

KARNATAKA MUNICIPALITIES (GUIDANCE OF OFFICERS, GRANT OF COPIES AND MISCELLANEOUS PROVISIONS) RULES, 1966

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SCHEDULE 1 :- PAPERS

KARNATAKA MUNICIPALITIES (GUIDANCE OF OFFICERS, GRANT OF COPIES AND MISCELLANEOUS PROVISIONS) RULES, 1966

In exercise of the powers conferred by clauses (c) and (q) of sub-section (2) of Section 323 of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), the Government of Karnataka hereby makes the Karnataka Municipalities (Guidance of Officers, Grant of Copies and Miscellaneous Provisions) Rules, 1966, the draft of the same having been published as required by sub-section (1) of Section 323 of the said Act in Notification No. PLM 19 MLR 64, dated 1st June, 1966, published as GSR 967, in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 9th June, 1966, namely.

PART 1

Preliminary

1. Title :-

These rules may be called the Karnataka Municipalities (Guidance of Officers, Grant of Copies and Miscellaneous Provisions) Rules, 1966.

2. Definitions :-

In these rules, unless the context otherwise requires.

(i) "Act" means the Karnataka Municipalities Act, 1964 ;

(ii) "Form" means a form appended to these rules;

(iii) "Officer" means an Officer employed in an administrative, executive or ministerial capacity in a Municipal Council, but does not include sweepers, scavengers and, persons employed in a work charged establishment or menial establishment;

(iv) "Schedule" means a schedule appended to these rules;

(v) "Section" means a section of the Act.

PART 2

Organisation of Office

3. Hours of business :-

The Municipal Office shall ordinarily be open to the public for the transaction of business from 10-30 A.M. to 5.30 P.M. every day except Sundays and Holidays.

4. Holidays :-

The offices and institutions under the control of the Municipal Council shall observe only such public holidays as may be declared by the State Government from time to time in respect of Government offices and institutions:

Provided that in respect of educational institutions under the control of the Municipal Council, the observance of holidays shall also be subject to any general or special instructions issued by the Director of Public Instructions.

5. Attendance :-

(1) Every employee of the Municipal Council shall attend the office punctually; an Attendance Register in Form 1 shall be maintained for each office; every municipal employee shall mark his attendance in the register against his name; the register along with the casual leave and late attendance report, if any, shall be submitted to the Head of the Office at 10-45 A.M. every day.

(2) Every office shall maintain an account of casual leave availed of by the employee in Form 2, the balance of casual leave at the credit of the employee shall be written in Column 2, when the leave is availed of.

6. Organisation of the Office :-

¹ [The Municipal Commissioner or the Chief Officer shall] as Head

of Office be responsible for the speedy and expeditious disposal of work in the office and shall organise the office into suitable branches or sections and arrange for effective supervision of work.

1. Substituted for the words "The Municipal Commissioner/Chief Officer shall" by GSR 244, dated 30-5-1967

7. Clearance Section :-

There shall be a clearance section in the office. The Municipal Commissioner or Chief Officer shall arrange for the following items of work by the Clearance Section or by other officials.

- (i) the registration of tappal received in the office and the maintenance of the General Receipt Register;
- (ii) the distribution of tappal to the various branches and clerks after obtaining their acknowledgments;
- (iii) the maintenance of the 'Case register' and assigning numbers to the new cases started in the whole office;
- (iv) the fair copying of all approved drafts;
- (v) despatch;
- (vi) the transmission of disposed of files from the clerk or case worker to the Record Section;
- (vii) the maintenance of the Record Section.

8. General Receipt Register :-

(1) Except as otherwise provided, all papers reaching the Municipal Office shall be opened either by the Municipal Commissioner or Chief Officer or an authorised receiver. After the Officer has seen the receipts, the fact of receipt shall be entered in the 'General Receipt Register' which shall be kept by an official of the Clearance Section in Form 3.

9. Defacing of Court-fee labels :-

All Court-fee labels affixed to an application or otherwise produced shall be defaced by the Clearance Section before forwarding the papers to the clerks or case workers concerned. The clerks or case workers shall on receipt of the papers check whether sufficient stamp has been paid.

10. Case Register :-

A case register for the entire office shall be maintained by the

Official-in-charge of the Clearance Section in Form 4.

11. Register of Case Histories :-

Each clerk or case worker after the receipt of tappal shall enter each of the papers in the Register of Case Histories in Form 5 and in a special register which he is required to keep and, make a note in the Periodical Register.

12. Periodicals :-

A Periodical Register shall be maintained to watch the receipt, consolidation and despatch of periodical statements received by the Office.

13. Special Registers :-

(1) There shall be maintained a Special Register for a particular item of work if.

(i) the number of cases started under that particular item are numerous;

(ii) the orders in connection with the disposals of the item of work are clear and well defined;

(iii) the procedure to be adopted in the disposal of the cases is uniform.

(2) Each Special Register shall indicate the subject matter to which it relates, each department prescribing the number and the form of its own Special Register. The Special Register will also indicate the final disposal of the cases dealt with in that register.

14. Financial year :-

All the registers required to be written afresh every year (except the Special Register which need not be written up every year but continued indefinitely) shall begin on the First of April.

15. Arrears list :-

(1) At the beginning of every month every clerk or case worker shall prepare an arrears list in Form 6, and a consolidated list be put up to the head of the office by the 10th of every month.

(2) The Municipal Commissioner or Chief Officer shall visit periodically the different sections of the office and ensure that the work is carried on smoothly and without undue delay.

16. Census of outstanding cases :-

The head of the section in addition to the monthly inspection shall take a census of the outstanding cases once a year and verify each case with reference to the case papers whether proper action has been taken in each case.

17. Arrangement of papers in separate bundles :-

Every clerk or case worker shall arrange his files according to the serial numbers in five bundles, namely;

- (1) cases pending disposal;
- (2) 'await files';
- (3) periodicals;
- (4) circular files and
- (5) papers due to go to the record room.

18. Circular file :-

Each clerk or case worker shall maintain a circular file in which all the Government Orders or Orders of the Commissioner or the Deputy Commissioner, of a general nature are chronologically arranged; the papers of the Circular file shall be numbered and an index prepared and a copy of such orders shall invariably be sent to the Record Keeper who will maintain a collection of Government Orders.

19. The current file and its arrangement :-

(1) The papers forming the current file should ordinarily be tagged together, and nothing being done on a separate set of sheets; the current file shall consist of two parts, the correspondence file and the note file.

(2) On the top sheet of both the note file and the correspondence file, the number of the case and its description shall be written boldly in red ink.

20. Maintenance of Order Book :-

(1) The Municipal Commissioner or Chief Officer shall cause to be maintained an office order book in which shall be recorded all orders covering the organisational set up of the office.

(2) The Municipal Office shall also maintain a 'Guard File' containing all important orders and circulars issued by Government or other Officers in respect of municipal administration.

21. Municipal records :-

(1) Municipal records shall be classified according to the duration for which the papers are required to be preserved. The period of preservation of each category of papers shall be as follows.

"A" to be preserved permanently.

"B" to be preserved for thirty years.

"C" to be preserved for ten years.

"D" to be preserved for five years.

"E" to be preserved for one year.

(2) The municipal records shall be assigned the disposal as specified in the schedule to these rules.

(3) Any record not covered by the schedule, shall be disposed of only after obtaining specific orders of the Commissioner who will pass orders after consulting the Controller, State Accounts Department; provided that no record shall be destroyed unless the accounts of the Municipal Council for that period have been audited.

¹[(4) The records of confidential nature which are ready for destruction shall be destroyed in the presence of the Municipal Commissioner or the Chief Officer or other Officer duly authorised, who shall certify that they were so destroyed. The other records shall be disposed of by sale either by public auction or by calling tenders to the best advantage of the Municipality.]

(5) The provisions of the Karnataka Financial Code and the rules in force in the Department of Education shall mutatis mutandis apply in the matter of maintaining accounts and destruction of records relating to municipal ² [educational institutions.]

1. Sub-rule (4) substituted by GSR 64, dated 10-3-1981

2. Substituted for the word "schools" by GSR 244, dated 30-5-1967

22. Personal file :-

The Establishment clerk will maintain a personal file of all the officials working in the office. The personal file shall move with the official when he is transferred. The personal file of the clerk dealing with establishment compilation of the office shall be maintained by his official superior.

23. Confidential papers :-

Except as otherwise provided in the rules relating to correspondence, confidential papers shall be opened by the Chief Officer or the Municipal Commissioner who shall decide as to the further action to be taken. He shall also keep a separate box for the confidential papers and shall maintain a note book in which he shall record all the correspondence that he carries on in connection with such matters. The Head of the Office shall also maintain a file of secret Government Orders and Circulars with an index arranged chronologically.

24. Despatch of papers :-

(1) The Official-in-charge of the Clearing Section shall keep a fair copying register in Form 7 and also make arrangements for comparing the fair copies without handing over the typed matter to the clerk. He shall also arrange to send the fair copies for signature to the Head of the office or to any other Officer authorised to sign the paper without delay. After the fair copy has been signed he shall hand it over to the despatcher taking his acknowledgment on the fair copying register.

(2) The despatcher shall maintain a Despatch Register in which all the papers sent by post, whether ordinary or registered, shall be entered. The despatch register shall be in Form 8. The value of the stamp used on the envelope should be written in Column 5 of this register. The actual date of despatch shall then be noted on the draft with the stamp "Despatched". The official despatching the paper shall put his initials and date below the stamp "Despatched". The Official-in-charge shall then return the draft to the clerk concerned.

(3) At the end of the day, the despatcher shall total the value of stamps used during the course of the day. He shall also maintain the account of stamps.

(4) The despatch can be either by post or by 'muddam'. Letters to be sent by 'muddam' shall be entered in the Local Delivery Book. The local delivery book shall be in Form 9. The initials of the person receiving the letter shall be obtained on the local delivery book itself.

25. Indexing :-

(1) All the cases after final disposal shall be sent to the Record

Room. Before sending the cases to the Record Room, the official shall fill in the index card in Form 10, such index cards being invariably written for all purposes except those marked E for disposal.

(2) The index card shall be sent to the Clearance Section where it shall be checked and one half returned to the case worker and the other half to the Record Keeper.

26. Records :-

(1) The case worker shall send to the Record Room all disposed of files (excepting the E papers) within ten days from the date of the final disposal through the Clearance Section.

(2) A Record Receipt Register in Form 11 shall be kept by the Record Keeper for the other papers (A, B, C and D). After noting the papers in the Record Receipt Register, the Record Keeper shall place the index cards in their proper place according to their alphabetical order.

(3) The Record Keeper shall maintain a separate Record Register for the different categories of disposal, i.e., A, B, C and D and keep the recorded files in separate bundles according to their compilation and also according to the nature of disposal.

(4) In each bundle itself the files shall be arranged not alphabetically but according to the serial numbers they bear, each file being kept in the proper bundle according to the year of disposal and not according to the year of its starting.

(5) As the E papers are sent to the Record Room in monthly bundles, the Record Keeper shall affix a label on each bundle, showing the name of the compilation and the month of disposal. After twelve months, the whole bundle will be destroyed and the list furnished by the case worker will serve the purpose of the Destruction Register as well. At the end of the Record Receipt Register, a note shall be made that all the papers were destroyed on a particular date.

27. Requisitioning of records :-

(1) Any official requiring an old case from the Record Section for reference shall fill in a requisition in Form 12.

(2) On receipt of such requisition slips, the Record Keeper shall sort

out the wanted files and hand them over to the case workers concerned, keeping a record of such issues in the Record Issue Register. The Record Issue Register shall be in Form 13.

(3) The Record Keeper shall keep the requisition slip in the place from where the file has been taken out. The Record Keeper shall take, in the relevant column of the Record Issue Register, the initials of the case workers requisitioning the files.

PART 3

General Administration

28. Preparation of notes on agenda, etc :-

(1) The Municipal Commissioner or Chief Officer, Engineer, Health Officer or other subordinate shall ordinarily attend every meeting of the Municipal Council and shall cause to be arranged all papers relating to the business on the agenda, with notes giving full information in regard to the legal and financial aspects of the question and keep all the records ready for reference at the meeting of the Municipal Council.

(2) The Municipal Commissioner or Chief Officer or other Officer shall supply the Municipal Council or a committee information on the following points.

(i) the provision of the law or the rule, or bye-laws or standing orders relating to the subject;

(ii) full financial implication of the proposal and proposed ways and means of financing the same as far as possible;

(iii) authority competent to sanction the proposals;

(iv) precedents and course of action;

(v) a report of the proper execution of public works in the Municipality and

(vi) a report of public health in the Municipality.

29. Confidential reports of municipal employees :-

A confidential report in Form 14 in respect of a municipal employee other than an employee in inferior service, shall be maintained by the Municipal Commissioner or Chief Officer, as the case may be, for every calendar year, and may be made use of whenever an occasion arises in assessing the work of the employee or consider his fitness for promotion; any adverse remarks recorded in the

confidential report shall be communicated to the employee concerned.

30. Municipal Stores :-

(1) All municipal stores shall be under the immediate control of the Chief Officer or Municipal Commissioner or other Authorised Officer and shall be divided into the following classes.

(a) Special stores, namely, articles ordinarily required by one department or one class of work only, as for instance, cast iron pipes, porcelain drainage pipes, cement, etc.

(b) General stores, namely, all articles which can generally be used by any department or the workshops, as for instance, nails, iron, paints, iron pots.

(2) No Municipal Council shall stock stores in excess of the requirements as per sanctioned plans and estimates for the year.

(3) The physical verification of stock shall be conducted at the end of every year by an Officer other than the official immediately in-charge of the stores section.

31. Dead stock articles :-

(1) Every Municipal Council shall maintain a register of dead stock articles in which particulars relating to items of furniture and dead stock articles shall be entered. This register shall be in Form 15.

(2) The Head of the Office shall verify on the First of April every year that all the articles included in the register are actually forthcoming and record a certificate to this effect in the register of Dead Stock articles.

32. Appointment of Advocates or Pleaders :-

(1) Save as otherwise provided in the Act or rules, where a Municipal Council engages an Advocate or a Pleader to attend to cases in the Courts of law, the same scales of fees as prescribed by Government in respect of the Government pleaders and public prosecutors for the conduct of Government cases shall be payable to such Advocates or Pleaders.

(2) A Municipal Council may, with the previous sanction of Government, appoint a Standing Counsel on a fixed remuneration for a term not exceeding three years at a time for giving legal

advice and for rendering services out of Court in connection with the legal affairs of the Municipality and for attending to all civil and criminal cases where the engagement of a Counsel is necessary. A Standing Counsel may be paid such monthly remuneration or salary for full time or part time as may be fixed in consultation with the Government.

(3) Where a Municipal Council has appointed a Standing Council it shall have an agreement executed by him in the Form 16: Provided that if any modification is considered necessary in any of the clauses of the said agreement such modification shall be made with the approval of the Commissioner.

(4) No Municipal Council shall enter into contract with an Advocate or Pleader for payment of legal charges of one thousand rupees or more without the approval of the Government.

PART 4

Grant of Copies

33. Inspection of documents :-

(1) A person requiring to inspect any public document within the meaning of the Indian Evidence Act, 1872 (Act 1 of 1872) shall make an application in writing bearing a Court fee of twenty-five paise to the Municipal Commissioner or Chief Officer or other Authorised Officer, as the case may be, and such document shall be made available for inspection subject to the payment of search fee (as may be prescribed by the Municipal Council) to be paid in advance:

Provided that no fee shall be charged for inspection by a municipal official for municipal purposes.

(2) The documents shall be inspected in the Municipal Office during office hours.

(3) If the documents are not found, the fee paid shall not be refunded, but the applicant shall be furnished with a certificate that the document applied for cannot be found.

34. Application for grant of copies :-

(1) Any person requiring copies of or extracts from any public document within the meaning of the Indian Evidence Act, 1872 (Act 1 of 1872) shall make an application in writing bearing a Court fee of 25 paise to the Municipal Commissioner or Chief Officer or

other Authorised Officer in Form 17 on any working day, which shall be entered in a Register in Form 18.

(2) A search shall be made for the documents applied for and if the document is not found, a certificate to that effect shall be furnished to the applicant. If the document be found, the Municipal Commissioner or Chief Officer or other Authorised Officers shall decide in each case whether or not copies of the document may be granted taking into consideration the nature of the document and the applicant's eligibility to get a copy.

35. Grant of copies :-

(1)

(a) Within one week from the date of receipt of the application for grant of copy, the Municipal Commissioner or Chief Officer or other Authorised Officer shall pass orders either granting or refusing the copy.

(b) if the Municipal Commissioner or Chief Officer or other Authorised Officer makes an order granting the copy, the fee payable by the applicant shall be intimated to him;

(c) if the Municipal Commissioner or Chief Officer or other Authorised Officer makes an order refusing the grant of copy, he shall state his reasons in writing for such refusal.

(2) The rates of fees chargeable for search and grant of copies of documents, plans, drawing, etc., shall be as may be prescribed by the Municipal Council and shall be payable in advance within seven days of receipt of intimation granting the copy.

(3) The Municipal Commissioner or Chief Officer or other Authorised Officer shall see that the required copy is delivered to the applicant or his authorised agent within a reasonable time after the party tenders the required fee. The Municipal Commissioner or Chief Officer or other Authorised Officer shall cause to be examined the copy with reference to the original and shall certify and sign the same which shall bear the seal of the Municipal Council.

36. Application of Karnataka Court Fee and Suits Valuation Act and Karnataka Stamp Act :-

Nothing in these rules shall be deemed to affect the provisions of the Karnataka Court Fee and Suits Valuation Act, 1958 and the Karnataka Stamp Act, 1957 in respect of any fee chargeable on

application for a copy or extract made or furnished under these rules and such charge shall be in addition to the fees payable under these rules.

37. Receipt :-

A receipt shall be granted to every applicant acknowledging the receipt of charges and the purpose for which the charges are received.

38. Documents not to be taken out of Municipal Office without permission :-

Except as otherwise provided in these rules, no document of any kind belonging to the Municipal Council shall be taken away from or sent out of the Municipal Office without the permission of the Municipal Commissioner or Chief Officer, as the case may be.

PART 5

Miscellaneous

39. Procedure in respect of lease, sale or auction :-

Save as otherwise provided in the Act or rules, when the Municipal Council proposes to lease, sell or auction any moveable or immoveable property, it shall give notice of such lease, sale or auction by.

(i) affixing copies thereof on the notice board of the Offices of the Municipal Council;

(ii) exhibiting copies thereof in all municipal reading rooms and places considered by the Municipal Council to be conspicuous within the Municipality;

(iii) publication in a daily newspaper having wide circulation within the Municipality;

(iv) by beat of drum or circulation of notice in the locality.

40. Duty of Municipal Officers and servants in cases of flood and fire :-

It shall be the duty of all Municipal Officers and servants to attend at fires and floods, and afford all such assistance as may be necessary.

41. Record of examination leave availed by employees :-

No municipal employee shall be permitted to avail of examination leave more than two times for each examination which he is required to pass. A register of such examination leave availed shall

be caused to be maintained by the Municipal Commissioner or Chief Officer in respect of such employees in Form 19.

42. Sanction of advances :-

Save as otherwise provided in the appropriate rules where a permanent employee applies for sanction of advance, the Municipal Commissioner or Chief Officer may sanction such advance to the extent of Rs. 500 (five hundred) or Rs. 200 (two hundred) respectively in each case. Advances in excess of the above limit shall be payable only after sanction by the Municipal Council. Note. The above benefit can also be extended to employees in temporary service provided the Municipal Commissioner or Chief Officer is satisfied that the employee will be in service till such time the advance is completely repaid. He shall also obtain sufficient surety in all cases of advances sanctioned.

43. Application of other rules :-

Save as otherwise provided, in respect of matters not expressly covered by these rules and in so far as they are not inconsistent with these rules, the provisions applicable in case of Government employees, shall be followed for guidance.

SCHEDULE 1

PAPERS