

Cantonment Areas Union Committee (Property) Rules, 1966

CANTONMENT AREAS UNION COMMITTEE (PROPERTY) RULES, 1966
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No 1946/66 -In exercise of the powers conferred by Article 89 of the Basic Democracies Order, 1959 (P.O. No. 18 of 1959), read with Article 56 and item 18 of the Sixth Schedule thereto, the Central Government is pleased to make the following rules, namely:-

1. Short title and commencement.-(1) These rules may be called the Cantonment Areas Union Committee (Property) Rules, 1946.

(2) They shall come into force at once.

2. Interpretation.—In these rules,—

(a) "Local Fund" means the local fund of the Union Committee concerned; and

(b) "Order" means the Basic Democracies Order, 1959 (P.O. 18 of 1959).

3. Property which shall vest in Union Committee-Subject to any special reservations made or conditions imposed by Government, the following kinds of property shall vest in a Union Committee, that is to say—

(a) all property acquired by the Union Committee by gift, purchase, or otherwise for the purposes of the order; .

(b) all public buildings, including Union Committee meeting halls and gates, which have been constructed or are being maintained out of the Local Fund;

(c) all land, open spaces, playgrounds, gardens, parks and other places of public resort transferred to the Union Committee by the Central Government or acquired by the Union Committee, through gift, purchase or otherwise, for the purposes of the order;

(d) All public streets, bridges and other means of public communication, maintained out of the Local Fund;

(e) all drains, sewers, culverts and other channels for sullage, maintained out of the Local Fund;

(i) all sullage of channels referred to in clause (e) and all refuse collected by the Union Committee or deposited at places. fixed by the Union Committee;

(g) all works for the disposal of refuse, including septic tanks, night soil deposits, trenching grounds and incinerators, maintained out of the Local Fund;

(h) all water works, water mains, and pipes, stand post, hydrants, water troughs and hand-pumps maintained out of the Local Fund;

(i) all public lamps, posts and other appliances for streets lighting, maintained out of the Local Fund;

(j) all trees, plants and flowers on roadsides and other places, maintained out of the Local Fund; and

(k) any other property which may vest in a Union Committee under any law for the time being in force.

4. Management and maintenance of property.-(1) A Union Committee shall take such steps as may be necessary to ensure that the property vested in it is managed and maintained in the interests of the public for the purposes of the Order and the rules and bye-laws made thereunder.

(2) A Union Committee may from time to time specify the property that shall be placed under the charge of the various officials of the Union Committee and such officials shall be responsible for the management of such property.

(3) In managing the property under his charge an official shall exercise the same amount of prudence as he would have exercised had such property been his own property. Such official shall be personally responsible for loss, waste or misapplication of the property placed under his charge.

5. Registration, verification and stock-taking of property and the maintenance of maps and plans thereof.—(1) All property vesting in a Union Committee shall be entered in a register—(a) in Form Union Committee 12 in the case of moveable property and (b) in Form prepared and maintained a separate map for every immovable property inscribed in the Cantonment Areas Union Committee Accounts Rules, 1966.

(2) The Union Committee shall cause to be prepared and maintained a separate map for every immovable property vesting in the Union Committee. Such maps shall be kept as supplementary volumes to the registers maintained under sub- rule (1).

(3) During the month of July each year or such other period as may be specified by the Controlling Authority, the Chairman or any official or m authorised by him in this behalf shall take stock of the movable property of the Union Committee and submit a report to the Union Committee showing the result of such stock taking and verification. Such report, shall, among other matters, indicate:

(a) particulars of unserviceable articles;

(b) Particulars of losses, if any;

(c) cases of the misapplication of property, if any;

(d) particulars of the management and maintenance of property during the preceding year;

(e) proposals for development and improvement, if any.

(4) All articles declared unserviceable may be written off under the order of the Chairman, and a list of such articles shall be put up to the Union Committee for information.

(5) Any loss of property or of any amount in connection with a property vesting in the Union Committee may be written off:—

(a) by the Chairman if the amount involved does not exceed Rs. 50;

(b) by the Union Committee if the amount involved exceeds Rs. 50 but does not exceed Rs. 500; and

(c) by the Controlling Authority in other cases not provided for above.

6. Acquisition of property.—(1) Whenever any land or other immovable property is required by a Union Committee for any of the purposes of the Order or the rules and by-laws made thereunder, the Chairman may take such steps as may be necessary to acquire the land or immovable property, as the case may be by an agreement with the owner thereof

(2) If any land or other immovable property required by a Union

Committee, cannot be acquired by an agreement under sub-rule (1), the Union

Committee may move the Government to acquire such land or property under the

Land Acquisition Act, 1894 (Act I of 1894), the Government may, thereupon, take such action under the said Act as may be necessary and on payment by the Union Committee of the compensation awarded under the said Act, the land or the property, as the case may be, shall vest in the Union Committee.

7. Property Development Scheme —For the purposes of improvement and development of the property belonging to or vesting in the Union Committee, the Union Committee may prepare a scheme. The scheme may amongst other matters, contain

(a) particulars of property, and the income accruing therefrom and the expenditure incurred thereon;

(b) proposals for development including acquisition, if any;

(c) the financial implications of the proposals including the manner in which the scheme shall be financed;

(d) the period during which the scheme shall be executed;

(e) such other particulars as may be necessary or may be required by the Controlling Authority.

2. The Scheme shall be published in the local area for inviting objections and suggestions and the final scheme shall be prepared after taking such objections and suggestions into consideration.

(3) The scheme as finalized under sub-rule (2) shall be submitted by the Union Committee to the Controlling Authority for sanction.

(4) The Controlling Authority may with or without modification sanction or may refuse to sanction or may return for reconsideration any scheme or may call for further details or information about the scheme or may direct such further examination of the scheme as it may consider necessary.

(5) The Union Committee shall take such steps as may be necessary to implement the schemes sanctioned by the Controlling Authority.

8. Use of Property.—(1) A Union Committee may, with the sanction of the Controlling Authority, specify:—

(a) the properties, movable and immovable, which may be used by the public, or which may be let on hire; and

(b) the terms and conditions of such hire.

(2) No property of a Union Committee whether movable or immovable shall be used by any official or member of the Union Committee except for official purposes.

9. Disposal and alienation of property.—(1) Any movable property of a Union Committee may be disposed of by sale or otherwise:—

(a) by the Chairman, if its value does not exceed Rs. 50/- and

(b) by the Chairman, with the previous sanction of the Union Committee, in other cases.

(2) Any immovable property of Union Committee may be leased, disposed of by sale, or otherwise alienated:—

(a) by the Chairman, if the period of the lease does not exceed one year;

(b) by the Chairman, with the previous sanction of the Union Committee, if the period of the lease exceeds one year but does not exceed three years.

(c) by the Chairman, with the previous sanction of the Controlling Authority, in other cases not provided for above.