

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
LOCAL GOVERNMENT, ELECTIONS AND  
RURAL DEVELOPMENT DEPARTMENT.**

**NOTIFICATION**

*Peshawar, dated the 21-12-2015.*

No. SO(Dir)/LGRDD/G. Powers-In exercise of the powers conferred by sub-section (2) of section 117 of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), the Government of the Khyber Pakhtunkhwa is pleased to specify general powers and standard procedures for guidance of local governments in performance of their functions in the following terms:

**PART-I  
Picketing or Tethering of  
Animals in Streets**

1. **Prohibition of picketing or tethering in streets.**---No animal shall be picketed or tethered in such streets or places as may be specified by the tehsil municipal administration and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

2. **Prohibition against keeping and maintaining cattle.**---(1) Notwithstanding anything to contrary contained in any other law or any agreement, instrument, custom or usage or decree, judgment or order of any court or other authority, a tehsil council may, on the motion of its Nazim, declare any part of its local area as a prohibited zone.

(2) At any time after declaration under sub-paragraph (1) has been made, the tehsil municipal officer may, by general or special notice, prohibit the keeping and maintaining the cattle by any person in the prohibited zone.

(3) No person shall, after the expiry of the period fixed under sub-paragraph (2), keep or maintain cattle in any part of the prohibited zone:

Provided that the prohibition shall not apply to-

- (i) cattle kept bona fide for sacrificial purposes;
- (ii) cattle kept for drawing carts or use in mills, with the permission of the local government and subject to such conditions as it may impose;
- (iii) cattle under treatment in any veterinary hospital;
- (iv) cattle brought to a cattle market demarcated by the local government for the purpose of sale; and
- (v) cattle brought to a slaughterhouse or kept by butchers for the purpose of slaughter within the area demarcated by the local government.

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Law Department  
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(4) Persons affected by the prohibition order under sub-paragraph (2) to meet their genuine needs may be allowed to keep and maintain their cattle at the places earmarked as "cattle colonies" by the tehsil municipal administration on such terms and conditions as it may impose.

**3. Dangerous animals.**---A tehsil council may, by bye-laws, define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous and such bye-laws, among other matters, may provide for the detention, destruction or disposal otherwise of such animals.

**4. Disposal of carcasses.**---Whenever an animal in the charge of a person dies, otherwise than by being slaughtered for sale or consumption or for some other religious purpose such person shall either-

- (a) convey the carcasses within twenty-four hours to a place, if any, fixed by the tehsil municipal administration for the disposal of the dead bodies of animals or to a place beyond the limits of its local area, not being a place within two kilometers of such limits; or
- (b) give notice of the death to the tehsil municipal administration whereupon it shall cause the carcass to be disposed of and charge such fees from the person concerned as the bye-laws may provide.

**5. Animal husbandry.**---(1) A district government may provide for the establishment, maintenance and management of veterinary hospitals and dispensaries and by bye-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A district government may, by bye-laws, define contagious diseases 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 disease.

**6. Animal farms.**---A district government may establish, maintain and manage cattle farms, and such farms shall be managed and administered in such manner as the bye-laws may provide.

**7. Registration of the sale of cattle.**---A tehsil municipal administration, a village council and a neighbourhood council may, by bye-laws, require that sale of such of the animals in their local areas as may be specified shall be registered with it in such manner and subject to the payment of such fees as the bye-laws may provide.

**8. Cattle shows, zoo, etc.**---(1) A tehsil municipal administration, shall not hold cattle shows within the limits of its local area, but may hold cattle fair at specified places and specified days for sale of cattle meant for slaughter and charge such fee per cattle head sold as the bye-laws may provide.

(2) A district government may maintain or contribute towards the maintenance of zoological gardens.

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9. **Registration and control of dogs.**---(1) A tehsil council may make bye-laws to provide for the registration of all dogs kept within its local area as may be specified.

(2) Such bye-laws shall-

- (a) require the registration, by tehsil municipal administration of all dogs kept within the area or areas specified or any part thereof;
- (b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the registration authority of the concerned local government and fix the fee payable for the issue thereof;
- (c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and
- (d) fix the fee which shall be charged for such detention and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week, and may provide for such other matters as the tehsil municipal administration thinks fit.

(3) A tehsil municipal administration may-

- (a) cause to be destroyed, or to be confined for such period as it may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;
- (b) by public notice direct that, after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners if any may be destroyed, and cause them to be destroyed accordingly; and
- (c) require the owner or person in-charge of any dog to-
  - (i) restrain it so that it is not set at large in any street without being muzzled, leashed or chained; and
  - (ii) provide immediate information, if the dog belonging to him has been bitten by any animal suffering or reasonably suspected to be suffering from rabies or any other infectious disease.

(4) No damages shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this paragraph.



**PART-II**  
**Animal Trespass**

**10. Power to seize.**---(1) A cultivator, tenant, occupier, vendee or mortgagee of any land or crop or produce or any part thereof or any person who has advanced cash for the cultivation of crop may seize or cause to be seized any animal trespassing on such land and doing damage thereto, or any crop or produce thereon, to send them or cause them to be sent within twenty-four hours to a pound established by a village council or neighbourhood council.

(2) Persons in charge of public roads, pleasure grounds, plantations, canals, drainage works, embankments and the like, and the officers of police, may seize or cause to be seized any animals doing damage thereto, and shall send them or cause them to be sent, within twenty-four hours of the seizure, to the nearest animal pound.

**11. Pounds.**---A village council or neighbourhood council may establish such number of animal pounds as may be necessary and may fix, from time to time, the location of the animal pounds, the rate of feeding, watering and accommodating the impounded animals.

**12. Pound keepers.**---The village council or neighbourhood council may appoint pound-keepers on whole-time or part-time basis on such terms and conditions as may be determined.

**13. Registers and returns.**---(1) A pound-keeper shall keep such registers and furnish such returns as may be required by the village council or neighbourhood council.

(2) When animals are brought to the pounds, the pound-keeper shall enter in the register the number and description of animals, the day and hour on which they were so brought, the name and residence of the person who brought the animal and shall give him or his agent a copy of such entry.

**14. Possession and feeding.**---The pound-keeper shall take charge of, feed and water the animals until they are disposed of as hereinafter provided.

**15. Fines for impounded animals.**---For every animal impounded under these provisions, the pound-keeper shall levy a fine in accordance with the scale fixed by the village council or neighbourhood council and the fines so charged shall form part of and be credited to the Fund of respective village council or neighbourhood council.

**16. Delivery or sale of animals.**---(1) If the owner of an impounded animal or his agent appears and claims the animal, the pound-keeper shall deliver it to him on payment of the fine and charges incurred in respect of such animal under proper receipt to be recorded by the owner or his agent in the register.

(2) If the animal is not claimed within seven days of impounding, the pound-keepers shall inform the officer in charge of the Police Station who shall thereupon display at a conspicuous place in his office a notice stating the number and description of animals and places of seizure and impounding. A similar notice shall be displayed at a conspicuous place in the office of the village council or neighbourhood council.



(3) If the animal is not claimed within seven days of the notice it shall be sold by the village council or neighbourhood council by open auction after giving sufficient publicity in all the local area: provided that the person auctioning the animals or the pound-keeper or his relatives shall not bid for or purchase the impounded animals.

(4) The proceeds of the sale of the animal shall be paid to the owner if he appears within six months of the sale, after deduction of fines, feeding and other charges.

### PART-III Arboriculture

17. **Arboriculture.**---The tehsil municipal administration shall plant trees on public streets and other public places within its local area and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

18. **Forests.**---Subject to approval of Government, a district government may frame and enforce plans providing for the improvement, development and exploitation of forests and maintain, plan and work forests in accordance with such plans.

19. **Nuisance pertaining to trees and plantations.**---(1) A district government may, determine the pests of trees and plants and provide for their destruction.

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

(3) A district government may prohibit the cultivation of any crop which is considered dangerous to public health within such part of the district as may be specified in the order of prohibition.

### PART-IV Boundaries and Trees

20. **Boundary walls, hedges and fences.**---(1) No boundary wall, hedge or fence of any material or description shall be erected in such parts of a Tehsil as are specified by the tehsil municipal administration without its permission in writing.

(2) A tehsil municipal administration may, by notice in writing, require the owner or lessee of any land in its area to-

- (a) remove from the land any boundary wall, hedge or fence which is, in its opinion unsuitable, unsightly or otherwise objectionable; or



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- (b) construct on the land sufficient boundary walls, hedges or fences of such material, description or dimensions as may be indicated in the notice; or
- (c) maintain the boundary walls, hedges or fences of such lands in good order: provided that, in the case of any such boundary wall, hedge or fence which was erected with the consent or under the orders of a local government or a local council which was in existence before the commencement of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), the tehsil municipal administration shall make compensation for any damage caused by the removal thereof.

(3) A tehsil municipal administration may, by notice in writing, require the owner, lessee or occupier of any such land to cut or trim any hedge on the land in such manner and within such time as may be specified in the notice.

**21. Felling, lopping and trimming of trees.**---(1) Where, in the opinion of a district government the felling of any tree of mature growth standing in a private enclosure in its local area is necessary for any reason, it may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within such time as may be specified in the notice.

- (2) A district government may-
  - (a) cause to be lopped or trimmed any tree standing on land in its local area which belongs to it; or
  - (b) by public notice require all owners, lessees or occupiers of land in the district or by notice in writing require the owner, lessee or occupier of any such land, to lop or trim, in such manner as may be indicated in the notice, all or any trees standing on such land or to remove any dead trees from such land.

**22. Digging of Public Land.**---No person shall without the permission in writing of the tehsil municipal administration dig up the surface of any open space which is not a private property or take out earth there- from.

**23. Improper use of land.**---(1) If in the opinion of a district government the working of a quarry in its area or the removal of stone, sand, earth or other material from the soil in any place in the district is dangerous, to persons residing in or frequenting the neighbourhood of such quarry or place, or creates, or is likely to create, a nuisance, it may, by notice in writing, prohibit the owner, lessee or occupier of such quarry or place or the person responsible for such working or removal, from continuing or permitting the working of such quarry or the moving of such material, or require him to take such steps in the matter as the district government may direct for the purpose of preventing danger or abating the nuisance or likely to arise there-from.

(2) If, in any case referred to in sub- paragraph (1), the district government is of the opinion that such a course is necessary in order to prevent imminent danger, it may, by order in writing, require a proper hoarding or fence to be put up for the protection of passers-by.



**PART-V**  
**Building and Land Use Control**

**24. Sanction for buildings.**---No person shall erect or re-erect a building or commence to erect or re-erect a building on any land except with the previous sanction of the respective tehsil municipal administration nor otherwise than in accordance with the provisions of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), and of the rules and bye-laws made under it relating to the erection and re-erection of buildings:

Provided that on a motion by tehsil council Nazim, a tehsil council may exempt any area from application of any specific provisions of the building bye-laws or any matter provided for in paragraphs 25 to 34.

**25. Notice of new buildings.**---Whoever intends to erect or re-erect any building shall apply for sanction by giving notice in writing of his intention to the tehsil municipal administration.

**26. Conditions of valid notice.**---(1) A person giving the notice required by paragraph 25 shall specify the purpose for which it is intended to use the building to which such notice relates.

(2) Where a plan to re-lay a street has been approved by a tehsil municipal administration, a person who intends to erect or re-erect a building or commences to erect or re-erect a building shall adopt the approved building or street line and for this purpose any space required to be left vacant shall vest in tehsil municipal administration.

(3) No notice shall be valid until it is made in the manner provided in the bye-laws made under the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), alongwith plans and other information which may be required therein have been furnished to the satisfaction of the tehsil municipal administration alongwith the notice.

**27. Powers of tehsil municipal administration to sanction or refuse.**---(1) The tehsil municipal administration may for reasons to be recorded in writing, either refuse to sanction the erection or re-erection, as the case may be, of the building, or may sanction it either absolutely or subject to such directions as it thinks fit to make in writing in respect of all or any of the following matters, namely-

- (a) the free passage or way to be left in front of the building;
- (b) the space to be left about the building;
- (c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the stories of which the building may consist;
- (d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for wastes;
- (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure;
- (f) the line of frontage with neighbouring buildings if the building abuts on a street;



- (g) the means to be provided for egress from the building in case of fire;
- (h) the materials and method of construction to be used for external and partition walls for rooms, floors fire-places and chimneys;
- (i) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on; and
- (j) any other matter affecting the ventilation, sanitation, safety or environmental aspects of the buildings and its relationship to the surrounding buildings or areas; and the person erecting or re-erecting the building shall obey all such written directions in every detail.

(2) A tehsil municipal administration may refuse to sanction the erection or re-erection of any building, either on grounds sufficient, in its opinion, of affecting the particular building, or in pursuance of a notified general scheme or plan of the tehsil municipal administration, restricting the erection or re-erection of buildings within specified limits or for any other public purpose.

(3) The tehsil municipal administration before sanctioning the erection or re-erection of a building on land which is under the management of the Federal or Government or any agency thereof, shall ascertain in writing within thirty days of application whether there is any objection on the part of the concerned government to such erection or re-erection.

(4) The tehsil municipal administration may refuse to sanction the erection or re-erection of any building-

- (a) when the land on which it is proposed to erect or re-erect the building is held on a lease from the Federal or Government if, the erection or re-erection constitutes a breach of the terms of the lease; or
- (b) when the land on which it is proposed to erect or re-erect the building is not held on a lease from Government, if the right to build on such land is in dispute between person applying for sanction and Government.

(5) If the tehsil municipal administration decides to refuse to sanction the erection or re-erection of the building, it shall communicate in writing the reasons for such refusal to the person by whom notice was given.

(6) Where the tehsil municipal administration neglects or omits, for forty five days after the receipt of a valid notice, to make and to deliver to the person who has given the notice any order of any nature specified in this paragraph, and such person thereafter by a written communication sent by registered post to the tehsil municipal administration calls its attention to the neglect or omission, then, if such neglect or omission continues for a further period of fifteen days from the date of such communication the tehsil municipal administration shall be deemed to have given sanction to the erection or re-erection, as the case may be unconditionally to the extent that it does not

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contravene the provisions of the building bye-laws and any notified general scheme for the area: provided that, in any case to which the provisions of sub-paragraph (3) apply, the period of forty five days herein specified shall be reckoned from the date on which the tehsil municipal administration has received the report referred to in that sub paragraph.

(7) The tehsil municipal administration may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction of a site plan at any time before construction has been commenced or made.

(8) Nothing in this paragraph shall apply to any work, addition or alteration which the tehsil council may declare to be exempt.

**28. Compensation.**---(1) No compensation shall be claimable by any person for any damage or loss which he may sustain in consequence of the refusal of the tehsil municipal administration of sanction to the erection of any building or in respect of any direction issued by it under sub-paragraph (1) of paragraph 27.

(2) The tehsil municipal administration shall make compensation to the owner of any building for any actual damage or loss sustained by him in consequence of the prohibition of the re-erection of any building or of its requiring any land belonging to him to be added to the street:

Provided that the tehsil municipal administration shall not be liable to make any compensation in respect of the prohibition of the re-erection of any building which for a period of three years or more immediately preceding such refusal has not been in existence or has been unfit for human habitation.

**29. Lapse of sanction.**---Every sanction for the erection or re-erection of a building given or deemed to have been given by the tehsil municipal administration as herein before provided shall be available for one year from the date on which it is given, and, if the building so sanctioned is not begun by the person who has obtained the sanction or someone lawfully claiming under him within that period, it shall not thereafter be begun unless the tehsil municipal administration on application made there-for has allowed an extension of that period.

**30. Period for completion of building.**---A tehsil municipal administration, when sanctioning the erection or re-erection of a building as herein before provided, shall specify a reasonable period after the work has commenced within which the erection or re-erection is to be completed, and, if it is not completed within the period so fixed, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the tehsil municipal administration on application made there-for has allowed an extension of that period:

Provided that not more than two such extensions shall be allowed by the tehsil municipal administration in any case.

**31. Illegal erection and re-erection.**---No person shall begin, continue or complete the erection or re-erection of a building-

- (a) without having given a valid notice as required by paragraphs 25 and 26 or before the building has been; or
- (b) without complying with any direction made under sub-paragraph (1) of paragraph 27; or



- (c) when sanction has been refused, or has ceased to be available, or has been suspended by the tehsil municipal administration.

**32. Power to stop erection or re-erection or to demolish.**---(1) A tehsil municipal administration may, at any time, by notice in writing, direct the owner, lessee or occupier of any land in its area to stop the erection or re-erection of a building in any case in which it considers that such erection or re-erection is an offence under paragraph 31, and may in any such case or in any other case in which the tehsil municipal administration considers that the erection or re-erection of a building is an offence under paragraph 31 within twelve months of the completion of such erection or re-erection in like manner direct the alteration or demolition, as it thinks necessary, of the building, or any part thereof, so erected or re-erected: provided that the tehsil municipal administration may, instead of requiring the alteration or demolition of any such building or part thereof, accept by way of composition such sum as it thinks reasonable.

**33. Completion of building or alteration of buildings.**---(1) Every person who has erected or re-erected a building shall, within thirty days of the completion of the building, report such completion to the tehsil municipal administration.

(2) The tehsil municipal administration may cause to be inspected any building of which construction has begun or which has been erected or re-erected in violation or contravention of any provision of law, rules or the bye-laws or of the master plan or site development scheme, if any. The tehsil municipal administration may require the alteration of the building so as to be in compliance therewith, and where such alteration is not possible, the tehsil municipal administration may require the building or any part thereof to be demolished, or on the application of the owner of such building compound the offence on payment of a reasonable compensation fee.

(3) If a building is required to be demolished under the provisions of subparagraph (2) and such requirement is not complied with, within the specified period, the tehsil municipal administration may have the building demolished through its own agency and the cost so incurred shall be deemed to be a tax levied on the owner or occupier of the building.

**34. Regulation of buildings.**---(1) Except with prior sanction of tehsil municipal administration, no building shall be put to a use other than shown in the building plan according to which it was erected or re-erected:

Provided that the tehsil municipal administration shall not sanction any change in the use of a building which may be in violation or contravention of the master plan or site development scheme, if any.

(2) If any building or anything fixed thereon is in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighboring building or to any occupier thereof or to passers-by, it may, by notice, require the owner or occupier of such building to demolish it or to take such action in regard to the building as may be indicated in the notice, and if there is default, it may take necessary action and the cost so incurred shall be deemed to be a tax levied on the owner or occupier of the building.



(3) If a building is so ill constructed, or dilapidated or in dangerous condition or otherwise unfit for human habitation, the tehsil municipal administration may prohibit the occupation of such building till it has been suitably repaired.

(4) If the building is in dangerous condition and declared unfit for human habitation, the tehsil municipal administration may for the purpose of demolition eject the owner or occupier from such building with such necessary force as may be required or in the manner laid down in paragraph 47.

(5) Where it appears to tehsil municipal administration that any block of buildings is in unhealthy condition by reason of the manner in which the buildings are crowded together, or of the narrowness or closeness of the street, or of the want of proper drainage or ventilation, or of the impracticability of cleaning the buildings or other similar cause, it may cause the block to be inspected by a committee of officials nominated for the purpose. The committee shall make a report in writing on the sanitary condition of the block, and if it considers that the condition thereof is likely to cause risk of disease to the inhabitants of the building or of the neighbourhood or otherwise to endanger the public health it shall clearly indicate on a plan verified by a senior technical professional of the tehsil municipal administration the buildings which should in its opinion wholly or in part be removed in order to abate the unhealthy condition of the block. If, upon receipt of such report, the tehsil municipal administration is of opinion that all or any buildings indicated should be removed, it may, by notice in writing, require the owners, thereof to remove them:

Provided that the tehsil municipal administration shall make compensation to the owners for any buildings so removed which may have been erected under proper authority. For the purposes of this sub-paragraph "buildings" includes enclosure walls and fences appertaining to buildings.

(6) Where it appears to a tehsil municipal administration that any building or part of a building which is used as a dwelling house is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing require the owner or occupier of the building or part thereof, as the case may be, to abate the overcrowding within one month by reducing the number of lodgers, tenants, or other inmates to such number as may be indicated in the notice.

**35. Projections and obstructions.**---(1) No owner or occupier of any building in a local area shall, without the permission in writing of the tehsil municipal administration add to or place against or in front of the building any projection or structure overhanging, projecting into, or encroaching on, any street or any drain, sewer or aqueduct therein.

(2) The tehsil municipal administration may, by notice in writing, require the owner or occupier of any such building to alter or remove any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of Khyber Pakhtunkhwa Local Government Act, 2013, the tehsil municipal administration shall make compensation for any damage caused by the removal or alteration.



**36. Unauthorized buildings over drains, etc.**---A tehsil municipal administration may, by notice in writing, require any person who has, without its permission in writing, erected or re-erected any structure over any public sewer, drain, culvert, water-course or water-pipe in its area to pull down or otherwise deal with the same as it thinks fit.

**37. Drainage and sewer connections.**---(1) A tehsil municipal administration may, by notice in writing, require the owner or lessee of any building or land in any street, at his own expense and in such manner as it thinks fit, to put up and keep in good condition proper troughs and pipes for receiving and carrying rain water from the building or land and for discharging the same or to establish and maintain any other connection or communication between such building or land and any drain or sewer.

(2) For the purpose of efficiently draining any building or land in its area, the tehsil municipal administration may, by notice in writing, require the owner or lessee of the building or land-

- (a) pave, with such materials and in such manner as it thinks fit, any courtyard, ally or passage between two or more buildings, or
- (b) keep any such paving in proper repair.

**38. Power to attach brackets for lamps.**---A tehsil municipal administration may attach to the outside of any building, or to any tree in its local area, brackets for lamps in such manner as not to occasion injury thereto or inconvenience.

**39. Power to prescribe requirements.**---A tehsil municipal administration may prescribe-

- (a) the manner in which notice of the intention to erect or re-erect a building shall be given and the information and plans to be furnished with the notice;
- (b) the type or description of buildings which may or may not, and the purpose for which a building may or may not, be erected or re-erected in its local area or any part thereof;
- (c) the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;
- (d) the fees payable on provision by the tehsil municipal administration of plans or specifications of the type of buildings which may be erected in the local area or any part thereof;
- (e) the circumstances in which a mosque, temple or church or other sacred building may be erected or re-erected; and
- (f) any other matters which the tehsil municipal administration may consider necessary including any specific exemption from the application of the bye-laws.



**PART-VI**  
**Burial Places and Cremation**

**40. Power to call for information regarding burial and burning grounds.**---(1) A tehsil municipal administration may, by notice in writing, require the owner or person in charge of any burial or burning ground within its area to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

(2) No place which has not been used as a burial or burning ground before the commencement of Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), shall be so used without the permission in writing of tehsil municipal administration.

(3) No new burial or burning place shall be established within the local area of a tehsil municipal administration except under a license granted by it and in conformity with the conditions of such license.

(4) A burial or burning place which is not administered by a tehsil municipal administration shall be registered with it and shall be subject to regulation, supervision and inspection by it.

(5) Government may, by notification in the official Gazette, declare that any burial or burning place which is open to public for burial or burning shall vest in a tehsil municipal administration and thereupon such burial or burning shall vest in the tehsil municipal administration and it shall take all measures necessary for proper maintenance and administration thereof.

(6) A tehsil municipal administration may provide suitable places for the burial or burning of the dead, and shall take necessary measures for proper maintenance and administration of such places.

**PART-VII**  
**Culture**

**41. Culture.**---A district government may-

- (a) establish and maintain information centres for the furtherance of civic education and dissemination of information on such matters as community development and other matters of public interest;
- (b) provide and maintain public halls and community centres;
- (c) celebrate national occasions;
- (d) encourage national and regional languages;
- (e) promote physical culture and encourage public games and sports and organize rallies and tournaments.
- (f) provide, promote or subsidize facilities for the recreation of the public.



**PART-VIII**  
**Libraries**

**42. Libraries.**---A district government or tehsil municipal administration may establish and maintain such libraries, reading rooms and circulation libraries as may be necessary for the use of the public.

**43. Fairs and shows.**---A district government or tehsil municipal administration may make such arrangements on the occasion of any fairs, shows or public festivals within its local area as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs, shows and festivals.

**PART-IX**  
**Dangerous Articles and Offensive Trades**

**44. Dangerous and Offensive Articles and Trades.**---(1) The articles and trades specified in the Annexure to Seventh Schedule of Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), shall be deemed to be dangerous or offensive for the purpose of this paragraph.

(2) Except under and in conformity with the conditions of a license granted by the district government-

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

(3) Notwithstanding the grant of a license under sub-paragraph (2), the district government may, for reasons to be recorded, and after notice to the person affected, pass an order for the prohibition, closure or removal of any offensive and dangerous trade or article if such action is deemed expedient or necessary to implement the order.

**PART-X**  
**Drainage and Sewerage**

**45. Drainage.**---(1) The tehsil municipal administration shall provide an adequate system of public drains in its area and all such drains shall be constructed, maintained, kept, cleared and emptied with due regard to the health and convenience of public.

(2) Every owner or occupier of any land or building within the Tehsil may, with previous permission of tehsil municipal administration, and subject to such terms and conditions, including the payment of fees, as it may impose, cause his drains to be emptied into public drains.

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(3) All private drains shall be subject to control, regulation and inspection by the tehsil municipal administration.

(4) Subject to the provisions of any other law for the time being in force, the tehsil municipal administration may by notice direct a commercial or industrial concern to provide for the disposal of its waste or effluent in the manner specified, and failure on the part of owner, tenant or occupier thereof to comply with such directions, shall be a municipal offence.

(5) The tehsil municipal administration may, by notice, require the owner of any building, land or an industrial concern within its area to-

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

(6) In case of failure of owner to comply with the requirements of notice under sub-paragraph (5), the tehsil municipal administration may itself cause such requirements to be carried out, and the cost so incurred shall be deemed to be a tax levied on the owner or occupier of the building or land.

**46. Drainage and sewerage schemes for commercial and industrial area.**---(1) The tehsil municipal administration may, by notice, require the owners, tenants and occupiers of commercial and industrial concerns in any area within the Tehsil to have at their own cost prepared a scheme for the adequate and safe drainage and disposal of their wastes and effluent of the permitted quality and submit it to it within the time indicated in the notice: provided that the time limit may be extended by the tehsil municipal administration for a maximum period of three months at the request of the owners, tenants or occupiers of the commercial and the industrial units concerned.

(2) The drainage, sewerage and disposal scheme as approved by the tehsil municipal administration with modifications, if any, shall be executed and implemented by the owners, tenants or occupiers of the commercial or industrial units at their expense in such manner and within such time as may be indicated in the approval.

(3) In case of failure of the owners, tenants or occupiers of the commercial or industrial concerns to comply with the provisions of subparagraphs (1) and (2), the tehsil municipal administration may itself prepare the drainage, sewerage and disposal scheme and execute and implement it at its own expense, and the cost so incurred shall, be deemed to be a tax levied under Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), on the owners, tenants or occupiers of the industrial and commercial units concerned.

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**PART-XI**  
**Encroachments**

**47. Encroachment and subsisting lease and licenses.**---(1) No person shall make an encroachment movable or immovable on an open space or land vested in or managed, maintained or controlled by a local government or Government, or on, over or under a street, road, graveyard, or a drain within its area.

(2) The district government or, as the case may be, the tehsil municipal administration may, after such notice as may be considered reasonable, remove the encroachment mentioned in sub-paragraph (1) with such force as may be necessary.

(3) A person who trespasses into or is in wrongful occupation of a building or property which is vested in or is managed, maintained or controlled by a local government or Government may, in addition to any other penalty to which he may be liable under any law for the time being in force, after a reasonable notice, be ejected from such building or property by the tehsil municipal administration with such force as may be necessary.

(4) Any person aggrieved by notice issued under sub-paragraph (3) may, within seven days, of the service of notice, appeal to the district government and its decision thereon shall be final.

(5) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed or ejection carried out under this paragraph.

(6) The cost of removal of encroachment or ejection under this paragraph shall be payable by the encroacher or wrongful occupier, and if the cost is not paid on demand district government may cause it to be recovered as arrears of land revenue or cause the materials or articles used by the encroacher or the wrongful occupier for encroachment or wrongful occupation to be sold in auction and if the proceeds of the sale are not sufficient to cover the cost the balance shall be recoverable as arrears of land revenue but if such proceeds exceed the cost, the excess shall be paid to the encroacher or the wrongful occupier.

(7) In this rule, "encroacher" or "wrongful occupier" shall include a person who owns the materials or articles used for encroachment or wrongful occupation at the time of removal of encroachment or ejection and also any person in possession thereof on his behalf or with his permission or connivance.

**PART-XII**  
**Environmental Protection**

**48. Environmental pollution.**---(1) A district government may prepare and implement schemes for the prevention of the pollution of air by gases, dust or other substances exhausted or emitted by automobile engine, factories, brick or lime kilns, crushing machines for grain, stone, salt or other materials, or other sources of air pollution and prevention of the pollution of water or land from such sources.

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(2) A district government may, by notice in writing, require the owner or partner, or person claiming to be the owner or partner, of any building or land in district or the lessee or the person claiming to be the lessee of any such land, which, by reason of disuse or disputed ownership or other cause, has remained unoccupied and has in the opinion of the district government has become a sanitary or environmental hazard or otherwise occasions or is likely to occasion a nuisance, to secure and enclose the same within such time as may be indicated in the notice.

### PART-XIII Food and Markets

**49. Public markets and slaughter-houses.**---(1) A tehsil municipal administration may provide and maintain within its area, public markets and public slaughterhouses, in such number as it thinks fit, together with stalls, shops, sheds, pens and other buildings or conveniences for the use of persons carrying on trade or business in or frequenting such markets or slaughter-houses, and may provide and maintain in any such market buildings, places, machines, weights, scales and measures for the weighing or measurement of goods sold therein.

(2) The tehsil municipal administration may at any time, by public notice either close or relocate any public market or public slaughter-house or any part thereof.

**50. Use of public markets.**---Any person who sells or offers for sale any goods in any public market mentioned in paragraph 49 without the general or special permission for sale by the tehsil municipal administration, may be summarily removed from the market by or under the orders of the tehsil municipal administration by any officer authorized by it.

**51. Levy of stallages, rents and fees.**---A tehsil municipal administration may, with approval of its council, in respect of public market and public slaughter house:

- (a) charge for the occupation or use of any stall, shop, stand, shed or pen in a public market, or public slaughter-house; or for the right to expose goods for sale in a public market; or for weighing or measuring goods sold therein; or for the right to bring in goods on vehicles or animals or for animals brought for sale or sold; or for the right to slaughter animals in any public slaughter-house; such stallages, rents and fees as it thinks fit; including that from brokers, commission agents and others practicing their calling therein; or
- (b) put up to public auctions or dispose off by private sale, the privilege of occupying or using any stall, shops, stand, shed or pen in a public market or public slaughter house for such term and on such conditions as it may approve.

**52. Stallages, rents, etc. to be published.**---A copy of the table of stallages, rents and fees, if any, leviable in any public market or public slaughter-house, and of the bye-laws for the purpose of regulating the use of such market or slaughter-house, printed in Urdu shall be affixed in some conspicuous place in the market or slaughter-house.



**53. Private markets and slaughter-houses.**---(1) No place in a tehsil other than a public market or, as the case may be, public slaughter-house shall be used as a market or public slaughter-house unless such place has been licensed as a market or slaughter-house, as the case may be, by the tehsil municipal administration.

(2) Nothing in sub-paragraph (1) shall be deemed to restrict the slaughter of any animal in any place on the occasion of any festival or ceremony, subject to such conditions as to prior or subsequent notice as the tehsil municipal administration may impose in this behalf.

**54. Conditions of grant of licence for private market or slaughter-house.**---(1) The tehsil municipal administration may, with approval of tehsil council, charge such fees for the grant of a licence to any person to open a private market or private slaughter-house and may grant such licence subject to consistency with law and conditions imposed by tehsil municipal administration.

(2) The tehsil municipal administration may refuse to grant any such licence for reasons to be recorded.

**55. Prohibition of keeping market or slaughter-house open without licence, etc.**---(1) No person shall keep open for public use any market or slaughterhouse in respect of which a licence is suspended, or after the same has been cancelled.

(2) When a licence to open a private market or private slaughter-house is granted or refused or is suspended or cancelled, the tehsil municipal administration shall cause a notice of the grant, refusal, suspension or cancellation to be posted in Urdu in some conspicuous place near the entrance to the place to which the notice relates.

**56. Prohibition of using unlicensed market or slaughter-houses.**---No person shall, knowing that any market or slaughter-house has been opened to the public without a licence, or that the licence granted there for is for the time being suspended or that it has been cancelled, sell or expose for sale any article in such market, or slaughter any animal in such slaughter-house.

**57. Prohibition and restriction of use of slaughter-houses.**---(1) Where, in the opinion of the tehsil municipal administration it is necessary on sanitary grounds so to do, it may, by public notice, prohibit for a period not exceeding one month the use of any private slaughter-house indicated in the notice, or the slaughter therein of any animal of any description.

(2) A copy of every notice issued under sub- paragraph (1) shall be conspicuously posted in the slaughter-house to which it relates.

**58. Power to inspect slaughter-house.**---(1) Any servant of the tehsil municipal administration authorized by order in writing may, if he has reason to believe that any animal has been, is being, or is about to be slaughtered in any place in contravention of the provisions of law or bye-laws, enter into and inspect any such place.

(2) Every such order shall specify the place to be entered and the locality in which the same is situated and the period, which shall not exceed seven days, for which the order is to remain in force.



**59. Power to make bye-laws.**---A tehsil municipal administration may notify-

- (a) the days on, and the hours during, which any private market or private slaughter-house may be kept open for use;
- (b) the regulation of the design, ventilation and drainage of such markets and slaughter-houses, and the material to be used in the construction thereof;
- (c) the keeping of such markets and slaughter-houses and lands and buildings appertaining thereto in a clean and sanitary condition, the removal of filth and refuse therefrom, and the supply therein of pure water and of a sufficient number of latrines and urinals for the use of persons using or frequenting the same;
- (d) the manner in which animals shall be stalled and slaughtered at a slaughterhouse;
- (e) the disposal or destruction of animals offered for slaughter which are unfit for human consumption;
- (g) any exemptions from the application of the bye-laws.

**60. By-laws for articles of food and drink.**---A district government may, with approval of district council may-

- (a) prohibit the manufacture, sale or preparation or the exposure for sale of any specified articles of food or drink in any place or premises not licensed by it;
- (b) prohibit the import into its area for sale or hawking for sale, of any specified article of food or drink by person not so licensed;
- (c) prohibit the hawking of specified articles of food and drink in such parts of the district as may be specified;
- (d) regulate the time and manner of transport within the district of any specified articles of food or drink;
- (e) regulate the grant and withdrawal of a licence under this paragraph and the levying of fees there for; or
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

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

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(2) A district government may frame and enforce a milk supply scheme which may among other matters provide for the establishment of milkmen's colonies, the prohibition of the keeping of milk cattle in any area, and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

**62. Feeding animals on dirt, etc.**---No person shall feed or allow to be fed on filthy or deleterious substances any animal, which is kept for the purpose of supplying milk or which is intended to be used for human consumption or allow it to graze in any place in which grazing has, for sanitary reasons, been prohibited by public notice by the district government.

**63. Powers of entry and seizure.**---An officer or servant of a district government authorized by it in writing in this behalf,-

- (a) may at any time enter into any market, building, shop, stall or other place in the district for the purpose of inspecting, and may inspect, any animals, article or thing intended for human food or drink or for medicine, whether exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale, or of preparation for sale, or any utensil or vessel for preparing, manufacturing or containing any such article, or thing, and may enter into and inspect any place used as a slaughter-house and may examine any animal or article therein;
- (b) may seize any such animal, article or thing which appears to him to be diseased, or unwholesome or unfit for human food or drink or medicine, as the case may be, or to be adulterated or to be not what it is represented to be, or any such utensil or vessel which is of such a kind or in such a state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be.

(2) Any article seized under sub-paragraph (1) which is of a perishable nature may forthwith be destroyed if, in his opinion, it is diseased, unwholesome or unfit for human food, drink or medicine, as the case may be.

(3) Every animal, article, utensil, vessel or other thing seized under sub-paragraph (1) shall, if it is not destroyed under sub-paragraph (2), be taken before a competent court who shall give orders as to its disposal.

**Explanation-I.**-If any such article, having been exposed or stored in, or brought to, any place mentioned in sub-paragraph (1) for sale as "Asli" (pure) "Ghee", contains any substance not exclusively derived from milk, it shall be deemed, for the purposes of this paragraph, to be an article which is not what it is represented to be.

**Explanation-II.**-Meat subjected to the process of blowing shall be deemed to be unfit for human food.

**Explanation -III.**-The article of food or drink shall not be deemed to be other than what it is represented to be merely by reason of the fact that there has been added to it some substance not injurious to health: provided that-

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- (a) such substance has been added to the article because the same is required for the preparation or production thereof as an article of commerce in a state fit for carriage or consumption and not fraudulently to increase the bulk, weight of measure of the food or drink or conceal the inferior quality thereof; or
- (b) in the process of production, preparation or conveyance of such article of food or drink, the extraneous substance has unavoidably become intermixed therewith; or
- (c) the owner or person in possession of the article has given sufficient notice by means of a label distinctly and legibly written or printed thereon or therewith, or by other means of a public description, that such substance has been added; or
- (d) such owner or person has purchased that article with a written warranty that it was of a certain nature, substance and quality and had no reason to believe that it was not of such nature, substance and quality, and has exposed it or hawked it about or brought it for sale in the same state and by the same description as that in and by which he purchased it.

**64. Organizing cattle fair and agriculture produce markets.**---A village council or a neighbourhood council may organize cattle fair and agriculture produce markets in their areas and regulate the usage of the premises by prescribing fees for such use.

#### PART-XIV

#### Lease and Licences for Land and Buildings

**65. Lease and licences for land and buildings.**---(1) Subject to the provisions of Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), a local government may grant a licence or lease in respect of any land, open space, building or property vested in it or managed, maintained or controlled by it.

(2) Notwithstanding anything contained in any other law or a subsisting lease or licence, a local government may, after giving a reasonable notice, vary the terms and conditions of any lease or licence of land or buildings or any other property owned, managed, maintained or controlled by it, in such manner and to such extent, as it may deem fit, and may also cancel the lease or licence if the varied terms and conditions are not acceptable to the lessee or the licensee.

(3) If, on the cancellation of any lease or licence under sub-paragraph (2) or on the expiry of the period of any lease or licence or on the determination or cancellation of a lease or licence on the breach of any of the terms and conditions thereof in respect of land or building or any property of which a local government is the lessor or licensor, any lessee or licensee holds on or continues in possession of such land, building or property or if in any case such land or building or property is required for any public purpose, the lessee or licensee on being required to hand over vacant possession within a specified time refuses or fails to vacate that land or building or property, the local

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government or an officer authorized by it in this behalf may enter upon and take possession of such land, building or other property, and may also demolish and remove the structures, if any, erected or built thereon.

(4) The cost of demolition and removal of structure under subparagraph (3) shall be payable to the local government by the lessee or licensee, as the case may be, and if the cost is not paid on demand, it may cause the material of the structures demolished and removed to be sold in auction, and if the proceeds of the sale are not sufficient to cover the cost, the balance shall be recoverable as arrears of land revenue, but if such proceeds exceed the cost, the excess shall be paid to the lessee or the licensee as the case may be.

(5) In sub-paragraphs (3) and (4) the lessee and the licensee shall be deemed to include a person who owns the structure at the time of removal or demolition and also any person in possession thereof on his account or with his permission or connivance.

(6) For the purpose of eviction of lessee or licensee under the provisions of this paragraph, an officer authorized by a local government in this behalf may use or cause to be used such force as may be necessary and may seek magisterial or police assistance.

(7) If any sum is payable by the lessee or licensee as rent or fee in respect of any land, building or other property on the day of recovery of possession thereof, the same shall be recoverable from him as arrears of land revenue.

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#### PART-XV

##### Licensing: General Provisions

66. **Power to vary licence.**---If a local government is satisfied that any place used under a licence granted by it is a nuisance or is likely to be dangerous to life, health or property, it may, by notice in writing, require the owner, lessee or occupier thereof to discontinue the use of such place or to effect such alterations, additions, or improvements as will, in the opinion of the concerned local government, render it no longer a nuisance or dangerous.

67. **Carrying on trade, etc., without licence or in contravention of a licence.**---No person shall carry on any trade, calling or occupation for which a licence is required without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled, or, after receiving a notice for suspension or cancellation, use or allow to be used any building or place in contravention thereof.

#### PART-XVI

##### Open Spaces

68. **Gardens.**---(1) A local government may lay-out and maintain within its area such public gardens as may be necessary for the recreation and convenience of the public and may prescribe conditions for the use, maintenance and administration of such public gardens.

(2) For every public garden there shall be framed and enforced a garden development plan which shall provide for its development and improvement.



69. **Open spaces.**---A local government may provide and maintain within its area such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with such amenities as required.

**PART-XVII**  
**Planning**

70. **Spatial plan.**---A tehsil municipal administration shall draw up Spatial (master) Plan for its area which shall, among other matters, provide for-

- (a) a survey of the area including its history, statistics, public services and other particulars;
- (b) development, expansion and improvement of any area;
- (c) restrictions, regulations and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the area; and
- (d) such other matters as it may require to be included in the plan.

71. **Site development schemes.**---(1) Where a Plan has been drawn up under paragraph 70 and such Plan has been approved, no owner of land exceeding such areas as may be specified in this behalf in the Plan so approved shall develop the site or erect or re-erect a building on any plot of land covered by the Plan, except in conformity with the provisions of a site development scheme sanctioned for the area in the manner prescribed.

(2) An owner of land who desires to develop a plot or a piece of land belonging to him for which no sanctioned site development scheme exists, or where the proposed development is not in conformity with the existing development scheme, he may apply to the tehsil municipal administration for sanction of his development scheme and it may, on such terms and conditions and on payment of such fees or charges as may be laid down by it, sanction the same:

Provided that the tehsil municipal administration may, after notice and for reasons to be recorded, cancel, modify or withdraw the sanction any time before construction in pursuance of the scheme has been commenced or made.

- (3) Among other matters, the site development scheme shall provide for-
- (a) the division of the site into plots;
  - (b) provision for streets, drains and open spaces;
  - (c) reservation of land for public utility services to be transferred to the tehsil municipal administration;
  - (d) provisions for acquisition of land by the tehsil municipal administration, if any;
  - (e) the works that shall be executed at the cost of the owners of the site or sties; and
  - (f) the period during which the area shall be developed.

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(4) The land reserved for public utility services in the Site Development Scheme shall be transferred, free of cost, by the owner or the owners to the tehsil municipal administration before the sanction of the scheme. Such land shall not be converted or used for any purpose other than that shown in the same scheme.

**72. Execution of site development schemes.**---(1) The execution of site development scheme shall be subject to the inspection and control of the tehsil municipal administration and it may from time to time give such directions with regard to the execution of the scheme as may be deemed necessary.

(2) If any area is developed or otherwise dealt with in contravention of the provisions of the sanctioned scheme, the tehsil municipal administration may, by notice, require the owner of such area or the person who has contravened the provisions to make such alteration, in the site as may be specified in the notice, and where such alteration is not made or for any reason cannot be carried out, it may require and enforce the demolition of offending structure and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

(3) If an area for which a scheme has been sanctioned is not developed within the period provided in the scheme and further extension is not allowed by tehsil municipal administration, or if the development is not in conformity with the terms of the site development scheme, the tehsil municipal administration may take over the development of the scheme and execute the necessary works and the cost so incurred shall be deemed to be a tax levied on the owner or owners under Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013).

### PART-XVIII Public Health and Sanitation

**73. Insanitary buildings and lands.**---(1) A district government may, by notice, require the owner or occupier of any building or land which is in insanitary or unwholesome state-

- (a) to clean or otherwise put in it in a proper state;
- (b) to make arrangements for its proper sanitation; and
- (c) to lime wash the building and to make such essential repairs as may be specified in the notice.

(2) If in the opinion of a district government any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is in a ruinous state or for want of sufficient repairs, protection or enclosure a nuisance or dangerous to persons passing by or dwelling or working in the neighbourhood, it may by notice in writing, require the owner or person claiming to be the owner thereof or the occupier thereof to remove the same, or may require him to repair, or to protect or enclose the same in such manner as it thinks necessary; and, if the danger is, in its opinion imminent, it shall forthwith take such steps as it thinks necessary to avert the same.



**74. Removal, collection and disposal of refuse.**---(1) The tehsil municipal administration, village council and neighbourhood council shall make adequate arrangements for the removal of refuse from all public roads and streets, public latrines, urinals, drains and all buildings and lands vested in them and for the collection and proper disposal of such refuse.

(2) The occupiers of all other buildings and lands shall be responsible for the removal of refuse from such buildings and lands subject to general control and supervision of the concerned of the tehsil municipal administration.

(3) The tehsil municipal administration shall cause public dustbins or other suitable receptacles to be provided at suitable places and where such dustbins or receptacles are provided, it may, by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dustbins or receptacles.

(4) All refuse removed and collected by the staff of tehsil municipal administration or under their control and supervision and all refuse deposited in the dustbins and other receptacles provided it shall be property of tehsil municipal administration.

(5) Tehsil municipal administration may, by notice issue directions at which the manner in which and the conditions subject to which, any matter referred to in this paragraph may be carried out.

**75. Latrines and urinals.**---(1) Tehsil municipal administration shall provide and maintain in sufficient number and in proper situations public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be regularly and properly cleaned.

(2) A tehsil municipal administration may, by notice in writing-

- (a) require any person having the control whether as owner, lessee or occupier of any land or building to:
  - (i) close any cesspool appertaining to the land or building which is, in its opinion, a nuisance, or
  - (ii) keep in a clean condition, in such manner as may be prescribed by the notice, any receptacle or filth or sewage accumulating on the land or in the building, or
  - (iii) prevent the water of any private latrine, urinal, sink or bath-room or any other offensive matter, from soaking, draining or flowing, or being put, from the land or building upon any street or other public place or into any water-course or other specified waterbody or into any drain not intended for the purpose; or
  - (iv) collect and deposit for removal by the conservancy establishment of the tehsil municipal administration within such time and in such receptacle or place, situated at not more than thirty five meters from the nearest boundary of the premises, as may be specified in the notice, any offensive matter or rubbish which such person has allowed to accumulate or remain under, in or on such building or land;



- (b) require any person to desist from making or altering any drain leading into a public drain; or
- (c) require any person having the control of a drain to cleanse, purify, repair or alter the same, or otherwise put it in good order, within such time as may be specified in the notice.

(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 tehsil municipal administration may, by notice, require the owner or occupier of such premises to-

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

(4) In case the owner or occupier of any building or land who has been served notice under sub-paragraph (3), fails to make arrangements to the satisfaction of the tehsil municipal administration for the matter referred to in this paragraph, it may undertake such roles and the cost so incurred shall be deemed to be a tax on the owner or occupier.

**76. Private latrines.**---A tehsil municipal administration may, by notice in writing,-

- (a) require the owner or other person having the control of any private latrine or urinal not to put the same to public use; or
- (b) where any plan for the construction of private latrines or urinals has been approved by it,-
  - (i) require any person repairing or constructing any private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of tehsil municipal administration and approved by it as conforming with such plan; or
  - (ii) require any person having control of any private latrine or urinal to re-build or alter the same in accordance with such plan; or
- (c) require the owner or other person having the control of any such private latrine or urinal which, in the opinion of the concerned local government constitutes a nuisance, to remove the latrine or urinal; or

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- (d) require any person having the control whether as owner, lessee or occupier of any land or building,-
- (i) to have any latrines provided for the same out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood; or
- (ii) to keep such latrine or urinal in proper state and employ such staff for the purpose as may be necessary or as may be specified by it.
- (e) require any person being the owner and having the control of any drain to provide, within ten days from the service of the notice, such covering as may be specified in the notice.

**77. Infectious diseases.**---(1) The district government shall adopt measures to prevent infectious diseases and to restrain infection within the district.

(2) The district government shall establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

**78. Medical aid and relief and medical education.**---A district government may take such measures as may be necessary or as may be specified by Government for-

- (a) the provision, maintenance and management of First Aid Centers and mobile medical aid units;
- (b) encouragement of societies for the provisions of medical aid;
- (c) payment of grants to institutions for medical relief; and
- (d) medical inspection of school children.

**79. Bathing and washing places.**---(1) A tehsil municipal administration may from time to time-

- (a) set apart suitable places for use by the public for bathing;
- (b) specify the time at which and the sex of persons by whom such places may be used; and
- (c) prohibit by public notice, the use by the public for any of the said purposes of any place not so set apart.

(2) No person shall establish, maintain or run a hamam or a bath for public use except under a licence granted by the tehsil municipal administration, and in conformity with the conditions and terms of such licence.



## PART-XIX Public Safety

**80. Fire-fighting.**---(1) For the prevention and extinction of fires, the tehsil municipal administration shall maintain a fire brigade consisting of such staff and such number of fire stations and such implements, machinery, equipment and means of communicating, intelligence as may be necessary.

(2) The tehsil municipal administration shall prepare fire-fighting plan and revise it at least once a year.

**81. Civil Defence.**---The district government shall be responsible for the civil defence of the district, and shall in this behalf, perform such functions as may be specified by Government.

**82. Floods.**---For the fighting of floods, rescuing of people from the flood affected areas, and affording relief to flood-stricken people, a district government shall provide such boats, appliances and equipments as may be specified by Government.

## PART-XX Registration of Births and Deaths

**83. Births and deaths.**---A village council or, as the case may be, neighbourhood council shall register all births, deaths and marriages within its area and shall specify the persons obligated to give information in this regard.

## PART-XXI Social Welfare and Community Development

**84. Social welfare.**---A district government may-

- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed;
- (b) provide for the burial of paupers found dead within its local area at its own expense;
- (c) adopt such measures for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils;
- (d) organize social service volunteers; and
- (e) adopt measures for the promotion of the welfare of backward classes, families of the persons serving in armed forces and women and children.

## PART-XXII Streets and Streets Lighting

**85. Public streets.**---(1) A tehsil municipal administration shall provide and maintain such public streets and other means of public communications as may be necessary.



(2) A tehsil municipal administration shall prepare and execute a road maintenance and development programme in its area.

**86. Streets.**---(1) No new street shall be laid out except with the previous sanction of the tehsil municipal administration and in conformity with the terms and conditions of such sanction.

(2) The tehsil municipal administration shall issue standing orders for the manners in which all streets other than public streets shall be maintained.

(3) The tehsil municipal administration may, by notice, require that any street may be paved, metalled, drained, channelled, or lighted in such manner as may be indicated in the notice and in the event of default, it may have the necessary work done through its agency and the cost so incurred shall be deemed to be a tax levied on the person concerned.

(4) The tehsil municipal administration may specify the manner in which a street other than a public street may be converted into a public street.

**87. Street lighting and electrification.**---(1) The tehsil municipal administration shall take such measures as may be necessary for the proper lighting of the public streets and other public places vested in it by oil, gas, electricity or such other illuminant as it may determine.

(2) A tehsil municipal administration may frame and enforce a street lighting and electrification schemes.

**88. Street watering.**---Tehsil municipal administration shall take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff and other apparatus as may be necessary.

### PART-XXIII Trades and Occupations

**89. Provision of washing places.**---(1) A tehsil municipal administration may provide suitable places for the exercise by washerman of their calling and may require payment of prescribed fees.

(2) Where the tehsil municipal administration has provided such places as aforesaid it may, by public notice, prohibit the washing of clothes by washermen at any other place within that part of the area: provided that such prohibition shall not be deemed to apply to the washing by a washerman of his own clothes or of the clothes of any other person who is an occupier of the place at which they are washed.

**90. Licences required for carrying on of certain occupation.**---(1) No person of any of the following classes, namely:

- (a) butchers and vendors of poultry, game or fish;
- (b) persons keeping milch cattle or milch goats for profit;
- (c) persons keeping for profit any animals other than milch cattle or milch goats;



- (d) dairymen, buttermen and makers and vendors of ghee;
- (e) vendors of fruit or vegetables;
- (f) manufacturers of ice or ice-cream, and vendors of the same;
- (g) vendors of any medicines, drugs or articles of food or drink for human consumption (other than milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable water or ice or ice-cream) which are of a perishable nature;
- (h) vendors of water to be used for drinking purposes;
- (i) washermen;
- (j) persons carrying on any trade or occupation from which offensive or unwholesome smells arise;
- (k) vendors of wheat, rice and other grain or of flour;
- (l) makers and vendors of sweetmeats;
- (m) barbers and keepers of shaving saloons; and
- (n) any other trades and occupations specified through public notice with approval of the district council, shall carry on his trade, calling or occupation in such part of a district as may be designated by the district government, with approval of the district council, unless he has applied for and obtained a licence in this behalf from district government.

(2) A licence granted under sub-paragraph (1) shall be valid until the end of the year in which it is issued and the grant of such licence shall not be withheld by the district government unless it has reason to believe that the business which is intended to be established or maintained would be offensive or dangerous to the public.

(3) Notwithstanding anything contained in sub-paragraph (1) no person who was, at the commencement of Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013), carrying on his trade, calling or occupation in any part of a district shall be bound to apply for a licence for carrying on such trade or occupation in that part until he has received from the district government not less than 3 months' notice in writing of his obligation to do so, and if the district government refuses to grant him a licence, it shall pay compensation for any loss incurred by reason of such refusal.

(4) A district government may charge fees for the grant of licences under this paragraph.

**91. Conditions which may be attached to licences.**---A licence granted to any person under paragraph 90 shall specify the area in which the licensee may carry on his trade, calling or occupation, and may regulate the hours and manner of transport within the district of any specified articles intended for human consumption and may contain any other conditions which the district government thinks fit to impose.



**PART-XXIV**  
**Transport and Traffic**

**92. Traffic control.**---(1) The tehsil municipal administration shall, by bye-laws, make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

(2) A tehsil municipal administration may, provide for parking motors on such public places as may be determined by it.

**93. Public vehicle.**---(1) No person shall keep or let for hire or drive or propel, within the limits of the area of a tehsil municipal administration, any public vehicle, other than a motor vehicle, except under a licence granted by it, 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 area of a tehsil municipal administration except under the licence granted by it and in conformity with the conditions of such licence.

**94. Fixation of fares.**---(1) A district government shall, with the previous approval of Government, fix the rate of fares for the use of public vehicles, and no person plying a public vehicle shall charge a rate in excess thereof.

(2) In this paragraph, a "public vehicle" means any vehicle which ordinarily plies for hire.

**95. Public ferries.**---(1) A district government may provide for the licensing of boats and other vessels plying for hire in a public watercourse and may specify the terms and conditions for the grant of licences and the fees to be charged therefor.

(2) Government may declare any part of the public watercourse to be a public ferry and may entrust the management thereof to a district government which shall manage and operate the public ferry in such manner and levy such toll as may be necessary.

**PART-XXV**  
**Water Supply**

**96. Water supply.**---(1) The concerned local government shall provide or cause to be provided to its local area a supply of wholesome water sufficient for public and private purposes.

(2) Where a piped water supply is provided, the concerned local government shall supply water to private and public premises in such manner and on payment of such charges as may be approved by the respective local council.

**97. Private source of water supply.**---(1) All private sources of water supply within the area of a village council or neighbourhood council shall be subject to control, regulation and inspection by the concerned council.

(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 concerned village council or, as the case may be, neighbourhood council.

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(3) A village council or neighbourhood council may, by notice, require the owner or any person having the control of any private source of water supply used for drinking purposes-

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Govt. of Mysore  
Law Department

- (a) to keep the same in good order and to clean it from time to time of silt, refuse and decaying matter;
- (b) to protect the same from contamination in such manner as the local government directs; and
- (c) if the water therein is proved to satisfaction of the respective council to be unfit for drinking purposes, to take such measures as may be indicated in the notice to prevent the use of such water for drinking purposes.

**98. Public watercourses.**---(1) A district government may, with the previous sanction of Government, declare any source of water, river, spring, tank, pond or public stream, or any part thereof within its local area, which is not private property, to be a public watercourse.

(2) A district government may, in respect of any public watercourse, provide amenities, make arrangements for lifesaving, execute 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.

**99. Tanks, ponds and low-lying areas.**---A district government may take such steps with regard to the excavation or re-excavation of tanks and ponds and the reclamation of low-lying areas as it thinks fit.

#### PART-XXVI Development planning

**100. Development Plans.**---Strategic Plans, Master Plans and Development Plans in district governments and tehsil municipal administration shall be prepared on specified sectoral proforma with the following as essential information:

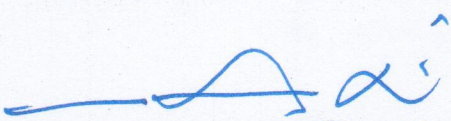
- (a) **Name & Location.**---Name of the project and location must be clearly indicated by giving the name of the area, village & neighbourhood councils along with relevant details to signify the exact locality. Map of the area should be attached to magnify project location;
- (b) **Cost.**---Cost estimates should be indicated with source of financing and allocation in the current year budget. The narration should touch on the basis (e.g. market survey, schedule rates, estimation of previous work done) of determining the capital cost.
- (c) **Objectives.**---The local government must have clear road map of targets and objectives to achieve in the arena of its responsibility for development. Every project must fit into this frame and should have strong linkage with over all development objectives of the local government.



- (d) **Description and Justification.**---Describe the project in terms of existing facilities and justification for the Project. It should also include technical parameters, details of civil works, machinery and other physical facilities required for the project, highlights of issues relevant to the project and strategy to resolve them;
- (e) **Operating and Maintenance Cost.**---Indicate itemized operational cost for five years after completion of the project with source of financing and responsibility;
- (f) **Financial Plan.**---Indicate the quantum of total resources required for the project and the sources to provide the cost;
- (g) **Project Benefits and Analysis.**---Give a brief narration of the probable income to be generated due to the project and quantify social benefits to the target group;
- (h) **Environmental Impact.**---Give a fair assessment of the negative or positive impact of the project on the environment;
- (i) **Implementation Schedule.**---Indicate the starting and completion date of the project with detailed schedule of physical activities. The details should include administrative arrangements and manpower requirements during execution and operation of the project.

**100. Community Development Projects.**---A local government may sponsor or promote Community Development Projects for its local area or any part thereof and may in this behalf, perform such functions as may be necessary.

**101. Approval of Development Plan.**---Development Plan of a local government shall constitute part of its budget and shall be subject to approval of its council.

  
 SECRETARY 21.12.2015  
 GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
 LOCAL GOVERNMENT, ELECTIONS AND  
 RURAL DEVELOPMENT DEPARTMENT.

Asstt. Chief Officer  
 Govt. of the Khyber Pakhtunkhwa  
 05/12/2015