

THE JAMMU AND KASHMIR MUNICIPALITIES PUBLIC DISCLOSURE ACT, 2010

[Act No. XXIV of 2010]

[Received the assent of Governor on 23rd October, 2010 and published in the Government Gazette dated 25th October, 2010]

An Act to provide for transparency and accountability in the functioning of municipalities in the State.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-first Year of Republic of India as follows:—

1. Short title and commencement

(1) This Act may be called the Jammu and Kashmir Municipalities Public Disclosure Act, 2010.

(2) It shall come into force on such date¹ [as may be notified by the Government in the Government Gazette.

2. Application of the Act

This Act shall apply to all municipalities constituted under the Jammu and Kashmir Municipal Corporation Act, 2000 and the Jammu and Kashmir Municipal Act, 2000, as the case may be.

3. Definition

In this Act, unless the context otherwise requires,—

(a) 'municipality' means a Municipal Corporation, a Municipal Committee or a Municipal Council constituted under the Jammu and Kashmir Municipal Corporation Act, 2000 or the Jammu and Kashmir Municipal Act, 2000, as the case may be.

(b) 'Schedule' means schedule appended with this Act.

4. Obligation of municipality

Every municipality shall maintain and publish at quarterly intervals all its records duly catalogued and indexed in a manner and form which enables the municipality to disclose the information specified in Part-A and Part-B of Schedule to this Act.

5. Manner of disclosure

The manner of disclosure of information required under section 4 shall include the publication of such information through—

- (a) newspapers;
- (b) internet; or
- (c) any other mode as may be specified from time to time by the Government.

6. Power to make rules

The Government may, by notification in the Government Gazette, make rules for carrying out the provisions of this Act.

SCHEDULE

PART A

1. Particulars of the Municipality;
2. A statement of the councils/committees and other bodies consisting of two or more persons constituted for the purpose of its advice, and as to whether meetings of those councils/committees and other bodies are open to the public or the minutes of such meetings are accessible to public;
3. A directory of its officers and employees;
4. The particulars of officers who grant concessions, permits or authorization for each activity.

PART B

1. Audited financial statements of balance sheets, receipts and expenditures, and cash flow on a quarterly basis, within two months of the end of each quarter and statutorily audited financial statements for the full financial year, within three months of the end of the financial year;
2. The service level being provided for each of the services being undertaken by the municipality;
3. Particulars of all plans, proposed expenditures, actual expenditures on major services provided or activities performed and reports on disbursements made;
4. Details of subsidies and programmes on major services provided or activities performed by the municipality and manner and criteria of identification of beneficiaries for such programmes;
5. Particulars of the Master Plan, City Development Plan or any other plan concerning the development of the municipal area;

¹ Enforced on 1.2.2011 vide SRO 40 of 2011, dt. 02.02.2011.

6. Particulars of major works as may be defined in the rules to be made under the Act, together with information on the value of works, time of completion and details of contract;
7. The details of the municipal funds i.e., income generated in the previous year by the following:—
 - (a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions;
 - (b) taxes, duties, cess and surcharge, rent from the properties, fees from licences and permission that remain uncollected and the reasons thereof;
 - (c) share of taxes levied by the Government and transferred to municipality and the grants released to the municipality;
 - (d) grants released by the Government for implementation of the schemes, projects and plans assigned or entrusted to the municipality and the nature and extent of utilization;
 - (e) money raised through donation or contribution from public or non-governmental agencies.
8. Any other information required to be made public by the rules made under this Act.

NOTIFICATION

Municipality Public Disclosure Act, 2010 — Commencement date
SRO 40 of 2011, dated 02.02.2011, Housing and Urban Development
Department

In exercise of the powers conferred by sub-section (2) of section 1 of the Jammu and Kashmir Municipality Public Disclosure Act, 2010 (Act No. XXIV of 2010), the Government hereby appoints 1st day of February, 2011 as the date on which the said Act shall come into force.
