

Government of Jammu and Kashmir
Housing and Urban Development Department
Civil Secretariat,
Jammu

Notification,

Jammu, the 27th April, 2021.

S.O. 150 .-In exercise of powers conferred by section 34 read with section 51 of the Jammu and Kashmir Municipal Act, 2000, the Government hereby makes the following bye-laws for Procedure and Conduct of Business of Municipalities; namely:-

Short title and commencement: - (1) These bye-laws may be called the Jammu and Kashmir Municipality (Procedure and Conduct of Business) Bye-laws, 2021.

(2) These shall come in to force from the date of their publication in the official Gazette.

Definition: - (1) In these bye-laws, unless the context otherwise requires: -

- (a) "Act" means The Jammu and Kashmir Municipal Act, 2000;
- (b) "Clause" means a clause under 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;
- (f) "Point of order" means statement asking the presiding authority to prioritize any item of business or asking the presiding authority to correct any irregularity in the conduct of business.

(2) Words and expressions used but not defined in these Bye-Laws shall have the same meanings as assigned to them in the Jammu and Kashmir Municipal Act, 2000.

Chapter -1

Time and place of Meetings

3. Date, time and place of meetings of a Municipal Council or a Municipal Committee: - (1) The first meeting of a Municipal Council or a Municipal Committee for the election of President and Vice President after general election shall be held as early as possible but not later than thirty days after the publication of the results of the election of the Members and the date, time and place of such meeting shall be determined by the Deputy Commissioner of the concerned district.

(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.

(3) The President or in his absence the Vice President may, whenever he thinks fit, and shall upon a requisition in writing by not less than one half of the total number of Members of the Municipality to convene either an ordinary or a special meeting of a Municipal Council or a Municipal Committee.

(4) If the office of the President and Vice President are lying vacant, the duties assigned to the President under clause (3) shall be performed by the Chief Executive Officer/Executive Officer as the case may be.

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) There shall be an attendance register maintained in Form-B showing the names of the Members. The register shall be placed in the meeting hall at the commencement of each meeting and every Member present and participating in the deliberations of the meeting shall append his signature therein against his name in such register.

(3) 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 of the Act shall, before taking his seat, sign the said roll.

(4) 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

5. 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 Chief Executive Officer/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. In case where a member has signed as proposer or seconder nomination papers for more than one Candidate, 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 Chief Executive Officer/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 Members 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 Chief Executive Officer/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 sub clause (15) of the clause 5, 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.

6. 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.

7. Election of Vice President: The provisions of clauses (5) of these Bye-Laws 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

8. Ordinary and Special Meetings:- (1) Each Municipal Council and Municipal Committee shall ordinarily 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 an issue of general municipal administration, while a special meeting may be convened for transaction of business of an urgent public importance.

9. Quorum: - (1) The quorum necessary for the transaction of 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 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 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.

10. Preparation of list of business:- (1) 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 Chief Executive Officer/ Executive Officer, under the direction of the President in the following order;

- (a) Confirmation of the minutes of the last meeting kept in accordance with Part-I and Part-II of Form-C;
- (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.

11. Notice of meetings and business: - (1) A notice of meeting of a Municipal Council or Municipal Committee shall be sent by the Chief Executive Officer/ Executive Officer in Form-A appended to every member specifying the date, time and place of meeting.

(2) A list of the business to be transacted at every meeting except at an adjourned meeting shall be delivered in person to a Member or sent through registered post at the recorded address, or shall be sent on registered email of the Member at least five days before the time fixed for such meeting and no business shall be brought before or transacted at, any meeting other than the business of which a notice has been so given:

Provided that an urgent meeting may be called on a notice of a lesser period than five days:

Provided further that any Member may send or deliver to the Chief Executive Officer/Executive Officer notice of any business beyond the matters mentioned in the notice given of such meeting so as to reach him at least forty-eight hours before the date fixed for the meeting and Executive Officer shall with all possible dispatch take steps to circulate

such resolution to every Member in such manner as he may think fit:

Provided further that such other business or resolution may be transacted or taken up only with the permission of Chair.

12. Supplementary agenda relating to certain urgent matters:- Notwithstanding anything contained in these bye-laws, the Chief Executive Officer/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

13. Questions:- (1) A member may ask during the first half of 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 Chief Executive Officer/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.

(6) The order in which questions are desired to be answered shall be indicated by the Member and if no such order is indicated the question shall be placed in the list in the order in which notices are received in point of time.

(7) No question shall: -

(a) bring any name or statement not strictly necessary to make the question intelligible;

(b) contain arguments, ironical expressions, imputations, epithets or defamatory statement;

(c) relate to an expression of opinion or the solution of a hypothetical


proposition;


- (d) relate to the character or conduct of any person except in his official or public capacity;
- (e) relate to a matter which is not primarily the concern of a Municipal Council or a Municipal Committee or any of the Municipal authorities.
- (f) make or imply a charge of a personal character;
- (g) relate to question of policy too large to be dealt with within the limits of an answer to a question;
- (h) Repeat in substance question already answered or to which an answer has been refused;
- (i) relate to information on trivial matters;
- (j) ordinarily relate to information on matters of past history;
- (k) relate to information set forth in accessible documents or in ordinary works of reference;
- (l) raise matters under the control of bodies or persons not primarily responsible to a Municipal Council or a Municipal Committee; or
- (m) relate to any matter which is pending adjudication before a Court of Law.

(8) If a question contains a statement, the Member shall be responsible for the accuracy of the contents of such statement.

(9) Subject to the provisions of this rule, every question which has not been disallowed shall be entered in the list of questions for the day and shall be called, if the time allowed permits, in the order in which it is enumerated in the list.

(10) After the question has been answered, any Member may put supplementary questions for the purpose of further elucidating any matter of fact regarding which an answer has been given.

 Provided that, the presiding authority may disallow any supplementary question if, in its opinion, it infringes any of the provisions of these regulations.

 (11) If the presiding authority is satisfied that sufficient information is not

available for an answer, it may direct that the answer to the question may be given later at the same meeting or at the next ordinary meeting of a Municipal Council or a Municipal Committee.

(12) No debate or speech shall be allowed on any question or answer supplied.

(13) All questions, whether allowed or disallowed or replied, shall be incorporated in part III of the register in Form-C.

14. Question of absent members:- If a Member who has given notice of a question is not present when called upon by the President, the question shall be deferred. The member shall be given another chance to move the same question in the two subsequent meetings after which the question shall be deemed to have been dropped.

15. Postponement of questions:- If the Chief Executive Officer/Executive Officer declares that the 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 Chief Executive Officer/Executive Officer's answer to the question, and at such meeting the Chief Executive Officer/Executive Officer shall give his answer.

16. Mode of asking question:- (1) When the time for asking questions arrives, the President shall call successively each Member in whose name a question appears on the list of questions.

(2) The Member so called shall rise in his place and ask the question by reference to its number on the list of questions.

17. Answers to questions:- (1) All questions admitted by the President for a ordinary meeting shall be answered orally by the Chief Executive Officer/Executive Officer.

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

(3) If the Chief Executive Officer/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.

(4) The Chief Executive Officer/Executive Officer shall not be bound to answer a question if it asks for information which has been communicated to him in confidence or in the opinion of the President it cannot be answered without prejudice to public interest or the interest of a Municipal Council or a Municipal

Committee.

18. Notice of resolutions:- (1) A member who wishes to move a resolution shall give at least, forty-eight hours notice to the Chief Executive Officer/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.

(3) No Member shall be permitted to send notice of more than three resolution for a monthly meeting.


(4) The President may, in consultation with the Member amend the form of a resolution so as to bring it in conformity with these bye-laws.

(5) The President may instead of disallowing a resolution on the ground that it does not relate to a matter of general public interest refer it to the Committee concerned with the subject matter thereof.

19. 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 fail through.



20. Power of President to group items of business:- The President shall be competent, with the consent of the majority of the Members present, to submit for consideration as one subject any two or more items of business relating to the same subject although such items may not have been grouped together on the list of business.

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

22. Amendment:- (1) 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.

(2) An amendment which has not been seconded shall fall through.

23. Withdrawal of resolution:- A Member who has moved a resolution or an amendment to a resolution shall not withdraw the same except with the leave of the Chair.

24. 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 Members presiding on such meeting shall have a second casting vote.

25. Lapse of resolution:- Any resolution appearing in the list of business for any month which does not come up for consideration within the next three following months shall lapse:

26. Resolution in respect of certain matters :- (1) A resolution of all Standing Committees shall be moved by the Chairman of the respective Committee, if he so desires, or if he does not desire to move it or is absent, by any member of the concerned Committee present, or failing him by any other member of a Municipal Council or a Municipal Committee.

(2) Any of the matters referred to in clause 10(1) (d) under these Bye-laws shall be moved at the meeting by the Chairman of the Committee concerned with the subject matter thereof or in his absence by any other member of that Committee or failing both by any other member of a Municipal Council or a Municipal Committee.

Chapter-V

Procedure for Conducting No Confidence Motion against President or Vice-President

27. No Confidence Motion:- The No Confidence Motion brought under Section 25 of the Jammu & Kashmir Municipal Act, 2000 against the President or Vice President of Municipal Committee/Council as the case may be shall be considered and disposed of as per the following procedure:-

(1) Where a notice of intention to move a resolution requiring the President or Vice President of Municipal Committee/Council to vacate his office, a special meeting of the elected Councillors shall be called for. Such special meeting shall be requisitioned and signed by not less than half of the total numbers of the elected Councillors which shall be given to the President of the concerned Municipal Council/Committee. Notice shall be issued by the President Municipal Committee/Council for the special meeting within seven days from receipt of requisition from the elected councillors.

(2) Notwithstanding anything contained in these Byelaws, the President or Vice-President of the municipality shall not preside over a meeting in which a motion of no-confidence is discussed against him. Such meeting shall be presided over by a Councillor elected by majority of the elected members and the persons against whom a motion of no-confidence is moved, shall have a right to vote and to take part in the proceedings of such a meeting.

(3) In case the notice not being issued by the President within the stipulated date or not convening the meeting within stipulated time, the special meeting shall be called by the Chief Executive Officer/Executive Officer within three days thereafter.

(4) The notice issued for considering no confidence motion against the President or Vice-President shall clearly contain the reasons/allegations on which the No Confidence Motion is to be brought.

(5) As soon as the meeting, called for, commences, the presiding member at the meeting shall read out the motion on which the meeting has been called before the members present and declare it open for deliberations. During deliberations, opportunity shall be given to the President or Vice-President against whom no confidence motion is moved, to defend himself. The motion shall be put to vote by the presiding member by secret ballot on the same day. If motion of no-confidence is carried by resolution passed by the majority of elected members and voting at its special meeting the President or Vice-President against whom such

resolution is passed shall cease to hold office forthwith.

(6) In the event of both the posts of President or Vice-President falling vacant as a sequel to the passage of the No Confidence Motion, till the new President or Vice-President are elected for the remainder period, all the powers and duties which, under the provisions of the Act or the Rules or the regulations made there under or any other law for the time being in force, shall be exercised by the Chief Executive Officer/Executive Officer of the Municipality.

(7) On completion of the no confidence motion process, the Chief Executive Officer/Executive Officer shall submit a written report to the District Election Officer immediately.

(8) Where the posts of President or Vice President fall vacant as a consequence of no confidence motion, the process of electing new President or Vice-President for the remainder period shall be completed within 30 days by the Deputy Commissioner (District Election Officer) of the concerned District.

Chapter-VI

General Rules of Procedure

28. Language to be used at meetings of a Municipal Council or a Municipal Committee:- (1) The business at a 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.

(3) If the President is of the opinion that words have been used by any Member in any meeting which are defamatory or indecent or unparliamentarily or undignified he may, in his discretion, order that such words be withdrawn and the Member concerned shall comply with the order and such words / remarks be expunged from the records of the proceedings.

29. Duration of speeches:- Ordinarily a Member moving a motion shall be allowed to speak for 10 minutes and a Member moving an amendment or taking part in the debate, to speak for 5 minutes:

Provided that the presiding authority may reduce or increase the time prescribed herein according as the occasion demands.

30. Rules to be observed while speaking:- The following procedure shall be observed at a meeting of a Municipal Council or a Municipal Committee:

- (a) a Member desiring to make any speech or observation on 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 or 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 Lieutenant Governor of Jammu and Kashmir or Government of Jammu and Kashmir, or any Minister or Chief Executive Officer/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 will fully 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 in tedious 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 .

31. 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 clause 12 to be taken up for consideration at any stage of the proceedings of a Municipal Council or a Municipal Committee.

32. Motion for adjournment of debate or meeting:- When a Member moves a motion for adjourning the debate or the meeting, the President may at once put it to the vote after, giving the member such reasonable opportunity as he thinks proper to state the reasons for or against such motion.

33. Adjournment motion not to be moved in the middle of speech:- No motion for adjournment of the debate or the meeting, shall be moved while a Member is speaking:

Provided that the President may at any time adjourn the meeting with the consent of the majority of the Members.

34. Proceedings of the meeting:- (1) Minutes of each meeting of a Municipal Council or a Municipal Committee shall be drawn up and recorded in a book in Form -C to be kept for the purpose.

(2) The minutes of the proceedings shall be signed by the President or the Member presiding in the meeting.

(3) The minutes of the proceedings of a previous meeting of a Municipal Council or a Municipal Committee shall be taken as read unless the majority of the 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 of the proceedings 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.

35. Voting how to be counted:- (1) Primarily questions put to vote shall be decided by raising of hands and decision of the presiding authority shall be final.

(2) Save as otherwise provided in these bye-laws, when voting is demanded by at least five Members the President shall direct those who desire to vote for a motion and those who desire to vote against such motion to form themselves into two groups.


(3) Two tables having respectively placards "Ayes" and "Noes" shall be placed at the end of the two corners of the hall permanently and as soon as voting is demanded, the Chief Executive Officer/Executive Officer shall place a list of Members on each table and the Members having right to vote under Section 4 (3) of the Act will go and initial before their names in the presence of tellers appointed by the President.

(4) The voting for and against the motion shall be counted by the teller and recorded in the minute book.

36. Meetings to be open to public:- Every meeting of a Municipal Council or Municipal Committee shall be open to the public, unless a majority of the Members present decide by a resolution, which shall be put by the President of his own motion or at the request of any Member present, without any discussion, that the deliberation of the Municipal Council or Municipal Committee be held in private.

37. Admission of public in meeting:- (1) The President may regulate the admission of the public to witness the proceedings of a Municipal Council or Municipal Committee in accordance with such orders as he may from time to time make in this behalf.

(2) While making such order the President shall take into consideration the seating capacity of the gallery available for the general public, the procedure to be followed for applying for and granting of admission to public, time limit for such admission and the rules of conduct to be followed by the public while witness the proceedings of a Municipal Council or Municipal Committee.

 **38. Removal of members of the public from meetings:-** The President may at any time cause any member or the public admitted to a meeting to be removed, if necessary by force, if such person interrupts or disturbs the proceedings of the meeting in any manner whatsoever.



39. 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 bye-laws shall in those circumstances be deemed to be references to any such person so presiding.

40. Forwarding minutes and reports of proceedings to Government.-
(1) The Chief Executive Officer/Executive Officer of Municipal Council or Municipal Committee shall forward to the Deputy Commissioner and the Director a copy of the minutes of the proceedings of each meeting of the Municipal Council or Municipal Committee within three days from the date of the meeting.

(2) The Director or the Government may also in any case ask for a copy of any paper or all the papers which were laid before a Municipal Council or Municipal Committee or any committee thereof and the Municipal Council or Municipal Committee shall forward to the Government, a copy of such paper or papers.

41. Validation of proceedings etc.:- (1) A Municipal Council or a Municipal Committee shall have power to act notwithstanding any vacancy in membership thereof and no act done or the proceedings taken under this Act shall be questioned on the ground merely of:-

- (a) the seat of any Member remaining unfilled for any cause whatsoever;
- (b) the existence of any vacancy in, or any defect in the constitution of the Municipal Council or Municipal Committee, or in any committee thereof;
- (c) Member having voted or taken part in any proceeding in contravention of section 61 of the Act read with these bye-laws;
- (d) any defect or irregularity not affecting the merits of the case.

(2) Every meeting of a Municipal Council or a Municipal Committee or of any Committee thereof, the minutes of proceeding of which have been duly drawn up and signed, shall be deemed to have been duly convened.

Chapter - VII

Procedure and Conduct of Business of Standing Committees

42. Convening of meetings of Standing Committees:- (1) The date, time and place of the first meeting of the standing committees after its constitution,

shall be fixed by the President.

(2) The date, time and place of every subsequent meeting of any such Committee shall be fixed by the Chairman of the respective Committee.

43. Election of Chairman:- (1) The elected members of all the Standing Committees shall elect its Chairman or Vice Chairman, as the case may be to preside at its first meeting each year.

(2) The procedure prescribed in Clause 5 of these bye-laws for the election of President shall, as far as may be, apply for the election of Chairman or Vice Chairman as the case may be under this clause subject to the modification that references to the presiding authority in the said clause shall be construed as references to the person nominated under Sub Clause (1).


44. Tenure of the Members of the Standing Committees: - One half of the members of the Standing Committee shall retire on the completion of one year from the date of its constitution. For the first year, the members who shall retire shall be selected by draw of lots before the expiration, in such manner as the Chairman of the Standing Committee may determine. During each succeeding year, after completion of one year, one half of the members who have been longest on the office shall retire therefrom. The resultant vacancies in the Standing Committee shall be filled up by election of members as provided in the Act/ Bye-Laws:

Provided that the first such retirement shall be effected within one month from the date of notification of these Byelaws:

Provided further that a member cannot serve on a committee for two consecutive terms. However, the retiring member shall be eligible for re-election to the same Standing Committee after a gap of at least one year.

45. Casual Vacancies: - (1) When a casual vacancy occurs in a Standing Committee, the vacancy shall be filled up within one month of occurrence of the vacancy by election of another Councillor;

(2) A member elected to fill a casual vacancy shall be elected to serve for the remainder of his predecessor's term of office.

 **46. Special Meetings:-** The Chairman of a Committee, whenever he thinks fit, or on a written requisition signed by the Chief Executive Officer/Executive Officer, or by not less than three members of the Committee concerned, within 48 hours of the receipt by him of the requisition, call a special meeting of the Committee for the transaction of any business.



47. Quorum:- (1) No business shall be transacted at a meeting of the Standing Committees unless three members of that Committee are present.

48. Resolution:- A member, who desires to move any resolution, shall give notice of his intention to the Chief Executive Officer/Executive Officer at least two clear days before the day of meeting of the Committee at which such resolution is to be brought forward.

49. List of Business:- The Chief Executive Officer/Executive Officer shall send to each member on the day previous to the meeting the list of business for the meeting and except in special circumstances and with assent of the members present, no business not entered on such list shall be transacted at a meeting of the Committee.

50. Procedure for the conduct of business of a meeting of a Standing Committee:- Save as otherwise provided in these byelaws the procedure laid down for conduct of business of a meeting of a Municipal Council or a Municipal Committee shall, as far as may be, be followed for the conduct of business at a meeting of any Standing Committee.

Chapter – VIII

Procedure and Conduct of Business of Ward Committee

51. Constitution of Ward Committee: (1) The Chief Executive Officer/ the Executive Officer, shall, within a period of six months from the date appointment for the first meeting of Councillors as referred to in subsection (1) section 27 of the Act constitute a ward committee for every ward as specified in section 33 (A) of the Act.

(2) Each Ward Committee shall consist of:-

- (i) the member of the Municipality representing the ward, who shall be the Chairman of the Ward Committee;
- (ii) the Area Sabha representative, if any, of the area situated in the ward; and
- (iii) not more than ten representatives from the civil society nominated by the Municipality satisfying following conditions –
 - (a) it shall be a registered entity under any law for the time being in force, comprising of individuals who serves in a fiduciary capacity;
 - (b) its registered office shall be located in the jurisdiction of that ward;
 - (c) it shall have actively engaged in the activities for not less than three years; and
 - (d) it shall be working for social welfare, including welfare of community, residents, professionals etc. and promotion of health, education, culture, trade or industry:

Provided that if the population of the ward does not exceed two thousand, the number of nominated members shall be four, and if the population of the ward exceeds two thousand, there shall be one additional member for every thousand population or part thereof in excess of two thousand:

Provided further that in reckoning the number of additional members other Ward Committee exceeding four, any part of population less than one thousand shall be ignored:

Provided also that half of the persons to be nominated the expression to the Ward Committee shall be women.

(3) Any person disqualified from being elected as a member of a municipality shall not be nominated as member of the Ward Committee.

(4) The term of office of Ward Committee shall be co-terminus with the term of office of the Municipality.

52. Meetings of Ward Committees: The Chairman concerned shall, convene the meeting of every ward committee once in every three months and as and when required during the interim period, and give notice intimating the venue, date and time of the meeting to the members at least seven days before the day of the meeting.

53. Quorum: (1) The quorum of the ward committee shall be one fifth of the total member of its members.

(2) The Chairman of the meeting shall, if quorum is not obtained within thirty minutes after the time fixed for the meeting is over, postpone the meeting to another day and give notice thereof to the members and also publish the same:

Provided that the meeting so postponed shall be convened again within 15 days.

54. Register of member: A register containing the names and details of the members shall be maintained and the members attending the meeting shall mark their attendance in that register.

55. Proceedings of the meeting: (1) An officer of appropriate rank shall be designated by the Chief Executive Officer/ Executive officer to act as Secretary for each Ward Committee to provide all administrative assistance to it.

(2) The Secretary of the Ward Committee shall be the convener of the meeting of the Ward Committee who shall convene the meeting in consultation with Chairman.

(3) The Secretary shall, in consultation with the Chairman of the ward committee, prepare the agenda by including the business to be transacted in the ward committee and read it over to the members at the beginning of the ward committee meeting.

(4) All minutes of the proceedings of the meeting of the Ward Committee shall be recorded by the Secretary and a copy of the same shall be forwarded to the

Municipality.

(5) The decisions the Ward Committee shall normally be taken by the majority of the nominated members of the Ward Committee:

Provided that the Chairman may exercise a 'veto' over any decision by giving reasons in writing. The decision of the Chairman shall be final and binding.

(6) No act done or proceedings taken under this Act by the Ward Committee shall be invalid merely on the ground of any vacancy in it.

(7) The Chief Executive Officer/ the Executive Officer of his nominee, shall be entitled to take part in the meetings and deliberations of the Ward Committee. The Chairman of the Ward Committee may request the representatives of concerned departments as special invitees to participate in the meetings.

(8) The Ward Committee may, from time to time, appoint from amongst its members such sub-committees, consisting of such number of members as it may think fit, and may refer to such sub-committees for enquiry or opinion any matter relating to the functions entrusted to it.

(9) Save as otherwise provided in these regulations the procedure laid down for conduct of business of a meeting of a Municipality or a Standing Committee shall, as far as may be, be followed for the conduct of business at a meeting of any Ward Committee.

Chapter- IX


Procedure and Conduct of Business of Area Sabha

56. Constitution of Area Sabha: Each ward in a municipality shall be divided into areas in such a manner that each area shall, as far as possible, comprise of not less than five hundred and not more than one thousand people.

57. Area Sabha Representatives: All the electors of an area of a ward shall constitute the Area Sabha for such area and every Area Sabha shall elect an Area Sabha Representative from amongst themselves.

58. Disqualifications for being an Area Sabha Representative: Any person disqualified from being elected as a member of a Municipality shall not be an Area Sabha Representative.

59. Election of Area Sabha Representative: Election of Area Sabha Representative shall vest in the Chief Electoral Officer. Accordingly the superintendence, direction and control of electoral rolls and conduct of election of Area Sabha Representative shall be vested in the Chief Electoral Officer.

 **60. Term of office:** An Area Sabha Representative shall ordinarily hold office for a duration that is coterminous with that of the Municipality concerned, unless –

(a) he resigns his office by notice in writing, under his hand addressed to the



President of the Municipality and there upon his office shall become vacant from the date of the notice or

(b) his election is void or is deemed to be void, under the provision of any law.

(c) he incurs any other disqualifications prescribed by or under any law for law for the time being in force for the purpose of election to the municipality.

61. Meetings of Area Sabha: (1) The Area Sabha representative shall preside over the meeting of the Area Sabha.

(2) the Area Sabha shall meet once in three months and also at other times as often as a meeting is called by the Area Sabha Representative in a premises identified by the Executive Officer or an officer authorized by him.

(3) No meeting of the Area Shaba shall be held on the day on which a meeting of the municipality or ward committee is scheduled to be held . The Area Sabha Representative shall fix the date and time of meeting and inform it o all the electors in the area through the secretary of the ward committee.

(4) At least twenty voters shall be present at the meeting of the Area Sabha

(5) The agenda for the meeting of Area Sabha shall be prepared by the secretary of the Ward Committee concerned in consultation with Area Sabha Representative. The discussions in the Area Sabha shall be confined to the functions entrusted to it. All decisions in the Area Sabha shall be as far as possible arrived at through a consensus of the members present. Where consensus is not possible, the decision shall be taken by the majority of the members present. The Area Sabha shall pass resolutions in respect of the items placed in the agenda. The Secretary of the Ward Committee Shall attend the meeting of Area Sabha and render all possible assistance to the Area Sabha Representative in conducting the meeting of Area Sabha.



(6) Save as otherwise provided in these Bye- Laws the procedure laid down for conduct of business of a meeting of Ward Committee or a Municipality shall, as far as may be, be followed for the conduct of business at a meeting of Area Sabha..

62. Repeal and Saving: - (1) The Jammu and Kashmir Municipality (Procedure and Conduct of Meeting) Bye-Laws, 2005 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the bye-laws so repealed shall be deemed to have been done or taken under the corresponding provisions of these bye-laws.

By order of the Lieutenant Governor.

No: HUD/JMC/27/2020


(Dheeraj Gupta) IAS
Principal Secretary to the Government
Housing & Urban Development Department
 Dated: 27-04-2021

FORM-A

See Clause 11 (1)

Form of Notice of Meeting

Office of the Municipal Council/Committee.....

To,

Shri _____,

Councillor/ member ward No. _____.

Municipal Council/Council _____.

It is hereby informed that an ordinary/Special meeting of the Municipal Council/Committee has been organized on (date) atAM/PM at Agenda of business of the meeting is enclosed in Annexure.

Please make it convenient to attend the meeting.

No:-.....

Date:

Chief Executive Officer/Executive Officer
Municipal Council/Committee,

Annexure

List of business to be transacted for consideration in the meeting of Council/Committee
_____ fixed on _____ at _____ (time).

| S.No. | Subject |
|-------|---------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| 6. | |

(Signature)

Name.....

Designation.....

FORM-B
Clause 4 (2)
Attendance Register

Date of Meeting:

| Sl No. | Ward No. | Name of the Member/Councillor | Signature or thumb impression |
|-----------|----------|----------------------------------|----------------------------------|
| 1 | 2 | 3 | 4 |
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |

(Signature)

Chief Executive Officer/Executive Officer.

(Signature)

Presiding Officer

FORM-C

See Clause 34 (1)

Minute Book of Municipal Council/Committee

PART- I

| Date and time of the meeting | Names of Member/Councillor Present | Names of others who have attended the meeting | Proceedings in brief |
|---|---|--|---------------------------------|
| 1 | 2 | 3 | 4 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Signature.....
(Presiding Authority)

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

This nomination paper of a candidate for election is
President/Vice President of the Municipal Council/Committee of was delivered to
me at my office at(hour) onby the Candidate/Proposer

Dated

PART- II

| Date and time of meeting | Subject of motion | Working of motion | Names of proposer and second er | Amendment if any | | Numbers of Votes given | | Final resolution after the vote amendments | |
|--------------------------|-------------------|-------------------|---------------------------------|------------------|--------------------------------------|------------------------|---------|--|-----------|
| | | | | Working | Names of (i) Proposer (ii) Second er | For | Against | Working | Serial No |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Signature.....
(Presiding Authority)

PART-III
(See Clause (13) 13)
Register of Questions

Date of meeting.....

| Question | Name of the Member/Councillor by whom tabled the question | Whether allowed or disallowed | Reply given if any | If reply given, by whom given |
|----------|---|-------------------------------------|--------------------------|--|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |
| | | | | |

Signature

Chief Executive Officer/Executive Officer

Signature.....

(Presiding Authority)

FORM-1
NOMINATION PAPER

(See clause 5 (2))

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

(To be filled by the Proposer)

I hereby nominateas 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

(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

Signature of 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/Committee of was delivered to
me at my office at(hour) onby the Candidate/Proposer

Dated

Signature of Secretary