

Rajasthan Municipalities (Motion of No Confidence Against Chairman or Vice Chairman) Rules, 1974

RAJASTHAN

India

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Rule

RAJASTHAN-MUNICIPALITIES-MOTION-OF-NO-CONFIDENCE-AGAINST of 1974

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Rajasthan Municipalities (Motion of No Confidence Against Chairman or Vice Chairman) Rules, 1974 Published vide Notification No. F.3(2)(2)LSG74, GSR92, dated 5-8-1974 Published in Rajasthan Gazette, Extraordinary, Part 4-C (1), dated 5-8-1974, Pages 197-198 In exercise of powers conferred by section 297 of the Rajasthan Municipalities Act, 1959 (Act 33 of 59) read with section 72 thereof, the State Government hereby makes the following rules, namely:-

1. Short title and commencement.

- These rules may be called the Rajasthan Municipalities (Motion of No-Confidence against Chairman or Vice Chairman) Rules, 1974. (2) These rules shall come into force after one month from the date of their publication in the Official gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires,-(i)'Board' means as defined in the Rajasthan Municipalities Act, 1959 and includes a Municipal Council.(ii)'Chairman' means the Chairman of the Board and includes the President of a Municipal Council.(iii)'Vice-Chairman' means the Vice Chairman of the Board and includes Vice-President of a Municipal Council.(2) Words and expressions used-but not defined in these rules shall have the meanings assigned to them in the Act.

3. Procedure etc.

(1) A written notice of intention to make a motion of no-confidence in the Chairman or Vice-Chairman signed by one third members of the Board together with a copy of the motion which is proposed to be made, shall be sent to the Collector of the District, who shall thereupon convene a meeting for the consideration of the motion to be held at the office of the Board on the date and at the time appointed by him, which shall not be earlier than twenty or later than thirty days from the date of the receipt of the notice. (2) The Collector shall send by registered post not less than seven clear days before the date of the meeting, a notice of such meeting and of the date and time fixed thereof to every member of the Board. (3) The Collector or his nominee shall preside at such meeting and if within half an hour from the time appointed for the meeting Collector or his nominee is not present or is unable for any unavoidable cause to preside at the meeting, the meeting shall stand adjourned to the date and the time to be fixed and notified to the members. (4) A meeting convened for the purpose of consideration of the motion of no-confidence under these rules shall not for any reason except stated at sub-clause (3) be adjourned. (5) As soon as the quorum is present, the Collector or his nominee shall read the motion for the consideration of which the meeting has been convened and declare it to be open for discussion. No meeting for the consideration of motion of no-confidence shall be held unless the quorum is present. One-third of the whole number of members shall form the quorum. (6) Such discussion shall not be adjourned and shall automatically terminate on the expiry for four hours from the time fixed for the commencement of the meeting unless it is concluded earlier. (7) If the conclusion of the debate or upon the expiry of the said period of four hours, as the case may be, the motion shall be put to the vote of the Board and the Collector or his nominee shall neither speak on the merits thereof nor vote thereon. (8) If the motion is not carried by 2/3 majority of the whole number of members, or if any meeting cannot be held for want of quorum, the motion of no-confidence against Chairman or Vice- Chairman, as the case may be, shall be deemed to have been lost. (9) If the motion is carried by a majority of 2/3 number of whole number of members, the motion shall be deemed to have passed against the Chairman or Vice-Chairman shall forthwith be deemed to have vacated his office. (10) [x x x] [Omitted by Notification dated 22-1-1975, published in Rajasthan Gazette, part 4-C, dated 9-10-1975, page 610.]

4. [Motion of no-confidence not to be received in certain cases. [Added vide Notification dated 22-1-1975, published in Rajasthan Gazette, part 4-C, dated 9-10-1975, page 610.]

(1) No notice of a motion of no confidence against a Chairman or Vice-Chairman, as the case may be, shall be received until expiry of six months computed from date of his election. (2) No notice of any subsequent motion of no confidence in the same Chairman or Vice-Chairman, shall be received until expiry of a period of six months from the date of the meeting under sub- rule (8).]