

14.2 Paurashava

THE PAURASHAVA ORDINANCE, 1977 (Ordinance No. XXVI of 1977)

An Ordinance to provide for the constitution of local government institutions in urban areas and to consolidate and amend certain laws relating to local government in such areas.

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

- (2) "building" includes any shop, house, hut, out-house, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, verandah, platform, plinth and steps;
- (3) "building line" means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;
- (10) "dairy" includes any farm, cattle-shed, cow-house, milk-store, milk-shop, or other place from where milk or milk products are supplied for sale;

- (15) "drain" includes a sewer, house-drain, tunnel, culvert, ditch, channel, and any other device for carrying of sullage or rain water;
- (16) "drug" means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use;
- (17) "dwelling house" means any building used or adapted to be used wholly or principally for human habitation;
- (19) "erect or re-erect a building" means the construction of a new building and includes such material alterations of a building as may be prescribed;
- (20) "factory" means a factory as defined in the Factories Act, 1965 (E.P. Act IV of 1965);
- (21) "food" includes every article used for food or drink by human beings but does not include drugs and water;
- (24) "infectious disease" means cholera, plague, small-pox and tuberculosis, and includes such other disease as the Government may, by notification in the official Gazette, declare to be an infectious disease for the purposes of this Ordinance;
- (27) "market" means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetable, or any other article of food or for the sale and purchase of livestock, or animals and includes any place which may be notified as a market in accordance with the rules;
- (29) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property;
- (30) "occupier" includes an owner in actual occupation of his own land or building and also any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used;
- (31) "owner" includes the person for the time being receiving the rent of land and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if land or building were let to a tenant;
- (41) "rural area" means an area which is not an urban area or in not

included within a municipality or cantonment;

- (42) "street line" means a line dividing the land comprised in, and forming part of, a street from the adjoining land;
- (43) "sullage" includes sewerage, polluted water, rain water, and any other offensive matter carried by a drain;
- (46) "vehicle" means a wheeled conveyance capable of being used on a street;
- (47) "water work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, sluice, pipe, culvert, engine and other appliance, and anything for supplying or used for supplying water;

3. Declaration of urban area.-(1) Subject to the provisions of sub-section (2), the Government may, by notification in the official Gazette, declare any rural area to be an urban area:

Provided that notwithstanding the declaration of a rural area to be an urban area, the Union Parishad which immediately before such declaration exercised any function in relation to that area shall, until the area is declared to be, or to be included in, a municipality, continue to exercise those functions.

(2) The Government shall not declare any rural area to be an urban area unless it is satisfied that three-fourths of the adult male population of the area to which it refers are chiefly employed in pursuits other than agriculture, and such area contains not less than fifteen thousand population, and an average number of not less than two thousand inhabitants per square mile:

Provided that the Government may, for the purpose of extension of the limits of a municipality under section 4(b), declare any rural area to be an urban area, if it is satisfied that three-fourths of the adult male population of such area are chiefly employed in pursuits other than agriculture.

4. Declaration of municipality.- The Government may, in the prescribed manner,-

- (a) declare any urban area, other than a cantonment, to be a municipality;

63. Responsibility for sanitation.- A Paurashava shall be responsible for the sanitation of the municipality and for the control of environmental pollution, and for this purpose, it may cause such measures to be taken as are required by or under this Ordinance.

64. Insanitary buildings.-(1) A Paurashava may, by notice, require the owner or occupier of any building or land which is in an insanitary or unwholesome state-

- (a) to clean or otherwise put it in a proper state;
- (b) to make arrangements to the satisfaction of the Paurashava for its proper sanitation;
- (c) to limewash the building and to make such essential repairs as may be specified in the notice; and
- (d) to take such other steps in regard to such building or land as may be so specified.

(2) If any requirement of a notice issued under sub-section (1) is not complied with within such period as may be specified in the notice, the Paurashava may cause the necessary steps to be taken at the expense of the owner or occupier, and the cost so incurred by the Paurashava shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

65. Removal, collection and disposal of refuse.-(1) A Paurashava shall make adequate arrangements for the removal of refuse from all public street, public latrines, urinals, drains, and all buildings and land vested in the Paurashava, and for the collection and proper disposal of such refuse.

(2) The occupiers of all other buildings and lands within municipality shall be responsible for the removal of refuse from such buildings and lands subject to the general control and supervision of the Paurashava.

(3) The Paurashava may cause public dust-bins or other suitable receptacles to be provided at suitable places and in proper and convenient situations in streets or other public places and where such dust-bins or receptacles are provided, the Paurashava 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 dust-bins or receptacles.

(4) All refuse removed and collected by the staff of the Paurashava or under their control and supervision and all refuse deposited in the dust-bins and other receptacles provided by the Paurashava shall be the property of the Paurashava.

66. Latrines and urinals.-(1) A Paurashava may, and if so required by the Prescribed Authority shall, provide and maintain, in sufficient number and in proper situation, public latrines and urinals for the separate use of property cleaned.

(2) The occupier of any premises to which any latrine or urinal pertains shall keep such latrine or urinal in a proper state to the satisfaction of the Paurashava and shall employ such staff for the purpose as may be necessary, or as may be specified by the Paurashava.

(3) 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 Paurashava may by notice require the owner of such premises-

- (a) to provide such, or such additional, privy or urinal accommodation as may be specified in the notice;
- (b) to make such structural or other alterations in the existing privy or urinal accommodation as may be so specified;
- (c) to remove the privy or urinal; and
- (d) where there is an underground sewerage system, to substitute connected privy or connected urinal accommodation for any service-privy or service-accommodation.

67. Births, deaths and marriages.-(1) A Paurashava shall register all births, deaths and marriages within the limits of the municipality and information of such births, deaths and marriage shall be given by such persons or authorities, and shall be registered in such manner, as the by-laws may provide.

(2) The by-laws made under sub-section (1) may exempt any class or classes of marriages information in respect of which is not deemed necessary for registration under this section.

68. Infectious diseases.-(1) A Paurashava shall adopt such measures to prevent infectious diseases and to restrain infection within the municipality as the rules and by-laws may provide.

(2) A Paurashava may, and if so required by the Government shall, establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

(3) A Paurashava may, in the prescribed manner, frame and implement schemes for the prevention and control of infectious diseases.

69. Health and maternity centres, etc.- A Paurashava may, and if so required by the Government shall,-

- (a) establish, manage, maintain or contribute towards the maintenance of health centres, maternity centres and centres for the welfare of

women, infants and children;

- (b) provide for the training of dais;
- (c) provide for the promotion of family planning; and
- (d) adopt such other measures as may be necessary to promote the health and welfare of women, infants and children.

70. Promotion of public health.- Subject to the provisions of this Ordinance and the rules, a Paurashava may, and if the Government so directs shall, take such measures for promoting public health, including education in health, as it considers necessary or, as the case may be, the Government directs.

71. Hospitals and dispensaries.-(1) A Paurashava may, and if so required by the Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the municipality, and the people visiting it.

(2) Every hospital and dispensary maintained by a Paurashava shall be managed and administered in such manner as may be prescribed.

(3) Subject to any directions that may be given in this behalf by the Prescribed Authority, every hospital and dispensary maintained by a Paurashava shall be provided with such drugs, medicines, instruments, apparatuses appliances, equipments and furniture in accordance with such scale, and standards as may be prescribed.

72. Medical aid and relief, and medical education, etc.- A Paurashava may, and if so required by the Government shall, take such measures as may be necessary or as may be specified by the Government for-

- (a) the provision and maintenance of first aid centres;
- (b) the provision and maintenance of mobile medical aid units;
- (c) the promotion and encouragement of societies for the provision of medical aid;
- (d) the promotion of medical education;
- (e) the payment of grants to institutions for medical relief; and
- (f) the medical inspection of school children.

73. Water supply.-(1) A Paurashava shall, within the limits of the funds at its disposal, provide, or cause to be provided, to the municipality a

supply of wholesome water sufficient for public and private purposes.

(2) A Paurashava may, and if so required by the Prescribed Authority shall, in the prescribed manner, frame and execute a water-supply scheme for the construction and maintenance of such works for the provision, storage and distribution of water as may be necessary.

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

74. Private sources of water supply.-(1) All private sources of water-supply within a municipality shall be subject to control, regulation and inspection by the Paurashava.

(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 Paurashava.

(3) A Paurashava 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 clear it from time to time of silt, refuse and decaying matter;
- (b) to protect the same from contamination in such manner as the Paurashava may direct; and
- (c) if the water therein is proved to the satisfaction of the Paurashava 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.

75. Drainage.-(1) A Paurashava shall, within the limits of the funds at its disposal, provide an adequate system of public drains in the municipality 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 municipality may, with the previous permission of the Paurashava, and subject to such terms and conditions, including the payment of fees, as the Paurashava 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 Paurashava, and the Paurashava may, in such manner as the by-laws may provide, require the provision, alteration, covering, clearing and closing of private drains.

76. Drainage Schemes.-(1) A Paurashava may, and if so required by the Prescribed Authority shall, prepare a Drainage Scheme in the Prescribed manner for the construction of drains at public and private expense, and other works for the effective drainage and disposal of sullage.

(2) A Drainage Scheme prepared under sub-section (1) shall be submitted for approval to the Prescribed Authority, which may approve it or reject it, or approve it subject to such modification as it may deem fit.

(3) The drainage Scheme as approved by the Prescribed Authority shall be executed and implemented in such manner, within such period and by such authority as may be specified by the Prescribed Authority.

(4) A Paurashava may by notice require the owner of any building or land within the municipality-

- (a) to construct such drains within the building or land or the street adjoining such building or land as may be specified in the notice;
- (b) to remove, alter or improve any such drains; and
- (c) to take such other steps for the effective drainage of the building or land as may be so specified.

77. Bathing and washing places.-(1) A Paurashava may from time to time-

- (a) set apart suitable places for use by the public for bathing, for washing clothes, or for drying clothes;
- (b) specify the times 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 hammam or a bath for public use except under a licence granted by the Paurashava and in conformity with the conditions and terms of such licence.

78. Dhobi ghats and washermen.-(1) A Paurashava may provide dhobi ghats for the exercise of their calling by washermen, and may, by bylaws, regulate the use of dhobi ghats and levy fees for their use.

(2) A Paurashava may, by by-laws, provide for the licensing of washermen and the regulation of their calling.

79. Public water-courses.-(1) A Paurashava may, with the previous sanction of the Prescribed Authority, declare any source of water, spring,

river, tank, pond, or public stream, or any part thereof within the municipality which is not private property, to be a public water-course.

(2) A Paurashava may, in respect of any public water-course, provide such amenities, make such arrangements for life saving, 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 by-laws may provide.

80. Public ferries.-(1) A Paurashava may, by by-laws, provide for the licensing of boats and other vessels plying for hire in a public water course and may prescribe the terms and conditions for the grant of licences and the fees to be charged thereof.

(2) The Government may declare any part of a public water-course to be a public ferry and may entrust the management thereof to the Paurashava and thereupon the Paurashava shall manage and operate the public ferry in such manner and levy such tolls as may be prescribed.

81. Public fisheries.- A Paurashava may, with the previous sanction of the Government, declare any public water-course as a public fishery, and thereupon the right of fishing in such water-course shall vest in the Paurashava which may exercise such right in such manner as may be prescribed.

82. By-laws for articles of food and drink.- A Paurashava may by by-laws-

- (a) prohibit the manufacture, sale or preparation, or the exposure for sale, of any specified article of food or drink in any place or premises not licensed by the Paurashava;
- (b) prohibit the import into the municipality for sale, or the sale, or the hawking for sale, of any specified article of food or drink by persons not so licensed;
- (c) prohibit the hawking of specified articles of food and drink in such parts of the municipality as may be specified;
- (d) regulate the time and manner of transport within the municipality of any specified article of food or drink;
- (e) regulate the grant and withdrawal of licences under this section and the levying of fees therefor; and
- (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.

83. Milk supply.-(1) Except under a licence granted by the Paurashava, and in conformity with the conditions of such licence, no person shall, within the municipality keep milch cattle for the sale of milk, or sell milk, or expose or import milk for sale, or manufacture butter, ghee, or any other milk or dairy product, nor shall any premises be used for any such purpose.

(2) A Paurashava may, in the prescribed manner, and with the previous sanction of the Prescribed Authority, frame & 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 municipality 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.

84. Public markets.-(1) A Paurashava may establish and maintain public markets, or may provide places for use as public markets, for the sale of articles of food and drink and of animals, and secure the proper management and sanitation of such markets.

(2) A Paurashava may, in respect of public market, provide by by-laws-

- (a) the fees to be charged for the use of or for the right to expose goods in the market;
- (b) the fees to be levied on vehicles and animals bringing goods there for sale;
- (c) the fees to be charged for the use of shops, stalls, pens or stands;
- (d) the fees to be charged in respect of animals brought for sale or sold; and
- (e) the fees to be charged from brokers, commission agents, weight-men and other persons practising their calling therein.

85. Private markets.-(1) No private market for the sale of articles of food or drink or for the sale of animals, shall be established or maintained within a municipality except under a licence granted by the Paurashava and in conformity with the conditions of such licence.

(2) Notwithstanding the provisions of sub-section (1), the owner of every private market within a municipality for the sale of articles of food or drink or for the sale of animals, maintained immediately before the coming into force of this Ordinance, shall, within three months, apply for a licence to the Paurashava and until the licence is granted shall continue to maintain the same.

(3) A Paurashava may levy such fees in respect of private markets as the by-laws may provide.

(4) If a Paurashava is satisfied that in public interest any private market should be discontinued or taken over by the Paurashava, it may direct that the market should be discontinued, or that, subject to the payment of such compensation as would have been payable if it had been acquired under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), the market should be taken over by the Paurashava.

(5) A Paurashava may, by notice, require the owner of any private market to construct such works, provide such conveniences and make such arrangements for the maintenance of the market, and within such period, as may be specified in the notice.

86. Slaughter-houses.- A Paurashava shall provide and maintain at such site or sites within or without the limits of the municipality as the Prescribed Authority may approve one or more slaughter-houses for the slaughter of animals for sale or of any specified description of animals.

87. Animal husbandry.-(1) A Paurashava may, and if so required by the Government shall, provide for the establishment and maintenance of veterinary hospitals and dispensaries, and by by-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A Paurashava may by by-laws define contagious disease among animals and provide for measures that shall be adopted for prevention of the spread of such diseases, including the compulsory inoculation of animals, and the subjection to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers of any such diseases.

88. Stray animals.-(1) A Paurashava may, by by-laws, provide for the seizure, detention and impounding of animals found straying in any street, public place or cultivated land.

(2) A Paurashava may, and if so required by the Prescribed Authority shall, establish and maintain cattle pounds for the impounding of cattle and charge such fines and fees for the impounding of cattle as the by-laws may provide.

(3) No animals shall be picketed or tethered in such streets or places as may be specified by the Paurashava, and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

89. Animal homes and farms.-(1) A Paurashava may, with the previous approval of the Prescribed Authority, establish and maintain

animal homes, where, subject to such terms and conditions and on payment of such fees and other charges, as the by-laws may provide, the animals of private persons may be kept.

(2) A Paurashava may, with the previous approval of the Prescribed Authority, establish and maintain cattle farms and poultry farms, and such farms shall be managed and administered in such manner as the by-laws may provide.

90. Registration of the sale of cattle.- A Paurashava may, by by-laws, require that every sale of such of the animals as may be specified shall be registered with the Paurashava.

91. Livestock improvement.- A Paurashava may, with the previous approval of the Prescribed Authority, frame and execute a livestock scheme, which may, among other matters, provide that no person shall keep such animals above such age as may be specified, unless they are castrated or are certified by competent authority to be fit for breeding.

92. Dangerous animals.- A Paurashava may, by by-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 by-laws may, among other matters, provide for the detention, destruction, or disposal otherwise of such animals.

93. Cattle shows, zoos, etc.-(1) A Paurashava may hold cattle shows and fairs within its area and charge such fees from the people attending such shows or fairs as the by-laws may provide.

(2) A Paurashava may, with the previous approval of the Prescribed Authority, maintain or contribute towards the maintenance of zoological gardens.

94. 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 carcass within twenty-four hours to a place, if any, fixed by the Paurashava for the disposal of the carcass, or to a place beyond the limits of the municipality, not being a place within one mile of such limits; or
- (b) give notice of the death to the Paurashava, whereupon the Paurashava shall cause the carcass to be disposed of and charge such fees from the person concerned as the by-laws may provide.

Explanation.- In this section, "animal" shall be deemed to mean all

horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine, dogs, cats and other large animals.

95. Master Plan.- A Paurashava may, and if so required by the prescribed Authority shall, draw up a Master Plan for the municipality which shall, among other matters, provide for-

- (a) a survey of the municipality including its history, statistics, public services and other prescribed particulars;
- (b) development, expansion and improvement of any area within the municipality; and
- (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 municipality.

98. Erection and re-erection of buildings.-(1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved, and the building plan has been sanctioned by the Paurashava.

101. Public streets.-(1) A Paurashava shall provide and maintain such public streets and other means of public communication as may be necessary for the comfort and convenience of the inhabitants of the municipality and of the visitors thereto.

102. Streets.-(1) No new street shall be laid out except with the previous sanction of the Paurashava, 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 by-laws may provide.

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

(4) The Government may prescribe the manner in which a street other than a public street may be converted into a public street.

103. General provisions about streets.-(1) A Paurashava may, with the previous sanction of the Prescribed Authority, assign names to streets and paint the names or fix the name plates on or at conspicuous places at or near the end corner or entrance of the street.

(2) No person shall destroy, deface or in any way injure any street, name or name plate, or without the previous permission of the Paurashava, remove the same.

(3) A Paurashava may, in the manner provided in the by-laws, lay down street lines and building lines, and may, among other things, require the setting back of buildings to conform to such street lines and building lines.

(4) A Paurashava may by by-laws define nuisances and offence with regard to streets, and provide for their prevention and abatement.

104. Street lighting.-(1) A Paurashava shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in the Paurashava by oil, gas, electricity or such other illuminant as the Paurashava may determine.

(2) A Paurashava may, with the previous sanction of the Prescribed Authority, frame and enforce a Street Lighting Scheme in the prescribed manner.

105. Street watering.- A Paurashava 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.

106. Traffic control.- A Paurashava shall by by-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.

107. Public vehicles.-(1) No person shall keep or let for hire, or drive or propel within the limits of a municipality any public vehicle other than a motor vehicle except under a licence granted by the Paurashava 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 limits of a municipality except under a licence granted by the Paurashava and in conformity with the conditions of such licence.

(3) A Paurashava shall, in such manner as the by-laws may provide, and with the previous approval of the Prescribed Authority, fix the rate of fares for the use of public vehicles, and no person plying a public vehicle shall charge a fare in excess thereof.

Explanation.- In this section, a "public vehicle" means any vehicle which ordinarily plies for hire.

108. Fire fighting.-(1) For the prevention and extinction of fire, the Paurashava may, and if so required by the Prescribed Authority 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 prescribed.

(2) On the occurrence of a fire within a municipality, any Magistrate, any official of a fire brigade directing the operations, and any police officer not below the rank of Sub-Inspector may-

- (a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or for saving life and property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire, break into or through, or pull down or cause to be broken into or pulled down, or use for the passage of houses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the person in-charge of any fire engine to render such assistance as may be possible; and
- (f) generally take such measures as may appear necessary for the preservation of life and property.

(3) No person shall be liable to pay damages in respect of anything done or in good faith intended to be done under this section.

(4) Notwithstanding the provision of sub-section (3) or of any other law, or the terms of any insurance policy, any damage done in the exercise of a power conferred, or in the discharge of a duty imposed, by this section shall be deemed to be a damage by fire, for the purposes of any policy of insurance against fire.

110. Floods.- For the fighting of floods, rescuing of people from flood-affected areas, and affording relief to flood stricken people, the Paurashava may, and if so required by the Prescribed Authority shall, provide such boats, appliances and equipment as may be necessary.

111. Famine.- In the event of a famine, the Paurashava may, with the sanction of the Prescribed Authority, execute such famine works and undertake such famine relief measures as may be necessary or may be specified by the Authority.

112. Dangerous and offensive articles and trades.-(1) The Prescribed Authority may by rules define the articles and trades which shall be deemed to be dangerous or offensive for the purposes of this section.

(2) Except under and in conformity with the conditions of a licence granted by the Paurashava-

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

(3) A Paurashava may, with the previous sanction of the Prescribed Authority, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trade in specific within the Municipality, and for the restriction of such trade in any area not so specified.

113. Burial and burning place.-(1) A Paurashava may, and if so required by the Prescribed Authority shall, provide suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenances and administration of such burial and burning place.

(2) 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 the Paurashava, and thereupon such burial or burning place shall vest in the Paurashava, and the Paurashava shall take all measures necessary for the proper maintenance and administration thereof.

(3) Every burial or burning place which is not administered by the Paurashava shall be registered with the Paurashava and shall be subject to regulation, supervision and inspection by the Paurashava in such manner as the by-laws may provide.

(4) No new burial or burning place shall be establishment within the municipality except under a licence granted by the Paurashava, and in conformity with the conditions of such licence.

114. Arboriculture.-(1) A Paurashava shall plant trees on public streets and other public places within the municipality and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

(2) A Paurashava may, in the prescribed manner and with the previous sanction of the Prescribed Authority, frame and enforce an Arboriculture Plan.

115. Gardens.-(1) A Paurashava may, and if so required by the Prescribed Authority shall, lay out and maintain within the municipality 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 by-laws may provide.

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

116. Open spaces.- A Paurashava may provide and maintain within the Municipality such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with such amenities and in such manner as the by-laws may provide.

117. Forests.- A Paurashava may, in the prescribed manner, frame and enforce Forest Plans providing for the improvement, development and exploitation of forests and plant, maintain and work forests in accordance with such plans.

118. Nuisances pertaining to trees and plantations.-(1) A Paurashava may by by-laws determine the pests of trees and plants and provide for their destruction.

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

(3) A Paurashava may, in the manner provided in the by-laws, require the felling of any tree which is dangerous or the trimming of the branches of any tree which overhang and are likely to interfere with traffic or are otherwise inconvenient.

(4) A Paurashava may, in the manner provided in the by-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of the municipality as may be specified.

119. Tanks and low-lying areas.- A Paurashava may, and if so

required by the Prescribed Authority shall, take such steps with regard to the excavation and re-excavation of tanks and the reclamation of low-lying areas as it thinks fit, or, as the case may be, the Prescribed Authority directs.

123. Culture.- A Paurashava may, and if so required by the Prescribed Authority shall,-

- (c) organise museums, exhibitions and art galleries;
- (i) promote tours to the municipality and adopt measures for the preservation of the historical and indigenous characteristics of the municipality;
- (j) provide, promote to subsidize facilities for the recreation of the public; and
- (k) adopt any other measures likely to promote cultural progress and advancement.

125. Fairs and shows, etc.- A Paurashava shall, with the previous approval of the Prescribed Authority, make such arrangements on the occasion of any fairs, shows or public festivals within the municipality as may be necessary for the public health, public safety and public convenience and may levy fees on the person attending such fairs and shows.

127. Development Plans.-(1) A Paurashava may, and if so required by the Government shall, prepare and implement development plans for such periods and in such manner as may be specified. .

(2) Such Plans shall be subject to the sanction of the Prescribed Authority and shall provide for-

- (a) the prevention of environmental pollution;
- (b) the promotion, improvement and development of such function or functions of the Paurashava as may be specified;
- (c) the manner in which the plans shall be financed, executed, implemented and supervised;
- (d) the agency through which the plans shall be executed and implemented; and
- (e) such other matters as may be necessary.

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

128. **Community Development Projects.**- The Paurashava may, in the prescribed manner, sponsor or promote community development projects for the municipality or any part thereof and may in this behalf perform such functions as may be prescribed.

130. **Supervision over Paurashava.**- The Government shall exercise general supervision and control over the Paurashava in order to ensure that their activities conform to the purposes of this Ordinance.

139. **Offences.**- Every act or omission specified in the Third Schedule shall be an offence under this Ordinance.

140. **Punishment.**- An offence under this Ordinance for which no penalty is expressly provided 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 Taka for every day after the date of the first commission during which period the offender has persisted in the offence.

143. **Encroachments.**-(1) No person shall make an encroachment, movable or immovable, on, over or under a street, drain or a public place.

(2) Subject to by-laws, a Paurashava may, by notice, require the person responsible for any such encroachment to remove the same within such period as may be specified and if the encroachment is not removed within such period, the Paurashava may cause the encroachment to be removed through its own agency; and the cost incurred thereon by the Paurashava shall be deemed to be a tax levied on the persons responsible for the encroachment under this Ordinance.

THE SECOND SCHEDULE
Offences Under the Ordinance
(See section 140)

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 by-laws.
4. Erection or re-erection of a building without the sanction required under this Ordinance.
5. Development of a site without the sanction required under this Ordinance.
6. Laying out, making or commencing to lay out or make a street without the sanction of the Paurashava.

7. Making an encroachment on any public road, public street or public place without the sanction of the Paurashava.
8. 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 of the Paurashava.
9. Causing or permitting animals to stray.
10. Without the permission of the Paurashava, causing or knowingly or negligently allowing the contents of any sink, sewer, drain, or cess-pool or any other offensive matter to flow, or drain to be put upon any street, or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose.
11. Laying out a drain or altering any drain in a street without the sanction of the Paurashava.
12. Connecting any house drain with a drain in a public street without the permission of the Paurashava.
13. Throwing or placing any refuse on any street, or in any place not provided or appointed for the purpose by the Paurashava.
14. Carrying on any dangerous or offensive trade, or storing any offensive or dangerous article, without the sanction of the Paurashava.
15. Doing any act by which water for drinking is rendered unfit for such use.
16. Using water for drinking from any source which is suspected to be dangerous to public health, and the use whereof has been prohibited by the Paurashava.
17. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.
18. Steeping hemp, jute or any other plant on or near a pond or any other excavation within such distance of the residential area as may be specified by the Paurashava.
19. Dyeing or tanning skins within such distance of the residential area as may be specified by the Paurashava.
20. Willfully or negligently injuring or suffering to be injured, wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of the Paurashava.
21. Drawing off, diverting or taking any water, except with the permission

of the Paurashava from any main or pipe.

22. Tampering with any main, pipe, meter, or any apparatus or appliance for the supply of water.
23. Excavation of earth, stone or any other material within such distance of the residential area as may be specified by the Paurashava.
24. Establishing a brick kiln, charcoal kiln or pottery within such distance of the residential area as may be specified by the Paurashava.
25. Disposing of carcasses of animals without the sanction of the Paurashava.
26. Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cess-pool or other receptacle for filth, sullage, water or refuse when so required by the Paurashava.
27. Failure by the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which has been declared by the Paurashava to be injurious to health or offensive to the neighbourhood.
28. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering on 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.
29. Cultivation of such crops, use of such manure or irrigation of any land in such manner as is declared by the Paurashava to be injurious to health or offensive to the neighbourhood.
30. 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 by the Paurashava to be injurious to health or offensive to the neighbourhood.
31. Failure by the owner or occupier of any building or land to put up and keep in good condition proper troughs and pipes for receiving or carrying water or sullage from the building or land when so required by the Paurashava.
32. 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 Paurashava.

33. Failure by any person cognizant of the existence of any infectious disease in any building to communicate the information to the Paurashava.
34. Failure by the owner to disinfect an infected building or the letting of an infected building without disinfection.
35. Sale of articles of food or drink by a person suffering from any infectious disease.
36. Failure by the owner or driver of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.
37. Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substances, filth or refuse of any kind.
38. Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.
39. 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.
40. 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 Paurashava.
41. Removal of a dead body by a route other than the routes specified by the Paurashava.
42. Defacing or disturbing any municipal direction-post, lamp-post or lamp, or extinguishing any municipal light except under due authority.
43. Fixing 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 Paurashava.
44. Exhibiting any obscene advertisement.
45. Stacking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared by the Paurashava to be dangerous.
46. Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after sun set to half an hour before sunrise.
47. 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.

48. *Playing of music or radio, beating a drum, 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 by the Paurashava.*
49. *Discharging firearms or letting of fireworks, crackers, fire balloons or detonators, or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood, or risk or injury to property.*
50. *Quarrying, blasting, cutting timber, or carrying on building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.*
51. *Letting loose or setting on ferocious dogs or other dangerous animals.*
52. *Failure to demolish or otherwise secure a building declared by the Paurashava to be dangerous building.*
53. *Using or allowing the use for human habitation of a building declared by the Paurashava to be unfit for human habitation.*
54. *Failure to limewash, or repair a building if so required by the Paurashava.*
55. *Failure by the owner or occupier of a building to make adequate arrangements for house scavenging when so required by the Paurashava.*
56. *Willfully obstructing any officer or employees of, or any person authorised by, the Paurashava in the exercise of powers conferred by or under this Ordinance.*
57. *Begging unfortunately for alms, or exposing or exhibiting with the object of exciting any deformity or disease or any offensive sore or wound.*
58. *Keeping a brothel or practising prostitution in such area as may be declared by the Paurashava to be the prohibited area.*
61. *Doing of any other act which is prescribed as an offence under this Ordinance.*
62. *Contravening any of the provisions of this Ordinance, the rules, or by-laws, or of any order, direction, notice, or declaration made or issued thereunder.*
63. *Attempts and abetment of any of the offences aforesaid.*