

HARI CHAND

ADVOCATE

ਹਰੀ ਚੰਦ

ਵਕੀਲ

PUNJAB & HARYANA HIGH COURT

ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ

H. NO. 2299,

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ਸੈਕਟਰ 44- ਸੀ

ਚੰਡੀਗੜ੍ਹ 160045

DATED: 26.5.2019

To

Chief Secretary, Government of Punjab, Punjab Civil Secretariat,
Chandigarh.

Subject:- Demand for constituting “Municipal Police” as envisaged under Sections 87 to 92, under Chapter VI of the Punjab Municipal Act, 1911.

By Speed Post

Dear Sir,

I hereby serve the following demand notice on you:-

1. That under Chapter VI captioned “Municipal Police” under Sections 87 to 91 of the Punjab Municipal Act, 1911, there is provision for setting up of “Municipal Police” by the Municipal Committees. The object of setting up/constituting Municipal Police is to help the Municipal Committees in enforcing their orders for demolishing illegal constructions/encroachments etc., without wasting time and energy in approaching the local police, for enforcing such orders. It hardly needs be stated that the process of getting the orders of the Municipal Committee implemented through intervention of local police is quite cumbersome and time consuming.

2. That Section 88 of the Punjab Municipal Act, 1911 envisages that State Government shall bear whole or part of the cost of such Police Establishment. Such Municipal Police has to be assigned such duties in terms of Section 90 of the aforesaid Act, which may be prescribed by the State Government. The duty of such Municipal Police is to give immediate information to the Municipal Committee of any offence committed against the provisions of the Act, Rules or the Bye-laws, and to assist members and servants of the Municipal Committee in the exercise of their lawful authority. Besides, such Municipal Police may

exercise such other powers of the police like arresting a person, which in its view committed an offence against the provisions of the Act, Rules or the Bye-laws.

3. That it is a matter of shock and disbelief that the aforesaid salutary provisions of the Municipal Act have not been implemented by the State of Punjab in their letter and spirit. None of the Municipal Committees has been permitted/ allowed to set up such Municipal Police to assist it in carrying out its statutory functions.

4. That it may be pertinent to state that in the case of Municipal Corporations in the State of Punjab, even in the absence of any provision to that effect in the Punjab Municipal Corporation Act, 1976, certain Municipal Corporations have been permitted to set up a Municipal Police for assisting the officers of the Municipal Corporation to enforce their orders, and also the provisions of the Act or the Bye-laws or Rules. For instance, the Municipal Corporation, Ludhiana has full fledged Police Establishment at its disposal. The Municipal Committees also deserve similar treatment at the hands of the State Government.

I would therefore, call upon you to issue appropriate notification, for setting up Police Establishment in each of the Municipal Committee in the State of Punjab for the purpose of carrying out the provisions contained in Chapter VI (Sections 87 to 89 of the Punjab Municipal Act, 1911). In case the needful is not done within a period of one month from the date of receipt of this notice by you, in that event, I shall be left with no other alternative except to approach the Hon'ble High Court of Punjab and Haryana at Chandigarh, by way of a PIL, for seeking the redressal of my legitimate grievance mentioned above.

Meanwhile, please acknowledge receipt of this notice.

Yours sincerely,

(HARI CHAND)
ADVOCATE