



# THE CANTONMENTS ORDINANCE, 2002



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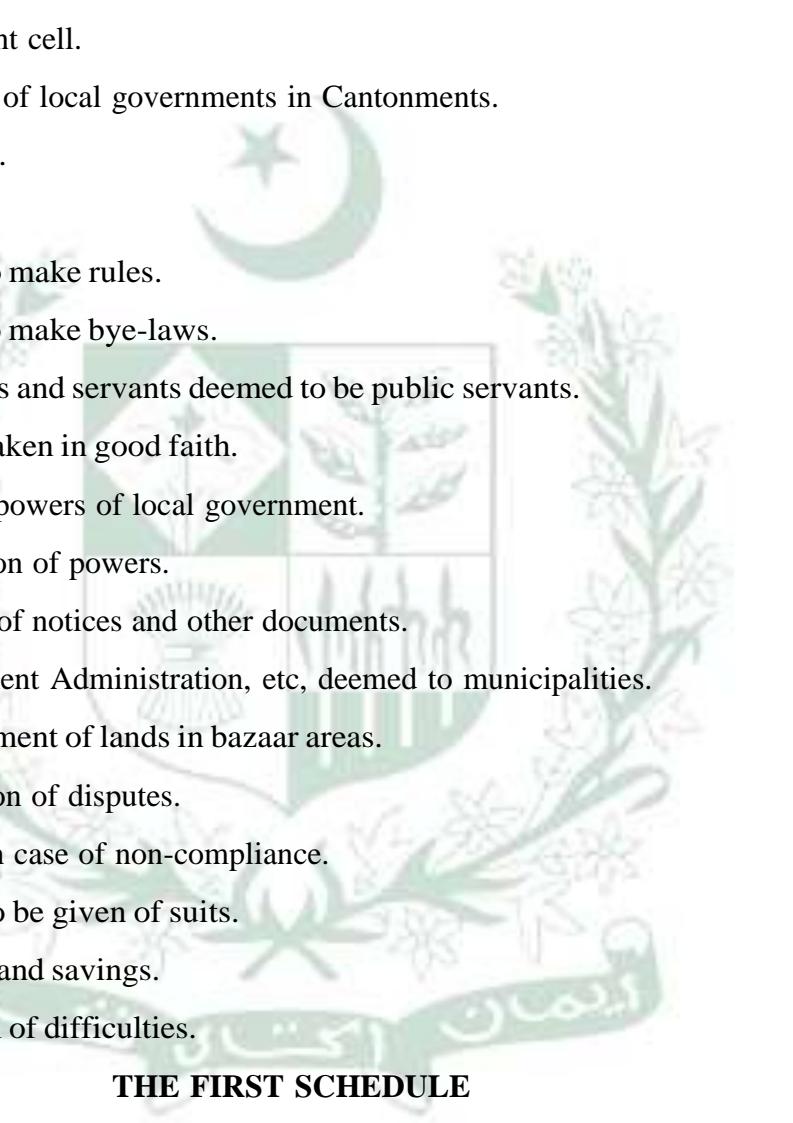
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# THE CANTONMENTS ORDINANCE, 2002

## ORDINANCE NO. CXXXVII OF 2002

[3<sup>rd</sup> December, 2002]

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

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 or 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;

\*Clauses (XIII) and (XLIV) of s. 2 and s. 10, 11, 17, 57 to 62, 64, 65, 67 to 88 shall come into force w.e.f., 1-7-2003 vide SRO No. 686(I) 103, date 03-07-2003.

- (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 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 dairy-man 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 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 (1 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) a Cantonment Board and Cantonment Administration; and
  - (b) a Union Council and a Union Administration.
- (xxxii) “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;
- (xxxiii) “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;
- (xxxiv) “member” means an elected or a nominated member of a Union Council, or the Board, as the case may be;
- (xxxv) “Military Estate Officer” means the officer appointed by the Federal Government to perform the duties of the Military Estate Officer under this Ordinance;
- (xxxvi) “*muaziaat or dehs*” means revenue estates declared as such under the Local Revenue Act, 1967 (W.P. Act XVII of 1967);
- (xxxvii) “municipal offences” means the offences specified in the Third Schedule;
- (xxxviii) “municipal services” include water supply, sanitation, conservancy; removal and disposal of sullage, 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;
- (xxxix) “Naib Nazim” means, Naib Union Nazim;
- (xl) “Nazim” means Union Nazim;

- (xli) “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;
- (xlvi) “occupier” includes an owner in occupation of, or otherwise using his own land or building;
- (xlvi) “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;
- (xlv) “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;
- (xlvi) “peasant” means a person who is landless farm worker or one who during the period offive 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;
- (xlvi) “prescribed” means prescribed by rules made under this Ordinance;
- (xlvi) “President” means President of the Board;
- (xli) “public place” means any building, premise or place to which the public have access;
- (l) “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;
- (li) “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;
- (lii) “Schedule” means a schedule to this Ordinance;
- (liii) “slaughter house” means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;
- (liv) “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 havea right of way and also the road way or foot way;

- (iv) “street line” means a line dividing the land and forming part of a street from adjoining land;
- (lvi) “tax” for purposes of imposition and recovery includes taxes, toll or other impost leviable under this Ordinance;
- (lvii) “Union” means a local area notified as such under section 11;
- (lviii) “Union Administration” includes the Union Nazim, Union Naib Nazim, Union Secretaries and employees of the Union;
- (lix) “Vice-President” means the Vice-President of the Board;
- (lx) “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;
- (xi) “work” also includes a survey whether incidental to any other work or not ; and
- (lxii) “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).

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## 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 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 cases 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 or 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

<sup>1</sup>[**10. Local areas.** For the purposes of this Ordinance, local area shall be the whole of cantonment.]

**<sup>1</sup>[11. Delimitation of wards of a cantonment.]**—(1) The Election Commission shall delimit a cantonment into wards in such a way that the number of wards is equal to the number of members to be elected on general seats of a Cantonment Board specified under section 13A of the Cantonments Act; 1924 (II of 1924).

(2) For the purposes of delimitation of wards of a cantonment,

- (a) a ward shall consist of a village or revenue estate or census block or adjoining census blocks as determined for purposes of the last preceding census or delimited and notified as such by the Election Commission;
- (b) the boundaries, of a ward shall not cross the limits of the cantonment; and
- (c) the population of wards within a cantonment shall, as far as possible, be uniform.

(3) The wards of a cantonment shall be delimited in accordance with this Ordinance and the rulesmade thereunder. As far as possible, principles of delimitation as laid down under the Delimitation of Constituencies Act, 1974 (XXXIV of 1974), the rules made thereunder or any other law for the time being in force shall be followed.]

**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.

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<sup>1</sup>Subs. by Act XX of 2015, ss-2-3.

## 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;
- (b) to formulate strategies for development of municipal infrastructure and improvement of delivery of the municipal services in the cantonment;
- (c) to oversee formulation of the long term and annual municipal development programmes;
- (d) to oversee the delivery of services by the Cantonment Administration and implementation of the laws governing the municipal services;
- (e) to supervise the utilization of the funds allocated to the Cantonment Administration and to ensure their proper accounting; and
- (f) 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 of 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, 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 be with the Cantonment Administration.

**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,
- (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.

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<sup>1</sup>Omitted by Act XX of 2015, s. 4.

## CHAPTER IV

### **CANTONMENT BOARD**

**20. Composition of Cantonment Board.**— (1) For every Cantonment there shall be a CantonmentBoard, 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:

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.

**26. Functions and powers of the Cantonment Board.** The functions and powers of the Cantonment Board shall be

- (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 codeof conduct for regulating the conduct of the members of the Board.

**27. Conduct of business of the Board.**—(1) The Board shall regulate its business and of its Committees in accordance with rules made by the Government.

(2) The Board shall meet at least once in every month. However, the President may, whenever he thinks fit, and shall, upon a requisition in writing by not less than one-fourth of the members of the Board, convene a special meeting.

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

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.

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## 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 co-operate 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 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 desilting 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; and
- (n) assist Cantonment Administration in establishment and maintenance of burial and cremation places;

**33. Entrustment of functions by Cantonment Administrations, 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 andbuilding 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 byelection.

(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 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 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 Musalihat 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 effects 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.

(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.

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## 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; and
- (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.

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## 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 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 about 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

<sup>1</sup>[**57. Franchise.**— (1) The election of members to be elected on general seats of a Board

shall beheld on the basis of single member constituency and adult franchise through secret ballot.

(2) Members to the seats reserved for women, peasants, youth, workers and non-Muslims shall be elected in the prescribed manner by members of the Board elected in accordance with sub-section (1).]

**58. Authority for local government elections.**—(1) <sup>1</sup>[An election to a Board under this Ordinance shall be conducted by the Election Commission in accordance with the] 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.

\* \* \* \* \*

<sup>1</sup>[(2) The Election Commission shall, on receipt of a request in writing from the Federal Government, issue a programme for the conduct of elections in the cantonment Boards and shall fix the dates for filing of nomination papers; scrutiny, allotment of symbols and poll, etc.]

<sup>1</sup>[(3)] The <sup>1</sup>[Election Commission] may authorize any of its officers to exercise any of its powers and to perform any of its functions under this Ordinance.

<sup>1</sup>[(4) The Election Commission shall appoint as many returning officers and assistant returning officers as it may deem necessary, from amongst its own officers, the Federal Government, the provincial Government or an entity controlled by such government.

(5) The Election Commission may issue any direction or instruction to carry out the effective implementation of the provisions of this Ordinance for the conduct of local government elections in the Cantonment Boards.]

**<sup>1</sup>59. Indirect elections.**— Election to the seats reserved for women, peasants, youth, workers and non-Muslims shall immediately be held after the notification of the names of returned candidates on general seats.

(2) The members against seats reserved for women, peasants, youth, workers and non-Muslims shall be elected through secret ballot by the directly elected members.

(3) The elected members of a Board shall, amongst themselves, elect through secret ballot a vice-president of that Board.]

**60. Qualifications for candidates and elected members.**— (1) A person shall qualify to be elected <sup>1</sup>[or to be chosen] 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 <sup>1</sup>[and, in case for reserved seats, in any electoral area of that Board];

<sup>1</sup>[(d) he is sagacious, righteous, non-profligate, honest and *ameen*, there being no declaration to the contrary by a court of law;]

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<sup>1</sup>Subs. Omitted. Ins. Renumbered and added by Act XX at 2015, ss. 5-8.

<sup>1</sup>[(e) \* \* \* \* \* \*]

- (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, 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;

<sup>1</sup>[(k) \* \* \* \* \* \*]

- (l) has not been sentenced to imprisonment for more than <sup>1</sup>[two years] 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 <sup>1</sup>[Board] of which he is a member;
- (p) does not absent himself without reasonable cause from three consecutive meetings of the <sup>1</sup>[Board] 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;

<sup>1</sup>[(q) \* \* \* \* \* \*]

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<sup>1</sup>Omitted and subs. by Act XX of 2015, s. 8.

- (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 <sup>1</sup>[Election Commission] to have contravened the provisions of sub-section (1) shall stand disqualified from being a candidate for election to a <sup>1</sup>[Cantonment Board] for a period of four years; or
- (b) having been elected as a member of <sup>1</sup>[Cantonment Board] or being a holder of an elective office of a <sup>1</sup>[Cantonment Board] is found by the <sup>1</sup>[Election Commission] 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 <sup>1</sup>[Cantonment Board] for a period of four years.

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

<sup>1</sup>[62. \* \* \* \* \* \* \*]

**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 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.

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<sup>1</sup>Subs. and Omitted by Act XX of 2015, s.s 8-9.

(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.

**<sup>1</sup>[64. Electoral rolls.]**— The Election Commission shall prepare electoral rolls in accordance with the provisions of the Electoral Rolls Act, 1974 (XXI of 1974) and rules made thereunder, for the purposes of elections in the Cantonment Boards on general seats.

(1) The Election Commission may issue directions to adjust the electoral rolls or cause to prepare an electoral roll for any area forming part of a Cantonment Board.]

**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.

**<sup>1</sup>[67. Term of office.]**(1) Subject to the provisions of this Ordinance, a member of a Board shall hold office for a period of four years from the date of oath:

Provided that notwithstanding the expiry of his term, a member shall continue to function as member until the election or, as the case may be, nomination of his successor is notified under sub-section (5) of section 13A of the Cantonments Act, 1924 (II of 1924).

(2) The term of office of an *ex-officio* member of a Board shall continue so long as he holds the office by virtue of which he is such a member.

(3) The term of office of a member elected through bye-election held to fill a casual vacancy shall be the remaining period of that seat against which he has been elected.]

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<sup>1</sup> Subs. by Act XX of 2015, ss. 10-11

**68. Oath of office.** The <sup>1[\*]</sup> Vice-Presidents, <sup>1[\* \* \*]</sup> 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, <sup>1[\* \* \*]</sup> or the Vice-President, the President may issue a notice to show cause to a member, <sup>1[\* \* \*]</sup> 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 <sup>1[shall submit the enquiry report along with his comments to the Election Commission for final decision through the Ministry of Defence]</sup>

Provided that before an order of removal is passed the member, <sup>1[or] 1[\* \* \*]</sup>, Vice-President against whom enquiry proceedings are carried out shall be afforded a reasonable opportunity of being heard including personal hearing if so requested.

**1[70. Resignations of elected members.]**—(1) An elected member of the Board may resign from his office by writing under his hand addressed to the President, whereupon the resignation shall be deemed to have been accepted and effective forthwith.

(2) Copies of all resignations under sub-section (1) shall be forwarded by the President to the Election Commission and the Federal Government.

(3) Notwithstanding the resignation of a member under sub-section (1), the proceedings for his removal, if any, under section 69 already initiated shall not abate.]

**71. Ineligibility for re-election.** Where a member or <sup>1[\* \* \*]</sup> Vice-President has been removed <sup>1[,]</sup> or recalled <sup>1[or disqualified]</sup> he shall not be eligible for re-election to any office of <sup>1[Board]</sup> for a period of four years.

**72. Notification to be issued.** The <sup>1[Election Commission]</sup> shall notify every election, by-election and result of such elections and resignation, removal or recall of a member, <sup>1[or]</sup> 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.

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<sup>1</sup> Omitted, Subs. and Ins. by Act XX of 2015, ss. 12-16.

**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 immoney 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;
- (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; and
  - (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 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 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 ballotpaper 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 theprocedure 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 imprisonmentwhich 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 thecandidate 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 candidatefor 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 aduty 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 to 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 of 1898).

**[87. Jurisdiction of courts]** No court shall question the legality of any action taken in good faith by or under the authority of the Election Commission, the Commissioner, a returning officer, presiding officer or an assistant presiding officer or any decision given by any of them or any other officer or authority appointed under this Ordinance or the rules made thereunder.]

**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.

**[88A. Removal of difficulties.]** (1) If any difficulty arises in giving effect to any of the provisions in this chapter of this Ordinance as in force, the Election Commission may make such orders, directives or instructions for the removal of difficulty as it may deem fit.

(1) The provision of this section shall come into force at once, notwithstanding sub-section (3) of section 1.

**88B. Overriding effect.**— (1) The provisions of this Ordinance as amended by the Cantonments (Amendment) Ordinance, 2015 (VI of 2015) shall have effect, notwithstanding anything contained in the Cantonments Act, 1924 (II of 1924) or any other law for the time being in force.

(2) The provision of this section shall come into force at once, notwithstanding sub-section (3) of section 1.]

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<sup>1</sup>Subs. and Ins. by Act XX of 2015, ss 17-18.

## CHAPTER X

### SUPERVISION AND CONTROL

**89. Power of Government to require production of documents.** The Federal Government 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 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—

- (a) achievement of its targets;
- (b) responsiveness to citizens difficulties;
- (c) efficiency in the delivery of services; and
- (d) transparent functioning.

(4) The Monitoring Committees shall submit their quarterly reports to the respective Boards or councils which may through a resolution require the Cantonment Administrator to take necessary action.

(5) The Monitoring Committees shall function without intruding and interfering in the day to day working of the offices of the local governments and shall not cause any harassment to the functionaries thereof, nor shall assume command and control of such offices.

(6) Notwithstanding any punishment provided in any law for the time being in force, any member of the Monitoring Committee violating the provisions of sub-section (4) and sub-section (5) shall be removed from the Monitoring Committee by the respective Board or council.

(7) Any functionary being aggrieved of any misbehaviour, undue interference, harassment or misconduct by a member or members of a Monitoring Committee may report to the Ethics Committee of the concerned local government and may invoke disqualification proceedings against such member or members.

(8) The concerned Monitoring Committee may recommend to the President the payment of bonuses or performance pay to the functionaries of the local governments in recognition of their efficient performance, subject to availability of funds for this purpose.

(9) The concerned Monitoring Committee may identify inefficiency or corruption of functionaries of local governments and report to the President for appropriate action and remedial measures and the President shall inform the concerned Board or council within thirty days of the action taken by him.

**100. Code of Conduct Committees of the Union Councils and the Board.**—(1) There shall be an Ethics Committee of each Union Council and Board, consisting of such number of members as the Union Council or the Board may determine.

(2) The Ethics Committee shall ensure adherence of all members of the Union Councils and the Boards, Vice-Presidents, Nazims and Naib Nazims to the prescribed code of ethics for promoting their honest, responsible and efficient functioning and behaviour.

(3) The Ethics Committee shall monitor the conduct of the members and report to the concerned Union Council and the Board the incidents of inefficiency and corruption.

(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 night soil 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.

**103. 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 the Provincial 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 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 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 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 armor 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 neighborhood 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 neighborhood, 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 control of dogs.**— (1) A Board may make bye-laws to provide for the registration of all dogs kept within such area or of 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; and
  - (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 restrain 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.

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## 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 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 therewith 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 watercourse 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 maybe 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 or any servile 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 employ such staff for the purpose as may be necessary or as may be specified by the Cantonment Administration; or
    - (e) 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 arrangement 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 building 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 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 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, 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, leivable 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 licenced 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 or 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.

(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 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 diseases 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 licenced 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 licenced;
- (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 miex 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 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 of 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, butter men 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 (otherthan 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 gain 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 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 license, 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 with obtaining a licence therefore or while the licence therefore 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-laws, define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous and such bye-laws, 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 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 claim, 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.

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## 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, statistic 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.

(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 Administration may require and enforce the demolition of unauthorized structures and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

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

## BUILDING AND LAND USE CONTROL

**173. Sanction of buildings.** No person shall erect or re-erect a building or commence to erect or re-erect a building on any land in a local area except with the previous sanction of the Cantonment Administration nor otherwise than in accordance with the provisions of this Ordinance and of the rules and the bye-laws made under this Ordinance relating to the erection and re-erection of buildings.

**174. Notice for new buildings.**—(1) Whoever intends to erect or re-erect any building in a local area shall apply for sanction by giving notice in writing of his intention to the Cantonment Administration.

(2) For the purposes of this Ordinance, a person shall be deemed to erect or re-erect a building who—

- (a) makes any material alteration or enlargement of any building;
- (b) converts into a place for human habitation any building not originally constructed for that purpose;
- (c) converts into more than one place for human habitation a building originally constructed as one such place;
- (d) converts two or more places for human habitation into one such place or into greater number of such places;
- (e) converts a building or a site or land meant for one particular use or in one particular zoning area into any other use or a use meant for another zoning area;
- (f) converts into a stable, cattle-shed or cow-house any building originally constructed for human habitation;

- (g) makes any alteration which there is reason to believe is likely to affect prejudicially the stability or safety of any building or the condition of any building in respect of drainage, sanitation or hygiene; or
- (h) makes any alteration to any building which increases or diminishes the height of, or area converted by, or the cubic capacity of, the building, or which reduces the cubic capacity of any room in the building below the minimum prescribed by any bye-laws made under this Ordinance.

**175. Conditions of valid notice.—**(1) A person giving the notice required by section 174 shall specify the purpose for which he intends to use the building.

(2) Where a plan to re-lay a street has been approved by the Cantonment Administration, a person who intends to erect or re-erect a building or commences to erect or re-erect a building shall adopt the approved building or street line and for this purpose any space required to be left vacant shall vest in the 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 stories 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 onland 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 consequence 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, 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 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, watercourse 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 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 immovable 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 to 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 sunrise.

**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, metalized, drained, channeled, approved or lighted in such manner as may be specified and in the event of default, the Cantonment 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 and hedges any material or description shall be erected in such parts of the local areas as are 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 neighborhood 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 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 maybe 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 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.

## 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, authorize 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; and
- (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.

**210. Power to enter land adjoining land where work is in progress.—**(1) An officer authorized by the Cantonment Administration may, with or without assistants or workmen, enter on any land within fifty yards of any work authorized by or under this Ordinance for the purpose of depositing thereon any soil, gravel, stone or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on of the same.

(2) The authorized officer shall, before entering on any land under sub-section (1) give the occupier, or, if there is no occupier, the owner not less than three days previous notice in writing of his intention to make such entry, and shall state the purpose thereof, and shall, if so required by the occupier or the owner, fence off so much of the land as may be required for such purpose.

(3) The authorized officer shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Cantonment Administration to the owner or occupier of such land, or to both, for any such damage whether permanent or temporary.

**211. Breaking into premises.** It shall be lawful for any person, authorized by or under this Ordinance to make any entry into any place to open, or cause to be opened any door, gate or other barrier—

- (a) if he considers the opening thereof necessary for the purpose of such entry; and
- (b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

**212. Entry to be made in the day time.** Save as otherwise expressly provided in this Ordinance, no entry authorized by or under this Ordinance shall be made except between the hours of sunrise and sunset.

**213. Owner's consent ordinarily be obtained.** Save as otherwise expressly provided in this Ordinance, no building or land shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof, and no such entry shall be made without giving the said occupier or owner, as the case may be, not less than four hours written notice of the intention to make such entry:

Provided that no such notice shall be necessary if the place to be inspected is a factory or workshop or trade premises or a place used for carrying on any trade, calling, or occupation or a stable for horses, or cattle shed or a latrine, privy, or urinal or a work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered in that place in contravention of this Ordinance, or any bye-law made thereunder.

**214. Regard to be had to social and religious usages.** When any place used as a human dwelling is entered under this Ordinance, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of a female shall be entered to break open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

## CHAPTER XVIII

### 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 authorize 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 byelaws; 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 cognisance 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 cognisance 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 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.

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## 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 authorized 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, 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 subsection (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.**— 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 K 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 bye-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 such data collection.

(3) The Cantonment Administrations shall provide reports to the Government in accordance with time frames and methodology for the flow of funds prescribed by the Government.

**234. Application of funds.**— (1) The monies credited to a Cantonment Funds 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.

(7) Conditional grants shall be shown separately in the budget and shall be governed by conditions agreed therein.

(8) The proposed budgetary requirements of a Union Administration shall be provided to the Cantonment Administration by the Union Administration after approval of the Union Council.

(9) The Cantonment Administration shall accommodate the Unions requirements to the extent possible keeping in view the resources and the priorities.

(10) A Cantonment Administration shall re-appropriate budgetary provisions in accordance with the re-appropriation powers delegated to it by the respective Board:

Provided that at the end of a financial year a full statement of all re-appropriations made shall be submitted to the Board.

**237. Approval of budget.—**(1) Following the presentation of the Federal budget but, before the commencement of the next financial year, each Cantonment Administration shall, present the budget for approval by the respective Board before the beginning of such financial year:

Provided that the charged expenditure may be discussed but shall not be voted upon by the Board.

(2) When a Cantonment Administration assumes office for the first time, it may within ten weeks, present to the respective Board a budget for the remaining part of the financial year for approval.

(3) The budget of a Cantonment Administration, on presentation before the Board, may be referred to the Finance and Accounts Committee of the Board for detailed scrutiny and recommendation to the Board.

(4) The budget of a Cantonment Administration shall be approved by simple majority of the total membership of the respective Board.

(5) A budget shall not be approved if—

- (a) the sums required to meet estimated expenditures exceed the estimated receipts; and
- (b) the constraints specified in section 278 have not been complied with.

(6) No other business shall be taken up by a Board during the budget session.

(7) After approval by the Board, the respective Cantonment Administrator shall authenticate by his signature a Schedule specifying the—

- (a) grants made or deemed to have been made by the Board; and
- (b) the several sums required to meet the expenditure charged upon the Cantonment Fund.

(8) The Schedule so authenticated shall be laid before the Board, but shall not be open to discussion or vote thereon.

(9) The Schedule so authenticated shall be communicated to the respective Accounts Officer as specified in section 240 of this Ordinance and the Government

(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.** 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; and
- (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 a 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
- (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; and
- (c) if the property is unlet, upon the person in whom the right to let the same vests.

(3) On failure to recover 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.

**252. Publication of assessment list.** When the assessment list has been prepared, the Cantonment Administration shall give public notice thereof, and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee or occupier of any property included in the list, and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom free of charge.

**253. Revision of assessment list.**— (1) The Cantonment Administration shall, at the same time, give public notice of a date, not less than one month thereafter, when it will proceed to consider the valuations and assessments entitled in the assessment list, in all cases in which any property is for the first time, assessed or the assessment is increased.

(2) An objection to a valuation or assessment shall be made in writing to the Cantonment Administrator before the date fixed in the public notice, and shall state in what respect the valuation or assessment is disputed, and all objections so made shall be recorded in a register to be kept for the purpose by the Cantonment Administration.

(3) The objections shall be inquired into and investigated, and the persons making them shall be allowed an opportunity of being heard either in person or by authorized agent, by the Cantonment Administrator.

**254. Authentication of assessment list.**— (1) When all objections made under section 253 have been disposed of, and the revision of the valuation and assessment has been completed, the assessment list shall be authenticated by the signature of the Cantonment Administrator who shall, at the same time, certify that all objections made, have been duly considered and the list has been amended so far as is required by the decisions on such objections.

(2) The assessment list so authenticated shall be deposited in the office of the Cantonment Administration, and shall there be open, free of charge, during office hours to all owners, lessees and occupiers of property comprised therein or the authorized agents of such persons, and a public notice that it is so open shall forthwith be published.

**255. Evidentiary value of assessment list.** Subject to such alterations as may thereafter be made in the assessment list under the provisions of this Ordinance and to the result of any appeal made thereunder, the entries in the assessment list authenticated and deposited as provided in section 254 shall be accepted as conclusive evidence,—

- (a) for the purpose of assessing any tax imposed under this Ordinance, of the annual value or other valuation of all buildings and lands to which such entries respectively refer ; and
- (b) for the purposes of any tax imposed on buildings or lands, of the amount of each such taxlivable thereon during the year to which such list relates.

**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 finalized 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 produce 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 or 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 or refunded as would have been remitted or refunded if the tenement 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 reoccupation 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 building or land and belonging to the person liable for such tax or penalty.

**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 information 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 annual 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 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 developmentscheme with concerned Cantonment Administration; and
- (c) the complete estimates and the proof of deposit of the Citizen Community Board'scontribution 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 to 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 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 Administration 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; and
- (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 clarity; and
- (d) natural justice and due process of law.

**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 function shall exercise such powers which are necessary and appropriate of 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.

**296. Resolution of disputes.**— (1) A matter of disputes between the local governments within the cantonment areas shall be resolved by the Competent Authority whose decision shall be final.

(2) Disputes between local governments in a cantonment and those outside shall be resolved by the Federal Government or an Officer appointed by the Federal Government and decision thereon in this behalf shall be final.

**297. Action in case of non-compliance.** In the event of non-compliance with the terms of any notice, order or requisition issued to any person under this Ordinance, or any rule or bye-law made thereunder, requiring such person to execute to any work or to do any act, it shall be lawful for the Cantonment Administration, whether or not the person in default is liable to punishment for such default or has been prosecuted or sentenced to any punishment therefore, after giving notice in writing to such person to take such action or such steps as may be necessary for the completion of the act or work required to be done or executed by him, and all the expenses incurred on such account shall be receivable by the Cantonment Administration as arrears of tax.

**298. Notice to be given of suits.**— (1) No suit shall be instituted against any Board or against any member of a Board, or against any officer or servant of a Cantonment Administration, in respect of any act done, or purporting to have been done, in pursuance of this Ordinance or of any rule or bye-law made thereunder, until the expiration of two months after notice in writing has been left at the office of the Cantonment Administration, and, in the case of such member, officer or servant, unless notice in writing has also been delivered to him or left at his office or place of abode, and unless such notice states explicitly the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff, and unless the plaint contains a statement that such notice has been so delivered or left.

(2) If the Board, member, officer or servant of the Cantonment Administration has, before the suit is instituted, tendered sufficient amends to the plaintiffs, the plaintiff shall not recover any sum in excess of the amount so tendered, and shall also pay all costs incurred by the defendant after such tender.

(3) No suit, such as referred to in sub-section (1), shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be instituted after the expiry of six months from the date on which the cause of action arises.

(4) Nothing in sub-section (1) shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit or proceeding.

**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.

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## THE PAKISTAN CODE

## **THE FIRST SCHEDULE**

(See section 243)

### **TAXES, TOLLS, DUTIES, RATES, CHAGES 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 otherpublic 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 publicplaces 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, 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 dying 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□

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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.

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### 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 licence 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 to 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 maybe 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 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. Willfully 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 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 throughs 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.
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 otherarticles 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 therefore.
- 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
  - (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 remunerations 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.

## THE PAKISTAN CODE