

**4. Honorarium to President**

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

**<sup>3</sup>5. 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.]

**<sup>4</sup>[5-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.

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

SRO 25 dated 3<sup>rd</sup> 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.

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

(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

candidate obtains more votes than the aggregate votes of the remaining candidates, and he shall be declared as President.

(16) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under Clause 15, the determination as between the candidates whose votes are equal, of the candidates, who is to be excluded, shall be by drawing of lots.

(17) The ballot papers shall be kept by the Executive Officer for three months from the date of election and may then be destroyed by him.

#### 7. President to preside over the rest of meeting

As soon as the President is elected, he shall preside over the meeting for the transaction of the rest of the business thereof.

#### 8. Election of Vice President

The provisions of Regulation 6 shall apply, as far as may be, to the election of Vice President subject to the modification that any reference therein to the presiding authority shall be construed as a reference to the President.

### CHAPTER-III

#### ARRANGEMENT OF BUSINESS AND LIST OF BUSINESS

#### 9. Ordinary and Special meetings

(1) Each Municipal Council and Municipal Committee shall ordinary hold at least one meeting every month.

(2) The President or in his absence the Vice President may, whenever he thinks fit and shall, within a period of ten days from the date of receipt of a requisition signed by not less than one half of the total number of members, convene either an ordinary or a special meeting of the Municipal Council or the Municipal Committee as the case may be.

(3) An ordinary meeting of a Municipal Council or a Municipal Committee shall deliberate on issues of general municipal administration, while a special meeting may be convened to discuss issues of urgent public importance.

#### 10. Quorum

(1) The quorum necessary for the transaction of the business at an ordinary meeting of a Municipal Council or a Municipal Committee shall be one-third of the number of the sitting members, subject to a minimum of three Members.

(2) The quorum necessary for the transaction of the business at special meeting of a Municipal Council or a Municipal Committee shall be one-half of the number of the sitting members.

(3) If at any ordinary or special meeting of a Municipal Council or a Municipal Committee a quorum is not present, it shall be the duty of the President or the Member presiding on such meeting, either to adjourn the meeting to some other day or to suspend the meeting for the time being until there is a quorum.

#### 11. Preparation of list of business

Every list of business (including a supplementary list) to be transacted at a meeting of a Municipal Council or a Municipal Committee shall be prepared by the Executive Officer, under the direction of the President.

#### 12. Arrangement of the items of agenda

(1) The agenda of an ordinary meeting shall be arranged by the Executive Officer in the following order:

- (a) confirmation of the minutes of the last meeting;
- (b) any election by a Municipal Council or a Municipal Committee;
- (c) questions and resolutions;
- (d) resolutions of the Standing Committees;
- (e) letters from the Executive Officer and business from the Executive Officer;
- (f) letters from Government and others; and
- (g) any other matter.

(2) The agenda of a special meeting shall be arranged in such order as the President may decide.

#### 13. Mode of sending agenda to the members

The agenda shall be sent to the registered address of each Member.

*Explanation:* The registered address means the address for the time being entered in the register of addresses of Members.

#### 14. Supplementary agenda relating to certain urgent matters

Notwithstanding anything contained in these Bye-Laws, the Executive Officer, may prepare under the directions of the President a supplementary agenda with respect to any urgent matter and circulate that list to the Members for consideration at the ensuing meeting whether ordinary, adjourned or a special meeting.

### CHAPTER-IV

#### QUESTIONS AND RESOLUTIONS

#### 15. Questions

(1) A Member may ask during the first half an hour of every ordinary meeting question on any matter relating to the municipal administration of the area or the administration of the Act.

(2) Not less than seven days clear notice in writing shall be given to the Executive Officer specifying the question to be asked.

(3) No question shall be asked which relate to a matter that is not primarily the concern of the Municipal Council or the Municipal Committee or which is under adjudication in the court of law, or which make or imply a charge of a personal character or which repeat in substance question already answered or to which an answer has been refused.

(4) The decision of the President to allow or disallow a question shall be final.

(5) No Member shall ask more than three questions at any meeting.

#### 16. Answers to questions

(1) All questions admitted by the President for a particular ordinary meeting shall be answered orally by the Executive Officer.

(2) Such questions as cannot be answered within the allotted time shall be deemed to have been answered.

(3) If the Executive Officer declares that answer to any question is not ready, the question shall stand over to any other meeting to be fixed by the President on receipt of the answer to the question.

#### 17. Notice of resolutions

(1) A Member who wishes to move a resolution shall give at least forty-eight hours notice to the Executive Officer of his intention and shall together with the notice submit a copy of the resolution which he wishes to move.

(2) The President shall admit a resolution for a particular meeting if it satisfies the following conditions, namely:

- (i) it must relate to a matter of general public interest concerning the functions of the Municipality under the Act;
- (ii) it shall be clearly and precisely expressed;
- (iii) it shall raise substantially one definite issue; and
- (iv) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements.

#### 18. Moving the resolutions

(1) A Member in whose name a resolution stands in the list of business shall, when called upon, move the resolution.

(2) After a resolution has been moved it shall be seconded by another Member.

(3) A resolution of the Standing Committees shall be moved by the Chairman of the respective Committee, or in his absence by any member of the concerned Committee.

(4) After a resolution has been moved and seconded, any Member may move an amendment to the resolution and such amendment too shall be seconded by another Member.

(5) A resolution or an amendment not moved or not seconded shall fall through.

#### 19. Discussion of resolution

The discussion on a resolution shall be strictly relevant to and within the scope of the resolution.

#### 20. Voting of resolution or motion

(1) When a resolution or motion has been discussed, the President may put it to vote of the Members.

(2) A resolution or motion shall be decided by a majority of the votes of the elected Members present in the meeting.

(3) In case of equality of votes, the President or the Member presiding on such meeting shall have a second casting vote.

### CHAPTER-V

#### GENERAL RULES OF PROCEDURE

#### 21. Language to be used at meetings of a Municipal Council or a Municipal Committee

(1) The language used at the meeting of a Municipal Council or a Municipal Committee shall be Urdu, Hindi or English.

(2) The President shall be at liberty to expunge from a notice of resolution any matter which he may consider to be defamatory or grossly offensive, and if he deems proper, he may disallow the resolution altogether on those grounds.

#### 22. Rules to be observed while speaking

The following procedure shall be observed at the meeting of a Municipal Council or a Municipal Committee:

- (a) a Member desiring to make any speech or observation or any matter under discussion in the meeting shall speak from his place, shall rise when he speaks, and shall address the President.
- (b) if at any time the President rises to speak, the Member speaking or offering to speak shall resume his seat forthwith.
- (c) all questions from one Member to another relating to the business of the meeting shall be put through the chair.
- (d) no Member shall speak more than once on any matter but the proposer may speak in conclusion also after hearing all others, who wish to speak.

- (e) written speeches shall not be read without the permission of the President.
- (f) the speech shall be strictly relevant to the matter under discussion before the meeting and Member while speaking shall not:
  - (i) refer to any matter of fact on which a judicial decision is pending
  - (ii) make a personal charge against a Member or officer or other employee of the Government or a Municipal Council or a Municipal Committee
  - (iii) make use of offensive expression regarding the Parliament or any State legislature or any public institution
  - (iv) reflect upon the conduct of the Governor or Govt. of Jammu & Kashmir, or any Minister or Executive Officer, or of any court of law acting in the exercise of its judicial functions
  - (v) utter treasonable, seditious or defamatory words, or
  - (vi) use his right of speech for the purpose of willfully and persistently obstructing the business of a Municipal Council or a Municipal Committee.
- (g) the President after having called the attention of the meeting to the conduct of a Member who acts in contravention of Clause (f) or persists in irrelevance or intedious repetition either of his own arguments or of the arguments used by any Member in debate, may direct him to discontinue his speech, and he shall discontinue it forthwith.

**23. Priority to an item of business**

- (1) With the consent of the majority of the Members present at any meeting the President may give priority to any item of agenda, irrespective of the order in which such item stands on the list of said agenda.
- (2) The President may allow any urgent matter included in the supplementary list of business under Regulation 14 to be taken up for consideration at any stage of the proceedings of a Municipal Council or a Municipal Committee.

**24. Proceedings of the meeting**

- (1) Minutes of each meeting of a Municipal Council or Municipal Committee shall be drawn up and recorded in a book to be kept for the purpose.
- (2) The minutes shall be signed by the President or the Member presiding in the meeting.

(3) The minutes of a previous meeting of a Municipal Council or a Municipal Committee shall be taken as read unless the majority of Members present request that such minutes to be read.

(4) If any Member present draws the attention of the meeting to any error or omission in the minutes of the previous meeting, such correction shall be made therein as the President, after taking the sense of the meeting, deems fit.

(5) The minutes shall at all reasonable times be available at the office of the Municipal Council or the Municipal Committee without any charge by any Member or by any person on payment of such fee as the President may decide.

**25. Powers of persons presiding in the absence of President and Vice President**

The person presiding over a meeting of a Municipal Council or a Municipal Committee in the absence of the President and the Vice President shall, when so presiding have the same powers as the President when so presiding and all references to the President in these regulations shall in those circumstances be deemed to be references to any such person so presiding.

**FORM-I**

**NOMINATION PAPER**

[See Regulations 6 and 8]

Election of President/Vice President, Municipal Council/ Committee  
.....

**(To be filled by the Proposer)**

I hereby nominate.....as a candidate for election as President/Vice President.

Full name of Proposer .....

Full name of Seconder .....

Name of Candidate .....

Signature of Proposer

Signature of Seconder

Dated.....

**(To be filled by the Candidate)**

I, the above noted Member, assent to this nomination.

Dated.....

Signature of Candidate

(To be filled by the Secretary)

S. No. of Nomination Paper .....

This Nomination Paper was delivered to me at my office at  
..... (hour) on ..... by the Candidate/Proposer.

Dated.....

Secretary

**Receipt for nomination paper to be handed over to the person presenting the Nomination Paper.**

S. No. of Nomination Paper.. ..

This Nomination Paper of ..... a candidate  
for election is President/Vice President of the Municipal Council/Com-  
mittee of ..... was delivered to me at my office at ..... (hour)  
on ..... (date) by the Candidate/ proposer.

Dated.....

Secretary

## THE JAMMU AND KASHMIR URBAN LOCAL BODY INSTITUTIONS (MANAGEMENT) SERVICE RECRUITMENT RULES, 2008

SRO 417, dated 18th December, 2008, Housing and Urban  
Development Department

[As amended by SRO 352 of 2013, dated 01.08.2013]

In exercise of the powers conferred by section 307 and all other enabling provisions of the Jammu and Kashmir Municipal Act, 2000 (Act No. XX of 2000), the Government hereby make the following rules; namely:-

### 1. Short title and commencement

(1) These rules may be called the Jammu and Kashmir Urban Local Body Institutions (Management) Service Recruitment Rules, 2008.

(2) They shall come into force from the date of their publication in the Government Gazette.

### 2. Definitions

In these rules, unless the context otherwise requires,-

- (a) "Administrative Department" means the Department of the Government in the Civil Secretariat holding the administrative charge of the Service;
- (b) "Cadre" means the cadre of the Service;
- (c) "Government" means the Government of Jammu and Kashmir;
- (d) "Head of the Department" means the Major Head of the Department holding the administrative control of the organization;
- (e) "Member of the Service" means a person appointed to a post in the service under the provisions of these rules;
- (f) "Post" means a permanent post carrying a definite time scale sanctioned by the competent authority;
- (g) "Rules" means the Jammu and Kashmir Urban Local Body Institutions (management) Service Recruitment Rules, 2008;
- (h) "Schedule" means the schedule(s) annexed to these rules;