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THE AZAD GOVT. OF THE STATE OF JAMMU & KASHMIR,
LOCAL GOVT. AND RURAL DEVELOPMENT DEPARTMENT.

'MUZAFFARABAD'

Dated the 16-Jun-1996

NOTIFICATION

No. SEC II/5 (19)/95. In exercise of the powers conferred by section 89 of the Azad Jammu and Kashmir Local Government Act, 1990, the Government is pleased to make the following Rules, namely:-

1. **Short title, Extent and Commencement:-** (1) These rules may be called the Azad Jammu and Kashmir Local Government (Vote of no-confidence against Mayor, Deputy Mayor, Chairman and Vice Chairman) Rules, 1996.
(2) They shall extend to whole of Azad Jammu and Kashmir.
(3) They shall come into force at once.
2. **Definitions:-** (1) In these rules, unless there is anything repugnant in the subject or context:-

- (a) "Local Council" means a Council constituted under the Azad Jammu and Kashmir Local Government Act, 1990;
 - (b) "Mayor, Deputy Mayor' Chairman and Vice Chairman means a person elected and notified as such under the rules;
 - (c) 'Collector' means the collector as defined in the Azad Jammu and Kashmir Local Government Act, 1990;
 - (d) 'Member' means as elected member of a Local Council.
- (2) Words and expressions used hereinafter and not defined in these rules and defined shall have the same meaning as are respectively assigned to them in Local Government Act, 1990.
- 3: **Requisition for convening a meeting for moving a vote of no-confidence:-** (1) Not less than one-half of the total number of members of a local council may, by a written requisition, signed by them, require the convening of a special meeting of the local council to consider the motion of no-confidence against the Mayor, Deputy Mayor, Chairman or Vice-Chairman of the Local Council
- (2) If the motion of no-confidence is against the Mayor, or Chairman, the requisition under sub-rule (1) shall be addressed to the Deputy Mayor, Vice-Chairman and if the motion of no-confidence is against the Deputy Mayor or Vice-Chairman, the requisition shall be addressed to the Mayor or Chairman as the case may be.
- (3) If the motion of no-confidence is against both the Mayor, Deputy Mayor, Chairman and the Vice-Chairman at one and the same time, the requisition under sub-rule (1) shall be addressed to the Chief Officer Municipal Corporation/Municipal Committee or Secretary of the Local Council concerned, as the case may be.

4) For the purpose of moving a requisition under sub-rule 1) a mere expression of no-confidence without assigning any reason therefor, shall be sufficient.

5) A motion of no-confidence against a mayor, Deputy Mayor, Chairman or Vice-Chairman shall not be moved after the expiry of six months from the date of his assumption of the office and a second or subsequent motion shall be moved (except with an interval of six months between the first and second motion or any two subsequent motions).

6) A motion of no-confidence shall not be valid after the expiry of thirty days beyond every interval of six months as provided in sub-rule (5), in such a situation it shall be deemed to have been moved and rejected for the purpose of sub-rule 1).

EXPLANATION= For the purpose of these Rules. The expression, total number of members, shall mean the total number of elected members constituting the Local Council at the relevant time.

Convening of meeting to consider the motion of no confidence.-
The authority to whom the requisition under rule 3 is made shall, within 15 days of the receipt of such requisition, convene a special meeting of the Local Council to consider the motion of no-confidence.

A seven days notice shall be given for a meeting convened under sub-rule (1).

If the authority to whom the requisition under rule 3 is made, fails to convene the meeting within 15 days of the receipt of such requisition, the members making the requisition may, of their own, convene a meeting of the council for the purpose after giving the requisite notice of seven days.

The notice of the meeting shall be published by affixing it on a Notice Board of the Office of Local Council and may also be made known to the members by any of the following means:-

- (a) Any advertisement or a press note in a newspaper commonly read in the area of the Local Council or
- (b) a Radio announcement; or
- (c) beat of drum; or
- (d) such other mode as may be considered appropriate by the Presiding Officer.

5. **Presiding Officer.**- The meeting convened under rule 4 shall be presided over by:-

- (a) The Deputy Mayor/Vice-Chairman in case the motion of no-confidence is to be moved against the Mayor/Chairman;
- (b) The Mayor/Chairman in case the motion of confidence is to be moved against the Deputy Mayor/Vice-Chairman; and
- (c) a member chosen by the members present to preside over the meeting if both the Mayor, Deputy Mayor, Chairman and Vice-Chairman are unable to preside over the meeting or if the motion is against the Mayor, Deputy Mayor, Chairman and Vice-Chairman at or about the same time.

6. **Motion of no-confidence.**- (1) At the meeting convened under rule 4 any member who has signed the requisition under sub-rule (1) of rule 3, may move the no-confidence motion against the Mayor, Deputy Mayor, Chairman or Vice-Chairman as the case may be.

(2) If the motion has been seconded, it shall be open to the consideration of the local council and any member may speak for or against the motion.

(3) No member shall speak on the motion more than once.

(4) The Mayor, Deputy Mayor, Chairman or the Vice-Chairman against whom a motion of no-confidence has been

moved shall have the right to offer a personal explanation either verbally or in writing and where a written explanation is offered, it shall be circulated, amongst the members and shall form part of the record of the proceedings of the meeting.

7. **Procedure for voting:-** (1) When in the opinion of the presiding officer, the motion of no-confidence has been sufficiently discussed, he shall call upon the members to vote for or against the motion.

(2) For the purposes of voting, the Presiding Officer shall call upon the members supporting the motion to stand up in their seats and the number of such members shall be counted and declared.

(3) If the counting is objected to, the Presiding Officer shall order recounting.

(4) The Presiding Officer, if a member, shall be entitled to cast his personal vote.

(5) The motion of no-confidence shall be deemed to have been carried if it is passed by a two third majority of the total number of members.

EXPLANATION.- In computing majority for the purpose of these Rules, the fraction if any, shall be counted as a whole.

Declaration of result.- (1) If the motion of no-confidence is carried in accordance with rule.7 the Presiding Officer shall declare that the motion of no-confidence has been passed.

(2) If the motion fails to muster the requisite majority, the Presiding Officer shall declare that the motion has been failed.

(3) The declaration made by the Presiding Officer under this rule shall be final and shall be published by affixing on the Notice Board of the Office of the Local Council.

Record of Proceedings of the meeting.- As soon as the meeting convened under Rule 4 is over, the Presiding Officer shall prepare or cause to be prepared a record of the proceedings

of the meeting, authenticate the same by his signatures and send a copy thereof to the Collector and Election Commissioner.

1. **Vacation of Office.**- Where a motion of no-confidence has been passed against the Mayor, Deputy Mayor, Chairman or Vice-Chairman, as the case may be, shall cease to hold his office forthwith.

Repeal:- The Azad Jammu and Kashmir Local Councils (Vote of no-confidence against Chairman or Vice-Chairman) Rules, 1980 are hereby repealed.

Section Officer
Local Govt. and Rural Dev.
Muzaffarabad (AK).

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