

THE LOCAL GOVERNMENT (UNION PARISHADS) ORDINANCE, 1983

(ORDINANCE NO. LI OF 1983).

[12th September,1983]

An Ordinance to provide for the constitution of Union Parishads for the unions in rural areas.

WHEREAS it is expedient to provide for the constitution of Union Parishads for the unions in rural areas and for matters incidental or ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the Local Government (Union Parishads) Ordinance, 1983.

Definitions

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

- (1) “annual value” means the gross rent at which a building or land may be let from year to year;
- (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) “Chairman” means the Chairman of a Union Parishad;
- (4) “Circle Officer” means the Circle Officer of the police station concerned, and includes any officer specially appointed by the Government to perform all or any of the functions of a Circle Officer under this Ordinance;
- (5) “Deputy Commissioner” includes any officer specially appointed by the Government to perform all or any of the functions of a Deputy Commissioner under this Ordinance;
- (6) “district” means a revenue district;
- (7) “Election Commission” means the Election Commission of Bangladesh;
- (8) “function” includes powers to be exercised and duties to be discharged;
- (9) “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;
- (10) “land” includes land which is being built upon or is built up or is covered with water;
- (11) “member” means a member of a Union Parishad;

(12) “municipal body” means a body constituted under any law relating to local government in urban areas, but does not include Cantonment Board;

(13) “prescribed” means prescribed by rules made under this Ordinance;

(14) “public road” means a road maintained by the Government or by a Union Parishad or other local authority;

(15) “public street” means a street maintained by the Government or by a Union Parishad or other local authority;

(16) “public way” means a way maintained by the Government or by a Union Parishad or other local authority;

(17) “regulations” means regulations made under this Ordinance;

(18) “road” includes a road which is not a thoroughfare;

(19) “rules” means rules made under this Ordinance;

(20) “rural area” means any area which is not an urban area;

(21) “street” includes a street which is not a thoroughfare;

1[* * *]

2[* * *]

(24) “tax” includes any rate, fee or other impost leviable under this Ordinance;

3[(25) “Thana” means a police station within the meaning of “police station” as defined in clause (s) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898);

(25A) “Thana Nirbahi Officer” means the Thana Nirbahi Officer of a Thana;]

(26) “union” means a rural area declared to be a union under section 3;

(27) “Union Parishad” means a Union Parishad constituted under this Ordinance;

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5[* * *]

(30) “Urban area” means an area within the jurisdiction of a municipal body;

(31) “ward” means a ward of a Union Parishad; and

(32) “way” includes a footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not.

Declaration of Union and alteration of limits thereof

3. The Deputy Commissioner may, in the prescribed manner,-

- (a) divide the rural areas of a police station within his jurisdiction separately into a number of areas, and declare each such area to be a union;
- (b) extend, curtail or otherwise alter the limits of any such union; and
- (c) declare that any such area shall, from a date to be specified, cease to be a union.

Union to be administrative unit

6[3A. Every union shall be an administrative unit for the purpose of article 59 of the Constitution of the People's Republic of Bangladesh.]

Constitution of Union Parishads

4. (1) As soon as may be after the commencement of this Ordinance, there shall be constituted, in accordance with the provisions of this Ordinance, a Union Parishad for a union.
- (2) A Union Parishad shall be known by such local name as the Deputy Commissioner may assign.
- (3) Every Union Parishad shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance and the rules, to acquire and hold property both movable and immovable, and shall by its name sue and be sued.

Composition of Union Parishads

5. 7[(1) A Union Parishad shall consist of a Chairman and twelve members including three members exclusively reserved for women.]

(2) 8[Subject to the provisions of sub-section (3), the Chairman and members] shall be elected by direct election on the basis of adult franchise in accordance with the provisions of this Ordinance and the rules.

9[(3) There shall be reserved three seats exclusively for women members in each Union Parishad, hereinafter referred to as reserved seats, who shall be elected by direct election on the basis of adult franchise in accordance with the provisions of this Ordinance and the rules:

Provided that nothing in this sub-section shall prevent a woman from being elected to any of the nine general seats provided for in sub-section (1).]

(4) The Chairman of a Union Parishad shall also be deemed to be a member of the Parishad.

(5) There shall be paid to the Chairman and members of a Union Parishad such honorarium as may be determined by the Government.

10[] 6. (1) The term of a Union parishad shall be a period of 11[five] years commencing on the day of its first meeting after its constitution:

12[Provided that, notwithstanding the expiration of its term, a Union Parishad shall continue to function until the first meeting of the Parishad constituted to succeed it.]

13[* * *]

14[(1B) Notwithstanding anything contained in this Ordinance, a Union Parishad shall be deemed to have been duly constituted after the election of seventy-five per cent of the total number of its 15[members 16[* * *]] has taken place.

Explanation.- For calculating the seventy-five per cent of the total number of 17[* * *] members, less than point five zero per cent shall be ignored and point five zero and above per cent shall be rounded off into a whole number.]

(2) A Union Parishad shall, after its constitution, hold its first meeting on such date, not later than thirty days from the day on which the names of its Chairman and elected members are notified in the official Gazette, as may be appointed by the Government.

Qualifications and disqualifications of Chairman and members of Union Parishads

7. (1) A person shall, subject to the provisions of sub section (2), be qualified to be elected 18[* * *] as, and to be, a Chairman or member if-

(a) he is a citizen of Bangladesh;

(b) he has attained the age of twenty five years; 19[* * *

(c) in the case of Chairman, his name appears on the electoral roll for any ward in the Union;

(d) in the case of a member including a member of reserved seats, his name appears on the electoral roll of the concerned ward.]

(2) A person shall be disqualified for election 20[* * *] as, or for being, a Chairman or a member if-

21[22[* * *]

(aa) he is declared by a competent Court to be of unsound mind;]

(b) he is an undischarged insolvent;

(c) he has ceased to be a citizen of Bangladesh;

(d) he has been, on conviction for a criminal offence involving moral turpitude, 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 full time office of profit in the service of the Republic or of the Union Parishad or of any other local authority; or

(f) he is a party to a contract for work to be done for, or goods to be supplied to, the Union Parishad concerned, or has otherwise any pecuniary interest in its affairs, or is a dealer in essential commodities appointed by the Government 23[;

(g) he has defaulted in repaying any loan taken by him from any specified bank within the time allowed by the bank therefore;

Explanation.- For the purposes of clause (g), “specified bank” means the Sonali Bank, the Agrani Bank and the Janata Bank constituted under the Bangladesh Banks (Nationalisation) Order, 1972 (P.O. No. 26 of 1972), the Shilpa Rin Sangstha established under the Shilpa Rin

Sangstha Order, 1972 (P.O. No. 128 of 1972), the Bangladesh Shilpa Bank Order, 1972 (P.O. No. 129 of 1972), the House Building Finance Corporation established under the House Building Finance Corporation Order, 1973 (P.O. No. 7 of 1973), the Krishi Bank established under the Krishi Bank Order, 1973 (P.O. No. 27 of 1973), the Investment Corporation of Bangladesh established under the Investment Corporation of Bangladesh Ordinance, 1976 (XL of 1976), the Rajshahi Krishi Unnayan Bank established under the Rajshahi Krishi Unnayan Bank Ordinance, 1986 (LVIII of 1986), and the Rupali Bank Limited 24[;

(h) he is a member of Parliament 25[;

(i) he is a defaulter in paying any of the taxes, rates and fees levied under this Ordinance;

(j) he has been dismissed from the service of the Republic or of any local authority for misconduct involving moral turpitude and unless a period of five years has elapsed since his dismissal.]

Persons not to be candidate for two offices

8. (1) A person shall not, at the same time, be a candidate for election to the offices of Chairman and 26[* * *] member of a Union Parishad.

(2) If a person offers himself, at the same time, to be a candidate for election to the offices of Chairman and 27[* * *] member, all his nomination papers shall stand void.

(3) When the office of Chairman falls vacant during the term of the Union Parishad, a member may contest the election to the office of Chairman, and if he is elected, his membership shall cease on the date he makes the oath of office of Chairman.

Oath of office

9. Every Chairman and member shall, before he enters upon his office, make, in the prescribed manner and within the prescribed period, an oath in the prescribed form.

Declaration of properties

10. Every Chairman and member shall, before he enters upon his office, submit to such Authority as the Government may direct, a declaration in writing, of properties, both movable and immovable, whether within or outside Bangladesh, which he or any member of his family owns, or which he has in his possession or under his control, or in which he or any member of his family has any beneficial interest.

Explanation.- In this section, the expression “member of his family”, in relation to a person, includes-

(a) the spouse of such person, and

(b) such of the children, parents, brothers and sisters as reside with and are wholly dependent upon such person.

Resignation of Chairman, etc

11. (1) A Chairman may resign his office by notice in writing under his hand addressed to the Government or such other authority as the Government, may direct.

(2) A member may resign his office by notice in writing under his hand addressed to the Chairman.

(3) A resignation under this section shall become effective, and the office concerned shall become vacant, on the date on which the notice of resignation is received by the addressee.

Removal of Chairman, etc

12. 28[(1) A Chairman or member shall render himself liable to removal from his office if -

(a) he, without reasonable excuse, absents himself from three consecutive meetings of the Union Parishad;

(b) he is involved in any activities prejudicial to the interest of the Union Parishad or of the State;

(c) he becomes physically or mentally incapacitated from performing his functions; or

(d) he is guilty of misconduct or is responsible for any loss or misapplication of money or property of the Union Parishad.

Explanation. In this sub section, "misconduct" means misuse of power, corruption, jobbery, favouritism, nepotism and wilful maladministration and includes any attempt at, or abetment of, such misconduct.

(2) A Chairman or 29[* * *] member shall not be removed from his office-

(a) on any ground mentioned in clause (a) or (b) of sub-section (1), unless after such enquiry as may be considered necessary, the Government declares, by an order in writing, that he is liable to be so removed; or

(b) on any ground mentioned in clause (c) or (d) of that sub-section, unless, at a special meeting of the Union Parishad called for the purpose in the prescribed manner, a resolution to the effect that he is liable to be so removed is passed by the votes of not less than 30[nine members] of the Union Parishad and unless the resolution is approved by the Government:

Provided that no declaration under clause (a) nor a resolution under clause (b) shall be made or passed unless the Chairman or the member concerned has been given a reasonable opportunity of showing cause against the declaration or resolution proposed to be made or passed with respect to him.

(2A) A Chairman or 31[* * *] member shall be deemed to have been removed from his office on the date on which the declaration under clause (a) of sub-section (2) of the approval of the Government under clause (b) of that sub-section is received by the Union Parishad.]

(3) A Chairman shall stand removed from his office if, at a special meeting of the Union Parishad called for the purpose in the prescribed manner, a motion of no-confidence is passed against him by the votes of not less than seven elected members and the motion is approved by the Government.

32[* * *]

(5) Notwithstanding anything contained in any other provision of this Ordinance, a person who has been removed from any office under this section shall not, during the unexpired period of the term of the Union Parishad, be eligible for election 33[* * *] to that Union Parishad.

Vacation of Office of the Chairman, etc

13. The office of Chairman or member shall become vacant if-

- (a) he becomes disqualified for being such Chairman or member under section 7(2);
- (b) he fails to make the oath referred to in section 9 within the prescribed period, unless the 34[Deputy Commissioner], for good cause shown extends the period;
- (c) he resigns his office under section 11;
- (d) he is removed from his office under section 12; or
- (e) he dies.

Casual vacancy

14. (1) Where the office of Chairman or a member becomes vacant not later than one hundred and eighty days before the term of the Union Parishad is due to expire, an election 35[* * *] to fill the office shall be held 36[* * *] within sixty days of the occurrence of the vacancy, and the person who is elected in such election 37[* * *] shall hold office for the residue of such term:

Provided that if no election is held within sixty days, the Election Commission may fix a day to hold such election.

(2) While the office of Chairman is vacant, the functions of the office shall be performed by the Acting Chairman referred to in section 16.

Leave of absence of Chairman, etc

15. A Union Parishad may grant leave of absence to its Chairman for any period not exceeding three months in any one year.

Acting Chairman

16. (1) If a vacancy occurs in the office of Chairman or if the Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, 38[a member elected by the Union Parishad under sub-section (1A) from amongst the members] shall act as Acting Chairman until a new Chairman elected to fill such vacancy enters upon his office or until the Chairman resumes the functions of his office, as the case may be.

39[(1A) An election of Acting Chairman shall be held in such manner as may be directed by the Government.]

(2) At any time when the Acting Chairman is unable to discharge the functions of his office on account of absence, illness or any other cause, another member elected by the Union Parishad from amongst the 40[* * *] members shall act as Acting Chairman until a new Chairman elected to fill

such vacancy enters upon his office or until the Acting Chairman resumes the functions of his office, as the case may be.

Notification of election, etc

17. An election, 41[* * *] resignation, removal or vacation of office of a Chairman or member shall be notified in the official Gazette by the Government or any other authority as the Government may direct.

Reconstitution of Union Parishads in certain cases

42[17A. (1) Where any portion of a union has been declared an urban area and included in a municipality under the Paurashava Ordinance, 1977 (XXVI of 1977), the Union Parishad of the union may, if necessary, notwithstanding anything contained in this Ordinance, be reconstituted in such manner as the Government may direct and a Union Parishad so reconstituted shall continue to function till a Union Parishad is constituted in accordance with the provisions of this Ordinance.

(2) Notwithstanding anything contained in sub-section (1), the Government may, instead of reconstituting a Union Parishad, appoint an Administrator to perform the functions of the Union Parishad till a Union Parishad is constituted in accordance with the provisions of this Ordinance.

(3) Where an Administrator is appointed under this section,-

(a) the Chairman and members of the Union Parishad shall cease to hold office;

(b) the Government may appoint a Committee consisting of such number of members as it deems fit to assist the Administrator in the discharge of his functions.

(4) The Administrator and the members of the Committee, if any, shall respectively exercise the powers of the Chairman and Members of the Union Parishad.

(5) The Government may make such orders regarding the staff and the assets and liabilities of the Union Parishad reconstituted under this section as it may deem fit.]

Wards

43[18. (1) For the purpose of election of members, other than in reserved seats, the Union shall be divided into nine wards.

(2) For the purpose of election of members in reserved seats, the Union shall be divided into three wards.]

Appointment of delimitation officers

19. (1) For the purpose of delimitation of wards, the 44[Thana Nirbahi Officer] may appoint from amongst persons in the service of the Republic as many delimitation officers and assistant delimitation officers as may be necessary.

(2) An assistant delimitation officer shall assist the delimitation officer in the performance of his functions and may perform, under the control of the delimitation officer, the functions of the delimitation officer.

Delimitation of wards

20. (1) The wards shall be delimited having regard to territorial unity and, so far as practicable, to distribution of population and administrative convenience.

(2) A delimitation officer may, for the purpose of delimiting the wards, make such enquiries and examine such records as he may deem necessary and consider such representations as may be received by him, and shall publish at his office and at the office of the Union Parishad and at such other place or places as he considers necessary a preliminary list of wards specifying the areas proposed to be included in each such ward together with a notice inviting objections or suggestions within fifteen days from the date of publication of the notice.

(3) The objection or suggestion, if any, received under sub section (2), shall be forwarded to the 45[Thana Nirbahi Officer] who, after making such enquiries as he considers necessary, shall give his decision within a period not exceeding fifteen days from the date of receipt of the objections or suggestions from the delimitation officer.

(4) The delimitation officer shall make such amendments, alterations or modifications in the preliminary list published under sub section (2) as may be required by any decision on any objection or suggestion given by the 46[Thana Nirbahi Officer] under sub-section (3) and may also make such other amendments, alterations or modifications in the said list as may be necessary for correcting any error or omission.

(5) After making amendments, alterations or modifications, if any, under sub section (4), the delimitation officer shall publish at his office and at the office of the Union Parishad and at such other place or places as he considers necessary the final list of wards, specifying the areas included in such ward and shall forward attested copies thereof to the 47[Thana Nirbahi Officer] who shall publish the list of wards in the official Gazette.

Delimitation of wards of reserved seats

48[20A. For the purpose of election to the reserved seats, the Thana Nirbahi Officer shall cause the nine wards, delimited under section 20 to be regrouped into three wards and shall publish the list of such wards in the official Gazette.]

Electoral roll

21. (1) There shall be an electoral roll for each ward to be prepared by the Election Commission.

(2) A person shall be entitled to be enrolled on the electoral roll for a ward if he-

(a) is a citizen of Bangladesh;

(b) is not less than eighteen years of age;

(c) does not stand declared by a competent Court to be of unsound mind; and

(d) is or is deemed to be a resident of that ward.

Right to vote

22. (1) Every person whose name is for the time being entered in the electoral roll of a ward shall be entitled to vote at election of 49[a member 50[* * *] for that ward].

(2) Every person whose name is for the time being entered in the electoral roll of a ward of a union shall be entitled to vote at an election of Chairman for that union.

Election of 51[***] elected members, etc

23. (1) There shall be elected 52[one member] from each ward and a Chairman in a Union Parishad.

(2) A general election of Chairman and 53[members 54[* * *]] of a Union Parishad shall be held-

(a) for the purpose of constituting the Union Parishad under section 4, as soon as may be after the commencement of this Ordinance; 55[* * *]

56[(b) for the purpose of reconstituting the Union Parishad after the expiration of the term of the Union Parishad, within the period of one hundred eighty days preceding such expiration;

(c) for the purpose of reconstituting the Union Parishad after the expiration of the period of supersession of the Union Parishad, if any, before such expiration:

Provided that the persons elected at a general election under clause (b) or (c) shall not enter upon office as Chairman or member of the Union Parishad except after the expiration of the term of the Union Parishad or the period of supersession of the Union Parishad, as the case may be.]

57[(3) Where, for any reason, the election of a Union Parishad can not be held within the period specified in clause (b) or (c) of sub-section (2), that election may, notwithstanding anything contained in that sub-section, be held within a period, after the expiration of the term of the Union Parishad, as the Government may, by notification in the official Gazette, specify.]

Conduct of election

24. All elections of Chairman and 58[members 59[* * *]] of a Union Parishad shall be organised, held and conducted by the Election Commission in accordance with the r ules, and such rules may provide for all or any of the following matters, namely:-

(a) the appointment of returning officers, assistant returning officers, presiding officers and polling officers for the conduct of election, and powers and duties of such officers;

(b) the nomination of candidates, objections to nominations and scrutiny of nominations;

(c) the deposits to be made by candidates and the circumstances under which such deposits may be refunded to candidates or forfeited to the Union Parishad;

(d) the withdrawal of candidature;

(e) the appointment of agents of candidates;

(f) the procedure in contested and uncontested elections;

(g) the date, time and place for poll and other matters relating to the conduct of elections;

(h) the manner in which votes are to be given;

(i) the scrutiny and counting of votes, the declaration of the result and the procedure to be followed in case of equality of votes;

- (j) the custody and disposal of ballot papers and other papers relating to elections;
- (k) the circumstances under which polls may be suspended and fresh polls may be held;
- (l) the election expenses;
- (m) the corrupt or illegal practices and other election offences and penalties thereof; and
- (n) any other matter connected with or incidental to elections.

Publication of results of election of Chairman, etc

25. The names of all persons elected as Chairman and 60[members 61[* * *]] of a Union Parishad shall as soon as may be after such election, be published in the official Gazette, by the Election Commission.

Election petitions

26. (1) No election under this Ordinance shall be called in question except by an election petition under sub section (2).

(2) Any candidate may make an election petition challenging the election at which he was a candidate.

(3) An election petition shall be presented, in such manner as may be prescribed to the Election Tribunal appointed under section 27.

Appointment of Tribunal

27. (1) For the trial of election petitions, the Election Commission shall, by notification in the official Gazette, appoint a judicial officer to be an Election Tribunal for such area as may be specified in the notification.

(2) Where the person constituting an Election Tribunal is succeeded by another, the trial of a petition shall continue before the person so succeeding and any evidence already recorded shall remain upon the record and it shall not be necessary to re examine the witnesses who have already been examined and discharged.

Power to transfer election petitions

28. The Election Commission, either of its own motion or on an application made in this behalf by any of the parties, may, at any stage, transfer an election petition from one Election Tribunal to another Election Tribunal, and the Tribunal to which the petition is so transferred shall proceed with the trial of the petition from the stage at which it was transferred:

Provided that the Tribunal to which an election petition is so transferred may, if it thinks fit, recall and examine any of the witnesses already examined.

Trial of election petitions

29. (1) An Election Tribunal shall, upon receipt of an election petition, give notice thereof to all the contesting candidates at the election to which the petition relates.

(2) Subject to any rules made in this behalf, the Election Tribunal shall, after giving the contesting candidates an opportunity of being heard and taking such evidence as may be produced before it, make such orders as it may think fit.

62[(3) Save as provided in sub-section (4), the decision of an Election Tribunal on an election petition shall be final.

(4) Any person aggrieved by a decision of the Election Tribunal may, within thirty days of the announcement of the decision, prefer an appeal to the District Judge within whose jurisdiction the election in dispute was held; and the decision of the District Judge on such appeal shall be final:

Provided that in the case of a decision announced before the commencement of the Local Government (Union Parishads) (Amendment) Ordinance, 1984 (XLIV of 1984), such appeal may be preferred within thirty days of such commencement.]

Civic functions of Union Parishads

30. (1) Subject to rules, and such directions as the Government may from time to time give, and within the limits of the funds at its disposal, a Union Parishad may undertake all or any of the functions enumerated in Part I of the First Schedule, and such other functions-

(a) as are declared by the Government to be appropriate matters for administration by Union Parishad generally or by any particular Union Parishad; or

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(c) as are entrusted to Union Parishads under any other law for the time being in force.

(2) The Union Parishads shall, in particular, undertake the following functions:-

(a) maintenance of law and order and assistance to administration in the maintenance of law and order;

(b) adoption of measures for preventing crime, disorder and smuggling;

(c) adoption and implementation of development schemes in the fields of agriculture, forest, fisheries, livestock, education, health, cottage industries, communication, irrigation and flood protection with a view to increasing economic and social upliftment of people;

(d) promotion of family planning;

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(f) development of local resources and their use;

(g) protection and maintenance of public property, such as roads, bridges, canals, embankments, telephones and electricity lines;

(h) review of the Development Activities of all agencies at the union level and to make recommendations to the 65[Thana Nirbahi Officer] in regard to their activities;

(i) motivation and persuasion of the people to install sanitary latrines;

(j) registration of Births, deaths, blinds, beggars and destitutes;

(k) conducting of census of all kinds.

Police and defence functions of Union Parishads

31. (1) The Government may establish a village police force in such rural areas as may be notified from time to time, and may by rules regulate the appointment, the training and discipline and the terms and conditions of service of the members of such police force.

(2) The village police shall exercise such powers and discharge such duties as are specified in Part II of the First Schedule.

(3) Where the Deputy Commissioner is of the opinion that in any union or a part thereof, special measures are required to secure village defence or public security, he may, by order, require, that all or any of the able-bodied adult male inhabitants of the union or such part thereof shall be liable to patrol duty for such period and in such manner as may be specified in the order.

(4) Where an order is made under sub section (3), the Union Parishad shall exercise such powers and discharge such duties as may be specified in the order.

Revenue and general administrative functions of Union Parishads

32. (1) It shall be the duty of the Chairman-

(a) to assist village revenue officials in the union, by whatever name called or howsoever designated, in the proper performance of their duties with regard to the collection of rent or land development tax and the general administration;

(b) to render such assistance in the preparation of records and assessments, and in the work of survey or crop inspection, and of other branches of revenue administration in the union as the Deputy Commissioner may require;

(c) to report to the police the commission of any offence, to bring to the notice of the police the presence in the union of persons of notorious character, and to assist in the investigation and prevention of crime, and in arresting criminals;

(d) to report to competent authority all cases of damage to or encroachments upon any public road, street or way, or any public place, building or property;

(e) to publicise in the union all matters the publicity of which is required by the Government or other competent authority; and

(f) to assist officials in the execution of their official duties, and to furnish such information as may be required by them for official purposes.

(2) Nothing in sub section (1) shall be construed as authorising the Chairman to interfere in the performance by any official of his official duties.

Development functions of Union Parishads

33. (1) A Union Parishad shall be responsible for agricultural, industrial and community development in the union, and may, for that purpose, perform such functions as may be prescribed.

(2) A Union Parishad may, for the purposes of rural development, adopt such measures and perform such functions as may be prescribed.

Appointment for the purpose of sports, etc

34. Every Union Parishad may appoint one of its members, or, if the circumstances so require, any other person to be in charge of promoting public games, sports and cultural activities.

Transfer of functions from Union Parishads to Government and vice versa

35. Notwithstanding anything in this Ordinance or in any other law 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 Union Parishad shall be transferred to the management and control of the Government or 66[any other authority]; and

(b) any institution or service maintained by the Government or 67[any other authority] shall be transferred to the management and control of a Union Parishad.

Executive powers

36. (1) The executive powers of a Union Parishad shall extend to the doing of all acts necessary for the due discharge of its functions under this Ordinance.

(2) Save as otherwise provided in this Ordinance and the rules, the executive powers of a Union Parishad shall vest in and be exercised by its Chairman, either directly or through other persons authorised by him, in accordance with this Ordinance or the rules.

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

Disposal of business

37. (1) All business of a Union Parishad shall, to the extent and in the manner prescribed, be disposed of at its meeting, or at the meetings of its 68[Standing Committees], or by its Chairman or members, officers or employees.

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

(3) No act or proceedings of a Union Parishad shall be invalid by reason only of the existence of any vacancy in, or any 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 Union Parishad shall be drawn up and recorded in a book to be kept for the purpose.

(5) All decisions of a Union Parishad shall be reported to the 69[Thana Nirbahi Officer] along with a copy to the Deputy Commissioner within fourteen days from the date on which the minutes of the meeting are signed.

Constitution of Standing Committees

70[38. (1) The Union Parishad shall, at its first meeting, in each year, or as soon as may be at any meeting subsequent thereto, constitute Standing Committees for dealing respectively with-

- (a) finance and establishment;
- 71[(b) education and mass education;
- (c) health, family planning and epidemic control;]
- (d) audit and accounts;
- (e) agriculture and other development works;
- (f) social welfare and community centres;
- (g) cottage industries and co-operatives 72[;
- (h) law and order;
- (i) women and children welfare, culture and sports;
- (j) fisheries and livestock;
- (k) conservation of environment and tree plantation;
- (l) union public works;
- (m) rural water supply and sanitation.]

73[(1A) A Standing Committee under this section shall consist of such number of members and other co-opted persons as may be determined by the Union Parishad concerned.]

(2) The Union Parishad may, with the previous approval of the Deputy Commissioner, constitute additional Standing Committees for such purpose as may be prescribed by regulations.

74[(3) A Standing Committee shall elect one of its members, other than a co-opted member to be its Chairman and another such member to be its Vice-Chairman:

Provided that one-fourth of the total number of Chairmen of the Standing Committees shall, subject to the availability of candidate, be elected from amongst the members elected in reserved seats:

Provided further that where any office of Chairman of any Standing Committee within the number aforesaid can not be filled in by a member elected in reserved seat for any reason whatsoever, the office of Vice-Chairman of that Standing Committee shall be filled in by election of a member elected in reserved seat.]

(4) A Union Parishad may co-opt a person of either sex who is not a member of the Parishad but who may, in the opinion of the Parishad, possess special qualifications for serving on any Standing Committee; and such member shall not have any right to vote at meetings of the Standing Committee, but shall be deemed to be member thereof for all other purposes.]

Samaj Unnayan Committee

75[38A. Notwithstanding anything contained in section 38, there shall be a Committee to be called the Samaj Unnayan Committee in every ward for a reserved seat consisting of the member of that reserved seat, who shall also be its Chairman, and the members representing the wards of general seats regrouped for delimitation of that reserved seat under section 20A.]

Contracts

39. (1) All contracts made by or on behalf of a Union Parishad shall be-

- (a) in writing and expressed to be made in the name of the Union Parishad;
- (b) executed in such manner as may be prescribed; and
- (c) reported to the Union Parishad by the Chairman at the meeting next following the execution of the contract.

(2) A Union 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.

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

Works

40. The Government may, by rules, provide for-

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

Records, reports and returns

41. A Union 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 Union Parishad.

Officers and employees

42. A Union Parishad may appoint such officers and employees as it deems necessary to assist it in the discharge of its functions on such terms and conditions as may be prescribed.

Constitution of Union Fund

43. (1) For every Union Parishad there shall be formed a fund which shall be known as the Union Fund.

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

(a) the balance of such fund as on the coming into force of this Ordinance is at the disposal of the Union Parishad of which the Union Parishad concerned is the successor;

(b) the proceeds of all taxes, rates, fees and other charges levied by the Union Parishad under this Ordinance;

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

(d) all sums received by the Union Parishad in the performance of its functions under this Ordinance or under any other law for the time being in force;

(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 Union Parishad;

(g) all grants made by the Government and other authorities;

(h) all profits accruing from investments; and

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

Custody or investment of Union Fund and establishment of special fund

44. (1) The moneys credited to a Union 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 from time to time.

(2) A Union Parishad may invest any portion of the Union Fund in such manner as may be prescribed.

(3) A Union 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.

Application of Union Fund

45. The moneys from time to time credited to a Union Fund shall be applied in the following order of preference:-

firstly, in the payment of salaries and allowances to the officers and employees of the Union Parishad;

secondly, in meeting the expenditure charged on the Union Fund under this Ordinance;

thirdly, in the fulfilment of any obligation and in the discharge of any duty imposed on a Union Parishad under this Ordinance or under any other law for the time being in force;

fourthly, in meeting the expenditure declared by the Union Parishad with the previous sanction of the 76[Deputy Commissioner] to be an appropriate charge on the Union Fund; and

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

Charged expenditure

46. (1) The following expenditure shall be charged on a Union Fund, namely:-

(a) all sums to be paid to, or in connection with employment of, any Government servant who is or has been in the service of a Union Parishad;

(b) such sums as the Union Parishad may be required by the Government to contribute towards the conduct of elections, the auditing of accounts and such other matters as may, from time to time, be specified by the Government;

(c) any sum required to satisfy any judgement, decree or award against the Union Parishad by any Court or tribunal; and

(d) any expenditure declared by the Government to be so charged.

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

Budget

47. (1) Every Union Parishad shall, in the prescribed manner, prepare 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 send it to the 77[Deputy Commissioner] for approval.

(2) If the budget is not prepared by a Union Parishad before the commencement of any financial year, the 78[Deputy Commissioner] may have the necessary statement prepared and certify it, and such certified statement shall be deemed to be the sanctioned budget of the Union Parishad.

(3) Within thirty days of the receipt of the copy of a budget under sub-section (1), the 79[Deputy Commissioner] may, by order, modify it, and the budget so modified shall be deemed to be the sanctioned budget of the Union Parishad.

(4) If the budget received under sub section (1) is not modified or approved within thirty days by the 80[Deputy Commissioner] it shall be deemed to have been approved.

(5) 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 sent to the 81[Deputy Commissioner] and such revised budget shall, so far as may be, be subject to the provisions of this section.

(6) Where any Union Parishad assumes office under this Ordinance 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.

Accounts

48. (1) Accounts of the receipts and expenditure of a Union 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 82[Deputy Commissioner] by the thirty first December of the following financial year.

(3) A copy of the annual statement of accounts shall be placed at a conspicuous place in the office of the Union Parishad concerned for public inspection, and all objections or suggestions concerning such accounts received from the public shall be considered by the Union Parishad and brought to the notice of the audit authority referred to in section 49.

Audit

49. (1) The accounts of every Union Parishad shall be audited in such manner, after such intervals 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 Union Parishad concerned.

(3) On the completion of audit, the audit authority shall submit to the 83[Deputy Commissioner] an audit report which shall, among other things, mention-

(a) cases of embezzlement;

(b) cases of loss, waste or misapplication of the Union 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.

Property of Union Parishads

50. (1) The Government may, by rules-

(a) provide for the management, maintenance, improvement and development of the property belonging to or vesting in Union Parishad;

(b) regulate the alienation of such property; and

(c) provide for the compulsory acquisition of such immovable property as may be required by a Union Parishad for the purposes of this Ordinance.

(2) A Union 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 Ordinance or the rules; and

(c) acquire or transfer by grant, gift, sale, mortgage, lease, exchange or otherwise any property.

Development plans

51. (1) A Union Parishad may, and if so required by the Government, shall, prepare and implement development plans for such periods as may be specified. (2) Such plans shall be subject to the approval of the 84[Deputy Commissioner] 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 Union Parishad shall wholly or in part be earmarked for and applied in the implementation of a development plan.

Recovery against liabilities

52. Every Chairman, member, officer or employee of a Union Parishad, and every person charged with the administration of the affairs of a Union Parishad, or acting on behalf of a Union Parishad, shall be liable for the loss, waste or misapplication of any money or property belonging to the Union 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.

Taxes to be levied

53. A Union Parishad, with the previous sanction of the 85[Deputy Commissioner] may levy, in the prescribed manner, all or any of the taxes, rates and fees mentioned in the Second Schedule.

Notification and enforcement of taxes, etc

54. (1) All taxes, rates and fees levied by a Union 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 a levy of a tax, rate or fee, or for the modification of tax, rate or fee, which is enforced, is sanctioned, the sanctioning authority shall specify the date for the enforcement thereof, and such tax, rate or fee or the modification shall come into force on such date.

Model tax schedules

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

Liability on account of taxes

56. (1) A Union Parishad may, by notice, call upon any person to furnish such information, produce such records or accounts liable to any tax, rate or fee, as may be necessary for the purpose of determining the liability of such person to a tax, rate or fee, or the assessment thereof.

(2) Any member or official of a Union Parishad authorised in this behalf may, after due notice, enter upon any building or premises for the purpose of assessing the liability of such building or premises to any rate.

Collection and recovery of taxes, etc

57. (1) Unless otherwise provided, all taxes, rates and fees levied under this Ordinance shall be collected by such person and in such manner as may be prescribed.

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

(3) Any member or official of a Union Parishad authorised in this behalf may, in the prescribed manner, seize and dispose of any goods for the purpose of recovery of arrears of tax, rate or fee.

(4) Notwithstanding the provisions of sub section (2), the Government may empower any Union Parishad to recover arrears of taxes, rates, fees and other moneys claimable by the Union Parishad under this Ordinance by distress and sale of the movable property belonging to the person concerned, or by attachment and sale of the immovable property belonging to him.

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

Petitions against valuation, assessment, etc

58. No assessment of a tax, rate or fee under this Ordinance, or 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.

Taxation Rules

59. (1) All taxes, rates, fees and other charges levied by Union Parishad shall be imposed, assessed, leased, compounded, administered and regulated 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.

Supervision over Union Parishads

60. The Government shall exercise general supervision and control over the Union Parishads in order to ensure that their activities conform to the purposes of this Ordinance.

Control over the activities of Union Parishads

61. If, in the opinion of the Government, anything done or intended to be done by or on behalf of a Union 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 the Union Parishad;

(c) prohibit the doing of anything proposed to be done; and

(d) require the Union Parishad to take such action as may be specified.

Power of Government to give direction to Union Parishads

62. (1) The Government may direct any Union 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 Ordinance.

(2) Where after due enquiry the Government is satisfied that a Union 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 borne by the Union 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 Union Fund to pay the expense, or so much thereof as may from time to time be possible.

Inquiry into the affairs of Union Parishads

63. (1) The Government may either suo motu or on an application made to it by any person, cause an enquiry to be made by such officer as may be authorised by it in this behalf, into the affairs of a Union Parishad generally, or into any particular matter concerning a Union Parishad and take such remedial measures as may be warranted by the findings of such enquiry.

(2) Such officer shall, for the purposes of the enquiry, 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.

Supersession of Union Parishads

64. (1) If, after such enquiry as may be necessary, the Government is of the opinion that a Union Parishad-

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

the Government may, by notification in the official Gazette, declare the Union Parishad to be superseded for such period, not exceeding the residue of the term of such Union Parishad, as may be specified:

Provided that the Government shall, before making an order under this section give the Parishad an opportunity of showing cause why such order should not be made.

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

- (a) persons holding office as Chairman and members shall cease to hold office;
- (b) all functions of the Union 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 Union Parishad shall, during the period of supersession, vest in the Government.

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

Suspension of Chairman and members in certain circumstances

65. (1) Where any proceedings have been initiated for the removal of the Chairman under section 12 or where any criminal proceedings under any law have been started against such Chairman or where on an enquiry by the Government, he is found to be guilty of any misconduct within the meaning of section 12(1) and in the opinion of the Government, the exercise of power by him as Chairman is either likely to be prejudicial to the interest of the Union Parishad or undesirable from the point of view of public interest, the Government may, by order in writing, place such Chairman under suspension; and during the period of suspension, an Acting Chairman elected in accordance with the provisions of section 16 shall discharge the functions of the Chairman until the termination of the proceedings or, in the event of the Chairman being removed as a result of such proceedings, or until the suspension is withdrawn or until a new Chairman is elected for the Union Parishad.

(2) When an order of suspension has been made under sub section (1), the Chairman shall, not later than three days from the date of communication of the order, make over charge of his office to the Acting Chairman to discharge the functions of the Chairman.

(3) A member may be suspended from his office on any ground as mentioned in section 12(1) if, at a special meeting of the Parishad called for the purpose, a resolution to the effect that he is liable to be so suspended is passed by the votes of not less than three fourths of the total number of members:

Provided that no such resolution shall be passed unless the member concerned has been given a reasonable opportunity of showing cause against the resolution proposed to be passed with respect to him.

(4) No Court shall enquire into or question the validity of any order made under sub section (1).

Training institutions

66. (1) The Government may set up institutions for the training of the members and staff of Union 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 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 Union Parishad shall pay towards the cost of the institutions set up under sub section (1) in such proportion as the Government may from time to time determine.

Joint committees

67. Any Union Parishad may join any other Union parishad or Parishads or any other local authority or authorities, in appointing a joint committee for any purpose in which such Union Parishads or authorities may be jointly interested and may delegate to such joint committee any power which may be exercised by it, including the power to make regulations for the conduct of business.

Disputes between Union Parishads

68. If any dispute arises between two or more Union Parishads, the matter shall be referred to-

86[* * *]

(b) the Deputy Commissioner, if the parties concerned are in 87[* * *] the same district;

(c) the Commissioner, if the parties concerned are in different districts within the same division;

(d) the Government, if the parties concerned are in different divisions;

and the decision of the authority to which the dispute is so referred shall be final.

Offences

69. Every act or omission specified in the Third Schedule shall be an offence under this Ordinance.

Punishment

70. An offence under this Ordinance shall be punished with fine which may extend to one thousand 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.

Compounding of offences

71. The Chairman or any person generally or specially authorised by the Union Parishad in this behalf may compound any offence under this Ordinance.

Cognizance of offences

72. No Court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Chairman or a person generally or specially authorised by the Union Parishad in this behalf.

Encroachments

73. (1) No person shall make an encroachment, movable or immovable, on, over or under a public way, public street, public road or public place.

(2) Subject to regulations, a Union Parishad 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 Union Parishad may cause the encroachment to be removed through its own agency; and the cost incurred thereon by the Union Parishad shall be deemed to be a tax levied on the person responsible for the encroachment under this Ordinance.

(3) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed or required to be removed under this section.

Appeals

74. (1) Any person aggrieved by an order passed by a Union Parishad or its Chairman in pursuance of this Ordinance or the rules or regulations may, within thirty days of the passing of the order, appeal to such authority as may be prescribed.

(2) Any order passed in appeal shall be final and shall not be called in question in any Court.

Duties of police

75. It shall be the duty of all police officers to give immediately information to the Chairman concerned of the commission of any offence specified in the Third Schedule and to assist the Chairman, officer and employee of a Union Parishad in the exercise of their lawful authority.

Standing orders

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

- (a) define and regulate the relations of the Union Parishads inter se, and with other local authorities;
- (b) provide for co ordinating the activities of Union Parishads and the Government authorities;
- (c) provide for giving financial assistance to Union Parishads, including the making of grants for specified purposes on specified terms and conditions;
- (d) provide for the making of financial contributions by one Union Parishad to another Union Parishad or to any other local authority; and
- (e) provide for the general guidance of Union Parishads in carrying out the purposes of this Ordinance.

Delegation of powers

77. (1) The Government may, by notification in the official Gazette, delegate any of its powers under this Ordinance or the rules to a Commissioner, Deputy Commissioner, or any other officer subordinate to him or to any other person or authority.

(2) A Commissioner or Deputy Commissioner may, with the previous approval of the Government, delegate any of his powers under this Ordinance or the rules, not being powers delegated to him under sub section (1), to any officer subordinate to him or to any other person or authority.

Institutions of suits against Union Parishads, etc

78. No suit shall be instituted against a Union Parishad or against any member, officer or employee of a Union Parishad in respect of any act done or purporting to be done in official capacity, until the expiration of one month next after notice in writing has been, in the case of a Union Parishad, delivered or left at its office, and in the case of a member, officer or employee, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff, and the plaint shall contain a statement that such notice has been delivered or left.

Notice and service thereof

79. (1) Where anything is required to be done or not to be done by any person under this Ordinance or the rules or the 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 on 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 Union Parishad concerned.

Records to be public documents

80. All records prepared or registers maintained under this Ordinance 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.

Members, etc, to be public servants

81. Every Chairman, member, officer and employee of a Union Parishad, and every other person duly empowered to act on behalf of a Union Parishad, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (XLV of 1860).

Protection of action taken in good faith, etc

82. No suit, prosecution or other legal proceedings shall lie against the Government or any Union Parishad or against any person authorised by either, for anything which is in good faith done or intended to be done under this Ordinance or the rules or regulations, or for any damage caused or likely to be caused by any such thing.

Power to make rules

83. (1) The Government may make rules for carrying out the purposes of this Ordinance.

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

(a) election of Chairman and elected members and all matters relating thereto;

(b) powers and duties of Chairmen and members;

(c) regulation of the functions of Union Parishads with regard to village police including the appointment, terms and conditions and training and discipline of members of the village police;

(d) functions of Union Parishads with regard to agricultural, industrial and community development, and food production;

- (e) regulation of making of contracts on behalf of Union Parishads;
- (f) regulation of the execution of works by Union Parishads;
- (g) prescription of records, reports and returns to be maintained, prepared or published by Union Parishads;
- (h) appointment and terms and conditions of service of officers and employees of Union Parishads;
- (i) administration, regulation, custody, investment and operation of Union Funds and special funds;
- (j) preparation and sanction of budgets and all matters relating thereto;
- (k) maintenance of accounts and their audit;
- (l) matters relating to management, maintenance and alienation of property of Union Parishads;
- (m) preparation, regulation, consolidation, sanction and implementation of development plans;
- (n) manner in which the liabilities of officers and employees of Union Parishads and other persons for any loss, waste or misapplication of any money or property belonging to a Union Parishad may be determined;
- (o) regulation of assessment, collection and administration of taxes, rates and fees and all matters relating thereto;
- (p) manner in which, and the authorities to whom, appeal shall lie against the orders of Union Parishads;
- (q) manner in which Union Parishads shall be inspected, and the powers of inspecting officials; and
- (r) any other matter required under any of the provisions of this Ordinance to be prescribed or determined by rules.

Power to make regulations

84. A Union Parishad may make regulations to provide for all or any of the following matters, namely:-

- (a) conduct of business of the Union Parishad;
- (b) prescription of quorum;
- (c) asking of questions;
- (d) requisitioning of meetings;
- (e) recording of minutes;
- (f) execution of resolutions;

88[(g) matters relating to Standing Committees and conduct of their business;]

- (h) custody and use of the common seal;

- (i) delegation of powers of the Chairman to any member or officer or employee of the Union Parishad;
- (j) organisation of the office of the Union Parishad into departments and branches and definition of the duties of such departments and branches;
- (k) registration of Births and deaths;
- (l) registration of the sale of cattle and animals;
- (m) regulation and management of common property;
- (n) regulation of burning and burial grounds;
- (o) prevention and control of infectious diseases;
- (p) prevention of encroachments;
- (q) management and regulation of cattle pounds;
- (r) any other matter of procedural nature or required under any of the provisions of this Ordinance to be determined by regulations.

General provisions relating to rules, etc

85. (1) All rules shall be notified in the official Gazette, and all regulations shall be published in such manner as in the opinion of the Union Parishad making them be best adapted for informing the residents of the union concerned.

(2) All regulations made by a Union Parishad shall be subject to the approval of the Deputy Commissioner.

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

(4) Copies of rules and regulations pertaining to a Union Parishad shall be kept available at the office of the Union Parishad concerned for inspection and sale.

(5) All rules and regulations when duly made shall be deemed to form parts of this Ordinance, and shall have effect accordingly.

Certain matters to be prescribed

86. Where this Ordinance 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.

Unions and wards for first elections

87. For the purpose of first general elections to Union Parishads under this Ordinance, all the unions in existence immediately before the commencement of this Ordinance shall, unless the Government otherwise directs, be deemed to be unions declared under section 3; and all the wards within the said union shall be deemed to be wards thereof delimited under sections 18, 19 and 20.

Repeals and savings

88. (1) On the coming into force of this Ordinance, the Local Government Ordinance, 1976 (XC of 1976), hereafter referred to as the said Ordinance, shall, in its application to the Union Parishads, stand repealed.

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

(a) notwithstanding anything contained in this Ordinance, until the Union Parishads are constituted under this Ordinance, the Union Parishads, functioning immediately before such repeal, shall discharge the functions of, and be deemed to be, the Union Parishads constituted under this Ordinance;

(b) all rules, regulations or orders made, notifications or notices issued, or licences or permissions granted under the said Ordinance and in force immediately before such repeal, shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been respectively made, issued or granted under the provisions of this Ordinance until they are repealed or amended under the said provisions;

(c) all assets, rights, powers, authorities and privileges, and all property, movable and immovable, cash and bank balances, funds, investments and all other rights and interests in, or arising out of, such property of the Union Parishads, functioning immediately before such repeal, shall stand transferred to and vest in the successor Union Parishads constituted under this Ordinance;

(d) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Union Parishads, functioning immediately before such repeal, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the successor Union Parishads constituted under this Ordinance;

(e) all budget estimates, assessments, valuation or plans made by the Union Parishads, functioning immediately before such repeal shall, in so far as they are not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been made under the provisions of this Ordinance by the successor Union Parishads constituted under this Ordinance until they are amended or superseded under the said provisions;

(f) all taxes, rates, fees and sums of money due to the Union Parishads, functioning immediately before such repeal, shall be deemed to be due to the successor Union Parishads constituted under this Ordinance;

(g) all taxes, rates, fees and other charges levied by the Union Parishads, functioning immediately before such repeal, shall, until they are varied by the successor Union Parishads constituted under this Ordinance continue to be levied at the same rate at which they were levied by them immediately before such repeal;

(h) all officers and employees of the Union Parishads, functioning immediately before such repeal, shall stand transferred to and become officers or employees of the successor Union Parishads constituted under this Ordinance and shall hold office or service in the successor Union Parishads on the same terms and conditions as were enjoyed by them immediately before such repeal and shall continue to do so until such terms and conditions are duly altered;

(i) all suits, prosecutions and other legal proceedings instituted by or against the Union Parishads, functioning immediately before such repeal, shall be deemed to be suits, prosecutions and proceedings by or against the successor Union Parishads constituted under this Ordinance, and shall be proceeded or otherwise dealt with accordingly.

Removal of difficulties

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

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

1 Clause (22) was omitted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

2 Clause (23) was omitted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

3 Clauses (25) and (25A) were substituted for former clause 25 by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

4 Clause (28) was omitted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

5 Clause (29) was omitted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

6 Section 3A was inserted by section 2 of the Local Government (Union Parishads) (Second Amendment) Act, 1992 (Act No. XLV of 1992)

7 Sub-section (1) was substituted by section 2 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)

8 The words, brackets, figure and comma “ Subject to the provisions of sub-section (3), the Chairman and members” were substituted for the words “The Chairman and the elected members” by section 3 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

9 Sub-section (3) was substituted by section 2 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)

10 Clause (22) was omitted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

11 The word “five” was substituted for the word “three” by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1992 (Act No. X of 1992)

12 The proviso was substituted by section 4 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

13 Sub-section (1A) was omitted by section 4 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

14 Sub-section (1B) was inserted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1992 (Act No. X of 1992)

15 The words and commas “members, other than members of reserved seats” were substituted for the words “elected members” by section 4 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

16 The commas and the words “, other than members of reserved seats,” were omitted by section 3 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)

17 The word “elected” was omitted by section 4 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

18 The words “or nominated” were omitted by section 5 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

19 The word “and” was omitted and clauses (c) and (d) were substituted for previous clause (c) by section 4 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)

20 The words “or nomination” were omitted by section 5 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

21 Clauses (a) and (aa) were substituted for former clause (a) by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1990 (Act No. XIII of 1990)

22 Clause (a) was omitted by section 5 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

23 The semi-colon (;) was substituted for the full-stop (.) and thereafter clause (g) and the explanation was inserted by section 6 of the Local Government Laws (Amendment) Act, 1987 (Act No. XXIII of 1987)

24 The semi-colon (;) was substituted for the full-stop (.) and thereafter clause (h) was added by section 5 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)

25 The semi-colon (;) was substituted for the full-stop (.) and thereafter clauses (i) and (j) were added by section 5 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

26 The word “elected” was omitted by section 6 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

27 The word “elected” was omitted by section 6 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

28 Sub-sections (1), (2) and (2A) were substituted for former sub-sections (1) and (2) by section 5 of the Local Government Laws (Amendment) Act, 1990 (Act No. LVI of 1990)

29 The words “an elected” were omitted by section 7 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

30 The words “nine members” were substituted for the words “seven elected members” by section 7 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

31 The words “an elected” were omitted by section 7 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

32 Sub-section (4) was omitted by section 7 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

33 The words “or nomination” were omitted by section 7 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

34 The words “Deputy Commissioner” were substituted for the words and comma “Chairman of the Upazila Parishad or Thana Parishad, as the case may be” by section 3 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

35 The words and commas “or a nomination, as the case may be,” were omitted by section 8 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

- 36 The words “or made” were omitted by section 8 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 37 The words “or nominated” were omitted by section 8 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 38 The words “a member elected by the Union Parishad under sub-section (1A) from amongst the members” were substituted for the words “a member elected by the Union Parishad from amongst the elected members” by section 9 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 39 Sub-section (1A) was inserted by section 9 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 40 The word “elected” was omitted by section 9 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 41 The word and comma “nomination,” was omitted by section 10 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 42 Section 17A was inserted by section 3 of the Local Government (Union Parishads) (Second Amendment) Ordinance, 1984 (Ordinance No. LXXVII of 1984)
- 43 Section 18 was substituted by section 5 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)
- 44 The words “Thana Nirbahi Officer” were substituted for the words and commas “Subdivisional Officer or the Upazila Nirbahi Officer, as the case may be,” by section 12 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 45 The words “Thana Nirbahi Officer” were substituted for the words and commas “Subdivisional Officer or the Upazila Nirbahi Officer, as the case may be,” by section 13 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 46 The words “Thana Nirbahi Officer” were substituted for the words and commas “Subdivisional Officer or the Upazila Nirbahi Officer, as the case may be,” by section 13 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 47 The words “Thana Nirbahi Officer” were substituted for the words and commas “Subdivisional Officer or the Upazila Nirbahi Officer, as the case may be,” by section 13 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 48 Section 20A was inserted by section 6 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)
- 49 The words and commas “a member, other than in reserved seats, for that ward” were substituted for the words “an elected member” by section 14 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 50 The commas and the words “, other than in reserved seats,” were omitted by section 7 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)
- 51 Clause (23) was omitted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)
- 52 The words “one member” were substituted for the words “three elected members” by section 15 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

53 The words and commas “members, other than in reserved seats,” were substituted for the words “elected members” by section 15 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

54 The commas and the words “, other than in reserved seats,” were omitted by section 8 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)

55 The word “and” was omitted by section 15 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

56 Clauses (b) and (c) were substituted for previous clause (b) by section 15 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

57 Sub-section (3) was added by section 2 of the Local Government (Union Parishads) (Amendment) Act, 1997 (Act No. VIII of 1997)

58 The words and commas “members, other than members of reserved seats,” were substituted for the words “elected members” by section 16 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

59 The commas and the words “, other than in reserved seats,” were omitted by section 9 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)

60 The words and commas “members, other than members of reserved seats,” were substituted for the words “elected members” by section 17 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

61 The commas and the words “, other than members of reserved seats,” were omitted by section 10 of the Local Government (Union Parishads) (Second Amendment) Act, 1997 (Act No. XX of 1997)

62 Sub-sections (3) and (4) was substituted for previous sub-section (3) by section 2 of the Local Government (Union Parishads) (Amendment) Ordinance, 1984 (Ordinance No. XLIV of 1984)

63 Clause (b) was omitted by section 4 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

64 Clause (e) was omitted by section 4 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

65 The words “Thana Nirbahi Officer” were substituted for the words and commas “Upazila Parishad or Thana Parishad, as the case may be,” by section 18 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

66 The words “any other authority” were substituted for the words and comma “Upazila Parishad or Thana Parishad, as the case may be” by section 19 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

67 The words “any other authority” were substituted for the words and commas “Upazila Parishad or Thana Parishad, as the case may be,” by section 19 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

68 The words “Standing Committees” were substituted for the word “committees” by section 20 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

69 The words “Thana Nirbahi Officer” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 20 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

70 Section 38 was substituted by section 21 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

71 Clauses (b) and (c) were substituted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 2001 (Act No. XXI of 2001)

72 The semi-colon (;) was substituted for the full-stop (.) and thereafter clauses (h) to (m) were added by section 2 of the Local Government (Union Parishads) (Amendment) Act, 2001 (Act No. XXI of 2001)

73 Sub-section (1A) was inserted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 2001 (Act No. XXI of 2001)

74 Sub-section (3) was substituted by section 2 of the Local Government (Union Parishads) (Amendment) Act, 2001 (Act No. XXI of 2001)

75 Section 38A was inserted by section 3 of the Local Government (Union Parishads) (Amendment) Act, 2001 (Act No. XXI of 2001)

76 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 5 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

77 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 6 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

78 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 6 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

79 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 6 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

80 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 6 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

81 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 6 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

82 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 7 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

83 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 8 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

84 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or Thana Parishad, as the case may be,” by section 22 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)

85 The words “Deputy Commissioner” were substituted for the words and commas “Upazila Parishad or the Thana Parishad, as the case may be,” by section 9 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

86 Clause (a) was omitted by section 10 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

87 The words “different Upazilas or Thanas within” were omitted by section 10 of the Local Government (Union Parishads) (Amendment) Act, 1988 (Act No. XL of 1988)

88 Clause (g) was substituted by section 23 of the Local Government (Union Parishads) (Amendment) Act, 1993 (Act No. XX of 1993)