

**The [name of Local Government]  
(Prevention and Removal of  
Encroachments) Model Bye-Laws, 2018**

**The [Name of Local Government] (Prevention and Removal of  
Encroachments) Bye-Laws, 2018**

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**[Name of Local Government] (Prevention and Removal of Encroachments) Bye-laws, 2018**

**PREAMBLE**

**WHEREAS** it is expedient to make bye-laws to control and check encroachments on property of local government, public roads, public streets and public places in the larger public interest;

**AND WHEREAS** the circumstances exist that render it necessary to frame [Name of Local Government] (Prevention and Removal of Encroachments) Byelaws, 2018;

**AND WHEREAS** under Section 145 read with Part-II of the Seventh and Eighth Schedules of the Act, [Name of Local Government] may, and if required by the Government shall, make bye-laws not inconsistent with the Act and the rules to give effect to the provisions of the Act.

**NOW, THEREFORE,** in exercise of the aforesaid powers and all other enabling provisions in this behalf, [Name of Local Government] through resolution No. \_\_\_\_\_ dated \_\_\_\_\_ has approved the following bye-laws which are hereby notified.

**Mayor/Chairman**

[Name of Local Government]

Dated:

**1. Short title and commencement.** – (1) These Bye-laws may be called [Name of Local Government] (Prevention and Removal of Encroachments) Bye-laws, 2018.

(2) These bye-laws shall extend to the local area of [Name of Local Government]

(3) These bye-laws shall come into force from the date these are published in the official Gazette.

**2. Definitions.**– (1) In these bye-laws unless there is anything repugnant in the subject or context, the following expressions shall have the meaning hereby respectively assigned to them:

- (a) **"Act"** means the Punjab Local Government Act, 2013 ((XVIII of 2013) ;
- (b) **"building line"** means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed;
- (c) **"Chief Officer"** means Chief Officer [Name of Local Government]
- (d) **"drain"** includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel or any other device for carrying sullage or rain water;
- (e) **"encroachment"** means and includes movable or immovable encroachment on public place, public property, public park, open space, public road, public street, public way, right of way, market, graveyard or drain;
- (f) **"encroacher or wrongful occupier "** means and includes a person who has made movable or immovable encroachment on an open space, land vested in or managed, maintained or controlled by the local government, public place, public property, public road, public street, public way, right of way, market, graveyard or drain and owns the material or articles used in such encroachment exist at the time of removal of encroachment or ejection and also any person(s) in possession thereof on his behalf or with his permission or connivance;

- (g) **"Government"** means Government of the Punjab;
- (h) **"House"** means the elected body of [Name of the local government];
- (i) **"Local Government"** means [Name of Local Government]
- (j) **"market"** means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetables or any other article of food or for the sale and purchase of livestock or animals and includes any place which may be notified as a market;
- (k) **"Municipal/District Officer (Regulation) "** means Municipal/District Officer of [Name of Local Government]
- (l) **"open space"** means an area notified by the Local Government as green belt other than a public park which is kept as an open space in any neighbourhood or local areas either in pursuance of a spatial plan or otherwise;
- (m) **"public park"** means a park or space reserved for public park and maintained by the Local Government as public park;
- (n) **"public place"** means any building, premises or place to which the public have access;
- (o) **"public property"** means immovable property such as land, building vested in or managed, maintained or controlled by the Local Government;
- (p) **"public road"** means a road maintained by the Government or by the Local Government or by any other local authority;
- (q) **"public street"** means a street maintained by the Government or by the Local Government or by any other local authority;
- (r) **"public way"** means a way maintained by the Government or by the Local Government or by any other local authority; and
- (s) **"right of way"** means the total width of a public road or public street from building line to road or street required for road or street and ancillary facilities.

(2) Words and expressions used herein but not defined in these bye-laws shall have the same meanings as are assigned to them in the Act.

**3. Prohibition of Encroachments.-** No person shall make an encroachment, movable or immovable on open space or public place or public property or public road or public street or public way or right of way or market or public park or graveyard or drain within the jurisdiction of [Name of Local Government].

**4. Role of the Chairman Union Council.-** (1)The Chairman Union Council shall report to the Municipal/District Officer (Regulation) of the Local Government in respect of encroachments noticed by him, in his Union Council.

(2) The Chairman, Vice Chairman and other members of Union Council shall mobilize the community in their local area, for prevention and removal of encroachments.

(3) The members and the Secretary of Union Council shall remain vigilant to prevent encroachment in their wards.

**OR** *(Applicable to Municipal Committees only)*

**4. Role of the members of the Local Government.-** (1) The members of the Local Government shall report to Municipal Officer (Regulation) in respect of encroachments in their wards.

(2) The Chairman, Vice Chairman and other members of the Local Government shall mobilize the community in their wards for prevention and removal of encroachments.

**5. Responsibilities of the Municipal/District Officer (Regulation).-**

(1) The Municipal Officer/District Officer (Regulation) shall take necessary measures to prevent and remove the encroachments within the jurisdiction of the Local Government.

(2) The Municipal Officer/District Officer (Regulation) shall remain vigilant and ensure the enforcement of these bye-laws.

(3) The official authorized as Manager for the management of the property, under the Punjab Local Governments (Conduct of Business) Rules, 2017 shall share the details maintained in Register of unauthorized occupants of land or buildings of Local Government (P-VII) with the Municipal Officer/District Officer on regular basis.

(4) Other Municipal Officers/District Officers of the Local Government shall provide necessary support to the Municipal Officer (Regulation) to prevent and remove the encroachments.

(5) The Municipal Officer/District Officer (Regulation) shall place a report before the House on measures taken by him to prevent and remove the encroachments on quarterly basis.

(6) The Municipal Officer/District Officer (Regulation) shall pursue the court cases pertaining to removal of encroachments.

**6. Action against encroacher or wrongful occupier.-** (1) The Local Government may, after such notice (**Forms - I & II**) as may be considered reasonable, remove the encroachment with such force as may be necessary.

(2) 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 the Local Government may, in addition to any other penalty to which he may be liable under the Act or any other law for the time being in force, after reasonable notice (**Form- II**) by the Local Government, be ejected from such building or property by the Local Government with such force as may be necessary.

(3) Notwithstanding anything contained in any other law, no compensation shall be payable for any encroachment removed or ejection carried out by the Local Government under the Act and these bye-laws.

(4) The cost of removal of encroachment or ejection under the Act and these bye-laws shall be payable to the Local Government by the encroacher or wrongful occupier, and if the cost is not paid on demand, the Local 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 of 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.

(5) In case ownership of any movable article seized after its removal by the Local Government, is not claimed or taken back by any person having legal title after payment of cost of removal of such encroachment as determined by the Local Government, within seven days after removal of encroachment, it shall be liable to be sold through public 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.

**7. Public awareness.-** (1) The Local Government shall make arrangements for public awareness to educate the public of the area to not encroach the public place, public property, public park, open space, public

road, public street, graveyard, market or right of way, periodically through media, posters, notice boards, newspapers, radio, TV etc.

(2) The elected representative shall also mobilize the community in their wards, to identify and report to the Local Government any kind of encroachment noticed by them, on public place, public property, Public Park, open space, public road, Public Street, graveyard, market or right of way

**8. Willful obstruction.-** Any person obstructing any officer or servant of the Local Government in exercising the powers to remove any encroachment shall be liable to the punishment under section 132 read with Part-II of the Fourth Schedule.

**9. Penalties.-** (1) Notwithstanding any action stipulated against the encroacher or wrongful occupier in these bye-laws:

(a) any person commits movable encroachment shall be liable to punishment under section 134 read with Fifth Schedule of the Act; and

(b) any person commits immovable encroachment in or on or under any property or any open space or land vested in or managed, maintained or controlled by the Local Government shall be liable to punishment under section 132 read with Fourth Schedule (Part-II) of the Act.

**10. Appeals.-** Any person aggrieved by the notice issued under these bye-laws may, within seven days, of the service of notice, appeal to the Chief Officer and his decision thereon shall be final.

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**Form I**

(See bye-law 6)

[Name of the Local Government]

**Notice for Removal of Movable Encroachment**

No.

Dated.

From:

The Municipal/District Officer (Regulation)

[Name of the Local Government]

To:

\_\_\_\_\_ S/o, D/o, W/o \_\_\_\_\_

Resident of \_\_\_\_\_

It has been reported that you have made an encroachment on

\_\_\_\_\_

You are hereby required under this notice to remove the encroachment within (specify the period) failing which [Name of the Local Government] will cause the encroachment to be removed through its own anti- encroachment staff with such force as may be necessary.

The detail of encroachment is as under:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In case any article seized after its removal by [Name of Local Government], is not claimed or taken back by you, after payment of cost of removal of such encroachment as determined by the Local Government, within seven days after removal of encroachment, it shall be liable to be sold through public auction and if the proceeds of the sale are not sufficient to cover the cost, the balance shall be recoverable from you as arrears of land revenue.

[Name of the Local Government] also reserves the right to proceed against you under sections 134 read with Fifth Schedule of the Act.

(Municipal Officer (Regulation))  
[Name of the Local Government] 11

**Form II**  
(See bye-law 6)  
[Name of the Local Government]  
**Notice for Removal of Immovable Encroachment**

No.

Dated.

From:  
The Municipal Officer/District Officer (Regulation)  
[Name of the Local Government]

To: \_\_\_\_\_ S/o,D/o,W/o \_\_\_\_\_  
Resident of \_\_\_\_\_

It has been reported that you have made an encroachment on \_\_\_\_\_

You are hereby required under this notice to remove the encroachment within (specify the period) from the receipt of the notice, failing which [Name of the Local Government] will cause the encroachment to be removed and eject you from such building or property with such force as may be necessary. In case the encroachment is removed by [Name of the Local Government], you will be liable to pay the cost of removal of encroachment or ejection to [Name of the Local Government] and if the cost is not paid it shall be recovered as arrears of land revenue or cause the materials or articles used by you to be sold in public auction and if the proceeds out of such sale are not sufficient to cover the cost, the balance shall be recoverable as arrears of land revenue and in case such proceeds exceed the cost, the excess amount shall be paid to you.

The detail of encroachment is as under:

\_\_\_\_\_  
\_\_\_\_\_

[Name of the Local Government] also reserve the right to proceed against you under section 132 read with Fourth Schedule Part-II.

In case you feel aggrieved by this notice, you may appeal against this notice within seven days of the service of this notice to the Mayor or Chairman [Name of the Local Government] and its decision shall be final.

(Municipal/District Officer - Regulation)  
[Name of the Local Government]

**Mayor/Chairman**  
[Name of Local Government]

Dated: