

THE AZAD JAMMU AND KASHMIR DISTRICT COUNCILS
VICE-CHAIRMAN (ELECTIONS, POWERS AND VOTE OF
NO-CONFIDENCE) RULES, 1965.

(Passed under Government Order No. 589-604/BD/65,
Dated 4th March, 1965).

In exercise of the powers conferred on it by section 86 of the Basic Democracies Act, 1960 read with section 14-A thereof, the Azad Government of the State of Jammu and Kashmir is pleased to make the following rules, namely :-

PART I—PRELIMINARY

1. Short title and commencement:- (1) These rules may be called the Azad Jammu and Kashmir District Councils Vice-Chairman (Elections, Powers and Vote of No Confidence) Rules, 1965.

(2) They shall come into force at once.

2. Definition:- In these rules, unless the context otherwise requires, the following words and expressions shall have the meanings hereby respectively assigned to them, that is to say:

(a) "Chairman" means the Chairman of a District Council;
(b) "Member" means a member of a District Council;

(c) "Non-official member" means a member of a District Council, other than an official member ; and

(d) "Official member" means a member of a District Council who is an official, but does not include the Vice-Chairman of a Municipal Committee or the Vice-President of a Cantonment Board who may be a member of a District Council by virtue of their office.

PART II—ELECTIONS

3. Meeting for the election of Vice-Chairman:- (1) Within one month of the coming into force of these rules and thereafter, whenever the Vice-Chairman, of a District Council is to be elected, the Chairman shall at seven clear days notice convene a meeting for the purpose.

(2) The Chairman shall preside at every meeting convened under Sub-Rule (1).

Candidates:- (1) Any member present at the meeting may propose the name of any non-official member as the Vice-Chairman and if another member seconds the proposal, the person proposed shall be deemed to be a candidate for the office of Vice-Chairman (hereinafter referred to as the "Candidate").

(2) A Candidate may withdraw his candidature before the Chairman proceeds to declare the result, or to take the poll as the case may be.

(3) If there is only one candidate, such candidate shall be declared by the Chairman to have been duly elected as the Vice-Chairman. If there are more candidates than one, the issue shall be decided by taking a poll.

Poll:- (1) Votes for the election of the Vice-Chairman shall be given by ballot.

(2) The Chairman shall provide a ballot-box which shall be shown empty to the members, and thereafter nailed or locked and placed in a separate compartment.

(3) The Chairman shall issue to each member present at the meeting a ballot in the form appended to these rules. Each member shall after taking the ballot mark a cross on the ballot paper against the name of a candidate for whom he wishes to vote, and thereafter drop the ballot in the ballot-box. If a member cannot read or write, he may require the Chairman to assist him in the marking of the ballot paper.

Declaration of result:- (1) When the ballots has been cast, the Chairman shall open the ballot box in the presence of the members and count the votes cast in favour of each candidate. If there is any doubt or dispute about the marking of a ballot paper the Chairman may decide the issue after holding such summary enquiry on the spot as may be necessary.

(2) The candidate obtaining the highest number of votes shall be declared by the Chairman to have been elected as the Vice-Chairman. If there is a tie between two or more candidates who have obtained an equal number of votes, the result shall be

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declared by the Chairman by drawing lots.

Adjournment:- If for any reason, the election of a Vice-Chairman is not held at the meeting convened for the purpose under rule 3, a fresh date shall be fixed by the Chairman for the election, and at the meeting thus held, the procedure prescribed under the foregoing rules in this part shall be followed.

Election Petitions:- (1) No election of Vice-Chairman shall be called in question except by a petition presented to the Controlling Authority within thirty days of the declaration of the result.

(2) The Controlling Authority may, after such enquiry as may be necessary uphold the election of the Vice-Chairman, or declare the election as void for any material irregularity, or any sufficient reason to be recorded in writing.

Casual Vacancy:- If there occurs a casual vacancy in the office of the Vice-Chairman, the election to fill the vacancy shall be held in the manner provided by these rules.

PART ITI—POWERS

Functions of the Vice-Chairman:- Subject to the general supervision and control of the Chairman, the Vice-Chairman

shall exercise the following executive powers, namely :

(a) incurring of expenditure of any one item not exceeding Rs.

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(b) execution of works, the estimated cost whereof does not exceed Rs. 2,500;

(c) granting and issuing of licences under bye-laws;

(d) compounding of offence under bye-laws ;

(e) inspection of any office, department or institution of the District Council;

(f) co-ordination of the local councils in the District, and the sub-committees of the District Council;

(g) supervision and control of the such departments of the

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District Council as may be specified by the Chairman;

(h) authentication of orders issued under his authority; and

(i) performance of such other functions as may be entrusted to him by the Chairman.

PART IV—NO-CONFIDENCE

Requisition for convening a meeting for moving vote of no-confidence:- (1) Not less than one half of the non-official members may by a written notice signed by them call upon the Chairman to convene a special meeting of the District Council to consider a no-confidence motion against the Vice-Chairman and the Chairman, shall within fifteen days of such requisition, convene a special meeting of the District Council for the

purpose.

(2) Seven clear days' notice shall be given for a meeting convened under the provisions of this rule.

(3) The quorum for such a meeting shall be two-thirds of the non-official members of the District Council.

Chairman of the meeting:- The Chairman shall preside at the meeting convened under rule 11.

Motion for no-confidence:- (1) At the meeting convened under rule 11, any non-official member who has signed the requisition referred to in the said rule may move a no-confidence motion against the Vice-Chairman.

(2) If the motion is seconded by a non-official member it shall be open to consideration by the non-official members, and any such member may speak for or against the motion.

(3) No member shall speak on the motion more than once. The Chairman may limit the period for which a member may speak on such a motion.

(4) The Vice-Chairman shall have the right to offer personal explanation, if any.

Procedure for voting:- (1) When in the opinion of the Chairman, the motion of no-confidence has been sufficiently

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discussed, he shall call upon the non-official members supporting the motion to stand up in their seats. The Chairman shall count the number of such members and record their names, and if such members form at least two-thirds majority of the total number of members constituting the District Council other than official members, as required by clause (3) of section 14-A of the Basic Democracies Act 1960, the Chairman shall declare that the motion has been passed. If the motion is not supported by the requisite majority it shall be deemed to have been dropped.

(2) A declaration made by the Chairman under sub-rule (1) shall be final and shall not be questioned in any proceedings.

Vacation of office:- A Vice-Chairman against whom a vote of no-confidence has been passed shall forth with vacate his office.

FORM

[See Rule 5 (3)]

Counterfoil Serial No. Ballot paper Serial No.

Election of Vice- No. Name of the Cross marks

Chairman candidate

District Council

Name of the member

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