

Punjab Municipal (General) Rules, 1979

CONTENTS

1. Short Title, Application And Commencement
2. Definitions
3. General Principles
4. Channel Of Correspondence With Government
5. Language In Which Business Is To Be Transacted, Proceedings Recorded And Notices Issued
6. Administration Of Oath Or Affirmation Of Allegiance
7. Members Not To Take Part In Proceedings In Certain Cases
8. Certain Persons Not To Be Appointed
9. Consideration Of Matter In Meeting
10. Recording Of Minutes
11. Publication Of Minutes Of Meetings
12. Publication Of Notices
13. Publication Of Proposals To Impose Taxes Or To Make Rules Or Bye-Laws
14. Fees For Notices Under Sub-Section (2) Of Section 80
15. Submission Of Annual Returns, Statements And Reports
16. Removal Of Members, President Or Vice-President
17. Character Verification
18. Reservation In Favour Of Member Of Scheduled Caste
19. Traveling Allowance Of Members
20. Grant Of Advance For Purchase Of Conveyance
21. Annuities Leave Allowance Etc
22. Age Of Retirement Of Employees
23. Repeal And Saving

Punjab Municipal (General) Rules, 1979

1. Short Title, Application And Commencement :-

(1) These rules may be called the Punjab Municipal (General) Rules, 1979.

(ii) They shall apply to all committees and their employees in the State of Punjab:

Provided that Rules 8, 17, 18 and 22 shall apply to those employees only who are not members of any Service constituted under Section 38.

(iii) They shall come into force at once.

2. Definitions :-

In these rules, unless the context otherwise requires.-

- (i) "Act" means the Punjab Municipal Act, 1911;
- (ii) "Director" means the Director of Local Government Department, Punjab;
- (iii) "Form", means a form appended to these rules; and
- (iv) "Section" means a section of the Act.

3. General Principles :-

Every committee shall observe such general principles of administration as are followed in the Departments of the State Government.

4. Channel Of Correspondence With Government :-

(1) A committee of the first class shall correspond with the, State Government through the Director with a copy to the Regional Deputy Director the State Government through the Regional Deputy Director and the Director.

(2). Notwithstanding anything contained in sub-rule (1), the committee may, in an important case, send an advance copy of this communication to the State Government or the Director; as the case may be.

5. Language In Which Business Is To Be Transacted, Proceedings Recorded And Notices Issued :-

In every committee all the business shall be transacted, proceeding recorded and notices issued in Punjabi Language in Gurmukhi script.

6. Administration Of Oath Or Affirmation Of Allegiance :-

[1] An oath or affirmation of allegiance under Section 24 shall be administered by the Deputy Commissioner or any other Gazetted Officer appointed by him in the case of a newly appointed or newly elected member of a committee and by the Chairman of the meeting in other cases.

(2) The administration of the oath or affirmation under sub-rule (1) shall be recorded as a part of the proceedings in the minutes of the meeting.

7. Members Not To Take Part In Proceedings In Certain

Cases :-

No member of the committee shall be present or vote at or take any other part in any proceeding of a committee or sub-committee relating to or wife of such member or descendant of such parent last referred to has a dirt indirect interest.

8. Certain Persons Not To Be Appointed :-

No person who is relation of any member of the committee in any of the manner specified in Rule 7 shall be appointed an officer or servants of, or enlisted contractor for undertaking any contract for such committee, without the previous sanction of the Regional Deputy Director, Local Government.

9. Consideration Of Matter In Meeting :-

No matter shall be included in the agenda for any meeting of a committee of sub-committee nor be discussed at any such meeting which is not connected with the functions and duties of the committee as prescribed by the Act and it shall be the duty of the President or of the presiding member to disallow the inclusion in the agenda and to refuse to permit at a meeting the discussion of any such matter:

Provided that the President or the presiding member may permit inclusion and discussion of any matter which appears to him to be in the public interest and not in any way likely to impede the administration or to promote or encourage lawlessness, or to cause communal discord, or to be for any other reason undesirable.

10. Recording Of Minutes :-

Minutes of proceedings at each meeting of a committee shall be drawn up and recorded in a book in form 1.

11. Publication Of Minutes Of Meetings :-

An abstract of minutes of each meeting of a committee shall be affixed at some conspicuous place accessible to the public at a place of meeting of the committee and a copy of such abstract shall be supplied to the manager of every newspaper which is published within the limits of the district in which the municipality is situated.

12. Publication Of Notices :-

(1) In every case in which a notice is to be given by the committee in exercise of the powers conferred or in discharge of an obligation imposed by the Act or by any rule or bye-law made there under such notice shall be published in Form-2, duly filled in, in the following manner for the purpose of inviting objections and suggestions from the public, namely:-

(a) Such notice shall be published by proclamation.

(b) A copy of such notice together with the copy of the matter to be published shall be affixed at some conspicuous place accessible to the public at the place of meeting of the committee for a period of not less than thirty days.

(c) The notice shall be placed on the notice boards set up for this purpose within the limits of the municipality.

(d) A copy of such notice alone, with a copy of the matter to be published shall be sent to the editor of the newspaper having wide circulation in the locality, to be selected by the committee for the purpose. The editors of the newspapers so selected shall be addressed as in Form 3.

Provided that in case of a town planning scheme, the said notice shall be published weekly for two consecutive weeks in two daily newspapers with a statement of the period within which objection may be received]. (e) Every notice shall specify a date which shall not be less than thirty days from the date of its publication by which objections or suggestion by the persons interested should be submitted to the Secretary or Executive Officer, as the case may be, of the committee.

(2) (a) Simultaneously with the publication of the notice in respect of a town planning scheme under the proviso to clause (d) of sub-rule (1) the committee shall serve a notice on-

(i) Every person, whom the committee has reason to believe, after due enquiry to be an owner of such immovable property as is proposed to be included in the said town planning scheme;

(ii) The occupier of such immovable property as is proposed to be included in the said scheme.

(b) The notice referred to in clause (a) shall-

(i) State the number of town planning schemes proposed for the area:

(ii) Require such person if he objects to the said scheme to state his reasons in writing within a period of thirty days from the date of the service of the notice.

(c) The notice referred to in clause; (a) shall be signed by the

President or the Administrator, as the case may be.

(3) When any proposal by a committee the notice whereof is required to be published in the manner specified under sub-rule (1) is forwarded for sanction and confirmation to the appropriate authority it shall be accompanied by a statement that the provisions of sub-rule (1) have been duly complied with].

13. Publication Of Proposals To Impose Taxes Or To Make Rules Or Bye-Laws :-

(1) In every case in which a committee proposes to-

(i) Impose any tax under Section 61, or

(ii) Make any bye-law under the Act it shall give notice of its intention in the manner prescribed in Rule 12 for the publication of public notices.

(2) When any such proposal is submitted for sanction or confirmation to the appropriate authority, it shall be accompanied by a statement that the provisions of the sub-rule (1) have been complied with.

14. Fees For Notices Under Sub-Section (2) Of Section 80 :-

The fee leviable for a notice, of demand served under sub-section (2) of Section 80, whether the notice is served through registered post or through a process server of the committee, shall be the postage charges, payable for a registered letter from time to time.

15. Submission Of Annual Returns, Statements And Reports :-

(1) Every committee shall as soon as possible after the close of each financial year, prepare in such form as may, from time to time be specified by the Government, return relating to the constitution of the committee, the account of its income, expenditure, balances and liabilities or any other matter, together with report on the working of the committee.

(2) One copy of the return so prepared shall be submitted to the Regional Deputy Director, Local Government who shall be in the case of committees of the first Class forward it to the Director, Local Government by the 15th day of May in each year.

16. Removal Of Members, President Or Vice-President :-

(1). The letter containing reasons for the proposed removal of a

member, President or Vice-President, required to be issued under Section 16 or Section 22 shall be served on that member, President or Vice-President, as the case may be, through a registered post direct by the State Government with a copy thereof to the Regional Deputy Director, Local Government, and the member, President or Vice-President upon whom the said letter is served shall tender his explanation through the Regional Deputy Director, Local Government with an advance copy, thereof, together with attested copies of the document accompanying it, if any, to the Secretary to Government of Punjab, Department of Local Government, Housing and Urban Development so as to reach him, within a period of twenty-one days of the date of dispatch of the said letter by the registered post.

(2) The Regional Deputy Director, Local Government shall forward the explanation with his comments, if any, direct to the Secretary to Government Punjab, Local Government Department within a period of fourteen days from the date of receipt of explanation under sub-rule (1).

(3) Where a member, President or Vice-President, as the case may be does not submit the explanation within the specified period, a report to that effect shall be made by the Regional Deputy Director, Local Government to the Government.

17. Character Verification :-

No person shall be appointed as an officer or servant by any committee unless his character and antecedents have been verified before hand:

Provided that in the case of appointment to a temporary vacancy required to be made urgently, a person may be appointed in anticipation of verification of character and antecedents in accordance with the instructions applicable to such appointment under the State Government.

18. Reservation In Favour Of Member Of Scheduled Caste :-

The instructions issued by the State Government from time to time in relation to reservation of appointments or posts for members of the Scheduled Castes and the Backward Classes shall apply for the purpose of making appointments to posts under the committee.

19. Traveling Allowance Of Members :-

- (1) No committee shall pay to any member traveling allowance on account of a journey undertaken on municipal business unless-
- (a) In the case of a journey performed within a district in which the municipality is situated, or of a journey to a place outside such district the traveling allowance payable in respect whereof does not exceed one hundred and fifty rupees, the committee has passed a resolution sanctioning the undertaking of such a journey, and
- (b) In the case of any other journey, the previous sanction of Regional Deputy Director, Local Government has been obtained.
- (2) The traveling allowance payable shall not exceed the amount that would have been payable in respect of a journey had such a member been a Government employee in Grade III, as specified in Rule 2.15 of the Punjab Traveling Allowance Rules.

20. Grant Of Advance For Purchase Of Conveyance :-

- (1) A committee which with the sanction of the State Government has under Section 52(2) (1) [of the] Act declared the grant of advance for purchase of a motor car, motor cycle to its employees to be an appropriate charge on the municipal fund, shall, so far as may be, grant such advance in accordance with the rules regulating and on the conditions laid down for the grant of such advance by the State Government to its employees.
- (2) No committee shall grant an advance for the purchase of a motor car, motor-cycle to any of its employees without the previous sanction in each case of the Regional Deputy Director, Local Government.

21. Annuities Leave Allowance Etc :-

Of municipal employees not to exceed government rates.- No annuity or gratuity on retirement and no leave absentee or acting allowance to any employee paid from a municipal fund shall, without an express sanction of the State Government, exceed that admissible under the rules applicable to the corresponding employee serving under the State Government¹ in so far as it is inconsistent with the provisions of any Act or subordinate legislation applicable to municipal employees.

22. Age Of Retirement Of Employees :-

- (1) Every employee of a committee other than a class IV employee, shall retire from service on the last day of the month in which he

attains the age of fifty-eight years. A class IV employee shall retire from service on the last day of the month in which he attains the age of sixty years.

(2) No employee of the committee may be retained in service after the date of retirement except in exceptional circumstances and on public ground with the prior approval of the State Government.

(3) Notwithstanding anything contained in sub-rule (1), the appointing authority shall, if it is of opinion that it is in public interest to do so, have the absolute right by giving an employee prior notice in writing, to retire that employee on the date on which he completed twenty-five years of service or attains fifty years of age or on any date thereafter to be specified in the notice. The period of such notice shall not be less than three months and where at least three month-s notice shall not be less than three months and where at least three month-s notice is not given, or notice for a period less than three months is given the employees shall be entitled to claim a sum equivalent to the amount of his pay and allowances at the same rates at which he was drawing immediately before the date of retirement, for a period of three months, or as the case may be, for the period by which such notice fall short of three months.

(4) Any employee may, after giving at least three months previous notice in writing to the appointing authority, retire from service on the date on which he completes twenty-five years of service or attains fifty years of age or on any date thereafter to be specified in the notice:

Provided that no employee under suspension shall retire from service except with the specific approval of the authority.

23. Repeal And Saving :-

The rules framed under Section 240 of the Act, Government matters contained in these rules and in force immediately before the commencement of these rules are hereby repealed:

Provided that such repeal shall not affect: -

(a) The previous operation of the said rules or anything duly done or suffered thereunder;

or

(b) Any right, privilege, obligation or liability acquired, accrued or incurred under the said rules; or

(c) Any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability as aforesaid; and any such

investigation, legal proceeding or remedy may be instituted continued, or enforced as if the said rules had not been repealed.