

# Procedure for Holding Enquiry into Charge Against Member/Councillor

RAJASTHAN

India

## Procedure for Holding Enquiry into Charge Against Member/Councillor

### Rule

### PROCEDURE-FOR-HOLDING-ENQUIRY-INTO-CHARGE-AGAINST-MEM of 1959

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Procedure for Holding Enquiry into Charge Against Member/Councillor Published vide Notification No. F. 4(34) LSG/A/59-2, dated 11-11-1959, Published in Rajasthan Gazette, Extra-ordinary, Part 4-C, dated 26-11-1959 In exercise of the powers conferred by sub-section (3) of section 63 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby prescribes the following procedure for holding an enquiry into a charge against the Member of a Municipal Board or the Councillor of a Municipal Council :-

#### 1.

When the State Government sends a statement setting out distinctly the charge against the Member/Councillor, the same shall be treated as complaint and a copy of the same shall be sent to the Member/Councillor for filing a written statement personally or through his advocate on a date fixed for the purpose by the Judicial Official.

#### 2.

If the Member/Councillor admits the charge in his written statement and shows no sufficient cause why he should not be removed, the Judicial Officer shall record his findings on each matter embodied in the statement of the charge after hearing him if he makes appearance and send the record to the State Government for passing necessary orders.

**3.**

If the Member/Councillor denies the charges, the Judicial Officer shall take such evidence (oral or documentary) as may be produced in support of and against the charge.

**4.**

The Judicial Officer may if he thinks fit on the application of the Member/Councillor issue summons to witness directing them to appear before him and/or to produce any document.

**5.**

The Judicial Officer may require the Member/Councillor to deposit such amount for witness-expenses as may be considered necessary.

**6.**

The Member/Councillor against whom a charge has been made may be examined at any stage by the Judicial Officer.

**7.**

If the Member/Councillor does not appear either personally or through his advocate, the Judicial Officer may proceed ex parte and after taking such evidence as he may consider necessary, record his findings on each matter embodied in the statement of the charge.

**8.**

The Judicial Officer after completing the enquiry shall send the record along with his findings to the State Government for passing necessary orders.