

ACT NO.29 OF 1988

An Act to repeal and re-enact with some amendments Acts regarding the Zila Parishad

Whereas it is expedient to repeal and re-enact with some amendments Acts regarding the Zila Parishad;

Therefore it is enacted as follows:-

1. Short title.- This Act may be called the Local Government (Zila Parishad) Act, 1988.

2. Definitions.- Unless there is anything repugnant in the subject or context, in this Act -

- (a) "Chairman" means the Chairman of a Zila Parishad;
- (b) "Public Way" means a way, street or road maintained by the Government or by a Zila Parishad or other local authority;
- (c) "Schedule" means a schedule affixed to this Act;
- (d) "Regulation" means a regulation under this Act;
- (e) "Rule" means a rule under this Act;
- (f) "Local Authorities" includes Paurasabha, Upazila Parishad and Union Parishad;
- (g) "Member" means a member of the Zila Parishad.

3. Constitution of Zila Parishad.- As soon as may be after the commencement of this Act,

there shall be constituted, in accordance with the provisions of this Act, a Zila Parishad in every

district, and each Zila Parishad shall be known by the name of the district concerned.

(2) Every Zila Parishad shall be a body corporate, having perpetual succession and a common

seal, with power, subject to the provisions of this Act and the rules, to acquire and hold property,

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

4. Composition of Zila Parishads.- (1) The Zila Parishad shall consist of the following members, namely:-

- (a) representative members;
- (b) nominated members;
- (c) women members;
- (d) official members.

(2) The Members of Parliament of the Zila and the Chairmen of the Upazilas Parishads and the

Paurasabhas shall be members of the Zila Parishad ex officio.

(3) The nominated members and women members shall be nominated by the

Government from amongst the men and women living in the district, and their total number shall not exceed the total number of the representative members of the Zila Parishad.

(4) The Deputy Commissioner of the Zila and other Government Officials working in the Zila as determined by the Government shall be the official members of the Zila Parishad successively.

(5) The official members shall not have the right of vote in any meeting of the Zila Parishad.

5. Chairman.- (1) Every Zila Parishad shall have a Chairman, and he shall be appointed by the Government through notification in the official Gazette.

(2) If he is no member of the Zila Parishad, he shall become a member successively.

(3) He shall remain on his post for a period of three years from the date of taking up work.

(4) He shall enjoy official and special rights determined by the Government.

(5) Notwithstanding anything said in this section, the Government may at any time dismiss any

Chairman from his post without showing any reasons.

6. Qualifications and disqualifications of Chairman etc.- (1) A person shall, subject to the provisions of sub-section (2), be qualified to be appointed as Chairman or nominated as nominated member or women member, if he is a citizen of Bangladesh and has attained the age of twenty-five years.

(2) A person shall be disqualified for appointment as Chairman or nomination as nominated member or women member of a Zila Parishad if-

(a) he is declared by any court to be of unsound mind;

(b) he is an undischarged insolvent;

(c) he has given up or lost the citizenship of Bangladesh;

(d) he has been, on conviction of any offence, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release;

(e) he holds any whole-time office of profit in the service of the Republic or the Zila Parishad or any other local authority;

(f) he is a party to a contract for work to be done for, or goods to be supplied for, the Zila Parishad concerned, or has otherwise any pecuniary interest in its affairs, or is a dealer in essential commodities appointed by the Government.

(g) he has any outstanding debts overdue at any Sonali Bank, Rupali Bank, Shilpa Rin Sanstha, Shilpa Bank, Krishi Bank or Rajshahi Krishi Unnayan Bank.

7. Chairman's oath.- Every Chairman of a Zila Parishad shall, before he enters upon office, make an oath or declaration in the following form to a person determined by the Government, and shall sign an oath document or declaration document, namely:-

"I,....., father or husband....., being appointed as Chairman of Zila Parishad, confidently swear (firmly declare), that I shall fulfil the tasks of my office according to the laws and with trustworthiness, and that I will bear true faith and allegiance to Bangladesh."

8. Chairman's property declaration.- The Chairman shall before taking up his office present a written report on any immovable and movable properties to which he or any of his family members has any right, claim or interest, to an authority determined by the Government in a manner prescribed by the Government.

Explanation.- "Family members" includes the Chairman's wife or husband as well as sons, daughters, father, mother, brothers and sisters who live with him and completely depend on him.

9. Resignation of Chairman, etc.- (1) Any Chairman may resign his office by a notice in writing under his hand addressed to the Government, any member by a notice in writing under his hand addressed to the Chairman.
(2) The resignation shall become effective, and the office concerned shall become vacant on the date the resignation is received by the addressee.

10. Removal of nominated and women members.- The Government may after due inquiry remove any nominated or woman member from his or her office if he or she-

- (a) is unable to discharge the office for reasons of physical or mental sickness;
- (b) is guilty of misconduct;
- (c) becomes unqualified to remain member under section 6 (2); or
- (d) is responsible for any loss or misapplication of money or property of the Zila Parishad.

Explanation.- "Misconduct" includes misuse of powers, corruption, nepotism and wilful maladministration.

11. Nominated Chairman.- If the office of the Chairman becomes vacant or if for reasons of absence, sickness or others the Chairman is unable to discharge his functions, any person nominated by the Government shall function as Chairman until a newly appointed Chairman takes up office or the Chairman is again able to discharge his functions.

12. Compulsory and optional functions.- (1) The Parishad shall have two sorts of functions:

compulsory and optional.

(2) The functions mentioned in Part 1 of the First Schedule shall be the compulsory functions of the Parishad; and the Parishad shall carry out all these functions within the limits of its fund,

subject to rules and such directions as the Government may issue from time to time.

(3) The functions mentioned in Part 2 of the First Schedule shall be the optional functions of the

Parishad; and if intending so the Parishad may carry out all these functions, but, if instructed by

the Government, the Zila Parishad shall have to carry out these functions according to the

instruction of the Government.

13. Commercial projects.- According to rules and with the prior approval of the Government, the Zila Parishad may conceive, implement and manage any commercial programme or project.

14. Transfer of functions from Zila Parishads to Government, etc.- Notwithstanding anything in this Act or in any other Act for the time being in force, the Government may from time

to time direct that, subject to such terms and conditions as may be specified in the direction,-

(a) any institution or service maintained by a Zila Parishad shall be transferred to the management and control of the Government; and

(b) any institution or service maintained by the Government shall be transferred to the management and control of the Zila Parishad.

15. Executive powers.- (1) The executive powers of a Zila Parishad shall extend to the doing of

all acts necessary for the due discharge of its functions under this Act.

(2) Save as otherwise provided in this Act, the executive powers of a Zila Parishad shall vest in

and be exercised by its Chairman, either directly or through other persons authorized by him, in

accordance with this Act and the rules.

(3) All acts of a Zila Parishad, whether executive or not, shall be expressed to be taken in the name of the Zila Parishad, and shall be authenticated in the manner prescribed.

16. Disposal of business.- (1) All business of a Zila Parishad shall, to the extent and in the manner prescribed, be disposed of at its meetings, or at the meeting of its committees, or by its Chairman, or members, or officers and employees.

(2) All meetings of a Zila Parishad shall be presided over by the Chairman, or, in his absence, by a member chosen for that purpose by the members present.

(3) No act or proceedings of a Zila Parishad shall be invalid by reason only of the existence of any vacancy or defect in the constitution of the Parishad, or by reason only that some person who was not entitled to do so, sat or voted, or otherwise took part in its proceedings.

(4) Minutes of the proceedings of every meeting of a Zila Parishad shall be recorded in a book, and copies thereof shall be sent to the Deputy Commissioner and the Government within 14 days after the meeting.

17. Committees.- A Zila Parishad may appoint committees if deemed necessary for assistance in its functions, and may determine the number of members, duties and procedure of such committees.

18. Contracts.- All contracts made by or on behalf of a Zila Parishad shall be-

- (a) in writing and expressed to be made in the name of the Zila Parishad;
- (b) executed in such manner as may be prescribed.

(2) Any contract shall be reported to the Zila Parishad by the Chairman at the meeting next following the execution of the contract.

(3) A Zila Parishad may, by resolution, lay down the procedure that shall regulate the making of various contracts, and in the execution of contracts, the Chairman shall act in accordance with such resolution.

(4) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the Zila Parishad.

19. Works.- The Government may by rules provide for-

- (a) the preparation of plans and estimates for works to be executed by the Zila Parishad;
- (b) the authority by whom and the conditions subject to which such plans and estimates shall be technically proved and administratively sanctioned; and
- (c) the agency by which such plans and estimates shall be prepared and such works shall be executed.

20. Records, reports etc.- A Zila Parishad shall-

- (a) maintain such records of its working as may be prescribed;
- (b) prepare and publish such periodical reports and returns as may be prescribed; and
- (c) adopt such other measures as may be necessary or may be specified by the Government from time to time, for the publication of information about the working of the Zila Parishad.

21. Zila Parishad Service.- (1) There shall be constituted a Zila Parishad Service in such manner and subject to such conditions as may be prescribed.

(2) The Government may from time to time specify the posts in the Zila Parishads which shall be filled by persons belonging to the Zila Parishad Service.

22. Officers and employees of Zila Parishads.- (1) The Government may, on the prescribed

terms and conditions, appoint a secretary and several officers for a Zila Parishad who shall

perform such functions as are assigned to them by or under this Act.

(2) A Zila Parishad may, on the prescribed terms and conditions, appoint such other employees

as are deemed necessary for the efficient performance of its functions under this Act.

(3) Subject to the provisions of this Act and the rules,-

- (a) the Government may suspend, remove, dismiss, or otherwise punish any person appointed under sub-section (1); and
- (b) the Zila Parishad may suspend, remove, dismiss, or otherwise punish any person appointed under sub-section (2).

(4) The Government may transfer any of the persons appointed under sub-section (1) from any Zila Parishad to another.

23. Provident Fund, etc.- (1) A Zila Parishad may establish a Provident Fund for its officers and employees and require its officers or employees to contribute to such Fund in such

proportion as
may be prescribed by rule.

(2) The Zila Parishad may contribute to the Provident Fund.

(3) A Zila Parishad may, in the prescribed manner, provide for the payment of pension to its
officers and employees after retirement.

(4) A Zila Parishad may, with the previous sanction of the Government, grant a special
pension or
gratuity to the family of any officer or employee who dies of disease or injury contracted
or
suffered in the discharge of official duties.

(5) A Zila Parishad may, in the prescribed manner, operate a scheme of social insurance
for its
officers and employees and require them to subscribe to it.

(6) A Zila Parishad may, in the prescribed manner, establish a Benevolent Fund out of
which shall
be paid any pension or gratuity granted under sub-section (4) or such other relief as may
be
prescribed.

(7) The Zila Parishads shall contribute to the Fund established under sub-section (6) in
such
amount as may be specified by the Government.

24. Service matters to be prescribed.- The Government may, by rules,-

- (a) prescribe the conditions of service of the officers and employees of Zila Parishads;
- (b) prescribe the grades of pay for the officers and employees of Zila Parishads;
- (c) prescribe a schedule of establishment setting forth the staff that shall be employed by a Zila Parishad;
- (d) prescribe the qualifications for various posts under Zila Parishads and the principles of appointment in these matters;
- (e) prescribe the method for the holding of enquiry in cases where disciplinary action is proposed to be taken against officers and employees of Zila Parishads, and provide for penalties and appeals against orders imposing penalties; and
- (f) provide for other matters necessary for the efficient discharge of their duties by the officers and employees of Zila Parishads.

25. Constitution of Zila Parishad Fund.- (1) For every Zila Parishad there shall be formed a
fund which shall be called Zila Parishad Fund.

(2) To the credit of a Zila Parishad Fund formed under sub-section (1) shall be placed-

- (a) the balance of such fund as on the coming into force of this Act is at the disposal of the Zila Parishad of which the concerned Zila Parishad is the successor;
- (b) the proceeds of all taxes, rates, tolls, fees and other charges levied by the Zila

Parishad;

(c) all rents and profits payable or accruing to the Zila Parishad from the property vested in or managed by the Zila Parishad;

(d) all sums contributed by the Government;

(e) all sums contributed by individuals or institutions or by any local authority;

(f) all receipts accruing from the trusts placed under the management of the Zila Parishad;

(g) all profits accruing from investments;

(h) any other money received by the Zila Parishad; and

(i) all proceeds from such sources of income as the government may direct to be placed at the disposal of the Zila Parishad.

26. Custody or investment of Zila Parishad Funds, etc.- (1) The moneys credited to a Zila

Parishad Fund shall be kept in a Government treasury, or in a bank transacting the business of a

Government treasury, or in such other manner as may be specified by the Government.

(2) A Zila Parishad may invest some portions of the Zila Parishad Fund in such manner as may be prescribed.

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

27. Application of Zila Parishad Fund.- The moneys of a Zila Parishad Fund shall be applied in the following order of preference:-

first, in the payment of salaries and allowances to the officers and employees of the Zila Parishad;

secondly, in meeting the expenditures charged on the Zila Parishad Fund;

thirdly, in the fulfilment of any obligation and in the discharge of any duty imposed on

the Zila Parishad under this Act or under any other law for the time being in force;

fourthly, in meeting the expenditure declared by the Zila Parishad, with the previous sanction of the Government, to be an appropriate charge on the Zila Parishad Fund; and

fifthly, in meeting the expenditure declared by the Government to be an appropriate charge on the Zila Parishad Fund.

(2) The following expenditure shall be charged on a Zila Parishad Fund, namely:-

(a) all sums to be paid to any Government servant who is in the service the Zila Parishad;

- (b) such sums as the Zila Parishad may be required by the Government to contribute towards the maintenance of the Zila Parishad Service, the auditing of accounts, or any other matters;
- (c) any sum required to satisfy any judgement, decree or award against the Zila Parishad by any court or tribunal; and
- (d) any expenditure declared by the Government to be so charged.

(3) If any expenditure charged on a Zila Parishad Fund is not paid, the Government may, by order, direct the person or persons having the custody of the Zila Parishad Fund to pay such amount, or so much thereof as may be possible, from the balance of the Zila Parishad Fund.

28. Budget.- (1) Every Zila Parishad shall, in the prescribed manner, prepare and sanction, before the commencement of each financial year, a statement of its estimated receipts and expenditure for that year, hereinafter referred to as the budget, and forward a copy thereof to the Divisional Commissioner and to the Government.

(2) If the budget is not prepared or sanctioned by the Zila Parishad before the commencement of any financial year, the Government may have the necessary statement prepared and certify it, and such certified statement shall be deemed to be the sanctioned budget of the Zila Parishad.

(3) Within thirty days of the receipt of the copy of a budget under sub-section (1), the Government may, by order, modify it, and the budget so modified shall be deemed to be the sanctioned budget of the Zila Parishad.

(4) At any time before the expiry of the financial year to which a budget relates, a revised budget for the year may, if necessary, be prepared and sanctioned, and such revised budget shall, so far as may be, be subject to the provisions of this section.

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

29. Accounts.- (1) Accounts of the receipt and expenditures of a Zila Parishad shall be kept in the prescribed manner and form.

(2) An annual statement of the accounts shall be prepared after the close of every

financial year

and shall be forwarded to the Government by the thirtyfirst December of the following financial year.

(3) A copy of the statement of annual accounts shall be placed at a conspicuous place at the office of the Zila Parishad concerned for public inspection, and all objections or suggestions concerning such accounts received from the public shall be considered by the Zila Parishad.

30. Audit.- (1) The accounts of every Zila Parishad shall be audited in such manner, after such interval and by such authority as may be prescribed.

(2) The Audit authority shall have access to all the books and other documents pertaining to accounts, and may also examine the Chairman or any member, officer or employee of the Zila Parishad concerned.

(3) On the completion of audit, the audit Authority shall submit to the Government an audit report which shall, among other things, mention-

- (a) cases of embezzlement;
- (b) cases of loss, waste or misapplication of the Zila Parishad Fund;
- (c) cases of other irregularities in the maintenance of accounts; and
- (d) the names of the persons who, in its opinion, are directly or indirectly responsible for such embezzlement, loss, waste, misapplication or irregularities.

31. Property of Zila Parishads.- (1) The Government may, by rules,-

- (a) provide for the management, maintenance, improvement and development of the property belonging to or vesting in Zila Parishads;
- (b) regulate the alienation of such property.

(2) A Zila Parishad may-

- (a) manage, maintain, inspect, develop or improve any property which is owned by or vests in it or which is placed under its charge;
- (b) apply such property for the purposes of this Act or the rules;
- (c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property.

32. Development plans.- (1) A Zila Parishad may, and if so required shall, prepare and implement development plans for such periods as may be specified.

(2) Such plans shall be subject to the sanction of the Government and shall provide for-

- (a) the manner in which the plans shall be financed, executed, implemented and supervised;
- (b) the agency through which the plans shall be executed and implemented; and
- (c) such other matters as may be necessary.

(3) The Government may direct that any specified item of income of a Zila Parishad shall wholly or in part be earmarked for and applied in the implementation of a development plan.

33. Recovery against liabilities.- Every Chairman, member, officer or employee of a Zila Parishad, and every person charged with the administration of the affairs of a Zila Parishad or acting on behalf of a Zila Parishad, shall be liable for the loss, waste or misapplication of any money or property belonging to the Zila Parishad, which is a direct consequence of his negligence or misconduct, and the liability of such Chairman, member, officer, employee or person shall be determined by the Government in the prescribed manner, and the amount for which he is held liable shall be recoverable as a public demand.

34. Taxes to be levied by Zila Parishads.- A Zila Parishad, with the previous sanction of the Government, may levy, in the prescribed manner, all or any of the taxes, rates, tolls and fees mentioned in the Second Schedule.

35. Notification of taxes, etc.- (1) All taxes, rates, tolls and fees levied by a Zila Parishad shall be notified in the prescribed manner and shall, unless otherwise directed by the Government, be subject to previous publication.

(2) Where a proposal for the levy or modification of a tax, rate, toll or fee is sanctioned, the sanctioning authority shall specify the date for the enforcement thereof, and such tax, rate, toll or fee or the modification thereof shall come into force on such date.

36. Model tax schedules.- The Government may frame model tax schedules and, where such schedules have been framed, the Zila Parishads shall be guided by them in levying a tax, rate, toll or fee.

37. Liability on account of taxes.- (1) A Zila Parishad may, by notice, call upon any person to furnish such information, produce such records or accounts, or present such goods liable to any tax, rate, toll or fee, as may be necessary for the purpose of determining the liability.

(2) Any official of a Zila Parishad may, after due notice, enter upon any building or premises in order to assess the liability of such buildings and premises to any tax, and inspect any goods therein liable to any tax.

(3) Any official of a Zila Parishad authorised in this behalf may, in the prescribed manner, seize and dispose of any goods on which any tax or toll is due and is not paid.

38. Collection of taxes.- (1) Unless otherwise provided, all taxes, rates, tolls and fees levied by a Zila Parishad shall be collected by such person and in such manner as may be prescribed.

(2) All arrears of taxes, rates, tolls and fees and other moneys claimable by a Zila Parishad shall be recoverable as a public demand.

(3) Notwithstanding the provisions of sub-section (2), the Government may empower any Zila Parishad to recover taxes, rates, tolls, fees and other moneys claimable by a Zila Parishad by distress and sale of the movable property of the person concerned, or by attachment and sale of the immovable property of the person concerned.

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

39. Petitions against tax valuation.- No assessment of a tax, rate, toll or fee under this Act, no valuation therefore, or the liability of a person to be so taxed, shall be called in question except by a petition presented to such authority, in such manner and within such period as may be prescribed.

40. Taxation rules.- (1) All taxes, rates, tolls, fees and other charges levied by a Zila Parishad shall be imposed, assessed and administered in such manner as may be provided by rules.

(2) Rules made under this section may, among other matters, provide for the obligations of the

tax-payers and the duties and powers of the officials and other agencies responsible for the assessment and collection of taxes.

41. Supervision over Zila Parishads.- The Government shall exercise general supervision and control over the Zila Parishads in order to ensure that their activities conform to the purposes of this Act.

42. Control over the activities of Zila Parishads.- (1) If, in the opinion of the Government, anything done or intended to be done by or on behalf of a Zila Parishad is not in conformity with law, or is in any way against public interest, the Government may, by order, -

- (a) quash the proceedings;
- (b) suspend the execution of any resolution passed or order made by a Zila Parishad;
- (c) prohibit the doing of anything proposed to be done; and
- (d) require the Zila Parishad to take such actions as may be specified in an order.

(2) Where an order under sub-section (1) is made the Zila Parishad may, within thirty days of the receipt of the order, represent against it to the Government.

(3) The Government shall, within thirty days of the receipt of the representation, either confirm or modify or set aside the order.

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

43. Power of the Government to give direction to Zila Parishads.- (1) The Government may direct any Zila Parishad, or any person or authority responsible thereto, to take, within such period as may be specified, such action as may be necessary for carrying out the purposes of this Act.

(2) Where after due inquiry the Government is satisfied that a Zila Parishad or person or authority has failed to comply with any direction made under sub-section (1), the Government may appoint a person or persons to give effect to such direction, and may further direct that the expenses incurred in connection therewith shall be born by the Zila Parishad.

(3) Should the expenses be not so paid, the Government may make an order directing the person having the custody of the balance of the local fund of the Zila Parishad to pay the expense, or so much thereof as may from time to time be possible.

44. Inquiry into the affairs of Zila Parishads.- (1) The Government may, either suo moto or on an application made to it by any person, cause an inquiry to be made by such officer as may be authorized by it in this behalf, into the affairs of a Zila Parishad generally, or into any particular matter concerning a Zila Parishad, and take such remedial measures as may be warranted by the findings of such inquiry.

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

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

(4) Any amount payable under sub-section (3) by any person, not being a local Parishad, shall be recoverable as a public demand.

45. Supersession of Zila Parishads.- (1) If, after such inquiry as may be necessary, the Government is of the opinion that a Zila Parishad-

- (a) is unable to discharge or persistently fails in discharging its duties, or
- (b) is unable to administer its affairs or to meet its financial obligations, or
- (c) generally acts in a manner contrary to public interest, or
- (d) otherwise exceeds or abuses its powers,

the Government may, by order notified in the official Gazette, declare the Zila Parishad superseded, for such period, not exceeding the residue of the term of a Zila Parishad, as may be specified:

Provided that, before the issue of the said order, the Zila Parishad shall be given the opportunity of a hearing.

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

- (a) persons holding office as Chairman or members of the Zila Parishad shall cease to hold office.

(b) all functions of the Zila Parishad shall, during the period of supersession, be performed by such person or authority as the Government may appoint in this behalf; and

(c) all funds and property belonging to the Zila Parishad shall, during the period of supersession, vest in the Government.

(3) On the expiry of the period of supersession the Zila Parishad shall be reconstituted in accordance with the provisions of this Act and the rules.

46. Training institutions.- (1) The Government may set up institutions for the training of the members and staff of Zila Parishads, for the promotion of research in local government and allied subjects, and may, by rules, provide-

(a) for the administration of such institutions;

(b) for the compulsory training of members and staff;

(c) for the courses to be studied; and

(d) for the holding of examinations and the award of diplomas and certificates to successful candidates.

(2) Every Zila Parishad shall pay towards the cost of the institutions set up under subsection (1) in such proportion as the Government may from time to time determine.

47. Joint Committees.- Any Zila Parishad may join any other local parishad or parishads or any other local authority or authorities, in appointing a joint committee for any purpose in which such parishads or authorities may be jointly interested and may delegate to such joint committee any power which may be exercised by it.

48. Disputes between parishads.- If any dispute arises between two or more Zila Parishads or between a Zila Parishad and any other local parishads, the matter shall be referred to the Government; and the decision of the Government shall be final.

49. Offences.- Every act or omission specified in the Third Schedule shall be an offence under this Act.

50. Punishment.- An offence under this Act shall be punished with fine which may extend to five hundred Taka, and if the offence is a continuing one, with a further fine which may extend to

twenty-five Taka for every day after the date of the first commission during which period the offender has persisted in the offence.

51. Compounding of offences.- The Chairman or any person generally or specially authorized by the Zila Parishad in this behalf may compound any offence under this Act.

52. Cognizance of offences.- No court shall take cognizance of any offences under this Act except on a complaint in writing received from the Chairman or a person generally or specially authorized by the Zila Parishad in this behalf.

53. Encroachment.- (1) No person shall make an encroachment on any public road or public place.
(2) In the event of any such encroachment, the Zila Parishad may, by notice, require the person responsible for such encroachment to remove the same within the period specified in the notice, and if he does not comply with such direction within such period, the Zila Parishad may take adequate measures for the removal of the encroachment and if there occurs any damage to the person responsible for the encroachment, no compensation shall be paid to him.
(3) The costs incurred on the measures taken for the removal of an encroachment shall be deemed to be a tax levied on the person responsible for the encroachment under this Act.

54. Appeals.- Any person aggrieved by an order passed by a Zila Parishad or its Chairman in pursuance of this Act or the rules or by-rules may, within thirty days of the passing of the order appeal to the Government, and any order passed in appeal shall be final and shall not be called in question in any court.

55. Duties of police.- It shall be the duty of all police officers to give immediately information to the Chairman of the Zila Parishad concerned of the commission of any offence specified in the Third Schedule and to assist the Chairman and officers of a Zila Parishad in the exercise of their lawful authority.

56. Standing orders.- The Government may, by standing orders, issued from time to time,-

- (a) define and regulate the relation of the Zila Parishads inter se and with other local authorities;
- (b) provide for co-ordinating the activities of Zila Parishads and the Government authorities;
- (c) provide for giving financial assistance to Zila Parishads;
- (d) provide for the making of financial contributions by one Zila Parishad to another Zila Parishad or to any local authority;
- (e) provide for the general guidance of Zila Parishads in carrying out the purposes of this Act.

57. Power to make rules.- (1) The Government may by notification in the official Gazettemake

rules for the purpose of this Act.

(2) In particular, and without prejudice to the generality of of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) powers and duties of Chairman and members of Zila Parishads;
- (b) manner in which schemes for undertaking commercial or business enterprises by Zila Parishads may be promoted, administered and executed;
- (c) regulation of the making of contracts on behalf of Zila Parishads;
- (d) regulation of the execution of works by Zila Parishads;
- (e) prescription of records, reports and returns to be maintained, prepared or published by Zila Parishads;
- (f) constitution and regulation of the Zila Parishad Service;
- (g) administration, regulation, custody, investment and operation of Zila Parishad Funds and Special Funds;
- (h) preparation and sanction of budgets and all matters relating thereto;
- (i) maintenance of accounts and their audit;
- (j) matters related to management, maintenance and alienation of property of Zila Parishads;
- (k) preparation, regulation, consolidation, sanction and implementation of development plans;
- (l) manner in which the liabilities of officers and employees of Zila Parishads and other persons for any loss, waste or missapplication of any money or property belonging to any Zila Parishad may be determined;
- (m) regulation of assessment, collection and administration of taxes, rates, tolls and fees and all matters relating thereto;
- (n) manner in which, and the authorities to whom, appeal shall lie against the orders of Zila Parishads;
- (o) manner in which Zila Parishad shall be inspected, and the powers of inspecting officials; and

(p) any other matter required under any of the provisions of this Act to be prescribed or determined by rules.

58. Power to make regulations.- (1) A Zila Parishad may, with the prior approval of the Government, make regulations, not inconsistent with this Act and the rules, for carrying out the purposes of this Act.

(2) In particular, and without prejudice of the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

- (a) conduct of business of the Zila Parishad;
- (b) prescription of quorum of the Zila Parishad;
- (c) asking of questions in the meetings of the Zila Parishad;
- (d) requisitioning of meetings on petition of Zila Parishad;
- (e) recording minutes in the meetings of the Zila Parishad;
- (f) execution of resolutions made in the meetings of the Zila Parishad;
- (g) constitution of committees and conduct of business by them;
- (h) custody and use of the common seal;
- (i) delegation of powers of the Chairman to any officer of the Zila Parishad;
- (j) organisation of the office of the Zila Parishad into departments and branches and definition of the duties of such departments and branches;
- (k) any other matter of procedural nature;
- (l) registration of the sale of cattle and animals;
- (m) registration, management and regulation of orphanages, widow-homes and other institutions for the relief of the poor;
- (n) regulation and management of common property;
- (o) enforcement of vaccination;
- (p) prevention and control of infectious diseases;
- (q) prevention of adulteration of foodstuff;
- (r) regulation of milk supply;
- (s) regulation of stables;
- (t) prevention of encroachments on Zila Parishad grounds;
- (u) prevention of nuisances to persons or society;
- (v) regulation of dangerous and offensive trades;
- (w) management and regulation of public ferries;
- (x) management and regulation of cattle pounds;
- (y) regulation of traffic;
- (z) organization and regulation of fairs, shows, tournaments and public gatherings;
- (aa) enforcement of compulsory education;
- (bb) prevention of beggary, juvenile delinquency, prostitution and other social evils;
- (cc) specification of purposes for which licences shall be required and the terms and conditions subject to which licences may be issued; and
- (dd) any other matter required under any of the provisions of this Act to be determined or prescribed by regulation.

(3) Notwithstanding anything said in this section, all regulations on any subject mentioned in the provisions made in sub-sections (2) (1) up to (2) (v) shall be subject to the condition of previous publication.

(4) All regulations shall be published in such manner as in the opinion of the Zila Parishad making them be best adapted for informing the residents of the local area concerned.

(5) The Government may frame model regulations, and in framing their regulations the Zila Parishads shall be guided by such model regulations.

59. Delegation of powers.- The Government may, by notification in the official Gazette, delegate all or any of its powers to any person or authority.

60. Institution of suits for or against Zila Parishads.- (1) If any suit is to be filed against a Zila Parishad or against any of its members, officers or employees for any work related to the Zila Parishad, the intending plaintiff shall, mentioning the reason for the suit and his name and address,

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(a) in the case of a Zila Parishad, deliver or leave a notice at the office of the Zila Parishad:

(b) in the case of a member, officer or employee, personally deliver or leave a notice at the office or place of abode of such member, officer or employee.

(2) No suit may be filed until the expiration of thirty days next after the said notice has been delivered or left; and the plaint shall contain a statement that such notice has been so delivered or left.

61. Notice and service thereof.- (1) Where anything is required to be done or not to be done by any person under this Act or the rules and regulations, a notice shall be served on the person concerned specifying the time within which the requirement shall be complied with.

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

(3) Every notice shall, unless otherwise provided, be served or presented by giving or tendering

the notice or sending it by post to the person for whom it is intended or by affixing it to some conspicuous part of his place of abode or business.

(4) A notice intended for the public in general shall be deemed to have been sufficiently served if a

copy thereof is affixed in such public place as may be determined by the Zila Parishad concerned.

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

63. Chairmen, members etc. of Zila Parishads to be public servants.- Every Chairman, member, officer and employee of a Zila Parishad, and any other person duly empowered to act on behalf of a Zila Parishad, shall be deemed a public servant within the meaning of section 21 of the Penal Code (XLV of 1860).

64. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against any Zila Parishad or against any person authorized by it, for anything which is in good faith done or intended to be done under this Act or the rules or regulations or for any damage caused or likely to be caused by any such thing.

65. Repeal and savings.- (1) On the coming into force of this Act, the Local Government Ordinance, 1976 (XC of 1976), hereinafter referred to as the said Ordinance, shall, in so far as applicable to the Zila Parishads, stand repealed.

(2) Upon the repeal of the said Ordinance, -

(a) notwithstanding anything said in this Act, all the Zila Parishads, hereinafter referred to as previous Zila Parishads, that were known as such immediately before the repeal of the said Ordinance shall be deemed to be Zila Parishads established under this Act until Zila Parishads shall be established under this Act, and they shall as such continue to pursue their works, and also their Chairmen shall remain in their offices.

(b) all rules, regulations and by-laws made, all orders given, all notifications and notices published, and all licences and permissions granted under the said Ordinance shall, depending on their accordance with the provisions of this Act, have effect until they are repealed or amended, and they shall be deemed to have been made, given, published, or granted under this Act, and all the said by-laws shall be deemed to be regulations;

(c) all properties, rights, powers and conveniences, and all immovable and movable properties, cash money and money on bank accounts and all other claims and rights concerning these shall be handed over and entrusted to the succeeding Zila Parishad by the previous Zila Parishad;

- (d) whatever loans, debts and responsibilities the previous Zila Parishad had, and all contracts effected by it shall deemed to be the loans, debts, responsibilities and contracts of the succeeding Zila Parishad;
- (e) all budgets, schemes and plans made, or evaluations done, or taxes determined by the previous Zila Parishad shall, depending on their accordance with the provisions of this Act, have effect until they are repealed or amended, and shall be deemed to have been made, done or determined by the succeeding Zila Parishad under this Act;
- (f) all taxes, rates, tolls and fees due to the previous Zila Parishad shall be deemed to be due to the succeeding Zila Parishad under this Act;
- (g) all taxes, rates, tolls and fees and other claims levied by the previous Zila Parishad before the repeal of the said Ordinance shall continue to be payable to the same amount until it is changed by the succeeding Zila Parishad;
- (h) all officers and employees of the previous Zila Parishad shall be transferred to the succeeding Zila Parishad and be its officers and employees, and they shall be appointed under the same conditions of service as under the previous Zila Parishad, unless they are changed by the successor Zila Parishad;
- (i) all suits that were filed by or against the previous Zila Parishad shall be deemed to have been filed by or against the succeeding Zila Parishad.

(3) Such Zila Parishad shall be deemed to be successor of a previous Zila Parishad as is deemed to be or have been established in such Zila where a previous Zila Parishad had been established for the purpose of sub-section (2).

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

67. Removal of difficulties.- If any difficulty arises in giving effect to the provision of this Act, the Government may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

THE FIRST SCHEDULE

PART I

Compulsory Functions (see section 12 (2))

1. Review of all development efforts in the Zila.
2. Examination of the implementation of all promotion schemes taken by the Upazila Parishads and audit.
3. Provision and maintenance of a common library.
4. Provision, maintenance and improvement of such public roads, culverts and bridges as are not looked after by the Upazila Parishad, the Paurasabha or the Government.
5. Plantation and preservation of trees on road sides and public places.
6. Provision and maintenance of public gardens, public playgrounds and public places.
7. Maintenance and regulation of public ferries other than those maintained by the Government, Upazila Parishads or Paurasabhas.
8. Provision and maintenance of serais, dak bungalows and rest houses.
9. Co-operation with other organizations engaged in activities similar to those of the Zila Parishad.

10. Provision of help, assistance and encouragement to Upazila.
11. Implementation of promotion plans delegated to the Zila Parishad by the Government.
12. Other functions that may be directed by the Government.

PART II
Optional Functions
(See section 12 (3))

(a) Education

- (1) Provision and maintenance of schools.
- (2) Construction and maintenance of buildings to be used as hostels for students.
- (3) Provision of scholarships.
- (4) Training of teachers.
- (5) Payment of grants to educational institutions.
- (6) Undertaking of educational surveys, framing of educational plans and implementation thereof.
- (7) Promotion and assistance of educational societies.
- (8) Promotion of adult education.
- (9) Provision of milk supply and meals for school children.

- (10) Publication of school books and the maintenance of printing presses.
- (11) Provision of school books to orphans and indigent students free of cost or at concessional rate.
- (12) Maintenance of depots for the sale of school books and articles of stationary.
- (13) Any other measures likely to promote the cause of education.

(b) Culture

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

(c) Social Welfare.

- (27) Establishment, management and maintenance of welfare homes, asylums, orphanages, widow-homes and other institutions for the relief of the distressed.
- (28) Burial and cremation of paupers found dead within the local area.
- (29) Prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils.
- (30) Promotion of social, civic and patriotic virtues among the people and discouraging of parochial, racial, tribal and sectarian prejudices.
- (31) Organization of social service volunteers.
- (32) Organization of legal aid for the poor.
- (33) Adoption of measures for the promotion of the welfare of women, backward

classes, and

children and families of the persons serving in the Armed Forces.

(34) Adoption of measures for the settlement of disputes by conciliation and arbitration.

(35) Any other measures likely to promote social welfare

(d) Economic Welfare.

(36) Establishment and maintenance of model agricultural farms.

(37) Popularization of improved methods of agriculture, maintenance of improved agricultural

implements and the lending of such implements to cultivators, and the adoption of measures for

bringing wasteland under cultivation.

(38) Maintenance of crop statistics, protection of crops, the lending of seeds for sowing purposes, distribution of fertilizers and the popularization of their use and the

maintenance of

fodder reserves.

(39) Promotion of agricultural credit, agricultural education, and adoption of other measures likely

to promote agricultural development.

(40) Construction and repair of embankments, supply, storage, and control of water for agricultural purposes.

(41) Preservation of forests in rural areas.

(42) Preservation and reclamation of soil and the drainage of swamps.

(43) Provision, regulation and maintenance of markets.

(44) Provision of facilities for the procurement of raw materials, and the marketing of products of

village industries.

(45) Establishment, management and maintenance of industrial schools and the training of workers

in village industries.

(46) Organization, management and maintenance of village stores.

(47) Popularization of the co-operative movement and the promotion of education in co-operation.

(48) Any other measures likely to promote economic welfare.

(e) Public Health

(49) Promotion of education in public health.

(50) Framing and implementation of anti-malaria schemes, and schemes for the prevention and

control of infectious diseases.

(51) Organization and maintenance of first aid centres.

(52) Provision and maintenance of mobile medical aid units.

(53) Promotion and encouragement for societies for the provision of medical aid.

(54) Promotion of medical education and the payment of grants to institutions for

medical relief.

(55) Medical inspection of compounders, dispensers, nurses and other medical workers.

(56) Establishment, management, maintenance and the visiting of Yunani, Ayurvedic and

Homeopathic dispensaries.

(57) Establishment, management, maintenance and the visiting of health centres, maternity centres

and centres for the welfare of infants and children, the training of dats and the adoption of other

measures likely to promote the welfare of women, infants and children.

(58) Measures to alleviate diseases of animals and birds, and the prevention and control of

contagious diseases among birds and animals.

(59) Preservation of cattle wealth.

(60) Provision, maintenance and improvement of pastures and grazing grounds.

(61) Regulation of milk supply, establishment of milk colonies and provision and regulation of

sanitary stables.

(62) Establishment and maintenance of cattle farms and dairies.

(63) Establishment and maintenance of poultry farms.

(64) Any other measures likely to promote public health, animal husbandry and welfare of birds.

(f) Public Works

(65) Improvement of the means of communications.

(66) Drainage, water-supply, pavement of streets and other works of public utility.

(67) Maintenance of maps for local areas.

(68) Construction, management and maintenance of such other works of public utility not

specified elsewhere as may be required for fulfilling any obligation imposed by or under this Act

or any other law for the time being in force.

(g) General

(69) Measures likely to promote the religious and moral advancement and increase the material

prosperity of the local area and its inhabitants.

THE SECOND SCHEDULE

TAXES, RATES, TOLLS AND FEES WHICH MAY BE LEVIED BY ZILA PARISHADS (see section 34)

- (1) Tax on the transfer of immovable property.
- (2) Tax on advertisements.
- (3) Tolls on roads, bridges and ferries maintained by the Zila Parishad.
- (4) Rate for the execution of any works of public utility by the Zila Parishad.
- (5) School fees in respect of schools established or maintained by a Zila Parishad.
- (6) Fees for the use of benefits derived from any work for public utility maintained by a Zila Parishad.
- (7) Fees for special services rendered by a Zila Parishad.
- (8) Any other tax a Zila Parishad has been empowered to levy by the Government.

THE THIRD SCHEDULE

OFFENCES UNDER THIS ACT

(see section 49)

- (1) Evasion of the payment of a tax, toll, rate or fee lawfully levied by a Zila Parishad.
- (2) Failure to furnish on requisition information in respect of any matter which a Zila Parishad is authorized to call for under any of the provisions of this Act of the rules or bye-laws, or furnishing wrong information.
- (3) Doing an act without licence or permission when the doing of such act requires a licence or permission under any of the provisions of this Act or the rules or bye-laws.
- (4) Making an encroachment on any public road, public street or public place without the sanction of the Zila Parishad.
- (5) Doing an act by which water for drinking is rendered foul or unfit for use.
- (6) Using water for drinking from any source which is suspected to be dangerous for public health, and the use whereof has been prohibited under this Act.
- (7) Watering, bathing or causing to defacate cattle or animals at or near a well or other source of drinking water for the public.

- (8) 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 Act.
- (9) Dyeing or tanning skins within such distance of the residential area as may be specified under this Act.
- (10) Excavation of earth, stone or any other material within such distance of the residential area as may be specified under this Act.
- (11) Establishing a brick kiln, lime kiln, charcoal kiln or pottery within such distance of the residential area as may be specified by the Zila Parishad.
- (12) Disposing of carcasses of animals within such distance of the residential area as may be specified by the Zila Parishad.
- (13) Failure to remove any dirt, dung, night-soil, manure, or any obnoxious or offensive matter from any land or building when so required under this Act.
- (14) Failure to provide, close, remove, alter, repair, clean, disinfect or put into proper order any latrine, urinal, drain, cesspool or other receptacle for filth, sullage, water, rubbish or refuse when so required under this Act.
- (15) Failure by the owner or occupier of any land to clear away and remove any thick vegetation or under-growth which has been declared to be injurious to health or offensive to the neighbourhood under this Act.
- (16) Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering any street or any branches of trees growing thereon which overhang any street or obstruct the same or cause danger, or which so overhang any well, tank, or other source from which water is derived for public use as to be likely to pollute the water thereof, or have been declared under this Act to be in any way offensive or injurious to health.
- (17) Cultivation of such crops, use of such manner of irrigation of the land as is declared under this Act to be injurious to public health or offensive to the neighborhood.
- (18) Without the permission required under this Act, causing or knowingly or negligently allowing the contents of any sink, sewer or cesspool or any other offensive matter to flow, drain or be put upon any street or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose.

- (19) 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 any other source of water-supply, which is declared under this Act to be injurious to health or offensive to the neighborhood.
- (20) Failure by the owner or occupier of any building or land to put up and keep in good condition proper troughs or pipes for receiving or carrying water or sullage from the building or land when so required under this Act.
- (21) Failure by a medical practitioner who, during the course of such practice, becomes cognizant of the existence of any infectious disease to make report about such infectious disease to the Zila Parishad.
- (22) Failure by any person cognizant of the existence of any infectious disease in any building to communicate the information to the Zila Parishad.
- (23) Failure by an owner to disinfect an infected building, or the letting of an infected building without disinfection.
- (24) Sale of articles of food or drink by a person suffering from any infectious disease.
- (25) Failure by the owner or driver of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.
- (26) Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substances, filth or refuse of any kind.
- (27) Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.
- (28) 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.
- (29) Begging importunately for alms, or exposing or exhibiting with the object of exciting charity any deformity or disease or any offensive sore or wound.
- (30) Keeping a brothel or practising prostitution in such area as may be declared a prohibited area for the purpose.
- (31) Cutting down of any tree, or cutting off any branch of any tree, or erection or demolition of any building, where such action is declared under this Act to be a cause of danger or annoyance to the public.
- (32) Building a street without the sanction of the Zila Parishad.
- (33) 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.

(34) Stacking or collecting of timber, wood, dry grass, straw or other inflammable material in a

manner which is declared under this Act to be dangerous.

(35) Picketing, parking animals or collecting carts or vehicles on any street, or using any street as

a halting place for vehicles or animals, or as a place of encampment without the permission required under this Act.

(36) Causing or permitting animals to stray.

(37) 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.

(38) Failure while driving, leading or propelling a vehicle, without reasonable excuse, to keep to

the left or when passing a vehicle going in the same direction, to keep to the right of that vehicle,

or to follow other specified rules of the road.

(39) Playing of music or radio, beating a drum or tomtom, blowing a horn or trumpet or beating

or sounding any brass or other instrument or utensil in contravention of any general or special

prohibition issued under this Act.

(40) Discharging fire-arms or letting off fireworks, crackers, fireballs 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 neighborhood, or risk of injury of property.

(41) Quarrying, blasting, cutting timber, or carrying on building operations in such manner as

causes or is likely to cause danger to persons passing by or living or working in the neighborhood.

(42) Burying or burning a dead body at a place other than the recognized burial or burning ground

without the permission required under this Act.

(43) Letting loose or setting on ferocious dogs or other dangerous animals.

(44) Failure to demolish or otherwise secure a building declared under this Act to be a dangerous

building.

(45) Using or allowing the use for human habitation of a building declared under this Act to be

unfit for human habitation.

(46) Failure to limewash or repair a building if required under this Act.

(47) Doing of any other act which is prescribed as an offence under this Act.

(48) Contravention of any of the provisions of this Act, the rules or bye-laws, or of any order,

direction, notice or declaration made or issued thereunder.

(49) Attempts and abetments of any of the offences aforesaid.