

AZAD JAMMU & KASHMIR

**LOCAL COUNCIL
CONDUCT OF BUSINESS
RULES**

1981

SECRETARIAT LOCAL GOVERNMENT & RURAL DEVELOPMENT AZAD
GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR,
'MUZAFFARABAD'

Muzaffarabad

Dated the 16th Nov., 1981.

NOTIFICATION.

No. 6200-26/SL/81, In exercise of the powers conferred by Section 82 of Azad Jammu & Kashmir Local Government Ordinance, 1981 the Government of the State of Jammu & Kashmir is pleased to make the following Rules: -

1; SHORT TITLE AND COMMENCEMENT: -

- 1) These rules may be called the Azad Jammu & Kashmir Local Councils (Business) Rule, 1981.
- 2) They shall come into force at once.

2. DEFINITIONS.

In these rules the context otherwise requires:

- 1) 'Chief Officer' means the Officer Incharge of the administration of a Zila Council or a Municipal Committee.
- 2) 'Principal Officer' Means: -
 - (a) Engineer-in-charge of the Department of a Local Council.
 - (b) Medical Officer incharge of the Health Department of a Local Council; or
 - (c) Officer incharge of any other Department of a Local Council.
- 3) 'Secretary' means the officer incharge of the Administration of a Town Committee or a Union Council.

3. MEETING OF A LOCAL COUNCIL: -

- (1) An ordinary meeting of a local council shall be held at least once in every two months on a day to be fixed by the Chairman or if the officer of the Chairman has fallen vacant by reason of death, resignation or removal of the Chairman or if he is unable to perform his functions on account of prolonged absence due to illness or any other cause, by the vice- Chairman.
- (2) If both the Chairman and the Vice Chairman of a Local Council are unable to convene a meeting of a Local Council for any of the reason given in sub-rule.

The meeting may be convened by the Chief Officer in the case of a Zila Council or Municipal Committee and the Secretary in the case of a Town Committee of a Union Council.

- (3) The Chairman or the Vice-Chairman in the circumstances mentioned in sub-rule (1) may, whenever he thinks fit, and shall, on a written requisition of not less than one-fourth of the total number of members of the Local Council call a special or emergent meeting of the Local Council indicating the matter to be discussed.
- (4) If a meeting of a Local Council is not convened within two weeks of the receipt of a requisite on under sub-rule (B), the members making the requisition may move: -
 - (a) The Deputy Commissioner of the district in case of a Municipal Committee and a Town Committee; or
 - (b) The Assistant Commissioner of the Sub-Division, in case of a Union Council.
4. The Deputy Commissioner, the Assistant Commissioner as the case may be shall, within a week of the receipt of the requisition convene meeting of the Local Council at such time and date as he may specify by a notice addressed to all members of the Local Council.
5. When a meeting is convened under sub-rule (4) the Officer concerned may direct that the matter specified in the requisition be considered and disposed of by the Local Council within the period specified by him and the Local Council shall consider and dispose of the matter accordingly.
6. The minutes of the meetings of a Local council shall be recorded in the minute book to be maintained by the Local Council and shall be signed by the person who has presided over the meeting.
7. A copy of every resolution passed by a Local Council shall within five days of the passing of the resolution to be forwarded by the Local Council.
 - (a) The Deputy Commissioner of the district in case of Municipal Committee or Town Committee and
 - (b) The assistant Commissioner of the sub-Division in case of a Union Council.

4. **APPOINTMENT OF SUB-COMMITTEES: -**

- (1) An urban Local Council may appoint the following sub-committees: -
 - (i) Planning and Financing sub-committee;
 - (ii) Works sub-committee;
 - (iii) Education, Public Health, Social Welfare and Industries sub-committee; and

- (iv) Such other sub-committees as may be considered necessary by the Local Council;
- (2) A Zilla Council may appoint the following sub-Committees:-
 - (i) Planning and Financing sub-Committee;
 - (ii) Works sub-Committee;
 - (iii) Education, Public Health, Social Welfare and Industries sub-committees;
 - (iv) Agriculture Development, Livestock, Cooperation and Irrigation sub-committee; and
 - (v) Such other sub-Committees as may be considered necessary by the Zilla Council.
- (3) The sub-Committees to be appointed under sub-rules (1) and (2) shall be so constituted that a member of the local Council is not appointed to more than sub-Committee unless every member of a Local Council has been appointed to at least one sub-Committee.

5. CONSTITUTION OF SUB-COMMITTEE :-

- (1) The member of a sub-Committee shall be appointed at any ordinary meeting of a determined by the Local Council.
- (2) A Local Council may crept any person other than a member for advice but such person shall not have a right of vote.
- (3) A Local Council may at any time, dissolve or after the constitution of a sub-Committee by a resolution passed at an ordinary meeting.
- (4) A member of sub-Committee may tender his registration in writing and such registration shall take effect from the date of its acceptance by the Local Council.
- (5) A vacancy occurring in the membership in a sub-Committee shall be filled in the in the manner prescribed in sub-rule (1)
- (6) Functions of Sub-Committees (1) The sub-Committees constituted under rule 4 shall perform the functions of advising the Local Councils of any of the following matters:-
 - (a) Planning and Finance sub-Committee;
 - (i) Over all planning of the activities of the Local Council;
 - (ii) Preparation of annual budget;
 - (iii) Imposing, assessment and collection of taxes, rates and fees;
 - (iv) Acquisition and transfer of property;

- (v) Management, maintenance, inspection, development or improvement of properties; and
 - (vi) Any other matter referred to it by the Local Council;
- (b) **WORKS SUB-COMMITTEE.**
- (i) Works under the control of the Local Council and establishment concerned therewith ;
 - (ii) Streets and street – lighting ;
 - (iii) Town Planning;
 - (iv) Building control;
 - (v) Traffic control;
 - (vi) Arboriculture; and
 - (vii) Such other matters as may be referred to it by the Local Council;
- (c) **Education, Public Health, Social Welfare & Industries Sub-Committee.**
- (i) Schools, Liberties, reading rooms and culture ;
 - (ii) Hospitals, dispensaries, health and child welfare center.
 - (iii) Conservancy, Slaughter house, cattle ponds ferries;
 - (iv) Prevention and control of epidemic diseases;
 - (v) Regulation of food, supplies, markets, water supplies and fairs;
 - (vi) Social welfare, cottage and small industries;
 - (vii) Any other matter which may be referred to at by the local Council ;
- (6) **AGRICULTURE DEVELOPMENT, LIVESTOCK, COOPERATION AND IRRIGATION SUB-COMMITTEE)**
- (i) Cooperative movement ;
 - (ii) Agriculture Development and markets ;
 - (iii) Livestock and dairy Development ;
 - (iv) Irrigation and water courses ; and
 - (v) Any other matter, which may be referred to at by the Local Council.

Whenever any question arise before a Local Council concerning any of the matters referable to a sub-Committee the Local Council may refer the same to the sub-Committee for its advice and the sub-Committee shall

submit its report to the Local Council within such time as is fixed by the Local Council.

7. **CONDUCT OF BUSINESS BY A SUB-COMMITTEE.**

- (1) The business of a sub-Committee shall be conducted as far as may be in accordance with the bye-laws framed the conduct of the business of the Local Council.
- (2) A Sub-Committee shall elect one of its member to be its chairman ; Provided that no member shall be Chairman of more than one Sub-Committee at the same time.
- (3) The Chairman of the sub-Committee shall preside at the meetings of the Sub-Committee. In the absence of the Chairman the members of the Sub-Committee shall elect one of the members to provide over the meeting.
- (4) A resolution passed by a Sub-Committee shall be recorded in a minute book to be mentioned for the purpose and be signed by the Chairman or the member who prescribe over the meeting. A copy of the resolution passed by the Sub-Committee shall be forward to the Chairman of the Local Council within three days of the passing of the resolution.
Provided that not less then two members shall constitute a quorum.

8. **DISPOSAL OF BUSINESS.**

The business of a Local Council shall be disposed of :

- (a) By the Local Council at its meetings;
- (b) in case referred to in rule 9 and subject to the condition and limitations mentioned therein by the Chairman or by the Vice-Chairman or in the circumstances given in sub-rule s(2) and (3) or rule 9 by a member or to the extent and subject to such terms and conditions as may be specified by a delegate under rule 10.

9. **EXECUTIVE POWERS OF CHAIRMAN.**

- (1) The executive powers of local Council with regard to the following matters shall, to the extent and subject to the condition and limitations mentioned there under, vest in and be exercised by the Chairman: -
 - (a) Incharging of contingent expenditure on any one item into the extent given in the table below: -

Types of Local Councils	One items specifically shown in the approved budget estimate.	One lump-sum allocation in the approved budget estimate where individual items are not specified.
Zilla Council	Upto Rs. Two Lacs	Upto Rs. Two Lacs
Municipal Committee estimated income exceeding rupees one crore	Upto Rs. Fifty Thousand	Upto Rs. Twenty thousand
Other Municipal Committees.	Upto Rs. Thirty thousand	Upto Rs. Ten thousand
Town Committees	Upto Rs. Five thousand	Upto Rs. Two thousand and five hundred.
Union Council	Upto Rs. one thousand	Upto Rs. Two thousand

- (b) The execution of contracts and works on behalf of the Local Council :
- (c) The appointment, promotion, suspension and punishment (including dismissal, Compulsory retirement, reduction in rank and removal from service) of servants of the Local Council:
- (i) in grades 1 to 11 or equivalent in case of Zilla Council.
 - (ii) in grades 1 to 10 or equivalent in case of a Municipal Committee with estimated annual income of more the Rs. One crore ;
 - (iii) in grades 1 to 8 or equivalent in case of the other Municipal Committee ;
 - (iv) in grades 1 to 5 or equivalent in case of a town committees ; and
 - (v) in grades 1 to 4 or equivalent in case of a Union Council.
- Provided that no appointment and promotion shall be made except in accordance with the relevant rules and on the recommendations of a Selection Committee comprising.
- (i) The Chairman of the Local Council.
 - (ii) Two members to be appointed by the Local Council.
 - (iii) Principal Officer of the concerned Department of the Local Council in the absence of the concerned Principal Officer any other officer of the Local Council to be nominated by the Chairman.
- (d) Grant of leave , posting, transfer, suspension, holding or ordering of departmental inquiries in respect of all servants of the Local Council.
- (e) Award of punishment other then dismissal, removal from service, compulsory retirement or reduction in rank of all servants of the Local Council.

- (f) Operation of accounts of the local fund of the Local Council jointly with the Chief Officer or the Secretary of the Local Council as the case may be ;
 - (g) Supervision and control of the staff of the local council and conduct of day to day administration.
 - (h) Custody, maintenance, inspection, development and improvement of property of the Local Council ;
 - (i) Assessment, collection regulation and recovery of all taxes , rates fees and other dues if the Local Council.
 - (j) Receipt of all moneys on behalf of the local council.
 - (k) The institution and defence of suits and all other legal proceeding on behalf of the Local Council.
 - (l) Custody of the common seal of the Local Council.
 - (m) Conduct of the correspondence on behalf of the Local Council.
 - (n) Maintenance , management and administration of public health, veterinary, education and fire fight institution, libraries and markets.
 - (o) The maintenance, improvement and control of streets and street lighting.
 - (p) Regulation and control of building, street lines, building lines, encroachments and traffic;
 - (q) The execution of the resolution of the Local Council ;
 - (r) Coordination of the business of the Sub-Committee of the Local Council.
 - (s) The grant of all licenses, permits and sanction and their cancellation and suspension;
 - (t) The custody and maintenance of the roads of the Local Council.
 - (u) The issuing of notices on behalf of the Local Council and
 - (v) The execution of schemes regarding water supply, drainage sanitation , milk supply, livestock improvement, site development town planning, arboriculture, gardens, forests social welfare, culture and development.
- (1) If the office of the Chairman falls vacant by the reasons of death, resignation or removal of the Chairman or if he is unable to perform his functions on account of prolonged absence due to illness or any other cause, the executive

powers of the Chairman shall be exercised by the Vice Chairman.

- (2) In case the Vice- Chairman is also unable to exercise executive powers of the Chairman for any of the reasons mentioned in sub-rule (2) a meeting of the Local Council shall be convened in accordance with sub-rule (2) or rule 3 and the members of the Local Council to exercise executive power of the Chairman for the period the office of the Chairman or the Vice-Chairman remains vacant.

10. The Chairman, may, with the approval of the Local Council by order in writing delegate any of the powers vesting in him under rule 9 to Vice Chairman any member, Chief officer , Secretary, as the case may be , or any Principal officer to the extent and subject to such terms and conditions as may be specified in such order and may in the same manner alter, modify or withdraw such delegated powers.

11. Executive Powers of a Principal Officer.- (1) The executive Powers of a Local Council with regard to the following matters shall, subject to the conditions and limitations mentioned hereunder, vest in and be exercised by the Principal Officer of the Local Council:-

- (a) sanctioned including administrative approval of works or schemes included in the approved budget estimates of the Local Council : the estimated cost of which does not exceed Rs. Two thousand in the case of a Municipal Committee:
- b) incurring of contingent expenditures on any one item to the next given below

Type of Local Council.	On items specially shown in the approved budget estimates.	On lump sum allocation approved budget estimates where individual items are not specified
Municipal Committee and Town Committee	up to Rs. One thousand.	up to Rs. Two hundred

- c) Appointments suspension and punishments (including dismissal, removal from service and reduction in rank) of servants of the Local Council.
- i) in grades 1 t 2 or equivalent in the case of Zila Council: and
- ii) in grade 1 and equivalent in the case of Municipal Committee;

- d) Grant of leave, transfer, holding or ordering of department enquiries in respect of the servants of the Local Council mentioned in clause (c);
- e) Issuance of notices under the bye laws;
- f) Supervision and control of officials and institutions under his administrative charge; and
- g) Grant of Licenses or permits and their cancellations, or suspension in matters concerning their Departments.

12. Channel of correspondence.- (1) All correspondence of the Local Council with the Government shall be channelized through:-

- a) The Director Local Government and Rural Development , in the case of District Council, Municipal Committee and Town Committee ;
- b) The Chairman District Council, in case of Markaz and Union Council.

(2) When a communication is addressed by a Local Council to Government, the officer concerned in sub-rule (1) while forwarding the communication to the Government may make such observations and recommendations as he considers necessary but shall not have the authority to with- holding the reference.

Sd/- Secretary.

Local Govt. and Rural Dev.