

(Authoritative English Text of this Department Notification No. _____ dated _____ as required under Clause (3) of Article 348 of the Constitution of India.)

Government of Himachal Pradesh
Urban Development Department

Dated Shimla-2, the2006.

NOTIFICATION

No..... In exercise of the powers conferred by section 279 read with section 34 of the Himachal Pradesh Municipal Act, 1994 (Act No.13 of 1994), the Governor of Himachal Pradesh proposes to make the following bye-laws and the same are hereby published in the official gazette for the general information of the public as required under section 279 (5) of the said Act;

If any person likely to be affected by these bye-laws, has any objection(s) or suggestion(s) to make in relation to the proposed Bye-laws, he may send the same to the Pr. Secretary (Urban Development) to the Government of Himachal Pradesh, Shimla-171002 through the Director, Urban Development, H.P., Palika Bhawan (Talland) Shimla-171002 within a period of 15 days from its publication in the official gazette;

Objections or suggestions, if any, received within the above stipulated period shall be taken into consideration by the State Govt. before finalizing these bye-laws ; namely :-

1. **SHORT TITLE, COMMENCEMENT AND APPLICATION ;** (1) These bye-laws may be called the Himachal Pradesh Municipal Business Bye-Laws, 2006.

(2) They shall come into force at once.

2. **DEFINITION.**

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

(a) "Act" means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994);

(b) "Government" means the Government of Himachal Pradesh;

(c) "Municipality" means a municipal council or Nagar Panchayat established under the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994).

(2) Words and expression used in these bye-laws but not defined herein shall have the same meaning respectively as assigned to them in the Act.

3. MEETINGS - (1) The municipality shall ordinarily hold at least one meeting in every month for the transaction of its business.

4. NOTICE - (1) A list of the business to be discussed alongwith a written notice of the meeting duly signed by the Executive Officer or the Secretary, as the case may be, shall be delivered to every member or left at his usual place of abode or business with some adult member or servant of his family and if it can not be so delivered, it shall be affixed on some conspicuous part of the place of his residence or business giving at least five clear days before the date fixed for an ordinary meeting and forty-eight hours for a special meetings:

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

Provided that any member may send or deliver to the Executive Officer/Secretary notice of any business going beyond the matters mentioned in the notice given of such meeting so as to reach him at least 48(forty eight) hours before the date fixed for the meeting and the Executive Officer/Secretary 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 the Chair.

5. QUORUM. (1) The quorum necessary for the transaction of business at an ordinary meeting of a municipality shall be one-third of the elected members of the municipality actually present at that time but shall not be less than three.

6. ESTOPPEL. No decision of the municipality shall be reopened before the expiry of a period of six months from the date of its recording except in compliance with an order of the Secretary of the Government of Himachal Pradesh of Urban Development or of the Director, Urban Development, or of the Deputy Commissioner of the District or on a requisition made by any member, and supported by two thirds of the members actually serving at that time. The requisition shall be circulated by the President for opinion of the members.

7. PROXY. No member shall be represented at a meeting of the municipality by a proxy.

8.LANGUAGE. All business shall be conducted in Hindi (Devangari) script except in exceptional cases or highly technical nature, legal matters, personal and financial matters which could be presented in English:

Provided that except the above two languages Hindi & English, no other language shall be used.

9. DISSENTING VOTE. No motion if proposed shall be recorded as passed or rejected until it has been put to vote. Any member, dissenting shall be entitled to have his name recorded as dissenter in the minutes of the meeting.

10. SPEECHES. (1) No written speeches shall be delivered.

(2) No member, other than the proposer of a resolution shall speak more than once except with the permission of the Chairman of the meeting on the resolution. The proposer after hearing all others who wish to speak, may again address the municipality to reply at the conclusion of the debate thereon. Any officer of the Government or any person not being a member of the municipality may, with the consent of the majority of the members and that of the Chairman, address the meeting.

11. MOTION. After a motion has been proposed or seconded, any member may propose an amendment; provided that the same is duly seconded, and the same shall not be withdrawn except with the consent of the majority of the voters.

12.DEMAND OF POLL. Unless poll is demanded by any member present at the meeting, a declaration made at the meeting by the Chairman that a motion or resolution or an amendment thereto has been carried out or lost, shall be sufficient warrant for making an entry to that effect in the minutes. If a poll is demanded by any member present, it shall be taken by a show of hands and the result of such poll as declared by the Chairman, shall be deemed to be the resolution of the municipality.

13.PROCEDURE. (1) The Chairman shall decide all points of order and procedure and his decision shall be final. Whenever he rises to speak on any matter, any member speaking shall resume his seat. The Chairman, after finishing his speech, shall allow the member to resume his speech.

14.ADJOURNMENT AND NOTICE OF ADJOURNED MEETING. In the absence of requisite quorum or if the members refuse to obey the ruling or the decision of the majority of the members present in the meeting, the Chairman may adjourn the meeting at any time and once the meeting is adjourned subsequent proceedings of the meeting or any resolution passed thereafter shall be void.

15. OUTSIDERS AT MEETING. Meeting of the municipality may be open to the public at the direction of the Chairman ; provided that when a question of importance or other special matter arises, the Chairman may cause to remove

any person, not being member of the municipality, who interrupts the business of the meeting or conducts himself in a disorderly manner.

16. MAINTENANCE OF MINUTES. The Executive Officer or the Secretary, as the case may be, shall maintain the minutes of the proceedings of all meetings and sign them prior to laying them before the Chairman for signature at the end of the meeting.

17. STANDING COMMITTEES. (1) The municipality shall constitute the following standing committees to assist it in its administration:-

- (a) General Standing Committee.
- (b) Finance, Audit and Planning Committee
- (c) Social Justice Committee.

18. ELECTION OF MEMBERS OF THE STANDING COMMITTEE. (1) Each Standing Committee shall consist of not less than three and not more than five members including the President or Vice-President, as the case may be, elected by the members of the municipality from amongst the elected members:

Provided that the Social Justice Committee must consist of at least one elected member who may be a women or a member of Scheduled Caste or of a Scheduled Tribe.

19. REMOVAL OF MEMBERS. A member of Standing Committee shall be removed if he has absented himself without any reasonable cause from three consecutive meetings of the Standing Committee. A member may also be removed from a Standing Committee by a resolution of the Municipal Council or Nagar Panchayat, as the case may be, passed by two-third majority of the members actually present at that time.

20. EX-OFFICIO MEMBER AND CHAIRMAN OF THE STANDING COMMITTEE. (1) The President shall be the Ex-Officio member and also the Chairman of the General Standing Committee as well as that of Finance, Audit and Planning Committee. Likewise the Vice-President shall be the Ex-officio member and also Chairman of the Social Justice Committee. The President and Vice-President shall have a right to vote:

21. MEETING OF STANDING COMMITTEE. Every Standing Committee shall at its meeting fix the date and time of next meeting and notice thereof shall be sent by the Executive Officer/ Secretary to all the members of the Standing Committee. Meeting of a Standing Committee shall be held in the town hall or at any other convenient place in the municipality office.

22. QUORUM AND MEETING OF STANDING COMMITTEE. (1) The quorum for a meeting of a Standing Committee shall not be less than three members.

(2) Every Standing Committee shall meet at least once a week on a day as initially determined by the standing committee.

(3) If any Standing Committee fails to hold a meeting for a period of one month, the papers that should have come before it, shall be put directly before that municipality.

23. PROCEDURE. The procedure of every Standing Committee including that of a special Committee shall be conducted in accordance with the bye-laws regulating the procedure of the municipality ; provided that if on any matter a Standing Committee is equally divided, the matter shall be decided by the casting vote of the Chairman of the meeting.

24. SPECIAL COMMITTEE. The municipality may appoint a special Committee consisting of one or more members of the municipality to investigate and report on any matter not falling within the scope of the Standing Committee or for any special purpose or if so desired by the President to advise or assist him in the discharge of any of his duties and such special Committee shall cease to exist as soon as that matter has been disposed of by the said committee.

25. BAR TO EXERCISE POWERS. Nothing in these bye-laws shall be deemed to authorise any Standing Committee or special committee to exercise any powers or perform any function, the exercise and performance of which has been delegated by municipality to any officer or has been vested in any officer by any rule made under the Act.

26. GENERAL STANDING COMMITTEE. The General Standing Committee shall perform functions relating to:-

- (a) Establishment matters.
- (b) Communication of general nature.
- (c) Building regulations etc.
- (d) Urban Housing Projects etc.,
- (e) Relief against natural calamities
- (f) Water Supply for the Town
- (g) to enquire and report on all matters relating to municipal works, maintenance and verification of municipal properties and nazual properties, roads and buildings under the control of the municipality. It shall also supervise all municipal works connected with buildings, road, drains etc.

27. FINANCE, AUDIT AND PLANNING COMMITTEE. The Finance, Audit and Planning Committee shall perform the functions relating to-

- (a) General supervision of the revenue and expenditure of the municipality;
- (b) preparation and submission of the budget estimates to the municipality;
- (c) Monthly and annual accounts statements;
- (d) statement of grants, loans and advances;

- (e) scrutinizing proposals, for increase of the revenue, including imposition of tax proposals;
- (f) imposition, assessment and settlement of objections collection and remission of taxes, rents, and fees and settlement of audit objections;
- (g) acquisition, sale and lease of municipal properties;
- (h) raising of loans;
- (i) matters of overall developments of the Municipal areas;
- (j) matter relating to co-operation;

28. POWERS OF THE FINANCE, AUDIT AND PLANNING COMMITTEE. All estimates of original works or repairs involving an expenditure of more than Rs. 1,00,000/- in case of the Municipal Council and Rs, 50,000/- in case Nagar Panchayat shall be considered by the Standing Committee and thereafter laid before the municipality for sanction.

29. SOCIAL JUSTICE COMMITTEE. The Social Justice Committee shall perform the functions relating to-

- (a) promotion of education, economic, social, cultural and other interests of the scheduled castes and scheduled tribes and Backward classes, women and other weaker sections of the society;
- (b) protecting them from social injustice and all other forms of exploitation;
- (c) amelioration of the scheduled castes, scheduled tribes, and backward classes, women and other weaker sections of the society; and
- (d) securing social justice to the scheduled castes, scheduled tribes, women and other weaker section of the society.

30. DISCUSSIONS ON THE PROCEEDINGS OF THE STANDING COMMITTEE. When the proceedings of the Standing Committee are being considered by the municipality, discussion shall be permitted on any item in respect of which the Standing Committee has passed orders in exercise of powers delegated to it by the municipality or any item in respect of which the Standing Committee has called for a further report or otherwise postponed passing of an order or making a recommendation and any such item shall be recorded merely as read :

Provided that any member may call in question any order of a Standing Committee on the ground that it was beyond the competence of the Standing Committee and if the municipality considers that such order was beyond competence, it may confirm, modify or cancel such order:

31. POWERS IN CASE OF EMERGENT MATTERS. (1)No matter within the cognizance of a Standing Committee may be put before the municipality for consideration directly unless it has been dealt with by the Standing Committee concerned. The emergent matters, contemplated in Section 37 of the Act, be disposed off by the President, directly without any reference to the

Standing Committee concerned and the same shall be laid before the municipality in its next meeting for information.

32. POWERS OF THE EXECUTIVE OFFICERS/ SECRETARIES. Subject to the budget provisions and the administrative approval thereon, as required under the Himachal Pradesh Municipal Works Rules, all estimates upto Rs, 20,000/- and Rs. 10,000/- will be sanctioned by the Executive Officer/Secretary respectively, without reference to the municipality . There will be no splitting up of estimates for any one work.

33.POWER TO GRANT SANCTION. The Executive Officer/Secretary,if authorized by the municipality on a written request, may allow any person, temporarily, to occupy a street on fixed rates of fees for depositing of building materials upto the period of six months. All sanctions for more than six months will be granted by the municipality under Section-84 of the Act.

34. TERM OF OFFICE OF PRESIDENT AND VICE-PRESIDENT. The term of office of a President and Vice-President shall be five years. On the occurrence of a vacancy in the office of the President, the vice President shall act as President till the President is not elected afresh for a remainder period of the existing municipality in office

35. POWER OF VICE-PRESIDENT. In the absence of the President, the Vice-President shall perform all the duties of the President and shall exercise the same powers.

36. CUSTODY AND USE OF THE COMMON SEAL. (1)The Common seal of the municipality shall remain in the custody of the Executive Officer or the Secretary, as the case may be

37. GRANT OF RECEIPTS FOR MONEY. Receipts shall be granted on behalf of the municipality for money received by or on behalf of the municipality by an employee so authorized in writing by the Executive officer or by the Secretary, as the case may be.

38. SECURITY FROM THE EMPLOYEES. (1) An employee of the municipality shall, if entrusted with the receipt, disbursement or custody of money or property of the municipality, be required to furnish a security as follows:-

1	Executive Officer	Rs. 4000/-
2	Secretary, Municipal Medical Officer of Health and Municipal Engineer.	Rs. 2500/-
3	Superintendent, Accountants, Chief Sanitary Inspector, Assistant Municipal Engineer and Veterinary Assistant.	Rs. 1500/-
4	Cashier	Rs 5000/-
5	Any other employee entrusted with the receipt,	Rs. 1000/-

disbursement or custody of money or property of the municipality.

In exceptional cases, the municipality may allow payment of the requisite security in monthly instalments not exceeding twenty percent of the salary of the employee concerned.

39. DUTIES OF MEDICAL OFFICER OF HEALTH. (1) The Municipal Medical Officer of Health shall be incharge of the Sanitation, Public Health and Health Departments of a municipality. He shall supervise the sanitary conditions of all buildings and lands, burial and burning places, markets slaughter houses, streets, drains sewerage, latrines, urinals, filth receptacles, cesspool, flushing appliances, farms, filth depots, dairies, milk shops, cow sheds, stables, meat shops and all shops dealing in edibles, bakeries, aviated water factories, wells and dhobi ghats etc.

(2) He shall also check the house unfit for human habitation, offensive trades, foods and drinks, plants and stores.

(3) He shall be responsible for the land buildings, machinery, plants and stores intended for the use of the sanitation department and shall maintain registers and stock books as laid down in the municipal account code in which these items shall be entered.

40. DUTIES OF MUNICIPAL ENGINEER. (1) The Municipal Engineer shall be incharge of the Engineering and Building Department. He shall be responsible for house connections of filtered water, supply system, road lighting, water meters, municipal lands and properties, machinery, plants and stores and shall maintain registers and stock book laid down in the Municipal Accounts Code and the Municipal Works Rules.

41. DUTIES OF THE EXECUTIVE OFFICER/ SECRETARY. (1) The executive powers for the purpose of carrying on the administration of the municipality shall vest in the Executive Officer/Secretary subject to the provisions of the Act, Rules and Bye-Laws made thereunder and the Municipal Administration shall be under his direct control.

(2) The Executive Officer / Secretary shall be responsible for the preparation and submission of the annual estimates of income and expenditure and if, in his opinion, it is necessary or expedient to vary taxation or to raise loan, he shall submit his proposals in this regard also.

(3) The Executive Officer / Secretary shall attend every meeting of a municipality and that of Standing Committee as Secretary.

(4) The Executive Officer / Secretary shall have the powers to sanction the sale of unserviceable articles and other seized articles liable to destruction or deterioration or value thereof is likely to depreciate.

- (i) be responsible for management of fairs, places of amusements, gardens, parks, land and other immovable property of the municipality;
- (ii) make rounds in the town to inspect sanitation, Octroi barriers, encroachments and municipal works and check and supervise the various collections due to the municipality;
- (iii) have the powers to appear on behalf of the municipality in any court of law and to prosecute on its behalf any offender against the Act, Rules and Bye-Laws made thereunder unless otherwise provided;
- (iv) be responsible for the prompt disposal of audit objections and inspection note of the various administrative authorities;
- (v) be given an imprest of Rs. 5000/- to meet emergent contingent expenditure;
- (vi) have the power to sanction contingent expenditure up to Rs. 1000/- in any one case at a time subject to the budget provision;

42. PRESIDENT. The President shall exercise overall general control over the work of all the Officers/ Officials of the municipality and shall pass orders on all matters that may be referred to him through the Executive Officer or the Secretary, as the case may be .

43. APPEALS FROM EXECUTIVE ORDERS OF PRESIDENT/ EXECUTIVE OFFICER / SECRETARY. (1)An employee of the municipality who is aggrieved or affected by an order passed by the President or the Executive Officer or Secretary, as the case may be, may appeal therefor to the municipality. Such appeals shall be submitted to the President within a period of thirty days from the date of the order who may send the case with such remarks as he may consider suitable, to an ordinary meeting of the municipality for disposal.

44. FINANCIAL PROCEDURE. The annual and revised budget shall be brought before a special meeting in accordance with the time schedule laid down in the H.P. Municipal Act, 1994 and H.P. Municipal Account code.

45. ANNUAL REPORT. The annual report of the municipality shall be prepared and sent to the Director, Urban Development through the Deputy

Commissioner of the District in accordance with the provisions of the Himachal Pradesh Municipal Act, 1994 and H.P. Municipal Account Code.

46. PERMANENT ADVANCE. The Municipal Engineer and Municipal Health Officer of the municipality may be provided with such permanent advance as the municipality may consider suitable and sufficient but not exceeding Rs. 2500/- to meet petty expenditure and out of the sum so provided such Municipal Engineer or Municipal health Officer, may sanction temporary imprests to responsible subordinates who shall render accounts for the expenditure incurred by them within a specified period and in any case before the close of each month.

47. POWER TO SANCTION EXPENDITURE. (1) The Executive Officer/ Secretary, shall have the power to sanction non-recurring contingent expenditure up to the limits specified below subject to funds being available under the head of contingencies:-

- | | |
|-----------------------|----------------------------------|
| (a) Executive Officer | Upto Rs. 1000/- in any one case. |
| (b) Secretary | Upto Rs. 500/- in any one case. |

48. PAYMENT IN GENERAL. Except in case of payment made out of the permanent advance authorized under bye-laws-47 above no payment shall be made except under the written orders of the Executive Officer or the Secretary:

Provided that no payment order shall be passed by the accounts branch unless the bill has been previously passed for payment by the Municipal Engineer or Municipal Health Officer.

49. OFFICE HOURS. The municipality office shall be opened on all days except on holidays as may be observed in the office of the Deputy Commissioner and the hours of work shall be according to the timings observed by the Deputy Commissioner's office from time to time.

50. INSPECTION OF FILES BY MEMBERS. Any member of the municipality may obtain from the Executive Officer or the Secretary, as the case may be, any paper connected with the business of the municipality or its standing committee and inspect the same in the office on any working day, but the President may direct in public interest that no discussion on any particular subject shall take place at the time of such inspection.

51. MEDICAL TREATMENT. The scale of medical treatment and medical reimbursement available to municipal employees shall be such, as is admissible to the employees of the Himachal Pradesh State Government .

52. SUPPLY OF COPIES AND FEES THEREOF. (1) The municipality shall supply the copies of the following:-

- (a) All resolutions of the Municipality or its standing Committee;

- (b) all final orders passed by the Municipal Officers on any matter which affects the applicants and so much of any other recommendations made by some other person as are necessary to explain the meaning of such final orders;
- (c) Plans of buildings and the survey maps;
- (d) registers showing rights and titles connected with immovable property;
- (e) as regards copies of any other records maintained by the municipality the Executive Officer or the Secretary, as the case may be, shall decide if any person is entitled to receive any copy under these bye-laws and may by special order direct that copies of documents other than those specified above, may be granted to applicant for reasons to be recorded in writing; and
- (f) all copies will be certified by the Executive Officer or the Secretary of the Municipality, as the case may be

53. POWERS OF THE ADMINISTRATOR ON DISSOLUTION OF A MUNICIPALITY. Notwithstanding anything contained in these bye-laws, when a Municipality is dissolved, the Administrator appointed by the State Government under Section 271 of the H.P. Municipal Act, 1994:-

- (a) shall be responsible for the administration of the affairs of the municipality:
- (b) shall exercise the powers conferred upon the Executive Officer and the Secretary under bye-laws 32,33,41(1), (4)(5)(ii), (iii), (iv), (v), (vii), (viii), (x) and (xvii), 47 and 48:
- (c) may require the Executive Officer, and where this post does not exist, the Secretary, to submit all or any cases to the Administrator, for his orders.

54. REPEAL AND SAVING. Any bye-laws applicable to the municipalities in the State in respect to above matters, which is in force immediately before the commencement of these bye-laws are hereby repealed:

Provided that any order made or action taken under the bye-laws so repealed shall be deemed to have been made or taken under the corresponding provisions of these bye-laws.

By Order
Pr.Secretary (UD) to the

Govt. of Himachal Pradesh.
