

89. If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty:

Removal of difficulties

Provided that no such order shall be made after the expiration of two years from the coming into force of this Ordinance.

THE FIRST SCHEDULE

FUNCTIONS OF UNION PARISHADS AND VILLAGE POLICE

PART I - Functions of Union Parishads

(See section 30)

- (1) Provision and maintenance of public ways and public streets.
- (2) Provision and maintenance of public places, public open spaces, public gardens and public play-grounds.
- (3) Lighting of public ways, public streets and public places.
- (4) Plantation and preservation of trees in general, and plantation and preservation of trees on public ways, public streets and public places in particular.
- (5) Management and maintenance of burning and burial grounds, common meeting places and other common property.
- (6) Provision and maintenance of accommodation for travellers.
- (7) Prevention and regulation of encroachments on public ways, public streets and public places.
- (8) Prevention and abatement of nuisances in public ways, public streets and public places.

- (9) Sanitation, conservancy, and the adoption of other measures for the cleanliness of the union.
- (10) Regulation of the collection, removal and disposal of manure and streets sweepings.
- (11) Regulation of offensive and dangerous trades.
- (12) Regulation of the disposal of carcasses of dead animals.
- (13) Regulation of the slaughter of animals.
- (14) Regulation of the erection and re-erection of buildings in the union.
- (15) Regulation of dangerous buildings and structures.
- (16) Provision and maintenance of well, water pumps, tanks, ponds and other works for the supply of water.
- (17) Adoption of measures for preventing the contamination of the sources of water-supply for drinking.
- (18) Prohibition of the use of the water of wells, ponds and other sources of water-supply suspected to be dangerous to public health.
- (19) Regulation or prohibition of the watering of cattle, bathing or washing at or near wells, ponds or other sources of water reserved for drinking purposes.
- (20) Regulation or prohibition of the steeping of hemp, jute or other plants in or near ponds or other sources of water-supply.
- (21) Regulation or prohibition of dyeing or tanning of skins within residential areas.
- (22) Regulation or prohibition of the excavation of earth stones or other material within residential areas.

- (23) Regulation or prohibition of the establishment of brick kilns, potteries and other kilns within residential areas.
- (24) Voluntary registration of the sale of cattle and other animals.
- (25) Holding of fairs and shows.
- (26) Celebration of public festivals.
- (27) Provision of relief measures in the event of any fire, flood, hail-storm, earthquake or other natural calamity.
- (28) Relief for the widows and orphans, and the poor, and persons in distress.
- (29) Promotion of public games and sports.
- (30) Industrial and community development; promotion and development of co-operative movement and village industries.
- (31) Adoption of measures for increased food production.
- (32) Provision for management of environment.
- (33) Provision for maintenance and regulation of cattle pounds.
- (34) Provision of first-aid centres.
- (35) Provision of libraries and reading rooms.
- (36) Co-operation with other organisations engaged in activities similar to those of the Union Parishad.
- (37) Aid in the promotion of education under the direction of the¹[Deputy Commissioner].

¹ The words “Deputy Commissioner” were substituted for the words “Upazila Parishad” by section 24 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993).

- (38) Any other measures likely to promote the welfare, health, safety, comfort or convenience of the inhabitants of the union or of visitors.

PART II - Powers and duties of Village Police.

(See section 31)

Every member of the village police, by whatever name called or howsoever designated, shall exercise the powers and discharge the duties enumerated hereunder:-

- (1) He shall keep watch and ward in the union.
- (2) He shall assist the police to the best of his ability in all matters connected with the prevention and detection of crime, and the apprehension of offenders.
- (3) He shall assist the Chairman and the Union Parishad in the performance of their official functions.
- (4) He shall, unless otherwise provided, report in person on the state of his beat once a fortnight to the Officer-in-Charge of the police-station within the limits of which the union is situated.
- (5) He shall observe and from time to time report to the Officer-in-Charge of the police-station the movement of all bad characters in the union, and shall report the arrival of suspicious characters in the neighbourhood.
- (6) He shall report to the Officer-in-Charge of the police-station such information as he may obtain respecting any person found lurking in the union, who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself.
- (7) He shall keep the Officer-in-Charge of the police-station informed of all disputes which are likely to lead to any riot or serious affray, and of all intelligence he receives affecting the public peace in the union.

- (8) He shall report to the Officer-in-Charge of the police-station any information he may obtain respecting the commission of or intention to commit, any of the following offences in the union, that is to say:-
- (a) rioting;
 - (b) concealment of birth by secret disposal of dead-body;
 - (c) exposure of a child;
 - (d) mischief by fire;
 - (e) mischief to animals by poisoning;
 - (f) attempt to commit culpable homicide or suicide; and
 - (g) attempt to commit or abet the commission of any of the above offences.
- (9) He shall, to the best of his ability, prevent, and he may interpose for the purpose of preventing the commission of, any offence specified in paragraph (8), or any other cognizable offence.
- (10) He shall maintain a Birth and Death Register and shall report all births and deaths within his beat to the Union Parishad.
- (11) He shall immediately give information to the Union Parishad of the outbreak of any epidemic or infectious disease among human beings or animals or crop disease, or pest attack.
- (12) He shall immediately give information to the Union Parishad of damage to any embankment or irrigation work.
- (13) He shall supply any local information required for official purposes.
- (14) He shall assist the village revenue officials in the collection and recovery of rent or land development taxes, rates, fees and other dues.

- (15) He shall report to the Union Parishad any information that he may obtain respecting the commission of or intention to commit any offence under this Ordinance.
- (16) He shall immediately give information to the Union Parishad of any damage or obstruction to, or encroachment on, any property, movable or immovable, belonging to or vesting in any Union Parishad, and may interpose for the prevention of any such damage, obstruction or encroachment.
- (17) He shall serve processes upon persons resident within the union.
- (18) He may without an order from a Magistrate, and without a warrant, arrest-
 - (a) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned;
 - (b) any person having in his possession, without lawful excuse, any implement of house-breaking;
 - (c) any person who has been proclaimed an offender under the code of Criminal Procedure, 1898 (V of 1898), or by an order of the Government;
 - (d) any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed an offence with reference to such thing;
 - (e) any person who has escaped or attempts to escape from lawful custody;
 - (f) any person who obstructs a public servant in the execution of his official duties;
 - (g) any person reasonably suspected of being a deserter from the Bangladesh Army, Navy or Air Force; and

- (h) any released convict committing a breach of any rule under sub-section (3) of section 565 of the Code of Criminal Procedure, 1898 (V of 1898).
- (19) He shall assist private persons in making such arrests as they may lawfully make, and he shall report such arrest without delay to the Officer-in-Charge of the police-station.
- (20) He shall take charge of all persons arrested by the village officials, or by any private person under any law for the time being in force, and shall forthwith take or send any person or persons so taken charge of by him, or any person or persons he himself may arrest, before the Officer-in-Charge of the police-station; provided that during the hours of darkness the person or persons arrested may be detained in custody at the village, but must be taken as early as possible on the following morning to the police-station.
- (21) He shall carry out such other duties as are entrusted to him from time to time in accordance with the rules.

¹[THE SECOND SCHEDULE

**TAXES, RATES AND FEES WHICH MAY BE LEVIED BY
UNION PARISHADS**

(See section 53)

- (1) Tax on the annual value of homestead or union rate to be levied in the prescribed manner.
- (2) Tax on the professions, trades and callings.
- (3) Tax on cinemas, dramatic and theatrical shows and other entertainments of like nature and amusements.

¹ The Second Schedule was substituted by section 25 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993).

- (4) Fees for licences and permits granted by the Parishad.
- (5) Fees (lease money) from specified *hats, bazars* and ferries within the union boundaries, to be determined by the Government.
- (6) Fees (lease money) from *jalmahals* situated entirely within the union boundaries, to be determined by the Government.]

THE THIRD SCHEDULE

OFFENCES UNDER THE ORDINANCE

(See section 69)

- (1) Evasion of the payment of a tax or other imposed lawfully levied by a Union Parishad.
- (2) Failure to furnish on requisition information in respect of any matter which a Union Parishad is authorised to call for under any of the provisions of this Ordinance or the rules or regulations, or furnishing wrong information.
- (3) Doing an act without licence or permission when the doing of such act requires a licence or permission under any of the provisions of this Ordinance or the rules or regulations.
- (4) Carrying on any dangerous or offensive trade, or storing any offensive or dangerous article without the sanction of the Union Parishad.
- (5) Making an encroachment on any public road, public street or public place without the sanction of the Union Parishad.
- (6) Doing an act by which water for drinking is rendered foul or unfit for use.
- (7) Using water for drinking from any source which is suspected to be dangerous to public health, and the use whereof has been prohibited under this Ordinance.

- (8) Watering cattle or animals or bathing or washing at or near a well or other source of drinking water for the public.
- (9) Steeping hemp, jute or any other plant in or near a pond or other excavation within such distance of the residential area as may be specified under this Ordinance.
- (10) Dyeing or tanning skins within such distance of the residential area as may be specified by the Union Parishad.
- (11) Excavation of earth, stone or any other material within such distance of the residential area as may be specified by the Union Parishad.
- (12) Establishing a brick kiln, lime kiln, charcoal kiln or pottery within such distance of the residential area as may be specified by the Union Parishad.
- (13) Disposing of carcasses of animals within such distance of the residential area as may be specified by the Union Parishad.
- (14) Failure to remove any dirt, dung, night-soil, manure, or any obnoxious or offensive matter from any land or building when so required under this Ordinance.
- (15) Failure to provide, close, remove, alter, repair, clean, disinfect, or put in proper order any latrine, urinal, drain, cesspool or other receptacle for filth, sullage, water, rubbish or refuse when so required under this Ordinance.
- (16) Failure by the owner or occupier of any land to clear away and remove any thick vegetation or under-growth which has been declared under this Ordinance to be injurious to health or offensive to the neighbourhood.

- (17) Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering any street or any branches of trees growing thereon which overhang any street or obstruct the same or cause danger, or which so overhang any well, tank, or other source from which water is derived for public use as to be likely to pollute the water thereof, or have been declared under this Ordinance to be in any way offensive or injurious to health.
- (18) Cultivation of such crops, use of such manure or irrigation of the land in such manner as is declared under this Ordinance to be injurious to public health or offensive to the neighbourhood.
- (19) Without the permission required under this Ordinance, causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, drain or be put upon any street or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose.
- (20) 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.
- (21) Failure by the owner or occupier of any building or land to put up and keep in good condition proper troughs and pipes for receiving or carrying water or sullage from the buildings or land when so required under this Ordinance.
- (22) Failure by a medical practitioner, who, during the course of such practice, becomes cognizant of the existence of any infectious disease, to make a report about such infectious disease to the Union Parishad.
- (23) Failure by any person cognizant of the existence of any infectious disease in any building to communicate the information to the Union Parishad.

- (24) Failure by owner to disinfect an infected building, or the letting of an infected building without disinfection.
- (25) Sale of articles of food or drink by a person suffering from any infectious disease.
- (26) Failure by the owner or driver of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.
- (27) Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substances, filth or refuse of any kind.
- (28) Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.
- (29) Selling, to the prejudice of any purchaser, any article of food or drink which is not of the nature, substance or quality demanded by such purchaser.
- (30) Begging importunately for alms, or exposing or exhibiting with the object of exciting charity any deformity or disease or any offensive sore or wound.
- (31) Keeping a brothel or practising prostitution in such areas as may be declared a prohibited area for the purpose.
- (32) Failure by the owner or occupier of a building to make adequate arrangements for house-scavenging when so required under this Ordinance.
- (33) Cutting down of any tree, or cutting off a branch of any tree, or erection or demolition of any building or part of a building where such action is declared under this Ordinance to be a cause of danger or annoyance to the public.
- (34) Laying out, making or commencing to lay out or make a street without the sanction of the Union Parishad.

- (35) Fixing any bill, notice, placard or other paper or means of advertisement against or upon any building or place other than the place fixed for the purpose.
- (36) Stacking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared under this Ordinance to be dangerous.
- (37) Picketing, parking animals, or collecting carts or vehicles on any street or using any street as a halting place for vehicles or animals or as a place of encampment without the permission required under this Ordinance.
- (38) Causing or permitting animals to stray.
- (39) Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after sunset to half an hour before sunrise.
- (40) Failure while driving, leading or propelling a vehicle, without reasonable excuse, to keep to the left or when passing vehicle going in the same direction, to keep to the right of that vehicle, or to follow other specified rules of the road.
- (41) Playing of music or radio, beating a drum or tom-tom, blowing a horn or trumpet or beating or sounding any brass or other instrument of utensil in contravention of any general or special prohibition issued under this Ordinance.
- (42) Discharging fire arms or letting of fireworks, crackers, fire-balloons or detonators or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood, or risk of injury to property.
- (43) Quarrying, blasting, cutting timber or carrying on building operation in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.

- (44) Burying or burning a dead-body at a place other than recognised burial or burning ground without permission required under this Ordinance.
- (45) Letting loose or setting on ferocious dogs or other dangerous animals.
- (46) Failure to demolish or otherwise secure a building declared under this Ordinance to be a dangerous building.
- (47) Using or allowing the use for human habitation of a building declared under this Ordinance to be unfit for human habitation.
- (48) Erection or re-erection of a building without the sanction required under this Ordinance.
- (49) Failure to lime-wash or repair a building if so required under this Ordinance.
- (50) Wilfully obstructing any officer or employee of, or any person authorised by, a Union Parishad in the exercise of powers conferred by or under this Ordinance.
- (51) Being an employee of a Union Parishad knowingly to acquire directly or indirectly by self or a partner any share or interest in any contract with, by, or on behalf of the Union Parishad.
- (52) Doing of any other act which is prescribed as an offence under this Ordinance.
- (53) Contravention of any of the provisions of this Ordinance, the rules or regulations, or of any order, direction, notice or declaration made or issued thereunder.
- (54) Attempts and abetments of any of the offences aforesaid.