.**—(1) The Board shall, by bye-laws, make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

(2) The Cantonment Administration may, provide for parking motor vehicles on such public places as may be determined by it.

121. **Public vehicles.**—(1) No person shall keep or let for hire or drive or propel, within the limits of the cantonment, any public vehicle, except under a licence granted by the Cantonment Administration, and in conformity with the conditions of such licence.

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

(3) The Cantonment Administration shall, in such manner as in the bye-laws may fix the rate of fares for the use of public vehicles except motor vehicles, and no person plying a public vehicle shall charge a rate in excess thereof.

(4) In this section, the expression "public vehicle" means any vehicle except a motor vehicle which ordinarily plies for hire.

122. **Public ferries.**—(1) The Board may, by bye-laws provide for the licensing of boats and other vessels plying for hire in a public watercourse and may specify the terms and conditions for the grant of licences and the fees to be charged therefor.

(2) Government may declare any part of the public watercourse to be a public ferry and may entrust the management thereof to the Cantonment Administration which shall manage and operate the public ferry in such manner and levy such toll as may be necessary.

CHAPTER XIII.—SANITATION AND THE PREVENTION AND TREATMENT OF DISEASE SANITARY AUTHORITIES

123. **Responsibility for sanitation.**—The following officers shall, for the purposes of sanitation, have control over, and be responsible for maintaining in a sanitary condition, those parts of a cantonment, respectively, which are specified in the case of each, that is to say:—

- (a) the Officer Commanding the station all buildings and lands which are occupied or used for army purposes;
- (b) the Officer Commanding the naval forces in the cantonment all buildings and lands which are occupied or used for naval purposes;
- (c) the Officer Commanding the air force in the cantonment all buildings and lands which are occupied or used for air-force purposes;

- (d) the Officer Commanding the buildings and lands which are occupied or used for productive purposes;
- (e) the head of the cantonment department.

124. **General duties of the Assistant Commissioner.**—The Assistant Commissioner shall, for the purposes of general sanitary supervision, submit to the Board a report as to the state of the cantonment and his recommendations in connection therewith.

(2) The Assistant Commissioner shall, for the purposes of the sanitation of the cantonment, allot to him such staff as may be necessary.

125. **Public latrines, urinals and urinals provided or made.**—Public latrines and urinals provided or made shall be constructed as to provide separate entrances and exits and shall be provided with adequate ventilation and shall be cleansed and kept in proper condition.

126. **Private latrines and urinals.**—Private latrines and urinals shall be constructed as to provide separate entrances and exits and shall be cleansed and kept in proper condition.

- (a) require a licence from the occupier of the premises;
 - (i) to be constructed as to provide separate entrances and exits and shall be provided with adequate ventilation and shall be cleansed and kept in proper condition;
 - (ii) to be constructed as to provide separate entrances and exits and shall be provided with adequate ventilation and shall be cleansed and kept in proper condition;
 - (iii) to be constructed as to provide separate entrances and exits and shall be provided with adequate ventilation and shall be cleansed and kept in proper condition;
 - (iv) to be constructed as to provide separate entrances and exits and shall be provided with adequate ventilation and shall be cleansed and kept in proper condition;
- (b) require a licence from the occupier of the premises;
 - (i) to be constructed as to provide separate entrances and exits and shall be provided with adequate ventilation and shall be cleansed and kept in proper condition;
 - (ii) to be constructed as to provide separate entrances and exits and shall be provided with adequate ventilation and shall be cleansed and kept in proper condition;
 - (iii) to be constructed as to provide separate entrances and exits and shall be provided with adequate ventilation and shall be cleansed and kept in proper condition;
 - (iv) to be constructed as to provide separate entrances and exits and shall be provided with adequate ventilation and shall be cleansed and kept in proper condition;

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- (d) the Officer Commanding the Defence Production cantonment all buildings and lands which are occupied or used for Defence Production purposes; and
- (e) the head of any civil department occupying as such any part of the cantonment all buildings and lands in his charge as head of that department.

124. General duties of Health Officer.—(1) The Health Officer shall exercise a general sanitary supervision over the whole cantonment, and shall submit monthly to the Board report as to the sanitary condition of the cantonment, together with such recommendations in connection herewith as he thinks fit.

(2) The Assistant Health Officer shall perform such duties in connection with the sanitation of the cantonment as are, subject to the control of the Cantonment Administration, allotted to him by the Health Officer.

125. Public latrines, urinals and conservancy establishment.—All public latrines and urinals provided or maintained by a Cantonment Administration shall be so constructed as to provide separate compartments for each sex and not to be a nuisance, and shall be provided with all necessary conservancy establishment, and shall regularly be cleansed and kept in proper order.

126. Private latrines and urinals.—(1) A Cantonment Administration may, by notice in writing—

- (a) require any person having the control whether as owner, lessee or occupier of any land or building—
 - (i) to close any cesspool appertaining to the land or building which is, in the opinion of the Cantonment Administration a nuisance;
 - (ii) to keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle or filth or sewage accumulating on the land or in the building;
 - (iii) to prevent the water of any private latrine, urinal, sink or bath-room or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place or into any water-course or other specified water body or into any drain not intended for the purpose;
 - (iv) to collect and deposit for removal by the conservancy establishment of the Cantonment Administration within such time and in such receptacle or place, situated at not more than thirty-five metres from the nearest boundary of the premises, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land; or
- (b) require any person to desist from making or altering any drain leading into a public drain; or

- (c) require any person having the control of a drain to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.
- (2) Where any premises are without privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Cantonment Administration may, by notice, require the owner or occupier of such premises—
 - (a) to provide such or such additional privy or urinal accommodation as may be prescribed in the notice;
 - (b) to make such structural or other alteration in the existing privy or urinal accommodation as may be so specified;
 - (c) to remove the privy or urinal; and
 - (d) where there is any underground sewerage system to substitute connected privy or connected urinal accommodation for any service privy or service urinal accommodation.
- (3) In case the owner or occupier of any building or land who has been served notice under sub-section (2), fails to make arrangements to the satisfaction of the Cantonment Administration for the matter referred to in this section, the Cantonment Administration may undertake such roles and the cost so incurred shall be deemed to be a tax levied under this Ordinance on the owner or occupier.
- (4) The Cantonment Administration may, by notice in writing,—
 - (a) require the owner or other person having the control of any private latrine or urinal not to put the same for public use; or
 - (b) where any plan for the construction of private latrines or urinals has been approved by the Cantonment Administration and copies thereof may be obtained free of charge on application,—
 - (i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Cantonment Administration and approved by it as conforming with such plan; or
 - (ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan; or
 - (c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the Cantonment Administration constitutes a nuisance, to remove the latrine or urinal; or
 - (d) require any person having the control whether as owner, lessee or occupier of any land or building—
 - (i) to have any latrines provided for the same covered by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or
 - (ii) to keep such latrine or urinal in proper state to the satisfaction of the Cantonment Administration and to

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- (c) require any person having the control of a drain to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.
- 127. **Removal, collection**
Administration shall make arrangements for the removal and collection of all refuse from public roads and streets, and from lands vested in a local government, and shall refuse to accept any refuse from any person who refuses to pay the fee for refuse.
 - (2) The occupiers of a Cantonment Administration shall make arrangements for the removal and collection of all refuse from such buildings and lands under the control of the Cantonment Administration.
 - (3) The Cantonment Administration may, by public notice, require that all refuse deposited by the owner or occupier of any building or land be deposited in such receptacles as may be specified in the notice.
 - (4) All refuse removed from any building or land shall be the property of the Cantonment Administration or under its control.
 - (5) The Cantonment Administration may, by public notice, require that all refuse deposited by the owner or occupier of any building or land be deposited in such receptacles as may be specified in the notice.
- 128. **Power of Cantonment Administration to make arrangements.**—(1) On the application of any person having the control of any building or land and if satisfied that the Health Officer is of the opinion that the building or land is a nuisance, the Cantonment Administration may, by notice, require the owner or occupier of the building or land to make arrangements for the removal and collection of all refuse from the building or land in the local area for such period as may be specified in the notice.
- (2) Where the Cantonment Administration is of the opinion that the building or land is a nuisance, all refuse from the building or land shall be the property of the Cantonment Administration.
- 129. **Insanitary buildings.**—(1) The Cantonment Administration may, by notice, require the owner or occupier of any building or land which is insanitary or unwholesome to make arrangements for the removal and collection of all refuse from the building or land in the local area for such period as may be specified in the notice.
- (a) to clean or otherwise make arrangements for the removal and collection of all refuse from the building or land in the local area for such period as may be specified in the notice.
- (b) to make arrangements for the removal and collection of all refuse from the building or land in the local area for such period as may be specified in the notice.
- (c) to limewash the building or land in the local area for such period as may be specified in the notice.

R. 9, 2002 [PART I]

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- (c) require any person being the owner and having the control of any
drain to provide, within ten days from the service of the notice,
such covering as may be specified in the notice.

127. Removal, collection and disposal of refuse.—(1) The Cantonment
Administration shall make adequate arrangements for the removal of refuse from
all public roads and streets, public latrines, urinals, drains and all buildings and
lands vested in a local government and for the collection and disposal of such
refuse.

(2) The occupiers of all other buildings and lands within the local area
of a Cantonment Administration shall be responsible for the removal of refuse
from such buildings and lands subject to the general control and supervision of
the Cantonment Administration where relevant.

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

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

(5) The Cantonment Administration may, by notice issue directions as
to the manner in which and the conditions subject to which, any matter referred to
in this section may be carried out.

**128. Power of Cantonment Administration to undertake private conservancy
arrangements.**—(1) On the application or with the consent of the occupier of
any building or land and if an occupier fails to make arrangements to the
satisfaction of the Health Officer for the matters referred to in this section,
without such consent, and after giving notice in writing to the occupier, the
Cantonment Administration may undertake the house scavenging of any building
or land in the local area for such period as it thinks fit on such terms as it may
prescribe in this behalf.

(2) Where the Cantonment Administration has undertaken the duties
referred to in this section, all matters removed in the performance of such duties
shall be the property of the Cantonment Administration.

129. Insanitary buildings and lands.—(1) The Cantonment Administration
may, by notice, require the owner or occupier of any building or land which is in
insanitary or unwholesome state—

- (a) to clean or otherwise put it in a proper state;
(b) to make arrangements to the satisfaction of the Cantonment
Administration for its proper sanitation; and
(c) to limewash the building and to make such essential repairs as may
be specified in the notice.

(2) If in the opinion of the Cantonment Administration any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in a ruinous state or for want of sufficient repairs, protection or enclosure and a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, the Cantonment Administration may by notice in writing, require the owner or part-owner or person claiming to be the owner or part-owner thereof, or, failing any of them, the occupier thereof to remove the same, or may require him to repair, or to protect or enclose the same in such manner as it thinks necessary and, if the danger is, in the opinion of the Cantonment Administration imminent, it shall forthwith take such steps as it thinks necessary to avert the same.

(3) In case of failure to comply with the requirements of sub-sections (1) and (2) the Cantonment Administration may seal the premises till the owner meets the requirements under the supervision of Cantonment Administration.

130. Removal of congested buildings.—(1) Where it appears to a Cantonment Administration that any block of buildings in the local area is in an unhealthy condition by reason of the manner in which the buildings are crowded together or of the narrowness or the closeness of the street, or the want of proper drainage or ventilation, or of the impracticability of cleaning the buildings or other similar cause, it may cause the block to be inspected by a committee consisting of—

- (a) the Health Officer, or the Assistant Health Officer;
- (b) an elected member of the Board; and
- (c) the Cantonment Administration Engineer.

(2) The committee shall make a report in writing to the Cantonment Administration regarding the sanitary condition of the block, and if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise to endanger the public health, it shall clearly indicate on a plan verified by the Engineer, the building which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the Cantonment Administration is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:

Provided that the Cantonment Administration shall make compensation to the owners for any buildings so removed which may have been erected under proper authority:

Provide further that the Cantonment Administration may, if it considers it equitable in the circumstances so to do, pay to the owner such sum as it thinks fit as compensation for any buildings to be removed which have not been erected under proper authority.

(4) For the purposes of this section the expression "buildings" includes enclosures, walls, and fences appertaining to buildings.

131. Overcrowding of dwelling houses.—Where it appears to a Cantonment Administration that any building or part of a building in the local area which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may after such inquiry as it thinks fit, by notice in writing

require the owner or occup within such time not being le to abate the overcrowding of or other inmates to such num 132. **Power to require r**

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require the owner or occupier of building or part thereof, as the case may be, within such time not being less than one month as may be specified in the notice, to abate the overcrowding of the same by reducing the number of lodges, tenants, or other inmates to such number as may be specified in the notice.

132. **Power to require repair or alteration of buildings.**—(1) Where any building in a local area is so ill-constructed or dilapidated as to be, in the opinion of the Cantonment Administration in an insanitary state, it may, by notice in writing, require the owner, within such time as may be specified in the notice, to execute such repairs or to make such alterations as it thinks necessary for the purpose of removing such defects.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which it relates.

(3) A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

133. **Infectious diseases.**—(1) The Cantonment Administration shall adopt measures to prevent infectious diseases and to restrain infection within its local area.

(2) The Cantonment Administration shall subject to the availability of funds for the purpose, establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

134. **Medical aid and relief and medical education.**—The Cantonment Administration may take such measures as may be necessary or as may be specified by the Government for —

- (a) the provision, maintenance and management of First Aid Centres;
- (b) the provision, maintenance and management of mobile medical aid units;
- (c) the provision and encouragement of societies for the provision of medical aid;
- (d) the payment of grants to institutions for medical relief; and
- (e) the medical check up of the children of schools maintained by it.

135. **Bathing and washing places.**—(1) The Cantonment Administration may from time to time —

- (a) set apart suitable places for use by the public for bathing on payment of such fees for the use thereof as fixed by the Board;
- (b) specify the time at which and the sex of persons by whom such places may be used; and
- (c) prohibit by public notice, the use by the public for any of the said purposes of any place not so set apart.

(2) No person shall establish, maintain or run a hamam or a bath for public use except under a licence granted by the Cantonment Administration and in conformity with the conditions and term of such licence.

136. **Power to call for information regarding burial grounds and cremation places.**—(1) The Cantonment Administration may, by notice in writing, require the owner or person in charge of any burial or burning ground within its area to

supply such information as may be specified in the notice concerning the condition, management or position of such ground.

(2) No place which has not been used as a burial or burning ground before the commencement of this Ordinance shall be so used without the permission in writing of the Cantonment Administration.

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

(4) A burial or burning place which is not administered by a Cantonment Administration shall be registered with the Cantonment Administration and shall be subject to regulation, supervision and inspection by it in such manner as the bye-laws may provide.

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

(6) The Cantonment Administration may provide suitable places for the burial or burning of the dead, and shall take necessary measures for the proper maintenance and administration of such burial or burning places.

(7) Where the Cantonment Administration, —

(a) after making or causing to make a local inquiry, is of opinion that any burial or burning ground in its local area has become offensive, or dangerous to, the health of persons living in the neighbourhood, it may, by notice in writing, require the owner or person in charge of such ground to close the same from such date as may be specified in the notice; and

(b) has issued notice under clause (a), is issued, it may, provide at its own expense or, if the community concerned is willing to provide a new burial or burning ground, shall provide a grant to be made towards the cost of the same.

(8) No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under this section is for the time being in force.

REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS

137. **Births marriages and deaths.**—A Union Administration shall register all births, marriages and deaths within the limits of the local area and information of such births, marriages and deaths shall be given by such persons or authorities, and shall be registered in such manner as the bye-laws may provide.

ENVIRONMENTAL POLLUTION

138. **Environmental pollution.**—(1) The Cantonment Administration may prepare and implement schemes for the prevention of the pollution of air by gases, dust or other substances exhausted or emitted by automobile engines, factories,

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such other sources of air po-

(2) The Canto schemes for the prevention of such other sources of air pollution shall be such as to prevent or reduce such emissions from such sources and in such manner

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CHAPTER XIV.—MARI OCCI MARKET

139. **Public markets and slaughtering-houses.**—Any person who may provide and maintain slaughter-houses, in such pens and other buildings and business in or frequenting such markets, shall be liable to maintain in any such market for the weighing or measure

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140. Use of public markets: permission in writing of the animal or article in any public

(2) Any person contravening the provisions of sub-section (1) shall be liable to a fine of not less than five hundred rupees or more than one thousand rupees, or to imprisonment for a term of not less than three months or more than six months, or to both, in the discretion of the court, for each article exposed for sale by such person, or under the orders of the Cantonment Administration, in contravention of the provisions of sub-section (1).

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brick or limekilns, crushing machines for grain, stone, salt or other materials and such other sources of air pollution as the bye-laws may provide.

(2) The Cantonment Administration may prepare and implement schemes for the prevention of the pollution of noise or water or land from such sources and in such manner as the bye-laws may provide.

(3) A Cantonment Administration may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land in the cantonment or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has in the opinion of the Cantonment Administration become a sanitary or environmental hazard or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be specified in the notice.

CHAPTER XIV.—MARKETS, SLAUGHTER HOUSES, TRADES AND OCCUPATIONS AND ANIMALS MARKETS AND SLAUGHTER- HOUSES

139. **Public markets and slaughter-houses.**—(1) The Cantonment Administration may provide and maintain within its own local area, public markets and public slaughter-houses, in such number as it, thinks fit, together with stalls, shops, sheds, pens and other buildings and or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighment or measurement of goods sold therein.

(2) The Cantonment Administration may at any time, by public notice either close or relocate any public market or public slaughter- house or any part thereof.

140. **Use of public markets.**—(1) No person shall, without the general or special permission in writing of the Cantonment Administration, sell or expose for sale any animal or article in any public market.

(2) Any person contravening the provisions of this section, and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Cantonment Administration or any officer or servant of the Cantonment Administration authorized by it in this behalf.

141. **Levy of stallages, rents and fees.**—A Cantonment Administration may, in respect of public market and public slaughter-houses:

- (a) charge for the occupation or use of any stall, shop, standing, shed or pen in a public market, or public slaughter-house; or for the right to expose goods for sale in a public market; or for weighing or measuring goods sold therein; or for the right to bring in goods on vehicles or animals brought for sale or sold; or for the right to slaughter animals in any public slaughter-house; such stallages, rents and fees as it thinks fit; including that from brokers commission agents, and others practicing their calling therein;
- (b) or direct the official employed for this purpose to receive such approved rents and fees liable as aforesaid or any portion thereof for any period not exceeding one year at a time; or

- (c) put to public auctions or dispose of by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen in a public market or public slaughter house for such term and on such conditions as it may approve.

142. Stallages, rents, etc to be published.—A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws made under this Ordinance for the purpose of regulating the use of such market or slaughter-house, printed in Urdu and in such other language or languages as the local government may direct, shall be affixed in some conspicuous place in the market or slaughter-house.

143. Private markets and slaughter-houses.—(1) No place in a local area other than public market shall be used as a market, and no place in a local area other than a public slaughter-house shall be used as a slaughter-house, unless such place has been licensed as a market or slaughter-house, as the case may be, by the Cantonment Administration.

(2) Nothing in sub-section (1) shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the Cantonment Administration may, by public or special notice, impose in this behalf.

(3) Whoever fails to comply with any conditions imposed by the Cantonment Administration under sub-section (2) shall be punishable with the punishment as provided in the Third Schedule.

144. Conditions of grant of licence for private market or slaughter-house.—(1) A Cantonment Administration may charge such fees as approved by the Board for the grant of a licence to any person to open a private market or private slaughter-house and may grant such licence subject to such conditions, consistent with this Ordinance and any bye-laws made thereunder, as it thinks fit to impose.

(2) The Cantonment Administration may, for reasons to be recorded, refuse to grant any such licence.

145. Penalty for keeping market or slaughter-house open without licence, etc.—(1) Any person who keeps open for public use any market or slaughter-house in respect of which a licence has not been applied for or has been refused or is suspended, or after the same has been cancelled, shall be punishable with such penalty as provided in the Third Schedule.

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the Cantonment Administration shall cause a notice of the grant, refusal, suspension or cancellation to be posted in Urdu and in such other language or languages as it thinks necessary, in some conspicuous place nearby the entrance to the place to which the notice relates.

146. Prohibition and restriction of use of slaughter-houses.—(1) Where, in the opinion of the Cantonment Administration it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for such period, not exceeding one month as may be specified in the notice, or for such further period, not exceeding one month, as it may specify by a like notice, the use of any private slaughter-house specified in the notice, or the slaughter therein of any animal of any description so specified.

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(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter-house to which it relates.

147. Power to inspect slaughter-house.—(1) Any servant of a Cantonment Administration authorized by order in writing in this behalf by the Cantonment Administration may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of the Ordinance enter into and inspect any such place at any time, whether by day or by night.

(2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.

148. Power to make bye-laws.—The Board may make bye-laws consistent with this Ordinance make bye-laws to provide for all or any of the following matters, namely:—

- (a) the days on, and the hours during, which any private market or private slaughter-houses may be kept open for use;
- (b) the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof;
- (c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;
- (d) the manner in which animals shall be stalled at a slaughter-house;
- (e) the manner in which animals may be slaughtered;
- (f) the disposal or destruction of animals offered for slaughter which are, from disease or any other cause, unfit for human consumption;
- (g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption; and
- (h) any other matters which the concerned Cantonment Administration may consider necessary including any specific exemptions from the application of the bye-laws.

149. Bye-laws for articles of food and drink.—A Board may, by bye-laws—

- (a) prohibit the manufacture, sale or preparation or the exposure for sale of any specified articles of food or drink in any place or premises not licensed by the Cantonment Administration;
- (b) prohibit the import into its local area for sale or hawking for sale, of any specified article of food or drink by person not so licensed;

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

150. Milk supply.—(1) Except under a licence granted by the Cantonment Administration and in conformity with the conditions of such licence, no person shall, unless exempted by the Cantonment Administration, keep milch cattle for the sale of milk or sell milk or expose or import milk for sale or manufacture butter, ghee, or any other milk for sale or dairy product, nor shall he use any premises for such purpose.

(2) The Cantonment Administration may, in the manner prescribed, frame and enforce a milk supply scheme which may among other matters provide for the establishment of milkmen's colonies, the prohibition of the keeping of milch cattle in the local area or any part thereof, and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

151. Feeding animals on dirt, etc.—Whoever feeds or allows to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk to, or which is intended to be used for human consumption or allows it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the Cantonment Administration, shall be punishable with punishment as provided in the Third Schedule.

152. Powers of entry and seizure.—(1) An officer or servant of a Cantonment Administration authorized by it in writing in this behalf,—

- (a) may at any time enter into any market, building, shop, stall or other place in the local area for the purpose of inspecting, and may inspect, any animal, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;
- (b) may seize any such animal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(2) Any article seized under this section may forthwith be destroyed if it is unfit for human food, drink or medicine.

(3) Every animal, article, or thing seized under this section (1) shall, if it is not so ordered by a competent court who shall give directions in this behalf.

(4) The owner or person in possession of any animal or thing which is unwholesome or unfit for human food or drink or medicine, or which is adulterated or is a vessel which is of such kind as to be punishable under section (1), shall be punishable with imprisonment not exceeding six months and the animal, article, utensil or vessel shall be forfeited to the Cantonment Administration and shall be prevented its being exposed for sale or use, as the case may be.

Explanation 1.—If any such animal, article, utensil or vessel, to, any place mentioned in this section, contains any substance not exclusively for the purposes of this section, to be used for human food.

Explanation 2.—Meat subject to this section is unfit for human food.

Explanation 3.—The article or thing which is represented to be what it is represented to be, to it some substance not injurious to human food.

Provided that—

- (a) such substance is required for human food or medicine or for commerce or for any other purpose and is not fraudulently mixed with any article of food or drink or medicine;
- (b) in the process of preparation or manufacture of any article of food or drink or medicine, the article or thing has become intermingled with any such substance;
- (c) the owner or person in possession of any such article or thing has given notice by memorandum to the Cantonment Administration that such substance is required for human food or medicine or for commerce or for any other purpose and is not fraudulently mixed with any article of food or drink or medicine.

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(2) Any article seized under sub- section (1) which is of a perishable nature may forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub- section (1) shall, if it is not destroyed under sub- section (2), be taken before a competent court who shall give orders as to its disposal.

(4) The owner or person in possession, at the time of seizure under sub- section (1), of any animal or carcass which is diseased or of any article or thing which is unwholesome or unfit for human food, drink or medicine, as the case may be, or is adulterated or is not what it is represented to be, or of any utensil or vessel which is of such kind or in such state as is described in clause (b) of sub- section (1), shall be punishable with penalty as prescribed in the Third Schedule and the animal, article, utensil vessel or other thing shall be liable to be forfeited to the Cantonment Administration or to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for the preparation of food, drink or medicine, as the case may be.

Explanation 1.—If any such article, having been exposed or stored in, or brought to, any place mentioned in sub- section (1) for sale as asli (pure) ghee, contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this section, to be an article which is not what it is represented to be.

Explanation 2.—Meat subjected to the process of blowing shall be deemed to be unfit for human food.

Explanation 3.—The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health:

Provided that—

- (a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk weight or measure of the food or drink or conceal the inferior quality thereof;
- (b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith;
- (c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added; or

- (d) such owner or person has purchased that article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

TRADES AND OCCUPATIONS

153. Licences required for carrying on of certain occupations.—(1) No person of any of the following classes, namely:—

- (a) butchers and vendors of poultry, game or fish;
- (b) persons keeping milch cattle or milch goats for profit;
- (c) persons keeping for profit any animals other than milch cattle or milch goats;
- (d) dairymen, buttermen and makers and vendors of ghee;
- (e) vendors of fruit or vegetables;
- (f) manufacturers of ice or ice-cream, and vendors of the same;
- (g) vendors of any medicines, drugs or articles of food or drink for human consumption (other than milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable water or ice or ice-cream) which are of a perishable nature;
- (h) vendors of water to be used for drinking purposes;
- (i) laundries and washermen;
- (j) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;
- (k) vendors of wheat, rice and other grain or of flour;
- (l) makers and vendors of sweetmeats;
- (m) barbers, keepers of shaving saloons and beauty parlours; and
- (n) any other trades and occupations specified in the bye-laws, or through public notice by Cantonment Administration issued from time to time,

shall carry on his trade, calling or occupation in such part of a local area as may be designated by the Cantonment Administration unless he has applied for and obtained a licence in this behalf from the Cantonment Administration.

(2) A licence granted under sub-section (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the

Cantonment Administration unless intended to establish or maintain

(3) Notwithstanding as

(a) no person carrying on any trade or occupation in any local area shall be liable to the payment of any fee or contribution towards the maintenance of the Cantonment Administration or towards the payment of any compensation or damages

(b) no person shall be liable to the payment of any fee or contribution towards the maintenance of the Cantonment Administration or towards the payment of any compensation or damages

(4) A Cantonment Administration may make rules under this section.

154. Conditions which may be imposed.—A person under section 153 shall not be allowed to carry on his trade, calling or occupation in any local area or to transport within the local area of the Cantonment Administration and may contain any other conditions which may be imposed in accordance with bye-laws.

155. Power to vary licence.—A person who has obtained a licence to place used under a licence grant to be dangerous to life, health or property, shall be required to give notice in writing, require the owner of such place or to effect such alteration in accordance with the opinion of the Cantonment Administration.

156. Carrying on trade, etc., without licence.—Whoever carries on any trade, calling or occupation in any local area without obtaining a licence therefor, or who uses or allows to be used any place or premises for any purpose punishable with punishment as provided in the bye-laws.

157. Prohibition of picketing or demonstration.—No person shall picket or demonstrate in such streets or public places as may be designated by the Cantonment Administration and any animal or vehicle shall be liable to seizure and impoundment.

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Cantonment Administration unless it has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to the public.

(3) Notwithstanding anything contained in sub- section (1) —

(a) no person who was, at the commencement of this Ordinance carrying on his trade, calling or occupation in any part of a local area shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the Cantonment Administration not less than three months' notice in writing of his obligation to do so, and if the Cantonment Administration refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal; and

(b) no person shall be required to take out a licence for the sale or storage of petroleum or for the sale or possession for sale, for poisons or white arsenic in any case in which he is required to take out a licence or such sale, storage or possession under any Federal or Provincial statutes.

(4) A Cantonment Administration may charge fees for the grant of licences under this section.

154. Conditions which may be attached to licences.—A licence granted to any person under section 153 shall specify the part of the local area in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the local area of any specified articles intended for human consumption and may contain any other conditions which Cantonment Administration thinks fit to impose in accordance with bye-laws made under this Ordinance.

155. Power to vary licence.—If a Cantonment Administration is satisfied that any place used under a licence granted by it under this Ordinance is a nuisance or is likely to be dangerous to life, health or property, the Cantonment Administration may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as will, in the opinion of the Cantonment Administration, render it no longer a nuisance or dangerous.

156. Carrying on trade, etc., without licence or in contravention of section 155.—Whoever carries on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, and whoever, after receiving a notice under section 155, uses or allows to be used any building or place in contravention thereof, shall be punishable with punishment as provided in Third Schedule.

ANIMALS

157. Prohibition of picketing or tethering in streets.—No animal shall be picketed or tethered in such streets or places as may be specified by the Cantonment Administration and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

158. Prohibition against keeping and maintaining cattle.—(1) Notwithstanding anything to contrary contained in any other law or any agreement, instrument, custom or usage or decree, judgment or order of any court or other authority, the Cantonment Administration may declare any part of its local area as a prohibited zone.

(2) At any time after declaration under sub-section (1) has been made, the Cantonment Administration may, by general or special notice, prohibit the keeping and maintaining the cattle by any person in the prohibited zone.

(3) No person shall, after the expiry of the period fixed under sub-section (2), keep or maintain cattle in any part of the prohibited zone:

Provided that the prohibition shall not apply to—

- (a) cattle kept bona fide for sacrificial purpose;
- (b) cattle kept for drawing carts or use in mills, with the permission of the Cantonment Administration and subject to such conditions as it may impose;
- (c) cattle under treatment in any veterinary hospital;
- (d) cattle brought to a cattle market demarcated by the local government for the purpose of sale; and
- (e) cattle brought to a slaughterhouse or kept by butchers for the purpose of slaughter within the area demarcated by Cantonment Administration.

(4) Persons affected by the prohibition order under sub-section (2) to meet their genuine needs may be allowed to keep and maintain their cattle at the places earmarked as "cattle colonies" by Cantonment Administration on such terms and conditions as it may impose.

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

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

- (a) convey the carcasses within twenty-four hours to a place, if any, fixed by the Cantonment Administration for the disposal of the dead bodies of animals or to a place beyond the limits of cantonment, not being a place within two kilometres of such limits; or
- (b) give notice of the death to the Cantonment Administration whereupon the local government shall cause the carcass to be disposed of and charge such fees from the person concerned as the bye-laws may provide.

161. Registration of the sale.—Laws, require that sale of such registered with the Cantonment. payment of such fees as the bye-

162. Cattle shows, zoo, etc.—cattle shows and fairs within the mandies for sale of cattle meant sold as the bye-laws may provide

Provided that where a 1924, was holding cattle she Ordinance within the limits of continue holding such cattle she attending such shows or fairs, a

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164. Pounds.—The Cantor animal pounds as may be nec of the animal pounds, the impounded animals.

165. Pound keepers.—Th keepers on whole-time or pa fixed.

166. Registers and retur and furnish such returns as r

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in the charge of a person or consumption or for some

our hours to a place, if any, for the disposal of the carcass beyond the limits of ten kilometres of such limits;

cantonment Administration shall cause the carcass to be disposed of by the person concerned as the

161. **Registration of the sale of the animals or cattle.**—A Board may, by bye-laws, require that sale of such of the animals as may be specified shall be registered with the Cantonment Administration in such manner and subject to the payment of such fees as the bye-laws may provide.

162. **Cattle shows, zoo, etc.**—(1) A Cantonment Administration shall not hold cattle shows and fairs within the limits of its local area, but may hold bakar mandies for sale of cattle meant for slaughter and charge such fee per cattle head sold as the bye-laws may provide:

Provided that where a Board established under the Cantonments Act, 1924, was holding cattle shows and fairs before the promulgation of this Ordinance within the limits of its local area the successor local government may continue holding such cattle shows and fairs and charge such fees from the people attending such shows or fairs, as the bye-laws may provide.

(2) A Cantonment Administration may, with the previous approval of the Government, maintain or contribute towards the maintenance of zoological gardens.

ANIMAL TRESPASS

163. **Power to seize.**—(1) A cultivator, tenant, occupier, vendee or mortgagee of any land or crop or produce or any part thereof or any person who has advanced cash for the cultivation of crop may seize or cause to be seized animals trespassing on such land and doing damage thereto, or any crop or produce thereon, to send them or cause them to be sent within twenty-four hours to a pound established under this Ordinance.

(2) Persons in charge of public roads, pleasure grounds, plantations, canals, drainage works, embankments and the like, and the officers of police, may seize or cause to be seized animals doing damage thereto, and shall send them or cause them to be sent, within twenty-four hours of the seizure, to the nearest animal pound.

164. **Pounds.**—The Cantonment Administration may establish such number of animal pounds as may be necessary and may fix, from time to time, the location of the animal pounds, the rate of feeding, watering and accommodating the impounded animals.

165. **Pound keepers.**—The Cantonment Administration may appoint pound-keepers on whole-time or part-time basis on such terms and conditions as may be fixed.

166. **Registers and returns.**—(1) A pound-keeper shall keep such registers and furnish such returns as may be required by the Cantonment Administration.

(2) When animals are brought to the pounds, the pound-keeper shall enter in the register the number and description of animals, the day and hour on which they were so brought, the name and residence of the seizer and that of the owner, if known, and shall give the seizer or his agent a copy of such entry.

167. **Possession and feeding.**—The pound-keeper shall take charge of feed and water the animals until they are disposed of as hereinafter provided.

168. **Fines for impounded animals.**—For every animal impounded under this Ordinance, the pound keeper shall levy a fine in accordance with the scale fixed by the Board and the fines so charged shall form part of and be credited to the local government fund.

169. **Delivery or sale of animals.**—(1) If the owner of an impounded animal or his agent appears and claims the animal, the pound-keeper shall deliver it to him on payment of the fine and charges incurred in respect of such animal under proper receipt to be recorded by the owner or his agent in the register.

(2) If the animal is not claimed within seven days of impounding, the pound-keepers shall inform the officer in charge of the Police Station who shall thereupon display at a conspicuous place in his office a notice stating the number and description of animals and places of seizure and impounding. A similar notice shall be displayed at a conspicuous place in the office of the Cantonment Administration.

(3) If the animal is not claimed within seven days of the notice it shall be sold by the Cantonment Administration by open auction after giving sufficient publicity in the local area:

Provided that the person auctioning the animals or the pound-keeper or his relatives shall not bid for or purchase the impounded animals.

(4) The proceeds of the sale of the animal shall be paid to the owner if he appears within six months of the sale, after deduction of fines, feeding and other charges.

CHAPTER XV.—SPATIAL PLANNING, BUILDING AND LAND USE CONTROL, STREETS, TREES etc.

PLANNING

170. **Spatial plan.**—(1) The Cantonment Administration may draw up spatial (master) Plan for its local area which shall, among other matters, provide for —

- (a) a survey of its local area including its history, statistics, public service and other particulars;
- (b) development, expansion and improvement of any area within the local area;
- (c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the local area; and
- (d) such other matters as the Cantonment Administration may require to be included in the plan.

(2) The spatial planning in case of a cantonment forming part of a City District shall be carried out in consultation with the City District Government.

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171. **Site developme** section 170 and such p area as may be specific site or erect or re-erect in conformity with the area.

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(5) The land reser Scheme shall be transferred, Administration before the s used for any purpose other tl 172. **Execution of site deve** scheme shall be subject to th and the Cantonment Admin regard to the execution of th

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(3) After final approval of the Master Plan by the Cantonment Board, the same shall be submitted to the Garrison Commander for approval.

171. **Site development schemes.**—(1) Where a plan has been drawn up under section 170 and such plan has been approved, no owner of land exceeding such area as may be specified in this behalf in the plan so approved shall develop the site or erect or re-erect a building on any plot of land covered by the plan, except in conformity with the provisions of a site development scheme sanctioned for the area.

(2) Where a plan has not been drawn up under section 170, no owner of land shall develop the site or erect or re-erect any building on any plot or land except in conformity with the provisions of the site development scheme sanctioned by the Cantonment Administration.

(3) An owner of land who desires to develop a plot or a piece of land belonging to him for which no sanctioned site development scheme exist, or where the proposed development is not in conformity with the existing development scheme, he may apply to the Cantonment Administration for sanction of his development scheme and the Cantonment Administration may, on such terms and conditions and on payment of such fees or charges as may be laid down by it in its bye-laws, sanction the scheme:

Provided that the Cantonment Administration may, after giving notice and for reasons to be recorded, cancel, modify or withdraw the sanction any time before construction in pursuance of the scheme has commenced or been made.

(4) Among other matters, the site development scheme shall provide for—

- (a) the division of the site into plots;
- (b) provision for streets, drains and open spaces;
- (c) reservation of land for public utility services to be transferred to the Cantonment Administration;
- (d) provisions for acquisition of land by the Cantonment Administration, if any;
- (e) the works that shall be executed at the cost of the owners of the site or sites; and
- (f) the period during which the area shall be developed.

(5) The land reserved for public utility services in the Site Development Scheme shall be transferred, free of cost, by the owner or the owners to the Cantonment Administration before the sanction of the scheme. Such land shall not be converted or used for any purpose other than that shown in the same scheme.

172. **Execution of site development schemes.**—(1) The execution of site development scheme shall be subject to the inspection and control of the Cantonment Administration and the Cantonment Administration may from time to time give such directions with regard to the execution of the scheme as may be deemed necessary.

(2) If any area is developed or otherwise dealt with in contravention of the provisions of the sanctioned scheme, the Cantonment Administration may, by notice, require the owner of such area or the person who has contravened the provisions to make such alteration, in the site as may be specified in the notice, and where such alteration is not made or for any reason cannot be carried out, the Cantonment

unauthorized structures and law, no compensation shall

not developed within is not allowed by the in conformity with the terms isration may take over the rks and the cost so incurred under this Ordinance.

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iving the notice required by o use the building. proved by the Cantonment a building or commences to ng or street line and for this

purpose any space required to be left vacant shall vest in the Cantonment Administration.

(3) No notice shall be valid until it is made in the manner prescribed in the bye-laws along with plans and other information which may be required therein, have been furnished to the satisfaction of the Cantonment Administration along with the notice.

176. **Power to sanction or refuse.**—(1) The Cantonment Administration may for reason to be recorded in writing, either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fit in respect of all or any of the following matters, namely:—

- (a) the free passage or way to be left in front of the building;
- (b) the space to be left around the building;
- (c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist;
- (d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for wastes;
- (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure;
- (f) the line of frontage with neighbouring buildings if the building abuts on a street;
- (g) the means to be provided for egress from the building in case of fire;
- (h) the materials and methods of construction to be used for external and internal walls for rooms, floors, fire-places and chimneys;
- (i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and
- (j) any other matter affecting the ventilation, sanitation, safety or environmental aspects of the building and its relationship with the surrounding buildings or areas,

and the persons erecting or re-erecting the building shall obey all such written directions in every particular.

(2) The Cantonment Administration may refuse to sanction the erection or re-erection of any building, either on grounds sufficient in the opinion of the Cantonment Administration affecting the particular building, or in pursuance of a notified general scheme or plan of the Cantonment Administration, restricting the re-erection or re-erection of the buildings within specified limits or for any other public purpose.

(3) The Cantonment Administration before sanctioning the erection or re-erection of a building on land which is under the management of the Military Estates Officer or other departments of Federal or Provincial Government or any agency thereof, shall ascertain in writing within forty five days of application whether there is any objection on the part of the concerned Government or its agency to such erection or re-erection.

(4) The Cantonment Administration may refuse to sanction the erection or re-erection of any building—

- (a) when the land on which it is proposed to erect or re-erect the building is held on a lease from the Federal or Provincial

Government and the erection or re-erection constitutes a breach of the terms of the lease, or

- (b) when the land on which it is proposed to erect or re-erect the building is not held on a lease from the Government, if the right to build on such land is in dispute between the person applying for sanction and the Government.

(5) If the Cantonment Administration decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given.

(6) Where the Cantonment Administration neglects or omits, for forty-five days after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this section and such person thereafter by a written communication sent by registered post to the Cantonment Administration calls the attention of the Cantonment Administration to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the Cantonment Administration shall be deemed to have given sanction to the erection or re-erection, as the case may be, unconditionally to the extent that it does not contravene the provisions of the building bye-laws and any notified general scheme for the area:

Provided that, in any case to which the provisions of sub-section (3) apply, the period of forty-five days therein specified shall be reckoned from the date on which the Cantonment Administration has received the report referred to in that sub-section.

(7) The Cantonment Administration may, after giving notice and for reasons to be recorded, cancel, or withdraw the sanction of a site plan at any time before construction has commenced or been made.

177. Compensation.—(1) No compensation shall be claimed by any person for any damage or loss which he may sustain in consequences of the refusal of the Cantonment Administration of sanction to the erection of any building or in respect of any direction issued by it under sub-section (1) of section 176.

(2) The Cantonment Administration shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street.

178. Lapse of sanction.—Every sanction for the erection or re-erection of a building given or deemed to have been given by the Cantonment Administration as hereinbefore provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or someone lawfully claiming under him within that period, it shall not thereafter be begun unless the Cantonment Administration on application made thereof has allowed an extension of that period.

179. Period for completion of building.—The Cantonment Administration, when sanctioning the erection or re-erection of a building as hereinbefore provided, shall specify a reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if the erection or re-erection is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained

in the manner hereinafter provided application made therefore has also

Provided that not more than Cantonment Administration in any

180. Illegal erection and re-erection and re-erection of a building

- (a) without having 175 or before have been sanc
- (b) without compl of section 176:
- (c) when sanction has been suspe

shall be punishable with punishment

181. Completion of building or erected or re-erected a building building, report such completion to

(2) The Cantonment Administration of which construction has begun contravention of any provision of a plan or site development scheme, the alteration of the building so alteration is not possible, it may demolished, or on the application on payment of such composition fee

(3) If a building is required section (2) and such requirement of Cantonment Administration may be and the cost so incurred shall be defrayed by the building under this Ordinance.

182. Orderly use of buildings.—Administration, no building shall according to which it was erected

Provided that the Cantonment use of a building which may be in development scheme, if any.

(2) Notwithstanding the anything fixed thereon be deemed ruinous state or likely to fall or in or of any neighbouring building, the Cantonment Administration may building to demolish it or to take specified in the notice, and if the necessary action and the cost so owner or occupier of the building

[PART I]

in the manner hereinafter provided, unless the Cantonment Administration on application made therefore has allowed an extension of that period:

Provided that not more than two such extensions shall be allowed by the Cantonment Administration in any case.

180. Illegal erection and re-erection.—Whoever begins, continues or completes the erection and re-erection of a building—

- (a) without having given a valid notice as required by section 174 and 175 or before the building has been sanctioned or is deemed to have been sanctioned;
- (b) without complying with any direction made under sub-section (1) of section 176; or
- (c) when sanction has been refused, or has ceased to be available, or has been suspended by the Cantonment Administration,

shall be punishable with punishment as provided in the Third Schedule.

181. Completion of building or alteration of buildings.—(1) Every person who has erected or re-erected a building shall, within thirty days of the completion of the building, report such completion to the Cantonment Administration.

(2) The Cantonment Administration may cause to be inspected any building of which construction has begun or which has been erected or re-erected in or contravention of any provision of this Ordinance, rules or the bye-laws or of the master plan or site development scheme, if any. The Cantonment Administration may require the alteration of the building so as to be in compliance therewith, and where such alteration is not possible, it may require the building or any part thereof to be demolished, or on the application of the owner of such building compound the offence on payment of such composition fee as may be deemed reasonable.

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

182. Orderly use of buildings.—(1) Except with prior sanction of the Cantonment Administration, no building shall be put to a use other than shown in the building plan according to which it was erected or re-erected:

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

(2) Notwithstanding the provisions of Chapter XIII, if any building or anything fixed thereon be deemed by the Cantonment Administration to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passers-by, the Cantonment Administration may, by notice, require the owner or occupier of such building to demolish it or to take such action in regard to the building as may be specified in the notice, and if there is default, the Cantonment Administration may take necessary action and the cost so incurred shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance.

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

(4) If the building is in dangerous condition and declared unfit for human habitation, the Cantonment Administration may for the purpose of demolition eject the owner or occupier from such building with such necessary force as may be required or in the manner laid down in section 188.

(5) If a building is put to a use other than shown in the building plan for which it was erected or re-erected, the Cantonment Administration may seal such premises till such misuse is removed under the supervision of Cantonment Administration.

183. Projections and obstructions.—(1) No owner or occupier of any building in a local area shall, without the permission in writing of the Cantonment Administration add or place against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.

(2) The Cantonment Administration may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

Provided that in the case of any projection or encroachment lawfully in existence at the commencement of this Ordinance the Cantonment Administration shall make compensation for any damage caused by the removal or alteration thereof.

184. Unauthorized buildings over drains, etc.—A Cantonment Administration may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any structure over any public sewer, drain, culvert, water-course or water-pipe in its local area to pull down or otherwise deal with the same as it thinks fit.

185. Power to attach brackets for lamps.—A Cantonment Administration may attach to the outside of any building, or to any tree in its local area, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

186. Power to make bye-laws.—A Board may make bye-laws prescribing—

- (a) the manner in which notice of the intention to erect or re-erect a building in its local area shall be given to the Cantonment Administration and the information and plans to be furnished with the notice;
- (b) the type or description of building which may or may not, and the purpose for which a building may or may not, be erected or re-erected in its local area or any part thereof;
- (c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;
- (d) the fees payable on provision by the Cantonment Administration of plans or specifications of the type of buildings which may be erected in the cantonment or any part thereof;
- (e) the circumstances in which a mosque, temple or church or other sacred building may be erected or re-erected; and

- (f) any other consideration to be taken into account in considering an application

187. Encroachment and subsidence.—(1) If any person maintains or controls any building, structure or other movable or immovable property, which is situated in a local area, and which is maintained or controlled by a graveyard, within its local area

(2) The local government may, if it is reasonable, remove the encroachment or may be necessary.

(3) A person who occupies any property which is vested in or controlled by a local government may, in addition to the provisions of this Ordinance or any other law, be considered reasonable by the local government or property by the local government.

(4) Any person aggrieved by any such removal or alteration within seven days, of the removal or alteration prescribed in the rules relating to the removal or alteration

(5) Notwithstanding anything to the contrary contained in any law, the cost of removal or alteration shall be payable for any encroachment or subsidence.

(6) The cost of removal or alteration shall be payable to the Cantonment Administration and if the cost is not paid on or before the removal or alteration is completed, the cost shall be recovered as arrears of land revenue from the encroacher or the wrongful occupier. If the property is sold in auction and if the price realized is less than the balance shall be recoverable from the encroacher or the wrongful occupier, the excess shall be paid to the Cantonment Administration.

(7) In this section, "encroachment" includes a person who occupies any property at the time of removal or alteration thereof on his behalf or for the benefit of any other person.

188. Public streets.—(1) The Cantonment Administration may, if it is reasonable, close any public street and other place for the purpose of carrying out any work or for any other purpose.

(2) The Cantonment Administration may, if it is reasonable, execute a road maintenance or other work in any public street and other place.

(3) A Cantonment Administration may, if it is reasonable, require any person to occupy any building or other place on such conditions as it may think fit.

- (f) any other matter which the Cantonment Administration may consider necessary including any specific exemption from the applications of the bye-laws.

ENCROACHMENTS

187. Encroachment and subsisting lease and licences.—(1) No person shall make an encroachment moveable or immoveable on an open space or land vested in or managed, maintained or controlled by a local government, or on, over or under a street, road, graveyard, within its local area or a drain.

(2) The local government may, after such notice as may be considered reasonable, remove the encroachment mentioned in sub-section (1) with such force as may be necessary.

(3) A person who trespasses into or is in wrongful occupation of a building or property which is vested in or is managed, maintained or controlled by the concerned local government may, in addition to any other penalty to which he may be liable under this Ordinance or any other law for the time being in force, after such notice as may be considered reasonable by the concerned local government, be ejected from such building or property by the local government with such force as may be necessary.

(4) Any person aggrieved by the notice issued under sub-section (3) may, within seven days, of the service of notice, appeal to such authority as may be prescribed in the rules relating to appeals and its decision thereon shall be final.

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

(6) The cost of removal of encroachment or ejection under this section shall be payable to the Cantonment Administration by the encroacher or wrongful occupier, and if the cost is not paid on demand, the Cantonment Administration may cause it to be recovered as arrears of land revenue or cause the materials or articles used by the encroacher or the wrongful occupier of encroachment or wrongful occupation to be sold in auction and if the proceeds of the sale are not sufficient to cover the cost the balance shall be recoverable as arrears of land revenue but if such proceed exceeds the cost, the excess shall be paid to the encroacher or the wrongful occupier.

(7) In this section, the expressions "encroacher" or "wrongful occupier" includes a person who owns the material or articles used for encroachment or wrongful occupation at the time of removal of encroachment or ejection and also any person in possession thereof on his behalf or with his permission or connivance.

STREETS AND STREET LIGHTING

188. Public streets.—(1) The Cantonment Administration shall provide and maintain such public streets and other means of public communications as may be necessary.

(2) The Cantonment Administration shall, in the manner prescribed, prepare and execute a road maintenance and development programme.

(3) A Cantonment Administration may, by order in writing, permit the temporary occupation of any street, or of any land vested in it for the purpose of depositing any building materials or making any temporary excavation thereon, subject to such conditions as it may prescribe for the safety or convenience of the public, and

may charge a fee for such permission, and may in its discretion withdraw such permission.

(4) A Cantonment Administration shall not permanently close any street or open any new street without the previous sanction of the Competent Authority.

(5) A Cantonment Administration may, by public notice, temporarily close any street or any part of a street for repair or for the purpose of carrying out any work connected with drainage, water-supply or lighting or any other work which is by or under this Ordinance required or permitted to carry out:

Provided that where, owing to any works or repair or from any other cause, the condition of any street or of any water-works, drain, culvert or premises vested in the local government is such as to be likely to cause danger to the public, the Cantonment Administration shall—

- (a) take all reasonable means for the protection of the adjacent buildings and land and provide reasonable means of access thereto; and
- (b) cause sufficient barriers or fences to be erected for the security of life and property, and cause such barriers or fences to be sufficiently lighted from sunset to sun rise.

189. Streets.—(1) No new street shall be laid out except with the previous sanction of the Cantonment Administration and in conformity with the terms and conditions of such sanction.

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

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

190. Street lighting and electrification.—(1) The Cantonment Administration shall take such measures as may be necessary for the proper lighting of the public streets and other public places vested in the Cantonment Administration by oil, gas, electricity or such other illuminant as the Cantonment Administration may determine.

(2) The Cantonment Administration shall also provide or cause to be provided electricity in coordination with the concerned department to its local area for public and private purposes.

(3) The Cantonment Administration may frame and enforce street lighting and electrification schemes.

191. Street watering.—The Cantonment Administration shall take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff and other apparatus as may be necessary.

192. Boundary walls, hedges and fences.—(1) No boundary wall, hedge or fence of any material or description shall be erected in such parts of the local areas as are

specified by the Cantonment Administration

(2) A Cantonment owner or lessee of any land

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(b) to construct of such the notice

(c) to maintain order.

Provided that it was erected with the Administration or with the Cantonment Administration by the removal thereof

(3) A Cantonment owner, lessee or occupant in such manner and with

193. Arboriculture.—The Cantonment Administration may frame and enforce such bye-laws as may be necessary for the maintenance of public streets and other places.

194. Forests.—The Cantonment Administration may frame and enforce such bye-laws as may be necessary for the exploitation of forests and other places.

195. Nuisance per se.—The Cantonment Administration may frame and enforce such bye-laws, determine and enforce such measures as may be necessary for the prevention of destruction.

(2) If any person who is the owner of any land or premises in the Cantonment Administration fails to maintain such land or premises in such manner as to be a tax levied on the person concerned under this Ordinance.

(3) A Cantonment Administration may frame and enforce such bye-laws, prohibit the planting of trees or other vegetation in such manner as to be a tax levied on the person concerned under this Ordinance.

196. Felling, lopping and pruning.—The Cantonment Administration may frame and enforce such bye-laws as may be necessary for the prevention of the land to be felled or lopped or pruned.

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specified by the Cantonment Administration, without the permission in writing of the Cantonment Administration.

(2) A Cantonment Administration may, by notice in writing, require the owner or lessee of any land of its local area.—

- (a) to remove from the land any boundary wall, hedge or fence which is, in its opinion unsuitable, unsightly or otherwise objectionable;
- (b) to construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be specified in the notice; or
- (c) to maintain boundary walls, hedges or fences of such lands in good order.

Provided that in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of the Cantonment Administration or which was in existence at the commencement of this Ordinance the Cantonment Administration shall make compensation for any damage caused by the removal thereof.

(3) A Cantonment Administration may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be prescribed in the notice.

ARBORICULTURE

193. **Arboriculture.**—The concerned local government shall plant trees on public streets and other public places within its local area and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

194. **Forests.**—The Cantonment Administration may, in the manner prescribed, frame and enforce plans providing for the improvement, development and exploitation of forests and maintain and plan forests in accordance with such plans.

195. **Nuisance pertaining to trees and plantations.**—(1) A local council may, by bye-laws, determine the pests of trees and plants and provide for their destruction.

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

(3) A Cantonment Administration may, in the manner provided in the bye-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of its local area as may be specified.

196. **Felling, lopping and trimming of trees.**—(1) Where, in the opinion of the Cantonment Administration the felling of any tree of mature growth standing in a private enclosure in its local area is necessary for any reason, the Cantonment Administration may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

- (2) A Cantonment Administration may—
- (a) cause to be lopped or trimmed any tree standing on land in its local area which belongs to the Cantonment Administration; or
- (b) by public notice require all owners, lessees or occupiers of the land in its local area or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land or to remove any dead trees from such land.

OPEN SPACES

197. **Gardens.**—(1) The Cantonment Administration may lay-out and maintain within its local area such public gardens as may be necessary for the recreation and convenience of the public and such public gardens shall be maintained and administered in such manner as the bye-laws, may provide.

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

198. **Parks and open spaces.**—The Cantonment Administration may provide and maintain within its local area such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with amenities in such manner as the bye-laws may provide.

LAND USE

199. **Digging of public land.**—Whoever, without the permission in writing of the Cantonment Administration digs up the surface of any open space in its local area, which is not private property, shall be punishable with punishment as provided in the Third Schedule.

200. **Improper use of land.**—(1) If, in the opinion of a Cantonment Administration the working of a quarry in its local area or the removal of stone, earth or other material from the soil in any place in its local area is dangerous, to persons residing in or frequenting the neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, the Cantonment Administration may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such working or removal, from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the Cantonment Administration may direct for the purpose of preventing danger or abating the nuisance likely to arise therefrom.

(2) If, in any case referred to in sub-section (1), the Cantonment Administration is of the opinion that such a course is necessary in order to prevent imminent danger it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.

CHAPTER XVI.—WATER SUPPLY AND DRAINAGE

WATER SUPPLY

201. **Water supply.**—(1) The Cantonment Administration shall provide or cause to be provided to its local area a supply of wholesome water sufficient for public and private purposes.

(2) Where a piped shall supply water to private such charges as the by-laws r

202. **Private source of water.**—the local area of a cantonment the Cantonment Administration

(2) No new well, purposes, shall be dug, co Cantonment Administration.

(3) A Cantonment person having the control of purposes—

- (a) to keep silt, refuse
- (b) to protect Cantonment
- (c) if the water Administration measure such water

203. **Public watercourse.**—previous sanction of the tank, pond or public structure private property, to be

(2) A Cantonment watercourse, provide execute such works, or force relating to irrigation the bye-laws may provide

204. **Tanks, ponds.** may take such steps as ponds and the reclamation be, the Government may

205. **Drainage.**—(1) adequate system of public constructed, maintained and convenience of the

(2) Every cantonment may, with and subject to such terms impose, cause his drainage

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DRAINAGE

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

202. **Private source of water supply.**—(1) All private sources of water supply within the local area of a cantonment shall be subject to control, regulation and inspection by the Cantonment Administration.

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

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

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

203. **Public watercourses.**—(1) A Cantonment Administration may, with the previous sanction of the Government, declare any source of water, river, spring, tank, pond or public stream, or any part thereof within its local area, which is not private property, to be a public watercourse.

(2) A Cantonment Administration may, in respect of any public watercourse, provide such amenities, make such arrangements for lifesaving, execute such works, and subject to the provisions of any law for the time being in force relating to irrigation, drainage and navigation, regulate the use thereof, as the bye-laws may provide.

204. **Tanks, ponds and low-lying areas.**—The Cantonment Administration may take such steps with regard to the excavation or re-excavation of tanks and ponds and the reclamation of low-lying areas as it thinks fit or, as the case may be, the Government may direct.

DRAINAGE AND SEWERAGE

205. **Drainage.**—(1) The Cantonment Administration shall provide an adequate system of public drains in its local area and all such drains shall be constructed, maintained, kept cleared and emptied with due regard to the health and convenience of the public.

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

(3) All private drains shall be subject to control, regulation and inspection by the Cantonment Administration.

(4) Subject to the provisions of any other law for the time being in force, the Cantonment Administration may by notice direct a commercial or industrial concern to provide for the disposal of its waste or effluent in the manner specified, and failure on the part of owner, tenant or occupier thereof to comply with such directions, shall be a municipal offence.

(5) The Cantonment Administration may, by notice, require the owner of any building, land or an industrial concern within its local area—

- (a) to construct such drains within the building or land or the street adjoining such building or land and to take such other measures for treatment and disposal of effluent as may be specified in the notice;
- (b) to remove, alter or improve any such drains; and
- (c) to take other steps for the effective drainage of the building or land as may be specified.

(6) In case of failure of owner to comply with the requirements of notice under sub-section (5), the Cantonment Administration may itself cause such requirements to be carried out, and the cost so incurred shall be deemed to be a tax levied on the owner of the building or land, as the case may be, under this Ordinance.

206. Drainage and sewerage schemes for commercial and industrial area.—(1) The Cantonment Administration may, by notice, require the owners, tenants and occupiers of commercial and industrial concerns in any area or areas within the cantonment to have at their own cost prepared a scheme for the adequate and safe drainage and disposal of their wastes and effluent of the quality permitted under the rule or the bye-laws and submit it to the local government within the time specified in the notice:

Provided that the time limit may be extended by the Cantonment Administration for a maximum period of three months at the request of the owners, tenants or occupiers of the commercial and the industrial units concerned.

(2) The drainage, sewerage and disposal scheme as approved by the Cantonment Administration with modifications, if any, shall be executed and implemented by the owners, tenants or occupiers of the commercial or industrial units at their expense in such manner and within such time as may be specified by the Cantonment Administration.

(3) In case of the failure of the owners, tenants or occupiers of the commercial or industrial concerns to comply with the provisions of sub-section (1) and (2), the Cantonment Administration may itself prepare the drainage, sewerage and disposal scheme and execute and implement it at its own expense, and the cost so incurred shall, under this Ordinance, be deemed to be a tax levied on the owners, tenants or occupiers of the industrial and commercial units concerned.

207. Drainage and sewer connections.—(1) A Cantonment Administration may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as the Cantonment Administration thinks fit, to put up and keep in good condition proper troughs and

pipes for receiving and carrying off the effluent discharging the same or to establish a communication between such buildings.

(2) For the purpose of effluent disposal in any area, the Cantonment Administration may require the owner or lessee of the building or land

- (a) to pave, with suitable material, the courtyard, alley or other place;
- (b) to keep any such place in good order;
- (c) to do such other things as may be specified in the notice.

CHAPTER XVII.—ENTRANCE AND EXIT

208. Power of entry.—It shall be lawful for the Administrative Officer, or the Health Officer, or any other person authorised by the Cantonment Administration in writing, to enter any land with or without assistance for the purpose of inspection, measurement, or valuation, or for any of the purposes or in pursuance of any rule, bye-law or order made under this Ordinance.

Provided that no person shall be authorised to exercise any power such as aforesaid without the written order of the Cantonment Administration.

209. Power of inspection.—It shall be lawful for the Administrative Officer, or the Health Officer, or any other person authorised by the Cantonment Administration in writing, to enter any land with or without assistance for the purpose of inspection, measurement, or valuation, or for any of the purposes or in pursuance of any rule, bye-law or order made under this Ordinance.

- (a) to inspect any channel in or near the land in order to prevent any nuisance, or to prevent any latrine, urinal or other structure from being a nuisance;
- (b) to examine any land or building in order to prevent any nuisance, or to prevent any latrine, urinal or other structure from being a nuisance;

(2) If, on such inspection, it is found that any nuisance exists, or that any structure is a nuisance, the person authorised by the Cantonment Administration may, if necessary for the prevention of the nuisance, require the owner or occupier of the land or building to remove the nuisance, or to remove the structure, or to do such other things as may be specified in the notice.

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pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

(2) For the purpose of efficiently draining any building or land in its local area, the Cantonment Administration may, by notice in writing, require the owner or lessee of the building or land. —

- (a) to pave, with such materials and in such manner as it thinks fit, any courtyard, alley or passage between two or more buildings, or
- (b) to keep any such paving in proper repair.
- (c)

CHAPTER XVII.—ENTRY, INSPECTION AND PROCEDURES ENTRY AND INSPECTION

208. **Power of entry.**—It shall be lawful for the Administrator, the Cantonment Administrative Officer, or any other officer, the Health Officer or Assistant Health Officer, or any other person authorized by general or special order of a Cantonment Administration in this behalf, to enter into or upon any building or land with or without assistants or workmen in order to make any inquiry, inspection, measurement, valuation or survey, or to execute any work, which is authorised by or under this Ordinance or which is necessary to make or execute for any of the purposes or in pursuance of any of the provisions of this Ordinance or of any rule, bye-law or order made thereunder:

Provided that nothing in this section shall be deemed to confer upon any person any power such as is referred to in section 147 or section 152 or to authorize the conferment upon any person of any such power.

209. **Power of inspection, etc.**—(1) A Cantonment Administration may, by general or special order, authorise any person—

- (a) to inspect any drain, privy, latrine, urinal, cesspool, pipe, sewer or channel in or on any building or land in the cantonment, and, in his discretion, to cause the ground to be open for the purpose of preventing or removing any nuisance arising from the drain, privy, latrine, urinal, cesspool, pipe, sewer or channel, as the case may be;

- (b) to examine work under construction in the cantonment, to take level or to remove, test, examine, replace or read any meter.

(2) If, on such inspection, the opening of the ground is found to be necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists or but for such opening would have arisen the ground or portion of any building, drain, or other work opened, injured or removed for the purpose of such inspection shall be filled in, reinstated, or made good, as the case may be, by the Cantonment Administration.

CHAPTER XVIII.—OFFENCES AND PUNISHMENTS

OFFENCES AND PUNISHMENTS

215. **Offences.**—An act or omission specified in the Third Schedule shall be an offence liable to punishment by way of imprisonment or penalty under this Ordinance.

216. **Notices and authorisation.**—Each Cantonment Administrator or Union Nazim shall authorise an officer or officers under his administrative control—

- (a) to issue legal notices on behalf of the respective Administration for violation or commission or any offence under this Ordinance, rules or bye-laws;
- (b) to take such measures and actions for compliance of directions contained in the notices issued restraining violations or commission of any offence under this Ordinance, rules or bye-laws; and
- (c) to initiate legal proceedings, defend any legal proceedings initiated against the Cantonment Administration or Union Administration, attend court proceedings and represent the Cantonment Administration or as the case may be, the Union Administration.

217. **Cognizance of offences.**—(1) No court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Cantonment Administrator or Nazim, or an officer or a person generally or specially authorized by the local government or on a complaint made by an affected citizen if no action is taken on the complaint made by him under sub-section (2).

(2) The Cantonment Administrator or the Nazim or an officer or any other person generally or specially authorised by him may, on his own motion, or on the complaint of any affected citizen, institute any suit or initiate prosecution or any other legal action against a person committing an offence under this Ordinance.

218. **Summary disposal of cases.**—(1) Except the offences specified in Part-I of the Third Schedule, a court taking cognizance of the offences punishable under this Ordinance shall try such offences in a summary manner in accordance with the provisions of the Code of Criminal Procedure 1898 (Act V of 1898).

(2) Notwithstanding anything in the Code of Criminal Procedure, 1898 (Act V of 1898), a Court trying any offence, referred to in the Third Schedule, shall be competent to pass any sentence authorised by this Ordinance.

219. **Punishments and penalties.**—(1) Whoever commits any of the offences specified in Part-I of the Third Schedule shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifteen thousand rupees, or with both and, if the offence is continued, with a further fine which may extend to one thousand rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

(2) Whoever commits any of the offences specified in Part-II of the Third Schedule shall be punishable with imprisonment which may extend to six months and with fine which may extend to five thousand rupees and, if the offence is continued, with a further fine which may extend to two hundred rupees

for every day after the date of first commission during which period the offender has persisted in the offence.

(3) Whoever commits any of the offences specified in Part-III of the Third Schedule shall be punishable with imprisonment which may extend to one month, or with fine which may extend up to five thousand rupees, or with both and, if the offence is continued, with a further fine which may extend up to one hundred rupees for every day after the date of first commission during which period the offender has persisted in the offence.

220. **Compounding of offences.**—Subject to provision of section 345 of the Code of Criminal Procedure 1898 (Act V of 1898), except as otherwise provided, the Cantonment Administrator, Cantonment Administrative Officer or an officer or any other official generally or specially authorised in this behalf, by him may, at any time or after the commission of the offence but before the conclusion of proceedings in the court, compound any offence under this Ordinance.

221. **Rights of citizen not affected.**—Nothing contained in section 217 shall restrict or abridge the rights of the citizens or residents of a local area to bring any suit or other legal proceedings against any Cantonment Administration or Union Administration, their officers or other functionaries violating their rights available to them under any law for the time being in force.

CHAPTER XIX.—ROLE OF POLICE IN CANTONMENTS

222. **Duties of Police Officers.**—It shall be the duty of all police officers employed in the cantonment to give immediate information to the Cantonment Administrator of the commission of any offence against the provisions of this Ordinance or any of the rule or bye-law made thereunder, and to assist all officers and servants of the local governments in the cantonment in exercise of their lawful authority.

223. **Responsibilities of Police Officers under the Police Order.**—The police officers shall exercise powers and perform functions in the following manner:—

- (a) the Head of District Police shall, from time to time, and subject to any other laws and such orders as may have been made by a local government in a cantonment issue orders to give effect to all relevant provisions of this Ordinance or rules and bye-laws made thereunder;
- (b) the Provincial Police Officer and as the case may be, the City Police Officer, while dividing districts into police divisions, police sub-divisions, police stations and police posts, shall see that as far as possible, these are coterminous with the limits of cantonments and Unions;
- (c) the Head of District Police shall provide copy of the approved Policing Plan related to cantonment to the Cantonment Administrator.
- (d) for effective administration of cantonment under this Ordinance the Cantonment Administrator may, need a police force of appropriate strength, and if so required, the District Police Officer shall, place the force at the disposal of the Cantonment

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CHAPTER XX.—CONTROL

224. **Power to remove** the station may, on receipt of information used as a brothel or for the purpose of the sale of the substance of the information, the occupier of the building or the agent, and, if the Officer of the information, he may remove the occupier, as the case may be, for a period as may be specified in the Ordinance.

225. **Penalty for loitering.**

(1) Whoever in a cantonment loitering with any person to the commission of an offence may be punishable with imprisonment which may extend to five thousand rupees.

(2) No prosecution shall be instituted except on the complaint of the person whose presence the officer of police, employed in the cantonment, is of the opinion that the Commanding the station or any other police officer not below the rank of a sub-inspector of police in a cantonment and authorised in this behalf by the Cantonment Administrator.

226. **Removal of person residing in cantonment.**—If the Commanding the station or any other police officer not below the rank of a sub-inspector of police in a cantonment and authorised in this behalf by the Cantonment Administrator is of the opinion that any person residing in a cantonment is a nuisance or is convicted of an offence or is likely to cause to be served with a person to remove from the order, and prohibiting him from writing of the Officer of police, he may cause to be served with a person to remove from the order, and prohibiting him from writing of the Officer of police.

227. **Removal and exclusion of person residing in or frequenting cantonment.**—If the Officer Commanding the station or any other police officer not below the rank of a sub-inspector of police in a cantonment and authorised in this behalf by the Cantonment Administrator is of the opinion that any person residing in or frequenting a cantonment is a nuisance or is likely to cause to be served with a person to remove from the order, and prohibiting him from writing of the Officer of police, he may cause to be served with a person to remove from the order, and prohibiting him from writing of the Officer of police.

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CANTONMENTS

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- Administration on payment of such cost as may be determined by the Provincial Government; and
- (e) where the Zila Nazim so directs, the District Coordination Officer shall be responsible for coordination of police support by Head of District Police to the Cantonment Administration, in exigencies threatening law and order, natural calamities and emergencies.

CHAPTER XX.—CONTROL OF ANTI-SOCIAL AND SEDITIOUS PERSONS

224. **Power to remove brothels and prostitutes.**—The Officer Commanding the station may, on receiving information that any building in the cantonment is used as a brothel or for purposes of prostitution, by order in writing setting forth the substance of the information received, summon the owner, lessee, tenant or occupier of the building to appear before him either in person or by an authorised agent, and, if the Officer Commanding the station is then satisfied as to the truth of the information, he may, by order in writing, direct the owner, lessee, tenant or occupier, as the case may be, to discontinue such use of the building within such period as may be specified in the order.

225. **Penalty for loitering and importuning for purposes of prostitution.**—(1) Whoever in a cantonment loiters for the purpose of prostitution, or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to five thousand rupees.

(2) No prosecutions for an offence under this section shall be instituted except on the complaint of the person importuned, or of an armed forces officer in whose presence the offence was omitted, or of a member of the armed forces police, employed in the cantonment and authorised in this behalf by the Officer Commanding the station, in whose presence the offence was committed, or of a police officer not below the rank of a sub-inspector who is employed in the cantonment and authorised in this behalf by the Officer Commanding the station.

226. **Removal of lewd persons from cantonment.**—If the Officer Commanding the station is, after such inquiry as he thinks necessary, satisfied that any person residing in or frequenting the cantonment is a prostitute or has been convicted of an offence under section 225, or of the abetment of such an offence, he may cause to be served on such person an order in writing requiring such person to remove from the cantonment within such time as may be specified in the order, and prohibiting such person from re-entering it without the permission in writing of the Officer Commanding the station.

227. **Removal and exclusion from cantonment of disorderly persons.**—(1) The Officer Commanding the station on receiving information that any person residing in or frequenting the cantonment—

- (a) is a disorderly person who has been convicted more than once of gaming or who keeps or frequents a common gaming house, a disorderly drinking shop or a disorderly house of any other description;

(b) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Pakistan Penal Code (Act XLV of 1860); or

(c) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898 (Act V of 1898), either within the cantonment or elsewhere, to execute a bond for his good behaviour,

may record in writing the substance of the information received, and may summon such person requiring such person to appear and show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of the record aforesaid and the copy shall be served along with the summons on the person against whom the summons is issued.

(3) The Officer Commanding the station shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received and take further evidence as he thinks fit, and if, upon such enquiry, it appears to him that such person is a person of kind described in sub-section (1) and that it is necessary for the maintenance of good order in the cantonment that such person should be required to remove therefrom and be prohibited from re-entering the cantonment, and, if the Officer Commanding the station so directs, shall cause to be served on such person an order in writing requiring him to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the station.

228. Removal and exclusion from cantonment of seditious persons. — (1) If any person in a cantonment causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breaches of discipline amongst any portion of the armed forces of Pakistan or is a person who, the Officer Commanding the station has reason to believe, is likely to do any such act, the Officer Commanding the station may make an order in writing setting forth the reasons for the making of the same and requiring such person to remove from the cantonment within such time as may be specified in the order and prohibiting him from re-entering it without the permission in writing of the Officer Commanding the station:

Provided that no order shall be made under this section against any person unless he has had a reasonable opportunity of being informed of the grounds on which it is proposed to make the order and of showing cause why the order should not be made.

(2) Every order made under sub-section (1) shall be sent to the District Police Officer, who shall cause a copy thereof to be served on the person concerned.

(3) Upon the making of any order under sub-section (1), the Officer Commanding the station shall forthwith send a copy of the same to the Government.

(4) The Government may, of its own motion, and shall, on application, made to it in this behalf within one month of the date of the order by the person

against whom the order has been made, to cause such inquiry as the Federal Government may think fit, and the necessity of the order and the necessity of the order against whom the order has been made, to be heard in his own defence.

(5) The Government may, on receipt of that report, vary or rescind the order, and may, on receipt of that report, vary or rescind the order, and may, on receipt of that report, vary or rescind the order.

(6) Any person who, after the making of an order under this section, fails to comply with the order, or, after the making of an order under this section, fails to comply with the order, or, after the making of an order under this section, fails to comply with the order.

229. Penalty. — Whoever -

(a) fails to comply with an order made under this section, or, after the making of an order under this section, fails to comply with the order, or, after the making of an order under this section, fails to comply with the order.

(b) knowing that any person has been ordered to remove from the cantonment and is prohibited from re-entering it, harbours or conceals him, or, after the making of an order under this section, fails to comply with the order, or, after the making of an order under this section, fails to comply with the order.

CHAPTER

230. Establishment of Funds established a Cantonment Fund

(2) All revenues received by the Government from the part of the respective Cantonment

- (a) grants made to the Administration of the Cantonment
- (b) the proceeds of the Administration of the Cantonment
- (c) rents and profits of the Administration of the Cantonment
- (d) proceeds or any other moneys of the Administration of the Cantonment
- (e) gifts, grants, and other moneys of the Administration of the Cantonment

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against whom the order has been made, request the Sessions Judge to make, after such inquiry as the Federal Government may prescribe, a report regarding the justice of the order and the necessity therefor. At every such inquiry the person against whom the order has been made shall be given an opportunity of being heard in his own defence.

(5) The Government may, at any time after the receipt of a copy of an order sent under sub-section (3), or where a report has been called for under sub-section (4), on receipt of that report, if it is of opinion that the order should be varied or rescinded, make such order thereon as it thinks fit.

(6) Any person who has been excluded from a cantonment by an order made under this section may, at anytime after the expiry of one month from the date thereof, apply to the Competent Authority, for the rescission of the same and, on such application being made, the said Authority may, after making such inquiry, if any, as he thinks necessary, either reject the application or rescind the order.

229. **Penalty.** — Whoever -

- (a) fails to comply with an order issued under this Chapter within the period specified therein, or, whilst an order prohibiting him from re-entering a cantonment without permission is in force, re-enters the cantonment without such permission; or
 - (b) knowing that any person has, under this Chapter, being required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment,
- shall be punishable with an imprisonment for a term which may extend to three months or fine which may extend to five thousand rupees, and, in the case of a continuing offence, with an additional fine which may extend to one hundred rupees for every day after the first during which he has persisted in the offence.

CHAPTER XXI-FINANCE

230. **Establishment of Funds and Public Accounts.** — (1) There shall be established a Cantonment Fund for each Cantonment Administration.

(2) All revenues received by a Cantonment Administration shall form part of the respective Cantonment Fund including-

- (a) grants made to or monies received by a Cantonment Administration from the Government, Provincial Government, local government or other sources;
- (b) the proceeds of taxes, charges or fees etc levied by a Cantonment Administration under this Ordinance;
- (c) rents and profits payable or accruing to a Cantonment Administration from immovable property vested in or controlled or managed by it;
- (d) proceeds or any other profits howsoever known or called from bank accounts, investments or commercial enterprises of a Cantonment Administration;
- (e) gifts, grants, donations or contributions to a Cantonment Administration by individuals or institutions;

- (f) income accruing from markets, fairs or any other enterprises run or regulated by a Cantonment Administration;
 - (g) fines paid with respect to offences under this Ordinance or by-laws or under any other law for the time being in force in which provision is made for the fines to be credited to the Funds established under this Ordinance;
 - (h) proceeds from other sources of income which are placed at the disposal of a Cantonment Administration under directions of the Government; and
 - (i) the balance, if any, in the accounts of the Board.
- (3) All other public monies including-
- (a) refundable deposits received by a Cantonment Administration; and
 - (b) deferred liabilities,

shall be credited to the Public Account of the respective Cantonment Administration.

231. Custody of Funds.—(1) Monies credited to a Cantonment Fund or a Public Account of the Cantonment Administration shall be kept in the State Bank, government treasury, a post office or a bank approved by the Government in such manner as shall be specified by the Government.

(2) The Public Account of the Cantonment Administration shall be in a separate Bank Account.

(3) All Bank Accounts shall be operated through the Accounts Officer specified under section 240 of the concerned Cantonment Administration.

232. Transfer of Funds from the Government.—(1) The Cantonment Administration shall receive its share directly from the Federal Government.

- (2) The grants shall be received in the Cantonment Fund.
- (3) The grants shall include the share of the Cantonment Administration and Unions in the Cantonments.
- (4) The responsibility of the financial management in Cantonment shall lie with the respective Cantonment Administration.
- (5) The share of the Unions shall not be transferred to the Unions, instead each Union shall be provided a budget reflected separately in the Cantonment Administration Budget.
- (6) Financial requirements of each Union shall be met by the Cantonment Administration as per the approved budget.

233. Provision of data to Federal Government.—(1) The Cantonment Administration shall provide all data required for the determination and application of the formula as required by the.

(2) The Government may, where it deems appropriate, institute data collection or recommend such data collection to a Cantonment Administration and may also recommend to the Cantonment Administration to bear the cost of such data collection.

(3) The Cantonment Administrations shall provide reports to the Government in accordance with timeframes and methodology for the flow of funds prescribed by the Government

234. Application of funds.—(1) Any money expended by a Cantonment Administration shall be from the Supplementary Budget approved by the Government.

(2) A Cantonment Administration shall not expend any money on a Union Administration or Citizen's Committee without the approval of the Government.

(3) No Cantonment Administration shall be a government except by way of force of this Ordinance.

(4) The development planning system as laid down in the bottom up planning system as laid down in the Government of Punjab Act, 1997 shall apply to the Cantonment Administration. Provided that-

- (a) not less than 10 per cent of the new scheme shall be utilized for the provision of the amount to be credited to the development fund.
- (b) the amount to be credited to the development fund shall not be less than 10 per cent of the amount to be credited to the development fund.

(5) In every performance incentive bonus shall be paid to the Cantonment Administration.

235. Charged Expenditure.—(1) The charged expenditure of the Cantonment Administration shall be as follows-

- (a) the administrative expenses of the Cantonment Administration;
- (b) any sum payable by the Cantonment Administration for interest on loans;
- (c) interest payable on loans;

236. Budget preparation.—(1) The Cantonment Administration shall prepare a budget in the following manner, a budget for that year and a budget for the following year. (2) The annual budget shall be prepared on the basis of the estimates of-

- (a) grants and subsidies received from the Government;
- (b) amounts payable by the Cantonment Administration;
- (c) receipts from the Cantonment Administration;
- (d) expenditure of the Cantonment Administration.

(3) To enable the Government to make provision for the provisional shares, the Cantonment Administration shall submit a provisional budget to the Government.

(4) The final share of the Cantonment Administration shall be determined by the Provincial Budget.

(5) No demand for a grant shall be made except on the recommendation of the Cantonment Administration.

(6) The schedule of the Cantonment Administration and the Provincial Budget shall be submitted to the Government.

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234. Application of funds. — (1) The monies credited to a Cantonment Fund shall be expended by a Cantonment Administration in accordance with the Annual Budget and Supplementary Budget approved by its Board.

(2) A Cantonment Administration may transfer approved budgeted amounts to a Union Administration or Citizen Community Board, within its local area, for carrying out a project.

(3) No Cantonment Administration shall transfer monies to a higher level of government except by way of repayment of debts contracted before the coming into force of this Ordinance.

(4) The development budget shall be prioritized in accordance with the bottom up planning system as laid down in section 276:

Provided that—

(a) not less than twenty five percent of the development budget for new schemes shall be set apart for Citizen Community Boards for utilization by the Citizen Community Boards in accordance with the provisions of section 276; and

(b) the amount referred to in clause (a) which remains unspent shall be credited under the same head in the following year's budget in addition to the fresh allocation under the said clause for that year.

(5) In every budget a provision shall be made for payment of performance incentive bonuses by the Cantonment Administration:

235. Charged Expenditure. — The following expenditure shall be treated as charged expenditure—

(a) the administrative expenses of the Board;

(b) any sum to satisfy any judgment, decree or award against a Cantonment Administration by any Court or Tribunal; and

(c) interest payments.

236. Budget preparation. — (1) Before the commencement of a financial year each Cantonment Administration shall, for its Cantonment Fund, prepare in the prescribed manner, a budget for that year, in conformity with the provisions of section 276.

(2) The annual budget for each Cantonment Administration shall contain estimates of—

(a) grants and monies received from all sources;

(b) amounts available in the Cantonment Fund;

(c) receipts for the next year; and

(d) expenditures to be incurred for the next year.

(3) To enable the budget preparation by Cantonment Administrations, the Government shall, sufficiently before the beginning of each financial year, notify the provisional shares, which may be credited to the Cantonment Fund.

(4) The final shares shall be notified by the Government after approval of the Provincial Budget.

(5) No demand for a grant shall be made from Cantonment Administration Budget except on the recommendations of the Cantonment Administrator.

(6) The schedule of establishment shall be prepared by the Cantonment Administration and approved by the Cantonment Board.

(10) In case a budget is not approved by a Board before the commencement of the financial year to which it relates, the concerned Cantonment Administration shall spend money under various heads in accordance with the budgetary provisions of the preceding financial year for a period not exceeding thirty days:

Provided that a Cantonment Administration shall not spend funds or make commitments for any expenditure, under any Demand for Grant or Appropriation, in excess of eight percent of the amount budgeted in the preceding year within the thirty days period.

(11) In case the budget is not passed within the extended period as specified in sub-section (10) the budget shall be prepared, approved and authenticated by the Government for the full year.

(12) The Government shall notify the period for which a revised budget for the year shall be prepared by a Cantonment Administration and approved by its Board.

238. Honoraria and allowances.—Each Cantonment Administration shall make budgetary provisions for honoraria and allowances for the Vice-President, and the elected members of the Board and the Union Councils.

239. Form of accounts.—(1) The accounts of the receipts and expenditure of Cantonment Administration shall be kept in such form and in accordance with such principles and methods as the Controller General of Accounts may, with the approval of the President prescribe.

240. Accounts Officer.—(1) The following arrangement for maintaining of accounts of the Cantonment Administration shall be followed, namely:—

- (a) the Cantonment Administrator shall designate an officer or official as Cantonment Accounts Officer who shall maintain the accounts of Cantonment Administration as prescribed;
- (b) the Cantonment Accounts Officer shall perform pre-audit of all payments from the Cantonment Fund before approving the disbursements of monies as prescribed in accordance with the pre audit checks prescribed by the Cantonment Administration;
- (c) all cheques shall be signed by the Accounts Officer and the Cantonment Administrative Officer for drawing monies from the Bank Account;
- (d) the Cantonment Administrative Officer shall be the principal accounting officer and shall be responsible to the Finance and Accounts Committee of the Board;
- (e) the Cantonment Accounts Officer shall be responsible for the compilation of the accounts, which shall be reflected in the Provincial Accounts;
- (f) the Cantonment Accounts officer shall submit the compiled accounts of the Cantonment Administration and other reports to the District Accounts Officer as required by him.

Explanation.—The expression "Cantonment Accounts Officer" for purposes of this Chapter includes an Accountant in smaller cantonments.

(2) A statement of monthly and annual accounts and such other necessary statements shall be placed at a conspicuous place for public inspection.

(3) The respective Finance and Accounts Committees of the Board shall hold public hearings in which-

- (a) objections to statement of accounts referred to in sub-section (3) above may be heard and, if required, appropriate action may be taken; and
- (b) internal and external Audit Reports will be discussed for appropriate action.

241. **Audit.**—(1) The Auditor General of Pakistan shall, on the basis of such audit as he may consider appropriate or necessary, certify the accounts, compiled and prepared by the respective Accounts Officer of the Cantonment Administration for each financial year, showing under the respective heads the annual receipts and disbursements for the purposes of each Cantonment Administration and shall submit the certified accounts with such notes, comments or recommendations as he may consider necessary to the Government.

(2) The Cantonment Administrator shall cause the Audit Report to be submitted to the respective Board and the Board shall refer it for examination to its Finance and Accounts Committee.

(3) The Auditor-General shall have authority to audit and report on the accounts of stores and stock kept in any office of a Cantonment Administration.

(4) The Auditor-General shall—

- (a) audit all expenditure from the Cantonment Fund to ascertain whether the moneys shown in the accounts as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged and whether the expenditure conforms to the authority which governs it;
- (b) audit all transactions of a Cantonment Administration relating to Public Accounts;
- (c) audit all trading, manufacturing, profit and loss accounts of a Cantonment Administration; and
- (d) to audit all receipts which are payable into a Cantonment Fund and to satisfy himself that all such receipts which are payable into a Cantonment Fund have been properly and correctly deposited and rules and procedures relating to such receipts have been fully observed.

(5) The Auditor-General shall have the authority—

- (a) to inspect accounts and initial or subsidiary accounts, under the control of a Cantonment Administration;
- (b) to require any accounts, books, papers and other documents which deal with, or form, the basis of or are otherwise relevant to the transactions to which his duties in respect of audit extend.
- (c) to enquire or make such observations as he may consider necessary, and to call for such information as he may require for the purpose of the audit; and

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(6) Upon receipt shall cause a special audit to be undertaken and shall forthwith cause the same to be submitted to the Government.

(7) The Auditor shall cause the documents pertaining to the premises of the Cantonment Administration to be submitted to him.

(8) The Auditor shall have authority in relation to audit of corporations owned or controlled by the Government.

242. **Internal Audit.**—The Auditor.

(2) The Auditor shall have authority to inspect the respective Cantonment Administrations and members of the respective Boards.

243. **Taxes to be levied.**—The Board may levy rents, tolls, charge, surcharges, and other taxes.

Provided that the Board shall not levy any tax without the approval by the Government.

Provided further that the Board shall not levy any tax until the date of receipt of the order of the Government vetted by the Government.

(2) No tax shall be levied on the basis of the tax proposal and the Board may increase any tax, reduce any tax, or abolish any tax.

(3) A Board may increase any tax, reduce any tax, or abolish any tax.

(4) Unless otherwise provided, the Board shall remain in force.

244. **Levy of property tax.**—The Board may levy a tax on the annual rental value of the property as the Board may with the approval of the Government.

245. **Exemptions.**—The Board may exempt any property tax, namely

- (a) places set apart for public use or for no other purpose;

Committees of the Board

referred to in sub-section (3) appropriate action may be

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(d) the officials shall afford all facilities and provide record for audit inspection and comply with requests for information in as complete a form as possible and with all reasonable expedition.

(6) Upon request of a Cantonment Administrator, the Auditor General shall cause a special audit of that Cantonment Administration's accounts to be undertaken and shall forward his report to the Cantonment Administrator who shall cause the same to be submitted to respective Board for necessary action and to the Government.

(7) The Auditor General shall have access to all the books and documents pertaining to the accounts and may also examine any public servant or premises of the Cantonment Administration concerned.

(8) The Auditor General shall perform functions and exercise power in relation to audit of the accounts of the companies, authorities, bodies or corporations owned or managed by a Cantonment Administration.

242. Internal Audit.—(1) Cantonment Administrator shall appoint an Internal Auditor.

(2) The Internal Auditor shall serve as a principal support person to respective Cantonment Administrator by providing information to him and members of the respective Board on the Cantonment Administration performance.

243. Taxes to be levied.—(1) A Board may levy taxes, cesses, fees, rates, rents, tolls, charge, surcharges and levies specified in the First Schedule:

Provided that the Government shall vet the tax proposal prior to the approval by the concerned Board:

Provided further that the proposal shall be vetted within thirty days from the date of receipt of the proposal failing which it would be deemed to have been vetted by the Government.

(2) No tax shall be levied by the Council without previous publication of the tax proposal and after inviting and hearing public objections.

(3) A Board may, subject to the provisos under sub-section (1), increase any tax, reduce, suspend, abolish or exempt a tax.

(4) Unless varied the existing rates in the areas within a Cantonment shall remain in force.

PROPERTY TAX

244. Levy of property tax.—There shall be charged, levied and paid property tax on the annual rental value of buildings and lands in a cantonment at such rate as the Board may with the prior approval of the Government, approve.

245. Exemptions.—The following buildings/lands shall be exempt from the property tax, namely:

(a) places set apart for public worship and either actually so used or used for no other purpose.

- (b) buildings used for educational purpose and public libraries, parks and play-grounds or other such public amenities which are open to the public and from which no income is derived;
- (c) hospitals and dispensaries maintained wholly by charitable contributions;
- (d) burning and burial grounds, not being the property of the Government or a Board, which are controlled under the provisions of this Ordinance;
- (e) buildings or lands vested in Cantonment Administration;
- (f) any buildings or lands, used or acquired for the public service or for any public purpose, which are the property of the Government, or in the occupation of the Federal or any Provincial Government:

Provided that if any such building or land is used for commercial purposes the same shall not be exempted; and

- (g) one residential house whether rented or self-occupied, in any one cantonment owned by a widow, a minor orphan or a disabled person, who is permanently incapacitated to earn his/her livelihood.

246. General power of exemption.—The Government may, by notification in the official Gazette, exempt, either wholly or in part, from the payment of any tax imposed under this Ordinance, any person or class of persons.

247. Exemption of poor persons.—A Cantonment Administration may exempt, for a period not exceeding one year at a time from the payment of any tax or any portion of a tax imposed under this Ordinance, any person who is in its opinion by reason of poverty unable to pay the same.

248. Incidence of taxation.—(1) Save as otherwise expressly provided in the notification imposing the tax, every tax assessed on the annual value of buildings or land or of both shall be leviable primarily upon the actual occupier of the property upon which the said tax is assessed, if he is the owner of the buildings or lands or holds them on a building or other lease granted by or on behalf of the Government or the Cantonment Administration or on a building lease from any person.

- (2) In any other case, the tax shall be primarily leviable as follows, namely.—
 - (a) if the property is let, upon the lessor;
 - (b) if the property is sub-let, upon the superior lessor;
 - (c) if the property is unlet, upon the person in whom the right to let the same vests.

(3) On failure to recover primarily liable, these may be recovered from the owner or lands in respect of which the whole amount due the same rate bears to the aggregate amount of buildings or lands, or to the aggregate amount in the authenticated assessment.

(4) An occupier who is not liable under this section shall, in the event of being reimbursed by the person primarily liable, deduct the amount so paid from him to such person.

249. Determination annual value.—The expression "annual rental value"

- (a) in case of any building or land or machinery) is the opinion of the assessing authority as to the letting value for the year expected to let on a uniform method prescribed; and
- (b) in the case of factories and other buildings to assess under the estimated price of the land appraised.

Provided that where the circumstances in the opinion of the assessing authority in the aforesaid manner, the amount assessed shall be any less amount which appears to be just.

250. Assessing Authority.—The assessing authority for the purposes of this Ordinance shall be the Cantonment Administration.

(2) the Assessing Authority shall perform the duties as are conferred on it by this Ordinance.

251. Preparation of assessment.—In any cantonment the Cantonment Administration shall prepare and submit to the Government a statement of the buildings or lands in the Cantonment for assessment.

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(3) On failure to recovery any sum due on account of such tax from the person primarily liable, these may be recovered from the occupier of any part of the buildings or lands in respect of which the tax is due, such portion of the sum due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment list.

(4) An occupier who makes any payment for which he is not primarily liable under this section shall, in the absence of any contract to the contrary, be entitled to be reimbursed by the person primarily liable for the payment, and, if so entitled, may deduct the amount so paid from the amount of any rent from time to time becoming due from him to such person.

249. Determination annual rental value.—For the purposes of property tax, the expression “annual rental value” means—

- (a) in case of any building or land, the gross annual rent at which such building or land together with appurtenances (exclusive of any furniture or machinery) is actually let or where the building or land is not let or in the opinion of the Assessing Authority is let for a sum less than its fair letting value for which such building or land might reasonably be expected to let from year to year, as determined by application of a uniform method and/or criteria for various categories or rating areas as prescribed; and
- (b) in the case of railway stations, hotels, colleges, schools, hospitals, factories and any other buildings which an Assessing Authority decides to assess under this clause, one-twentieth of the sum obtained by adding the estimated present cost of erecting the building to the estimated value of the land appertaining thereto:

Provided that where the annual value of any building is by reason of exceptional circumstances in the opinion of the Cantonment Administration, excessive if calculated in the aforesaid manner, the Cantonment Administration may fix the annual value at any less amount which appears to it to be just and fair.

250. Assessing Authority.—(1) There shall be an Assessing Authority for every cantonment for the purposes of property tax.

(2) the Assessing Authority shall exercise such powers and perform such duties as are conferred on it by this Ordinance or the rules made thereunder.

251. Preparation of assessment list.—When property tax is imposed for the first time in any cantonment the Cantonment Administration shall cause an assessment list of all building or lands in the Cantonment, as the case may be, to be prepared in the form prescribed.

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256. **Amendment of assessment list.**—(1) The Cantonment Administration may amend the assessment list at any time during the current triennial period—

- (a) by inserting or omitting the name of any person whose name ought to have been or ought to be inserted or omitted;
- (b) by inserting or omitting any property which ought to have been or ought to be inserted or omitted;
- (c) by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake;
- (d) by revaluing or re-assessing any property the value of which has been increased; or
- (e) in the case of a tax payable by an occupier, by changing the name of the occupier:

Provided that no person shall by reason of any such amendment become liable to pay any tax or increase of tax in respect of any period prior to the current triennial period for which the assessment is made.

(2) Before making any amendment under sub-section (1) the Cantonment Administration shall give to any person, affected by the amendment, notice of not less than one month that it proposes to make the amendment.

(3) Any person interested in any such amendment may tender an objection to the Cantonment Administration in writing before the time fixed in the notice, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent.

257. **Preparation of new assessment list.**—The Assessing Authority shall prepare a new assessment list at least once in every three years and for this purpose the provisions of sections 251 to 256 shall apply in like manner as they apply for the purpose of the preparation of an assessment list for the first time. Any list so prepared and finalised during the said three years shall be effective and valid for the complete period of such three years.

258. **Notice of transfers.**—(1) Whenever the title of any person primarily liable for the payment of a tax on the annual value of any building or land to or over such building or land is transferred, the person whose title is transferred and the person to whom the same is transferred shall within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer to the Cantonment Administrative Officer.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of the deceased devolves shall give notice of such devolution to the Cantonment Administrative Officer within six months from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the Cantonment Administrative Officer may direct, and the transferee or other person on whom the title devolves shall, if so required, be bound to produced before the Cantonment Administrative Officer any documents evidencing the transfer or devolution.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Cantonment Administrative Officer shall continue to be liable for the payment of all taxes assessed on the property transferred until he gives notice or until the transfer has been recorded in the registers of the Cantonment Administration, but nothing in this section shall be held to affect the liability of the transferee for payment of the said tax.

(5) The Cantonment Administrative Officer shall record every transfer or devolution of title notified to him under sub-section (1) or sub-section (2) in the assessment list and other tax registers of the Cantonment Administration.

259. Notice of erection of buildings.—(1) if any building is erected or re-erected within a cantonment, the owner shall give notice thereof to the Cantonment Administrator within thirty days from the date of its completion or occupation whichever is earlier.

(2) Any person failing to give the notice required by sub-section (1) shall be punishable with fine which may extend to two thousand rupees or ten times the amount of the tax payable on the said building, as erected or re-erected, as the case may be, in respect of a period of three months, whichever is greater.

260. Demolition of buildings, etc.—If any building is wholly or partly demolished or destroyed or is otherwise deprived of value, the Cantonment Administration may, on the application in writing of the owner or occupier, remit or refund such portion of any tax assessed on the annual rental value thereof as it thinks fit.

261. Remission of tax in certain cases.—In a cantonment when any building or land has remained vacant and unproductive of rent for sixty or more consecutive days, the Cantonment Administration shall remit or refund, as the case may be, such portion of any tax assessed on the annual value thereof as may be proportionate to the number of days during which the said building or land had remained vacant and unproductive of rent.

262. Power to require entry in assessment list of details of buildings.—For the purpose of obtaining a partial remission or refund of tax, the owner of a building composed of separate tenements may request the Cantonment Administration, at the time of the assessment of the building, to enter in the assessment list, in addition to the annual value of the whole building, a note recording in detail the annual value of each separate tenement. When any tenement, the annual value of which has been thus separately recorded, has remained vacant and unproductive of rent for sixty or more consecutive days, such portion of any tax assessed on the annual value of the whole

building shall be remitted if the tenement had been separate.

263. Notice to be given claimed.—No remission or unless notice in writing of vacant and unproductive of no remission or refund shall fifteen days before the deliv

Provided that where Administration is satisfied land or tenement remained sixty days, it may grant the

264. Notice to be given o owner of any building, ten tax has been given under occupation of such build occupation.

(2) Any owner fa punishable with fine which such building, tenement or occupied.

265. Appeals from order authority upon an objection order at any time before the be prescribed;

Provided that the ap dispute in the appeal has t Administration.

266. Revision.—Where Administrator has been dis days of the date thereof, a this behalf for a revision of

267. Tax to be levied accordance with the valuat be recoverable notwithstanding list.

268. Recovery of tax fr account of any building c Administration to serve up or any part thereof, to the

shall be in such form as the transferee or other person on whom the tax is levied is required to produce before the Cantonment Administration for evidencing the transfer or

without giving such notice to the Cantonment Administration shall be liable for the payment of all tax due or until the transfer has been registered, but nothing in this section shall affect the payment of the said tax.

record every transfer or sub-section (2) in the Cantonment Administration.

if a building is erected or re-erected or a new building is added to the Cantonment Administration, the tax shall be levied on the completion or occupation

sub-section (1) shall be levied on the owner or tenants or on the building, as the case may be, in

fully or partly demolished or destroyed, the Cantonment Administration may, on application, refund such portion of any tax as may be

when any building or land is vacant and unproductive of rent for sixty or more consecutive days, the tax shall be levied on the owner or tenants or on the building, as the case may be, such portion of the tax as may be proportionate to the number of days for which the building or land has been vacant and unproductive of

of buildings.—For the purpose of levying tax on the owner of a building or land, the Cantonment Administration, at the end of each year, shall prepare a list, in addition to the valuation list, of the annual value of each building or land of which has been thus levied for sixty or more consecutive days the annual value of the whole

building shall be remitted or refunded as would have been remitted or refunded if the building had been separately assessed.

263. Notice to be given of the circumstances in which remission or refund is claimed.—No remission or refund under section 261, or section 262 shall be made unless notice in writing of the fact that the building, land or tenement has become vacant and unproductive of rent has been given to the Cantonment Administration and no remission or refund shall take effect in respect of any period commencing more than fifteen days before the delivery of such notice :

Provided that where in case of failure of giving of such notice the Cantonment Administration is satisfied on the basis of other irrefutable evidence that the building, land or tenement remained vacant and unproductive of rent for a period of more than sixty days, it may grant the remission.

264. Notice to be given of every occupation of vacant building or house.—(1) The owner of any building, tenement or land in respect of which a remission or refund of tax has been given under section 261 or section 262 shall give notice of the re-occupation of such building, tenement or land within fifteen days of such re-occupation.

(2) Any owner failing to give the notice required by sub-section (1) shall be punishable with fine which shall not be less than twice the amount of the tax payable on such building, tenement or land in respect of the period during which it has been re-occupied.

265. Appeals from orders.—(1) Any person aggrieved by an order of appropriate authority upon an objection made before that authority may prefer appeal against such order at any time before the expiration of thirty days from the date of such order as may be prescribed:

Provided that the appeal shall be maintainable only after the amount, if any, in dispute in the appeal has been deposited by the appellant in the office of Cantonment Administration.

266. Revision.—Where an appeal from an order made by the Cantonment Administrator has been disposed of, either party to the proceedings may, within thirty days of the date thereof, apply, to such Authority as the Government may appoint in this behalf for a revision of the decision.

267. Tax to be levied notwithstanding appeal.—The tax shall be levied in accordance with the valuation list in force for the time being, and shall be collected and be recoverable notwithstanding the fact that an appeal is pending with respect to that list.

268. Recovery of tax from tenants.—(1) Where the tax due from any person on account of any building or land is in arrears, it shall be lawful for the Cantonment Administration to serve upon any person paying rent in respect of that building or land, or any part thereof, to the person from whom the arrears are due, a notice stating the

amount of such arrears of tax and requiring all future payments of rent (whether the same have already accrued due or not) by the person paying the rent to be made direct to the Cantonment Administration until such arrears shall have been duly paid, and such notice shall operate to transfer to the Cantonment Administration the right to recover, receive and give a discharge for such rent. If the person paying rent willfully fails or neglects to comply with the notice aforementioned, the Cantonment Administration may, after giving him an opportunity of being heard, proceed against him as it would have proceeded under the provisions of this Ordinance against the owner of the building or land in respect of which the tax is in arrears.

269. Penalty for default in payment.—(1) Where a person fails to pay the property tax within due date of the demand, he shall, in addition to the amount of the tax, be liable to pay a surcharge, not exceeding one per cent of the tax due, as may be prescribed, within a period of thirty days from the prescribed date.

(2) Where the tax and the surcharge are not paid as provided in sub-section (1) the Cantonment Administration may, after giving the defaulter an opportunity of being heard, impose upon him a penalty not exceeding the amount of the tax.

270. Recovery of unpaid dues.—(1) If any sum due on account of any tax, rate, fee or charge levied under this Ordinance or as a penalty imposed under this Ordinance is not paid within the time allowed for its payment and the person from whom it is due does not show cause to the satisfaction of the Cantonment Administration or any other person authorized by them why he should not pay the same, such sum (inclusive of all costs of recovery) may be recovered under a warrant in the prescribed form or in a form to the like effect to be signed by the Cantonment Administrative Officer—

- (a) by distress or sale of the moveable property belonging to such person; or
- (b) by attachment and sale of the immoveable property belonging to him.

(2) The warrant may be addressed to an officer of the Cantonment Administration for execution, and in executing it he may obtain such assistance from other servants of the Cantonment Administration, as he may consider necessary.

(3) Notwithstanding anything contained in sub-section (1), any sum on account of any dues levied or penalty imposed under this Ordinance remaining unrecovered shall be recoverable as arrears of land revenue.

(4) Notwithstanding anything contained in any law and notwithstanding any rights arising out of any contract or otherwise whatsoever, any sum due on account of the tax, rate, fee or charge levied under this Ordinance or as a penalty imposed thereunder in respect of any building or land, shall, subject to the prior payment of the land revenue, if any, due to a Provincial Government thereon, be a first charge upon such building or land and upon the movable property, if any,

found within or upon such such tax or penalty.

271. Powers of Assess list.—(1) the Assessing Au of the cantonment to fur purpose of ascertaining,—

- (a) whether such inh Ordinance;
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(2) If any person, when neglects to furnish it or knowledge or belief, he thousand rupees.

272. Valuation list omission.—Any failure proceedings with respect required by this Ordin assessment list of any not, of itself, render the

273. Bar of jurisdic being in force no C Cantonment Administr empowered by this Or cognizance of the man officer or servant exe Ordinance or the rules

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271. Powers of Assessing Authority to require returns for assessment list.—(1) the Assessing Authority may, by written notice, call upon any inhabitant of the cantonment to furnish such informations as may be necessary for the purpose of ascertaining,—

- (a) whether such inhabitant is liable to pay any tax imposed under this Ordinance;
- (b) at what amount he should be assessed; or
- (c) the annul value of the building or land which he occupies and the name and address of the owner or lessee thereof.

(2) If any person, when called upon under sub-section (1) to furnish information neglects to furnish it or furnishes information which is not true to the best of his knowledge or belief, he shall be punishable with fine which may extend to five thousand rupees.

272. Valuation list not to be rendered invalid by certain failure or omission.—Any failure on the part of the Assessing Authority to complete any proceedings with respect to the preparation of an assessment list within the time required by this Ordinance or the rules made thereunder, or the omission from an assessment list of any matters required by the rules to be included therein shall not, of itself, render the list invalid.

273. Bar of jurisdiction.—Notwithstanding anything in any law for the time being in force no Court shall have jurisdiction in any matter which the Cantonment Administrator or an Assessing Authority or any officer or servant is empowered by this Ordinance or the rules made thereunder to dispose of, or take cognizance of the manner in which the Government, or any Assessing Authority, officer or servant exercise any powers vested in it or him by or under this Ordinance or the rules made thereunder.

274. Award for collection of property tax.—The Cantonment Administration may as an incentive and award fix any percentage upto a maximum of 2.5% of the total recovery in a financial year to be dispersed to the officers and officials responsible for such tax collection.

275. Collection of taxes.—(1) All taxes, levied under this Ordinance shall be levied and collected as prescribed.

(2) Failure to pay any tax and other money claimable under this Ordinance shall be an offence and the arrears shall be recovered as arrears of land revenue, by the Cantonment Administrative Officer who shall exercise the powers of Collector under Land Revenue Act 1967 (W.P XVII of 1967).

276. Bottom up planning.—(1) Before the beginning of the financial year the respective Cantonment Administration shall lay down and announce the

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classification of development schemes to be undertaken by Citizen Community Boards under the provisions of this section.

(2) A Cantonment Administration may grant to the Citizen Community Boards within its local area, up to eighty percent of an approved development scheme in the prescribed manner:

Provided that a scheme shall be deemed to be an approved scheme if-

- (a) the official procedure for estimating the cost of the scheme has been followed;
- (b) the Citizen Community Board has deposited its share of the cost of the development scheme with concerned Cantonment Administration; and
- (c) the complete estimates and the proof of deposit of the Citizen Community Board's contribution are attached.

(3) The grant referred to in sub-section (2) shall be spent from the reserved twenty-five percent of the annual development budget for new schemes as provided in proviso to sub-section (4) of section 234 and any amount, which remains unspent, shall be credited under the same head in following year's budget in addition to the fresh allocation for that year.

(4) A cut off date for submission of all schemes proposed by the Citizen Community Boards shall be announced by the Cantonment Administration concerned before the presentation of its budget.

(5) The respective Cantonment Administration shall authorize an Officer to draw up a statement specifying the schemes submitted by the cut off date specified in sub-section (4) above by classification including the total amount of contributions for a particular classification of schemes.

(6) A second statement shall determine contributions for a particular classification of schemes as a ratio of the total contributions for all schemes submitted with a particular Cantonment Administration for that year and the statement shall be used to determine amounts of allocations for a classification of schemes from the budget reserved for the purpose.

(7) A third statement shall be drawn up which shall identify the number of schemes submitted in a particular classification, beginning with the scheme containing the highest contribution by the Citizen Community Board in a classification until all the schemes in the classification are selected or the funds allocated for the particular classification in the amount determined in sub-section (6) are exhausted.

(8) The twenty-five percent funds for Citizen Community Boards under sub-section (4) of section 234 shall be communicated to the authorized Officer under sub-section (5) by the Cantonment Officer (Finance).

(9) The identified schemes shall be included in the budget before submission to the concerned Board.

(10) The statement referred to in sub-section (7) above shall be approved by a simple majority of the members in the budget session of the respective Board.

(11) The scheme shall be carried out as prescribed.

(12) Subject to the provisions of the Cantonment Administration Act, 1974, the Cantonment Administration shall incur such expenditure as may be required in accordance with the scheme.

277. Cantonment Administration shall incur such expenditure as may be required in accordance with the scheme.

(2) No monies shall be expended on securities other than those provided for in the scheme.

278. Delegation of financial powers of the Cantonment Administration.

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279. Social welfare and health of the Cantonment Administration may—

- (a) establish, maintain and improve widow homes and old age homes;
- (b) provide for the health of the local area at its expense;
- (c) promote Islamic education;
- (d) organise social and cultural activities;
- (e) develop small industries;
- (f) adopt such measures for the prevention of disease and consumption of narcotics;
- (g) adopt such measures for the welfare of backward classes and minorities;
- (h) provide housing facilities for the poor.

280. Culture.—The local government may—

- (a) establish and maintain libraries, museums and educational institutions;
- (b) provide and maintain public buildings and places of recreation;
- (c) celebrate national and local festivals;
- (d) encourage national and local sports and games;
- (e) promote physical education and sports;
- (f) provide, promote and maintain public entertainment.

281. Libraries.—The local government may establish and maintain such libraries, reading rooms and public places for the use of the public.

282. Fairs and shows.—The local government may make arrangements on the occasion of fairs and shows.

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(11) The schemes approved by the respective Boards shall be carried out as prescribed.

(12) Subject to sub-section (10), the Accounts Officer of the respective Cantonment Administration shall release funds in the prescribed manner in accordance with the schedule of expenditure.

277. Cantonment Administrations not to incur debt.—(1) No Cantonment Administration shall incur debt.

(2) No monies of the Cantonment Administration shall be invested in securities other than those floated or approved by the Government.

278. Delegation of powers.—The Cantonment Board shall determine the financial powers of the officials of the Cantonment Administration.

CHAPTER XXII.—MISCELLANEOUS

279. Social welfare and community development.—The local government in a cantonment may—

- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed;
- (b) provide for the burial or cremation of unidentified dead bodies within its local area at its own expense;
- (c) promote Islamic values in the society;
- (d) organise social service volunteers;
- (e) develop small scale cottage industries;
- (f) adopt such measures as may be specified by Government for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of liquor, juvenile delinquency and other social evils;
- (g) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in the armed forces; and
- (h) provide housing accommodation to any class of inhabitants including local government servants.

280. Culture.—The local government in cantonment may -

- (a) establish and maintain information centres for the furtherance of civic education and dissemination of information on such matters as community development and other matters of public interest;
- (b) provide and maintain public halls and community centres;
- (c) celebrate national occasions;
- (d) encourage national and regional languages;
- (e) promote physical culture and encourage public games and sports; and organize rallies and tournaments;
- (f) provide, promote or subsidise facilities for the recreation of the public.

281. Libraries.—The local government in a cantonment may establish and maintain such libraries, reading rooms and circulation libraries as may be necessary for the use of the public.

282. Fairs and shows.—The local government in a cantonment may make such arrangements on the occasion of any fairs, shows or public festivals within its local area

as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs, shows and festivals.

283. Complaint Cell.—Every Cantonment Administration and Union Administration shall set up a Complaint Cell for redressal of grievances within the ambit of their responsibilities under this Ordinance.

284. Servants of local governments in Cantonments.—(1) A local government being a body corporate may, employ such servants locally as are deemed necessary for the efficient performance of its functions under this Ordinance as prescribed or may discharge them in the prescribed manner.

(2) The Government may also, by rules prescribe the conditions of service of servants of the local governments including their employment, qualifications for various posts, schedule of establishment, control, supervision, conduct, suspension, removal, dismissal, punishment, amount and nature of security and grant of leave.

(3) The Government may also make rules requiring a local government to—

- (a) establish and maintain a pension fund for payment to its servants after retirement;
- (b) grant special pension or gratuity to the family of the servant who dies of disease or injury contracted or suffered in the discharge of his official duties;
- (c) establish and maintain a Provident Fund and such other funds as considered necessary, for its servants in the same manner as is established and maintained for Government servants; and
- (d) operate scheme of group insurance of its servants, and require the servants to subscribe to it.

(4) Cantonment servants may be appointed as Cantonment Officers on terms and conditions as prescribed by the rules.

285. Training.—The Vice-Presidents, Nazims, Naib Nazims and members of the Union Councils and Boards shall attend training courses for such periods and in such manner and at such places as may be prescribed by the Government from time to time.

Provided that the Government may also arrange training courses for the officers and employees of local governments.

286. Appeals.—Any person aggrieved by any order passed by a local government or its functionaries, in pursuance of this Ordinance or the rules or bye-laws made thereunder may prefer appeal to such authority, in such manner and within such period as may be prescribed.

287. Power to make rules.—(1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the fore-going power, such rules may provide for all or any of the matters specified in the Fourth Schedule.

(3) The rules made under sub-section (1) shall be subject to previous publication in the official Gazette and shall meet the following considerations:—

- (a) consistency with democratic decentralization and subsidiarity;
- (b) enhancement of welfare of the people;

- (c) fairness and
- (d) natural justice

288. Power to make bye-laws.—Every local government shall have power to make bye-laws within the ambit of responsibilities under this Ordinance.

(2) In particular, the Government may, by rules, confer on the local government, the foregoing power, such bye-laws as may be specified in the Fifth Schedule.

(3) Power to make bye-laws shall be exercised locally. In case of Union Councils, the power shall be exercised by the Board of the Board. A copy of the bye-laws made by the Board and the Board to the Government shall be forwarded for order any change therein within the meaning of section 1860.

289. Members and servants of local governments.—The Presidents, Nazims, Naib Nazims, and other functionaries of the local governments shall act on behalf of the local government within the meaning of section 1860.

290. Action taken in proceedings.—In any proceedings, the local government shall lie a good faith under this Ordinance.

291. General powers.—The provisions, every local government shall be subject to this Ordinance and in particular, the provisions which are necessary and

292. Delegation of powers.—The Government may, by official Gazette, delegate any power made thereunder to any authority, subject to such limitations as may be specified in the Ordinance.

(2) The Government may, by official Gazette, delegate all or any of the powers made thereunder to any authority, subject to such limitations as may be specified in the Ordinance.

293. Validity of notices.—A notice, licence, permission in the official Gazette, shall be invalid if it is not published in the official Gazette.

294. Cantonment Administration.—The purpose of the Government shall be to manage the Cantonment Administration authorities respectively.

295. Management.—The management established under the Ordinance shall be managed by the local government.

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288. **Power to make bye-laws.**—(1) A Union Council or the Board may in their ambit of responsibilities make bye-laws to carry out the purpose of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the matters specified in the Fifth Schedule.

(3) Power to make bye-laws shall be subject to previous publication locally. In case of Union Councils, their bye-laws shall also be subject to approval of the Board. A copy of the bye-laws shall be forwarded by the Union Council and the Board to the Government and the Government shall have the power to order any change therein which appears to it to be necessary.

289. **Members and servants deemed to be public servants.**—All Vice-Presidents, Nazims, Naib Nazims, members of the Union Councils and Boards, functionaries of the local government and every other person duly authorised to act on behalf of the local governments shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (Act XLV of 1860).

290. **Action taken in good faith.**—No suit, prosecution, or other legal proceedings shall lie against any public servant serving in cantonment Administration, Cantonment Board or local governments for anything done in good faith under this Ordinance.

291. **General powers of local government.**—Notwithstanding any specific provisions, every local government shall perform functions conferred by or under this Ordinance and in performance of such functions shall exercise such powers which are necessary and appropriate thereto.

292. **Delegation of powers.**—(1) The Government may, by notification in the official Gazette, delegate all or any of its powers under this Ordinance or the rules made thereunder to any officer subordinate to it, subject to such conditions or limitations as may be specified in the notification.

(2) The Competent Authority may, by notification in the official Gazette, delegate all or any of its powers under this Ordinance or the rules made thereunder to any officer subordinate to it, subject to such conditions or limitations as may be specified in the notification.

293. **Validity of notices and other documents.**—No notice, order, requisition, licence, permission in writing or other such documents issued under this Ordinance shall be invalid merely by reason of any defect of form.

294. **Cantonment Administration, etc., deemed to municipalities.**—For the purpose of the Government Buildings Act, 1899 (IV of 1899), cantonments and Cantonment Administrations shall be deemed to be municipalities and municipal authorities respectively.

295. **Management of lands in bazaar areas.**—Lands in bazaar areas established under the Cantonment Act, 1924 (II of 1924) and rules made thereunder shall be managed by the Cantonment Administration.

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299. **Repeals and savings.**—On commencement of this Ordinance, the following laws shall stand repealed:—

- (a) the Cantonments Act 1924 (II of 1924) and the Cantonment Local Government (Elections) Ordinance 2002 (Ordinance No. LXXIX (79) of 2002);
- (b) all Cantonment Boards constituted under the Cantonments Act 1924 (II of 1924) shall stand dissolved on constitution of local governments in cantonments under this Ordinance;
- (c) save as otherwise specifically provided, nothing in the Ordinance, or any repeal effected thereby, shall affect or be deemed to affect anything done, action taken, investigation or proceedings commenced, order, rule, regulation, appointment, conveyance, mortgage, deed, document or agreement made, tax levied, resolution passed, direction given, proceedings taken or instrument executed or issued, under or in pursuance of any law repealed or amended by this Ordinance and any such thing, action, investigation, proceedings, order, rule, regulation, appointment, conveyance, mortgage, deed, document, agreement, tax, resolution, direction, proceedings or instrument shall, if in force at the commencement of this Ordinance and not inconsistent with any of the provisions of this Ordinance, continue to be in force, and have effect as if it were respectively done, taken, commenced, made, directed, passed, given, executed or issued under this Ordinance or the law, as amended by this Ordinance;
- (d) notwithstanding the repeal of Cantonment Local Government (Elections) Ordinance 2002 Ordinance No. LXXIX (79) of 2002, all Vice-Presidents, Nazims and Naib Nazims and members of local governments elected under the said Ordinance shall be deemed to have been elected under this Ordinance, and shall continue to hold their respective offices till the completion of their terms, unless earlier removed, resigned or recalled under this Ordinance; and
- (e) unless repealed or amended, the Cantonments Local Government Elections Rules 2002, shall be deemed to be the election rules made under this Ordinance.

300. **Removal of difficulties.**—The Government may, by order provide for the removal of any difficulty which may arise in giving effect to the provisions of this Ordinance.

THE FIRST SCHEDULE (See section 243)

Taxes, Tolls, Duties, Rates, Charges and Fees

Cantonment Board

1. Tax on transfer of immoveable property.
2. Tax on professions, trades and callings

3. Tax on annual value of buildings and lands.
4. Sewerage tax if the private drains are connected with public sewerage system.
5. Entertainment duties on cinemas, dramatical and theatrical shows and tickets thereof and other entertainment.
6. Toll on roads, bridges, and ferries within the limits of a cantonment.
7. Fee on advertisements, other than on radio and television, displayed anywhere in a cantonment.
8. Fee for sanction of building plans and erection and re-erection of buildings.
9. Fee for parking of vehicles on site provide by the Cantonment Administration.
10. Fee for fairs, agricultural shows, cattle fairs, industrial exhibitions, tournaments and other public events.
11. Fee for licences and permits and penalties or fines for violation of the licensing rules or bye-laws.
12. Fee for certification of births, marriages and deaths.
13. Fee on sale of animals in cattle markets.
14. Market fees.
15. Charges for development of undeveloped area.
16. Conservancy charges.
17. Charges for execution and maintenance of works of public utility like lighting of public places and drainage and supply of water.
18. Collection charges for recovery of any tax on behalf of the Government, Provincial government, District government, or any statutory authority as prescribed.

THE SECOND SCHEDULE

(See section 109)

DANGEROUS AND OFFENSIVE ARTICLES AND TRADES

1. The business of storing and selling timber, firewood, coal, charcoal and coke, hay, straw, grass and bamboo, jute, shrub, hemp, munj and their products, matches, explosives, petrol, oil and lubricants, paper, ghee and other dangerously inflammable materials.
2. Sugar refining and sugar refineries
3. Preparation of aerated water.
4. Operating or running bake houses.
5. Electroplating.
6. Welding.
7. Storing packing, pressing, cleaning, preparing or manufacturing by any process whatever, blasting powder, ammunition, fireworks, gun-powder, sulphur, mercury, gases, gum, cotton, saltpetre, nitrocompounds, nitromixture, phosphorous, dynamite.
8. Cleaning, dying, preparing or manufacturing by any process whatever, cloth or yarn in indigo and other colours.

9. Storing, processing, any process whatever, hides and skins, car
10. Manufacturing oils
11. Washing or dying
12. Making or manufac other earthenware
13. Burning or grindin
14. Cleaning or grindin
15. Keeping animals li
16. Fellmongering.
17. Casting of heavy n
18. Dealing in chemic
19. Wholesale storing of tobacco require
20. Operating or runn
21. Manufacture of sa
22. Marble cutting an
23. Glass levelling an
24. Manufacture of c
25. Storing, packing, whatever, rags, p or spirit.
26. Tanning, pressing
27. Trade or operatic
28. Working of pow electric or hand c government.
29. Discharging fire any game danger
30. Any other articl government to nuisance, either conditions unde

OFFENCE

1. Immoveable en land vested in,
2. Without licens carrying fire c inflammable, h

public sewerage system.
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TRADES

l, charcoal and coke,
and their products,
r, ghee and other

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nds, nitromixture,

whatever, cloth or

9. Storing, processing, cleaning, crushing, melting, preparing or manufacturing by any process whatever or dealing in bones, tallow, offal, fatblood, soap, raw hides and skins, candles, manure, catgut and oil cloth.
10. Manufacturing oils.
11. Washing or dyeing wool or hair.
12. Making or manufacturing bricks, surkhi, tiles or earthenware pots, clay pipes or other earthenware by any process of baking or burning.
13. Burning or grinding of limestone or metal stone or storing of lime for sale.
14. Cleaning or grinding of grain or chillies by any kind or class of machinery.
15. Keeping animals likely to create nuisances.
16. Fellmongering.
17. Casting of heavy metals such as iron, lead, copper, and brass.
18. Dealing in chemicals, liquid or otherwise.
19. Wholesale storing, cleaning, pounding and selling of tobacco, except the storing of tobacco required for the preparation of biddies, cigars or cigarettes.
20. Operating or running of tin factories.
21. Manufacture of safes, trunks and boxes.
22. Marble cutting and polishing.
23. Glass levelling and polishing.
24. Manufacture of cement and fume pipes.
25. Storing, packing, pressing, cleaning, preparing or manufacturing by any process whatever, rags, pitch, tar, turpentine dammar, coconut, fibre, flax, hemp, rosin or spirit.
26. Tanning, pressing or packing hide or skins raw or dry.
27. Trade or operation of ferries.
28. Working of power-looms, rice husking plants, steam whistle, steam trumpet or electric or hand operated sirens beyond hours fixed for their operation by a local government.
29. Discharging firearms and letting of fire-works, fire balloons or detonators or any game dangerous to life, dwelling and other property.
30. Any other article or trade declared by the Government or the concerned local government to be dangerous to life, health, or property or likely to cause nuisance, either from its nature or by reason of the manner in which or the conditions under which, the same may be processed or carried on.

THE THIRD SCHEDULE

(See section 215)

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Part I

1. Immoveable encroachment in or on or under any property or any open spaces or land vested in, managed, maintained or controlled by a local government.
2. Without license from relevant authority manufacturing, storing, trading or carrying fire crackers, fire balloons or detonators or any dangerous chemical, inflammable, hazardous or offensive article or material.

3. Discharging any dangerous chemical, inflammable, hazardous or offensive article in any drain, or public water course or public land in such manner as causes or is likely to cause danger to person passing by or living or working in neighbourhood, or risk or injury to property.
4. Overcharging or illegal charging of any tax, fee, fine, charge or rate by an employee of a local government or a contractor or his staff without the authority of a local government.
5. Preparing or using counterfeit or prescribed forms of the local government for recovery of taxes.
6. Erection or re-erection of building over set back area or parking area or building line area required to be left open under the bye-laws for using such space for any purpose which is not approved.
7. Changing or converting into any other use any portion of commercial building or area specified or earmarked for public parking.
8. Failure to demolish or otherwise secure a building declared by the local government to be dangerous building.
9. Failure of industrial or commercial concerns to provide adequate and safe disposal of effluent or prevention of their mixing up with the water supply or sewerage system.
10. Establishing any parking stand on any property or on any open space and public park or land vested in or managed, maintained or controlled by a local government on or under a street, road, graveyard or a drain without the sanction of the relevant local government.
11. Supplying or marketing drinking water for human consumption in any form, from any source which is contaminated or suspected to be dangerous to public health, or its use has been prohibited by a local government on the ground of being unsafe for human consumption, or whose quality or suitability for human consumption has not been ascertained and certified by a laboratory authorized by the Government.
12. Cultivation of agriculture produce or crop, for supply or sale to public using such manure, or irrigating it with sewer or any such liquid as may be injurious to public health or offensive to the neighbourhood.
13. Quarrying, blasting, cutting timber or carrying building operations in such manner as cause or likely to cause danger to person passing by or living or working in the neighbourhood.
14. Erection or re-erection of building without the sanction required under this Ordinance or using a building for a purpose which may endanger the security of people.
15. Dying or tanning skins, within such distance of any commercial or residential area as may be specified by the local government.
16. Violation of the prohibition provided in the Master Plan, the sanctioned Site Development Schemes under this Ordinance, or any other law for the time being in force including the plans and schemes sanctioned under the repealed enactments.
17. Adulteration of any eatable or drinkable or consumable item sold or supplied to the public.

18. Neglect in safe storage supplied to the public.
19. Manufacturing, trading other items unsafe for
20. Contravention of the in this part.
21. Wilfully obstructing person authorised to
22. Establish any cattle government.
23. Failure to deliver cancellation or expi
24. Establish any bus, vehicle stand for the street, footpath, p controlled or maint
25. Establishing or run street, footpath, pu managed or conti permission.
26. Fixing of wooden temporary shops or
27. Establishing a bric as may be specifie
28. Failure by the ow vegetation declare to neighbourhood.
29. Failure to comply building.
30. Slaughtering of an apart for the purpo
31. Cutting down of demolition of any under this Ordina
32. Stocking or colle materials or fuels.
33. Without the pe negligently allow offensive matter into irrigation che
34. Doing an act with a licence or perm or bye-laws.

[PART I]

18. Neglect in safe storage of eatable, drinkable or other consumable items sold or supplied to the public.
19. Manufacturing, trading, storing or supplying any eatable or drinkable items and other items unsafe for human consumption or public health.
20. Contravention of the prohibition or attempt or abetment of any of the offences in this part.

Part II

21. Wilfully obstructing any officer or servant of the local government or any person authorised the exercise of power conferred under this Ordinance.
22. Establish any cattle market or bakar mandi without permission of the local government.
23. Failure to deliver back possession of property to the local government on cancellation or expiry of lease.
24. Establish any bus, wagon, taxi or other commercial motorized or non-motorized vehicle stand for the purpose of plying them on different routes on any road, street, footpath, public place or any other property vested or managed or controlled or maintained by a local government without its permission.
25. Establishing or running any restaurant or vending stalls for eatables on any road, street, footpath, public place, over a drain, or any other property vesting in or managed or controlled or maintained by a local government without its permission.
26. Fixing of wooden khokhas, plying of handcarts for the sale of goods and temporary shops or extension thereof on footpaths or beyond the street line.
27. Establishing a brick kiln and lime kiln within such distance of a residential area as may be specified by the local government.
28. Failure by the owner or occupier of any land to clear away and remove any vegetation declared by a local government to be injurious to health or offensive to neighbourhood.
29. Failure to comply with notice to abate overcrowding or to make alteration in a building.
30. Slaughtering of animals for the sale of meat at the place other than the place set apart for the purpose.
31. Cutting down of any trees, or cutting of a branch of any tree, or erection or demolition of any building or part of a building where such action is declared under this Ordinance to be a cause of danger or annoyance to the public.
32. Stocking or collecting timber, wood, dry grass, straw or other inflammable materials or fuels, adjacent to commercial buildings or residential houses.
33. Without the permission of local government causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, or drain to be put upon any street or public place, or into irrigation channel or any sewer or drain not set apart for the purpose.
34. Doing an act without licence or permission when the doing of such act requires a licence or permission under any of the provisions of the Ordinance or the rules or bye-laws.

35. Manufacturing, keeping, storing or selling wire thread or any other material meant for kite flying or in the manner causing danger to human life or the electric installations or disruption in electric supply.
36. Keeping or maintaining any cattle in any part of the prohibited zone or failure to remove the cattle from the prohibited zone within the specified time when an order to this effect has been made.
37. Keeping ferocious dogs or other animals in residential areas or taking such animals to public places without leash, or contravening requirements of section 119 in respect of dogs and other animals.
38. Obstructing or tampering with any road, street, drain or pavement.
39. Obstructing or tampering with any main pipe, meter or any apparatus or appliances for supply of water or sewerage system.
40. Evasion of payment of tax or other impost lawfully levied by a local government.
41. Preparation or sale of articles of food or drink by a person apparently suffering from any infectious or contagious disease that may endanger the health of people.
42. Contravention of the prohibition or attempt or abetment of any of the offences in this part:

Part III

43. Laying out a drain or altering any drain in a street or road without the sanction required under this Ordinance.
44. Connecting any house drain with a drain in a public street without the permission required under this Ordinance.
45. Excavation of earth, stone or any other material within such distance of the residential areas as specified by the local government.
46. Digging of public land without permission of the local government.
47. Burying or burning a dead body at a place, which is not a public or registered burial, or burning place, except with the sanction of the local government.
48. Failure to report completion or alteration of a building.
49. Failure to furnish, on requisition, information in respect of any matter which a local government is authorised to call for under any of the provision of the Ordinance, rules or bye-laws or furnishing wrong information.
50. Obstructing lawful seizure of animals liable to be impounded on the ground of violation of rules or bye-laws governing the picketing, tethering, keeping, milching or slaughter of animals or their trespass of private or public property.
51. Picketing, parking animals or collecting carts or vehicles on any street, using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the local government concerned.
52. Causing or permitting animals to stray or keeping, tethering, stalling, feeding or gazing any cattle on any road, street or thoroughfare or in any public place or damaging or causing or permitting to be damaged any road, street or thoroughfare by allowing cattle to move thereon.
53. Disposal of carcasses of animals within prohibited distance.

54. Failure to dispose of or set apart for the purpose
55. Throwing or placing a not provided and appo
56. Failure to provide for owner.
57. Failure to maintain of factory up to the publ
58. Watering cattle or an source of drinking wa
59. Steeping hemp, jute excavation within suc local government.
60. Drawing off, divertir under this Ordinance
61. Failure to provide, c order any latrine, u water or refuse by a
62. Failure to clean the and other non-perist
63. Damaging or pollut premises, in a mann
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65. Failure by the own fill up or drain off is declared under neighbourhood.
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69. Defacing or distu any light arrange
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54. Failure to dispose of offal, fat or any organ or part of a dead animal in a place set apart for the purpose by the local government.
55. Throwing or placing any refuse, litter or garbage on any street, or in any place, not provided and appointed for the purpose by a local government.
56. Failure to provide for disposal of litter or garbage inside or outside a shop by its owner.
57. Failure to maintain clean premises of the area in front of the shop, office or factory up to the public street or road serving this facility.
58. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.
59. Steeping hemp, jute or any other plant in or near a pound or any other excavation within such distance of the residential area as may be specified by a local government.
60. Drawing off, diverting or taking any water except with the permission required under this Ordinance.
61. Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal drain, cesspool or other receptacle for filth, sullage water or refuse by an owner of a house, shop, office, industry or premises.
62. Failure to clean the premises, houses, shops and cultivated lands of plastic bags and other non-perishable materials.
63. Damaging or polluting physical environment, inside or outside private or public premises, in a manner to endanger public health.
64. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon which overhang any well, tank or other source from which water is derived for public use.
65. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up or drain off any private well, tank or other source of water supply, which is declared under this Ordinance to be injurious to health or offensive to the neighbourhood.
66. Failure to stop leakages of water pipes, faucets and sanitary fittings resulting in dirty water pools affecting physical environments and breeding of mosquitoes.
67. Failure of an owner or occupier of any building or land to put up and keep in good condition troughs and pipes for receiving or carrying water or sullage water.
68. Feeding or allowing to be fed an animal meant for dairy or meat purposes, on deleterious substance, filth or refuse of any kind, which is dangerous to health of consumers.
69. Defacing or disturbing any direction- post, lamp post or lamp extinguishing or any light arranged by a local government without due authority.
70. Fixing any bill, notice, placard, poster or other paper or means of advertisement against or upon any private or public properties including building places other than the places fixed for the purpose by a local government.
71. Exhibiting any obscene advertisement.
72. Loud playing of music or radio, beating of drum or tom-tom, blowing a horn or beating or sounding any brass or other instruments or utensils in contravention

- of any general or special prohibition issued by a local government or a hospital or an educational institution.
73. Loud shouting in abusive language causing distress to the inhabitants of a neighbourhood or village or any other public place.
 74. Using or allowing the use for human habitation of a building declared by a local government to be unfit for human habitation.
 75. Failure to lime-wash or repair a building if so required by local government.
 76. Begging importunately for alms by exposing any deformity or disease or any offensive sore or wound to solicit charity.
 77. Failure of the head of the family to report the birth, marriage or death to a local government or a person appointed in this behalf within a reasonable time.
 78. Causing or permitting to be caused by any owner or keeper of an animal who through neglect or otherwise damage of any land or crop or produce of land, or any public road, by allowing such animal to trespass thereon.
 79. Selling cattle or any animal in contravention of any law, rule or bye-laws of a local government.
 80. Kite flying in contravention of any general or specific prohibition issued by local government.
 81. Keeping pigeon or other birds in a manner causing danger to air traffic.
 82. Selling of any diseased animal, article or other thing which is unwholesome or unfit for human food, drink or medicine.
 83. Failure to comply with the requirements of a notice issued under the Ordinance or rules or bye-laws.
 84. Contravention of the prohibition or attempt or abetment of any of the offences in this part.

The FOURTH SCHEDULE

(See section 287)

RULES

1. Cantonments local government (Conduct of Business) Rules
2. Cantonments local government (Imposition and Recovery of Taxes) Rules
3. Cantonments local government (Tax on Immoveable Property) Rules
4. Cantonments local government (Tax on Transfer of Immoveable Property) Rules
5. Cantonments local government Servants (Service) Rules
6. Cantonments local government (Budget) Rules
7. Cantonments local government (Accounts) Rules
8. Cantonments local government (Internal Audit) Rules

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14. Cantonments local government
15. Cantonments local government
16. Administration
17. Citizen Commune
18. Any other rules

1. Regulating traffic
2. Regulating traffic and other public
3. The manner between sun
4. Prohibiting materials or
5. Prevention a
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7. Regulating scaffolding unwielding conveyance
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9. Cantonments local government (Property) Rules
10. Cantonments local government (Contracts) Rules
11. Cantonments local government (Works) Rules
12. Cantonments local government (Monitoring) Rules
13. Cantonments local government (Milk Supply Scheme) Rules
14. Cantonments local government (Training) Rules
15. Cantonments local government (Appeals) Rules
16. Administration of Military Lands in Cantonments Rules
17. Citizen Community Board Rules
18. Any other rules necessary for implementation of this Ordinance

The FIFTH SCHEDULE

(See section 288)

BYE-LAWS

1. Regulating traffic of all kinds in street and other public places.
2. Regulating the conditions under which vehicles may remain standing in streets and other public places.
3. The manner in which vehicles standing, driven, led or propelled in the street between sunset and sunrise shall be lighted.
4. Prohibiting except in accordance with such orders the placing of building materials or other articles in any street or public place.
5. Prevention and removal of encroachments.
6. Prohibiting the hanging or placing of any cord or poll across a street or part thereof or the making of a projection of structure so as to obstruct traffic or the free access of light and air.
7. Regulating and controlling the manner and mode of conveying timber, scaffolding poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the street and the route and hours for such conveyance.
8. The seizure and confiscation of ownerless animals.
9. Regulation of grazing of animals and charging fee therefor.
10. Picketing, fastening or detention of any animal in any street or public place.
11. Specifying certain hours of the day during which the cattle shall not be driven, or as the case may be, driven only in accordance with such orders along the street or along certain specified streets.

12. The regulation or prohibition of the stabling or herding of animals or any class of animals, so as to prevent danger to public health.
13. Regulation of sale and control of cattle and animals.
14. Animal husbandry and milk supply.
15. Regulating the leading, driving, conducting or conveying of any wild or dangerous animals through or in any street.
16. Segregation in, or the removal, or exclusion from the cantonment or the destruction of animals suffering or reasonably suspected to be suffering from any infectious or contagious disease.
17. Regulation of the use of public parks, gardens, open spaces and other places, and the protection of forests, avenues, trees and grass, and other plantation.
18. Prevention of adulteration of foodstuffs.
19. The manner in which connection with water-works may be constructed or maintained and the agency which shall or may be employed for such construction and maintenance.
20. Tampering with any main, pipe, or any apparatus or appliance for the supply of water.
21. Fixing of any bill, notice, placard, or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by the local government but also ensuring that such advertisements do not cause any distraction or obstruction to traffic.
22. Erection of any enclosure, fence, tent, awning, or other temporary structure of whatever material or nature on any land.
23. Fixing of wooden khokhas, plying of hand carts for the sale of goods, and temporary or permanent shops or extensions thereof on foot paths or beyond the street line.
24. Closing certain streets or places temporarily, in case of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable.
25. Guarding against injury to person and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the general public.
26. The prevention and extinction of fire.
27. Prohibiting the setting of fire to or burning of any straw or other matter, or lighting a bonfire or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up fire balloon or rocket in or upon a street or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination except in accordance with orders in this behalf.
28. Controlling or, in order to prevent obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting:-
 - (i) the illumination of streets and public places and the exterior of building by persons other than government servants or any person duly authorized in that behalf;
 - (ii) the blasting of rockets or making excavation in or near streets or public places; and

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(iii) the use of loudspeaker in or near any public place or public entertainment.

29. Regulation of burial and cremation places.
30. Regulation of markets.
31. Slaughter of animals and maintenance of slaughter houses.
32. The fixing and regulation of public bathing and washing places.
33. Regulation and control of encamping grounds, serais, hostels, dak-bungalows, lodging houses, buildings let in tenements, residential clubs, restaurants, cafes, refreshment rooms, and places of public recreation, entertainment or resort.
34. The matters regarding which conditions may be imposed by licences granted under section 154.
35. Prevention of air, water, noise and soil pollution.
36. Regulation in any manner of the construction, alteration, maintenance, preservation, cleaning and repairs of drains, ventilation shafts, pipes, water closets, privies, latrines, urinals, cess pools, and other draining works.
37. Flow and drain to be put on a street or public place or into an irrigation channel or any sewer or drain not set apart for the purpose.
38. Use of sewer water for farming.
39. Throwing or placing any refuse on any street, or in any place not provided or appointed for the purpose.
40. Specifying certain hours of the day during which odours or offensive matter or objects shall not be taken from or into houses or buildings in certain street or conveyed through such streets except in accordance with such orders.
41. Dyeing or tanning animal skins.
42. Disposal of carcasses of animals.
43. Watering cattle or animals or bathing or washing at or near a well or other source of drinking water for the public.
44. Prevention of the spread of infectious or contagious diseases.
45. Preventing obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity and prohibiting the playing of music, the beating of drums, or other instruments and blowing or sounding of horns or other noisy instruments in or near street or other public places.
46. Prevention and abatement of nuisances.
47. Dangerous and offensive trades and articles.
48. Preventing obstruction, inconvenience, annoyance, risk, danger or damage to the residents or passengers in the vicinity, prohibiting the carrying in street and public places of gun-powder or any other explosive substance or any dangerous or hazardous material.
49. Dangerous buildings and structures.
50. Registration of births, deaths and marriages.
51. Zoning, master planning and buildings.
52. Local government (community development).
53. Registration, management and regulation of orphanages, widow homes, senior citizens homes, homes for the mentally ill and women in distress.
54. Prevention of beggary, juvenile delinquency and other social evils.

55. Regulation of libraries.
56. Organization and regulation of fairs, shows, tournaments and other public gatherings.
57. The regulation of the collection and recovery of taxes, tolls, charges and fees under this Ordinance and their refund.
58. Local government (Elective officials remuneration and allowances).
59. Excavation of earth, stone or any other material.
60. Regulation of supply of copies of official documents and prescribing the fee payable in respect of thereof.
61. Generally for the regulation of the administration of cantonment under this Ordinance.

GENERAL
PERVEZ MUSHARRAF,
President.

MR. JUSTICE
MANSOOR AHMAD,
Secretary.