

Rajasthan Municipalities (Motion of No-confidence against Chairperson or Vice-Chairperson) Rules, 2012

RAJASTHAN

India

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Rule

RAJASTHAN-MUNICIPALITIES-MOTION-OF-NO-CONFIDENCE-AGAINST of 2012

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Rajasthan Municipalities (Motion of No-confidence against Chairperson or Vice-Chairperson) Rules, 2012 Published vide Notification No. 10507, dated 11.9.2012-Rajasthan Gazette, Extraordinary, Part 6(A), dated 11.9.2012 In exercise of the powers conferred by sections 53 and 337 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009), the Government of Rajasthan hereby makes the following rules, namely: -

1. Short title and commencement.

(1) These rules may be called the Rajasthan Municipalities (Motion of No-confidence against Chairperson or Vice-Chairperson) Rules, 2012. (2) They shall come into force with immediate effect.

2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) (b) "Vice-Chairperson" means the Vice-Chairperson in case of a Municipal Board, Vice President in case of a Municipal Council or Deputy Mayor in case of a Municipal Corporation; and (c) "Eligible Member" means elected members of a Municipality, but shall not include nominated members and any member disqualified or suspended under the provisions of the Act. (2) Words and expressions used but not defined in these rules shall have the meaning as assigned to them in the Act.

3. Procedure for No-confidence.

(1) A written notice of intention to make motion of no confidence in the vice-chairperson, signed by three-fourth eligible members of the Municipality 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 Municipality, on the date and at the time appointed by him. (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 therefore to every eligible member of the Municipality. (3) The collector or officer authorized by him shall preside at such meeting and if within half an hour from the time appointed for the meeting, Collector or officer authorized by him 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 eligible members. (4) A meeting convened for purpose for consideration of the motion of no confidence under these rules shall not for any reason except stated in sub-rule (3), be adjourned. (5) Three-fourth of the number of eligible members shall be required to form the quorum. (6) No meeting for the consideration of the motion of no confidence shall be held in absence of quorum. (7) The motion of no confidence against the Chairperson or Vice-Chairperson shall be deemed to have been lost if required members for the quorum are not present within an hour from the time appointed for the meeting. (8) As soon as the quorum is complete, the Collector or his nominee shall read the motion for the consideration for which the meeting has been convened and declare it to be open for discussion. (9) Such discussion shall not be adjourned and shall automatically terminate on the expiry of four hours from the time fixed for the commencement of the meeting unless it is concluded earlier. (10) On 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. The Collector or officer authorized by him shall neither speak on the merits thereof nor comments thereon. The voting shall be carried out by way of secret ballot. (11) If the motion is not carried by a three-fourth number of eligible members, the motion of no confidence against the Chairperson or Vice-Chairperson shall be deemed to have been lost. (12) If the motion is carried by a majority of three-fourth number of eligible members, the motion shall be deemed to have been passed against the Chairperson or Vice-Chairperson and such Chairperson or Vice-Chairperson, as the case may be, shall forthwith be deemed to have vacated his office.

4. Repeal and Savings.

- The Rajasthan Municipalities (Motion of No-Confidence Against Chairperson or Vice-Chairperson) Rules, 2007 are hereby repealed: Provided that any action taken or anything done or order passed under the rules repealed, shall be deemed to be taken or done or passed under these rules.