

FORM-26

[See rule 76(a)]

ELECTION PETITION

I, the petitioner in the accompanying election petition calling in question the election of Shri/Smt. from respondent No. in the said petition make solemn affirmation/oath and say:-

- (a) that the statements made in paragraphs of the accompanying election petition about the commission of corrupt practice of and the particulars of such corrupt practice mentioned in paragraphs of the schedule annexed thereto are true to my knowledge;
- (b) that the statement made in paragraphs of the said petition about the commission of the corrupt practice of and the particulars of such corrupt practice given in paragraphs of the said petition and in paragraphs of the schedule annexed thereto are true to my knowledge;

(c)

(d)

etc.

Signature of deponent.

Solemnly affirmed/sworn by Shri/Smt. at this date of

Before me;

Executive Magistrate.

THE JAMMU AND KASHMIR MUNICIPALITY (RESERVATION OF OFFICES OF CHAIRPERSON) RULES, 2005

SRO 10 dated 19th January, 2005, Housing and Urban
Development Department

In exercise of the powers conferred by section 280 read with section 12 of the Jammu and Kashmir Municipal Act, 2000, the Government hereby makes the following Rules: —

1. Title and commencement

(a) These Rules may be called the Jammu and Kashmir Municipality (Reservation of offices of Chairperson) Rules, 2005.

(b) They shall come into force with effect from the date of issuance of this notification.

2. Reservation of the offices of Chairperson for the Scheduled Castes, and Scheduled Tribes

(a) The offices of the Chairperson/Presidents of Municipal Committees and Municipal Councils shall be reserved for the Members belonging to the Scheduled Castes and Scheduled Tribes in proportion to the share of the Scheduled Castes and Scheduled Tribes population in the municipal areas other than the areas under the Municipal Corporations.

(b) The share of the Scheduled Castes and Scheduled Tribes population shall always be worked out on the basis of the latest decennial census.

(c) The offices of the Chairperson/Presidents of the specific Municipal Committees and Municipal Councils to be so reserved shall be rotated on the basis of the Scheduled Caste and Scheduled Tribe population of the municipal areas as may be determined by the Government before the conduct of the general elections to the Municipalities.

3. Reservation of offices of Chairperson after the First Election of Municipality

(a) The following offices of Chairpersons/Presidents of the Municipalities shall be reserved for the Councilors belonging to the Scheduled Castes and the Scheduled Tribes after the First Election of the Municipalities:

- (i) Municipal Committee Gho-Manhasan Reserved for SC

(ii) Municipal Committee Bishna	Reserved for SC
(iii) Municipal Committee Ramgarh	Reserved for SC
(iv) Municipal Committee Arnia	Reserved for SC
(v) Municipal Committee Parole	Reserved for SC
(vi) Municipal Committee Leh	Reserved for ST
(vii) Municipal Committee Kargil	Reserved for ST

4. Reservation of offices of Chairperson after the subsequent elections

The office of Chairpersons/Presidents of the Municipalities to be reserved for the Members belonging to the Scheduled Castes and the Scheduled Tribes after the subsequent elections shall be notified by the Government.

Govt. Order No. 320-HUD of 2018, dated 01.11.2018, Housing & Urban Development Department

Subject: Reservation of seats of Chairpersons of Municipal Committees in the State.

In exercise of the powers conferred under section 12 of the Jammu and Kashmir Municipal Act, 2000, read with Rule 4 of The Jammu and Kashmir Municipality (Reservation of Offices of Chairpersons) Rules, 2005, it is hereby ordered that seats of Chairperson of following Municipal Committees are reserved for persons belonging to Scheduled Castes and Schedules Tribes as under:

i)	Municipal Committee, Bari-Brahmana	Reserved for SC
ii)	Municipal Committee, Ramnagar	Reserved for SC
iii)	Municipal Committee, R.S. Pura	Reserved for SC
iv)	Municipal Committee, Jourian	Reserved for SC
v)	Municipal Committee, Samba	Reserved for SC
vi)	Municipal Committee, Kargil	Reserved for ST
vii)	Municipal Committee, Leh	Reserved for ST
viii)	Municipal Committee, Surankote	Reserved for ST

[No. HUD/LSG/ULB]&K/255/2018, dated 01.11.2018]

THE JAMMU AND KASHMIR MUNICIPALITY (ALLOWANCES TO MEMBERS, PRESIDENT VICE-PRESIDENT) RULES, 2005

[SRO 72, dated 16th March, 2005]

[As amended by SRO 171 of 2007, dt. 27.4.2007]

In exercise of the powers conferred by sub-section (4) of section 13 and sub-section (3) of section 23 of the Jammu and Kashmir Municipal Act, 2000, the Government hereby make the following Rules, namely:—

1. Title and commencement

- These Rules may be called the Jammu and Kashmir Municipality (Allowances to Members, President Vice-President) Rules, 2005.
- These Rules shall come into force with effect from the date of issuance of this notification.

2. Definitions

In these rules unless the context otherwise requires.—

- “Member” means ‘Member’ duly elected or nominated to a Municipality under the provisions of this Act.
- “President” means the ‘President’ duly elected under the provisions of the Act.
- “Vice-President” means the “Vice-President” duly elected under the provisions of the Act.

3. Allowances to Members

The members of Municipal Councils and Municipal Committees shall be entitled to receive allowance of Rs. ¹[300] and Rs. ²[150] respectively per day for attending the meetings of the Municipality and of its Standing Committees ³[subject to five sittings per month].

1 Substituted for "100" by SRO 171 of 2007, dt. 27.4.2007, w.e.f. 1.4.2007.
2 Substituted for "50" by SRO 171 of 2007, dt. 27.4.2007, w.e.f. 1.4.2007.
3 Inserted by SRO 171 of 2007, dt. 27.4.2007, w.e.f. 1.4.2007.

4. Honorarium to President

The President of a Municipal Council and of a Municipal Committee shall be paid an honorarium of Rs. ¹[5500] and Rs. ²[4500] per month respectively, besides the usual allowance as Member.

³5. Honorarium to Vice-President

The Vice-President of the Municipal Council and Municipal Committee shall be paid an honorarium of Rs. 3500/- and Rs. 3000/- per month respectively, besides the usual allowance as Member.]

⁴5-A. Honorarium to Members of the Municipal Council and Municipal Committee

The Members of the Municipal Council and Municipal Committee shall be paid an honorarium of Rs. 2500/- and Rs. 2000/- per month respectively.]

6. Other facilities for President, Vice-President

The President and the Vice-President shall be entitled to have telephone connection at office and residence.

7. The Members, the President and the Vice-President shall be entitled to the benefits under this rules from the date they take oath of their offices or seats.

1 Substituted for "2500" by SRO 171 of 2007, dt. 27.4.2007, w.e.f. 1.4.2007.
 2 Substituted for "1500" by SRO 171 of 2007, dt. 27.4.2007, w.e.f. 1.4.2007.
 3 Substituted by SRO 171 of 2007, dt. 27.4.2007, w.e.f. 1.4.2007.
 4 Inserted by SRO 171 of 2007, dt. 27.4.2007, w.e.f. 1.4.2007.

THE JAMMU AND KASHMIR MUNICIPALITY (PROCEDURE FOR CONDUCT OF MEETINGS) BYE-LAWS, 2005

SRO 25 dated 3rd February, 2005, Housing and Urban
Development Department

In exercise of the powers conferred by section 34 of the Jammu and Kashmir Municipal Act, 2000 the Government hereby frame the following bye-laws for procedure for conduct of meetings of all the municipalities governed by the said Act.

PART-I**PRELIMINARY****1. Short title and commencement**

(1) These bye-laws may be called the Jammu and Kashmir Municipality (Procedure for Conduct of Meetings) Bye-laws, 2005.

(2) They shall come into force at once.

2. Definitions

In these Bye-Laws unless the context otherwise requires:—

- (a) 'Act' means the Jammu and Kashmir Municipal Act, 2000;
- (b) 'Clause' means a clause of these Bye-Laws;
- (c) 'Form' means a form appended to these Bye-Laws;
- (d) 'Roll' means roll of attendance of the Members of a Municipal Council or a Municipal Committee;
- (e) 'Section' means a section of the Act.

PART-II

PROCEDURE FOR CONDUCT OF MEETINGS OF MUNICIPAL COUNCIL/MUNICIPAL COMMITTEE CHAPTER-I

TIME AND PLACE OF MEETINGS**3. Date, time and place of meetings**

(1) The date, time and place of a meeting for the election of President and Vice President of a Municipal Council or a Municipal Committee after a general election shall be determined by the Deputy Commissioner of the concerned district.

4. Honorarium to President

The President of a Municipal Council and of a Municipal Committee shall be paid an honorarium of Rs. ¹[5500] and Rs. ²[4500] per month respectively, besides the usual allowance as Member.

³5. Honorarium to Vice-President

The Vice-President of the Municipal Council and Municipal Committee shall be paid an honorarium of Rs. 3500/- and Rs. 3000/- per month respectively, besides the usual allowance as Member.]

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(2) The date, time and place of subsequent meetings of a Municipal Council or a Municipal Committee shall be fixed by the President by a general or special order passed in that behalf.

4. Roll of Members

(1) There shall be a roll of Members elected or nominated under sub-sections (2) and (3) of section 10 of the Act.

(2) Every Member immediately after he has made and subscribed at a meeting of a Municipal Council or a Municipal Committee an oath or affirmation under sub-section (1) of section 27 shall, before taking his seat, sign the said roll.

(3) The oath or affirmation of the Members shall be administered by the Deputy Commissioner of the concerned District or an officer authorized by him in this behalf.

5. The Members shall sit in such order as the President may determine.

CHAPTER-II

ELECTION OF PRESIDENT AND VICE PRESIDENT

6. Election of President

(1) Every candidate for election as President must be a Member chosen by direct election from the territorial constituencies in the municipal area.

(2) Every such candidate shall be nominated by a nomination paper in Form-1 which shall be signed by the candidate and two other elected Members as proposer and seconder and delivered to the Executive Officer between the hours of Ten O'clock in the forenoon and Four O'clock in the afternoon at least three clear days before the date of meeting at which the election of President is to be held.

(3) No Member shall sign as proposer or seconder of the nomination paper of more than one candidate. Where a member has signed as proposer or seconder nomination papers for more candidates than one, the nomination paper for the candidate which has been first received shall be deemed to be valid and the other nomination papers shall be deemed to be invalid.

(4) Any candidate may withdraw his candidature at any time before the election is proceeded with in the meeting.

(5) The meeting to conduct election of the President shall be presided over by a Member who is not a candidate for such election and who is either the consensus candidate or the senior most among the Members, as may be determined by the Executive Officer. The presiding Member shall have the right to exercise his vote in the election of the President.

(6) When there is only one candidate validly nominated or when after withdrawal of candidature there is only one such candidate, the presiding authority shall declare him to be duly elected as President.

(7) When two or more validly nominated candidates offer themselves for election at the meeting, the election shall be held by secret ballot in the manner hereinafter provided.

(8) Ballot papers containing the names of persons duly nominated shall be furnished to the elected Member at the meeting.

(9) The ballot box shall remain open for the casting of votes for such period as may be fixed by the presiding authority.

(10) No Member shall vote for more than one candidate. At the time of voting, each Member shall place a cross (X) on the right hand side of the ballot paper opposite the name of the candidate for whom he wishes to vote, and will then fold the ballot paper and without showing the front of the paper to any person, insert the same in the ballot box in the presence of the presiding authority.

(11) If a Member votes for more candidates than one or places any mark on the paper by which he may be identified, his ballot paper shall be considered invalid and will not be counted. A vote recorded on a ballot paper shall be rejected if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given.

(12) As soon as the period fixed for casting of votes is over, the presiding authority shall open the ballot box and initial each ballot paper.

(13) The votes for all the candidates shall then be counted by the presiding authority with the assistance of the Executive Officer or such other Municipal Officer or employee as may be designated by the presiding authority and the candidates shall be arranged in the order of the number of votes obtained by each of them.

(14) When there are only two candidates or when after withdrawal of candidature there are only two candidates, the candidate obtaining more number of valid votes shall be declared elected as President.

(15) When there are more than two candidates, and no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and votes shall be taken again for the remaining candidates in the same manner as prescribed in the foregoing Clauses and, in this manner the candidate obtaining the smaller number of votes at each ballot shall be excluded from the election, until one