

M.P. Municipalities (Procedure for Conduct of Business) Rules, 2005

MADHYA PRADESH

India

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Rule

M-P-MUNICIPALITIES-PROCEDURE-FOR-CONDUCT-OF-BUSINESS-R of 2005

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M.P. Municipalities (Procedure for Conduct of Business) Rules, 2005Published vide Notification No. 25-F.1-37-05-18-3, dated 20-7-2005, M.P. Rajpatra (Asafharan) dated 20-7-2005 at pages 680 (8-15)In exercise of the powers conferred by Section 433 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and Sections 355 and 356 Government hereby makes the following rules relating to procedure for the conduct of business of the Municipal Corporations and Municipalities, namely :-

1. Short title and commencement.

(1)These rules may be called the Madhya Pradesh Municipalities (Procedure for Conduct of Business) Rules, 2005.(2)They shall come into force in the Municipal Corporations and Municipal Councils in the State with effect from the date of their publication in the "Madhya Pradesh Gazette":Provided that the State Government may by publication of notification in the Gazette in this regard make these rules applicable for the Nagar Panchayats in the State also.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) for the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961), as the case of may be;(b)"Chief Executive Officer" in relation to Municipal Corporation means the Commissioner and in relation to Municipality/Nagar Panchayat, the Chief Municipal Officer.(c)"Councillor" means the Mayor and Councillors elected under the Madhya

Pradesh Municipal Corporation Act, 1956 and the President and Councillors elected under the Madhya Pradesh Municipalities Act, 1961;(d)"Form" means the forms appended to these rules;(e)"Mayor" means the Mayor elected under clause (a) of sub-section (1) of Section 9 of the Municipal Corporation Act, 1956 (No. 23 of 1956);(f)"Municipality" means the Municipal Corporation constituted under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) of Municipal Council or Nagar Panchayat constituted under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961);(g)["President" means the President of the Municipal Council or Nagar Panchayat;] [Substituted by Notification No. 27-F-1-37-05-XVIII-3, dated 24-9-2005.](h)"Presiding Officer" means the person presiding over the meeting;(i)["Secretary" means in case of Municipal Corporation, the Officer appointed as Secretary by the Commissioner or the Chief Municipal Officer in the case of Municipal Council and Nagar Panchayat.] [Substituted by Notification No. 27-F-1-37-05-XVIII-3, dated 24-9-2005.]

3. Agenda.

- The Agenda to be included in the notice for meeting of the Municipality shall be as under :-
(a)Confirmation of the minutes of previous meeting, if the same was not confirmed in that meeting;
(b)Questions asked by the Councillors and their reply;
(c)Information regarding important correspondence;
(d)Remaining agenda of business which could not be transacted in the previous meeting;
(e)Suggestions and proposals submitted by the committees or the Chief Executive Officer;
(f)Proposals submitted by the Councillors for asking the statement on the matters of public importance :Provided that no business other than that specified in the notice shall be transacted at a special meeting :Provided further that the proposal of asking for the statement on the matters of public importance shall be placed in the general meeting only.

4. Order of items in the Agenda.

- The order of items in the agenda shall be as per Rule 3. However, the order may be changed with the special permission of the Municipality.

5. Intimation of the meeting.

- The Secretary shall send the Notice of the meeting to every Councillor specifying the date, time and place thereof and the agenda of business to be transacted thereat before seven clear days of an ordinary meeting and three clear days of a special meeting. A copy of such notice shall also be displayed at the notice board of the office. The notice of meeting shall be sent in Form A.

6. Right of the Councillors to inspect the Documents relating to the items of Agenda.

- All the documents relating to matter included in the agenda shall be kept ready by the Chief Executive Officer for inspection of the Councillors before two clear days of an ordinary meeting and one clear day of a special meeting and any Councillor may inspect the same during the working

hours before the Officer appointed by the Chief Executive Officer.

7. Attendance Register.

- An attendance register shall be kept in Form 'B' for the purpose of meeting of the Municipality. The name of Mayor/President and all the Councillors attending the meetings shall be entered in the register. This register shall be kept on a table in the meeting Hall before the commencement of the meeting and the Mayor/President and every Councillor shall put his signature therein. The Presiding Officer shall put his signature in the register at the end of the meeting. If the meeting is adjourned due to want of quorum or for any other reason, the Mayor/President and Councillors shall again record their name and put signature in the register at the commencement of such adjourned meeting.

8. Minutes of Proceeding of the Meeting.

- The Minutes of proceedings of every' meeting shall be recorded under the instructions of the Presiding Officer in Hindi in Devanagri Script in accordance with the procedure-prescribed in the Act. The proceedings book shall be in Form "C" appended to these rules.

9. Confirmation of Minutes.

- Generally minutes of proceedings of meeting will be confirmed in the same meeting. However, if minutes could not be confirmed in the same meeting, then it shall be compulsorily put for confirmation in the next meeting.

10. Inspection and Confirmation of Minutes.

- The minutes which was not confirmed, will be available for inspection by Councillors during office hours two days before next meeting. If any Councillor has any objection on any part of it, then it will be put in meeting by Presiding Officer otherwise it will be deemed to have been read and the Presiding Officer shall put his signature as proof of confirmation. The Presiding Officer shall have power to amend clerical errors before signature.

11. Corrections in the Minutes.

- If any Councillor makes any objection on the minutes that it is not clear or is ambiguous, then the Presiding Officer, shall after seeking opinion of Municipality, if necessary, make appropriate amendments in it and after confirming the amended minutes, he will put his signature at the end.

12. Time of Meeting.

- Every meeting will ordinarily be held during office hours and in any circumstances no meeting shall be organised before 10 A.M. and after 6 P.M.

13. Business in the Meeting.

- Every Councillor, while discussing any proposals of any amendment or any question shall address to Presiding Officer by rising from his seat. He will restrict his speech to the immediate question put for discussion in the meeting and will not make irrelevant talk and if the Presiding Officer desires so, shall conclude his speech. If any councillor disobeys instructions of Presiding Officer and causes hindrance in the conduct of business then, such councillor shall be liable for action under Section 19 of the Madhya Pradesh Municipal Corporation Act, 1956 or Section 41 of the Madhya Pradesh Municipalities Act, 1961, as the case may be.

14. Language of Business.

- The language to be used in the meeting shall be Hindi.

15. Intervention by Presiding Officer.

- The Presiding Officer shall have right to intervene at any point of discussion or argument. While addressing the meeting, ordinarily the Presiding Officer will not rise up from his seat but when he rises up from his seat, all councillors will resume their seats

16. Decision on question by majority of votes.

- All questions brought before any meeting of the Municipality shall be decided by a majority of votes of the Councillors present, in accordance with the provisions of the Act and all such issues, for which there is no provision in these rules or in the Act or in any other rules made under the Act, shall be decided by majority of votes of the Councillors present.

17. Asking for information by Councillors.

(1)Any Councillor may address questions to the Presiding Officer regarding the functions and liabilities of Municipality or information relating to functions of any committee under the Act.(2)Councillor seeking to address the question will submit the question in three copies duly signed or having thumb impression at least ten days before of a meeting to the secretary, who will forward it to the Chief Executive Officer for further action.(3)Subject to sub-rule (5) of this rule every Councillor shall be entitled to an oral reply of questions asked by him in the meeting of Municipality or at any subsequent meeting :Provided that if in the opinion of Mayor/President, it is more appropriate to give written reply of a question in place of oral reply, then such question shall be replied in writing.(4)Reply to every question shall be given by Mayor/President or any member of Mayor-in Council/President-in-Council authorised by him :Provided that with the permission of Presiding Officer, the Chief Executive Officer may reply the questions on behalf of the Mayor/President or any member.(5)Any question will be disallowed, if it-(a)does not directly concern with the functions of Municipality;(b)does not concern with the powers of Municipality or any of its committee;(c)relates to any question pending before any court of law;(d)relates to the

character or conduct of any Councillor or any Officer or Servant of the Municipality, other than in his official or of public capacity;(e)is directly or indirectly defamatory or objectionable or which makes or implies a charge against any individual or class of society or is ironical or frivolous in nature;(f)involves the communication of information given to the Mayor/President or any Officer or Servant of the Municipality in confidence;(g)is too lengthy or have been answered previously;(h)relates to disclosure of any confidential information provided to Mayor/President or Officer or Servant of the Municipality;(i)is of individual in nature or relates to complaint of any Councillor, Officer or servant of the Municipality :Provided that the Mayor/President may allow any question in amended form :Provided further that decision of the Mayor/President with regard to acceptance or Non-acceptance of any question shall be final.

18. Procedure relating to questions.

(1)No Councillor shall ask more than two questions in any general meeting.(2)After scrutiny of questions to be asked by the Councillors keeping in view of Rule 17, the questions allowed shall be included in agenda of the first meeting of the Municipality to be held after 10 days of such scrutiny for reply.(3)The order of questions in the agenda will be determined by the Presiding Officer by lot:Provided that a period of maximum one hour shall be fixed for reply of questions in any meeting and for the questions, which are not replied within this period, a written reply shall be kept available for information in the office.(4)The Chief Executive Officer, with prior consultation of the Mayor/President shall send reply of the questions allowed prior to at least one day of the aforesaid meeting. The Presiding Officer shall have right to extend the time limit for answering the questions.(5)Any Councillor seeking more clarifications may ask maximum two supplementary questions.(6)No discussion shall be allowed on reply of any question or supplementary questions and no resolution shall be recorded in this regard.(7)No discussion shall be allowed for tiny question which has been disallowed.(8)The Secretary shall maintain details of questions received in Form-D appended to these rules.(9)If it is found that amendment in reply to any question is essential, then amended reply may be submitted in the next meeting :Provided that no discussion shall be made in respect of the amended reply.

19. Other business in the Meeting.

- Any proposal which relates to or is ancillary' to any matter included in the agenda may be submitted. However, the same shall only be considered, if the consent of two third Councillors present has been obtained.

20. Presiding Officer will decide who will speak.

(1)If more than one Councillors raise their hands to address the meeting, then the Presiding Officer will decide that who will speak first and his decision shall be final.(2)The Councillors will not talk amongst themselves during the meeting.

21. Proposal to be presented for Vote.

- When the Presiding Officer is satisfied that sufficient discussion has taken place on any proposal, then he shall immediately put the proposal for voting without any further discussion or amendment :Provided that if any matter has been discussed for one hour then the Presiding Officer shall put the matter for decision.

22. Statement on subjects of Public importance relating to Municipal Affairs.

(1)Any Councillor may give proposal to the Chief Executive Officer seeking statement of Mayor/President on a matter of urgent public importance relating to Municipal affairs.(2)Any such proposal shall be submitted at least two days prior to general meeting.(3)The Presiding Officer may, after consulting with the Mayor/President, fix the date for making statement.(4)Not more than two proposals relating to statement shall be put in any meeting and in case more than two proposals, are received, then preference will be given to those proposals, which are of greater importance in the opinion of the Mayor/President.(5)No discussion on any statement shall be allowed and no resolution shall be passed in this regard.

23. Special method of taking vote.

- Generally the voting shall take place by raising hands. However in special circumstances, the Presiding Officer may, at his own discretion, take vote through ballot paper and if majority desires so, the vote shall be taken through ballot paper by secret method only.

24. Method of Voting.

- The method of voting shall be in accordance with the procedure prescribed in the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

25. Alteration or Cancellation of Resolution.

- Any resolution of Municipality shall not be altered or cancelled within three months of its passing, but if a minimum two third of the total number of councillors are in favour of reconsideration, then it may be reconsidered at any time.

26. Result of Voting.

- As soon as voting is over. Presiding Officer shall declare result immediately, which shall be duly recorded in minutes book.

27. Presiding Officer to classify the group of items to be presented in the meeting.

- When budget estimate, proposal for re-appropriation of funds. Code of rules or Byelaws, list of land for sale and purchase, list of items for. Write off, list of arrears, accounts of administrative report etc. of the Municipality are put for consideration before any meeting, then the Presiding Officer may classify the group of items in such manner, as it appears to be convenient to him and without any propose or supporter, each classified group shall be continuously proposed for approval. If no objection is raised by any councillor, then the group shall be deemed to have been approved. However if any change is proposed and supported, then it will be assumed that such change is proposed for consideration under the Act and the rules made thereunder, provided that-(a)the Presiding Officer shall have power to put any particular items separately before the meeting or to split them or to rearrange the groups. The procedure to be followed in such cases shall be such, as provided in these rules.(b)If on any proposal in the meeting being taken by the Presiding Officer, the councillors present are of the view that items or groups should not be considered separately, then whole subject will be considered as one proposal.

28. Councillor to inform the Presiding Officer before leaving the meeting.

- A Councillor, who desires to leave a meeting while proceedings are going on, shall, immediately before leaving, make his intention to the Presiding Officer.

29. Admission of Public in meeting.

(1)Any member of public, who intends admission in visitors gallery during any meeting of the Municipality, shall under his own signature, submit an application in the prescribed form atleast before two hours of the meeting, to the officer authorised for this purpose.(2)The Presiding Officer shall grant permission on all such applications. As per the said permission, admission card shall be issued to the applicant under the signature of the Officer Authorised by the Presiding Officer. Admission card shall bear name and address of the applicant with time and date.(3)No person other than the persons who have been granted permission, shall be admitted in meeting hall during the meeting.(4)The person holding the admission card shall sit in the prescribed place and maintain decency in this conduct and obey the orders of the Presiding Officer immediately.(5)The Presiding Officer may reserve the seats in the meeting hall or the visitors gallery for the correspondents of the newspapers or for the women. These persons also shall get admission in the meeting hall after obtaining admission card as per the procedure prescribed.(6)No person shall, in or outside the meeting hall, make noise or behave in a manner which may create disturbance during the meeting. Any such person creating disturbance may, under the orders of the Presiding Officer be removed from the meeting hall or out of the Municipal premises.

30. Repeal and Saving.

- All rules, orders or circulars, corresponding to these rules and in force immediately before the commencement of these rules, are hereby repealed in respect of matters covered by these rules :Provided that anything done, or any action taken under the rules, orders or circulars so repealed, shall, unless such thing or action is inconsistent with the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

Form A[See Rule 5]Notice of meetingOffice of the Municipal Corporation/Municipality/Nagar Panchayat..... DistrictTo,Shri.....Councillor, Ward number.....Address.....It is hereby informed that the General/Special meeting of Municipal Corporation/Municipal Council/Nagar Panchayat has been organised on.....(date) at.....A.M./P.M. at.....Agenda of Business of the meeting is enclosed in Annexure.Please attend the meetingCommissioner/Chief Municipal OfficerSeal.....Annexure[See Form A]List of the subjects included for consideration in the meeting of Corporation/Council fixed on.....at.....(Time)

S.No. Subject

- 1
- 2
- 3
- 4
- 5
- 6

2. A short note on the agenda items included in the meeting is enclosed.

.....SignatureForm B[See Rule 7]Attendance RegisterDate of Meeting.....

S.No. Name of the Councillor Signature or Thumb Impression

(1) (2) (3)

- 1.
- 2.
- 3.
- 4.
- 5.

Signature..... Signature.....

Designation..... Presiding Officer.....

Form C[See Rule 8]Proceedings Book of Municipal Corporation/Municipal Council/Nagar PanchayatMinutes Dated.....Time.....Place.....

1. Mayor/President, Shri.....
2. Councillor, Shri.....
- 3.

- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

(Enter the Serial No. as per the number of Councillors)

Date of Meeting..... Time..... Presiding Officer.....

Agenda Item No.	Short description of the proposal	Resolution passed	In case the decision is not unanimous, the names of the Councillors, who voted	Mode of voting	
in favour of decision	against the decision	did not vote			
(1)	(2)	(3)	(4)	(5)	(6) (7)

Form D Register of Questions [See Rule 18] Date of Meeting.....

S.No. of question	Contents of the question	Name of the Councillor who tabled the question	Whether allowed or disallowed	Reply given	If reply given, by whom given
(1)	(2)	(3)	(4)	(5)	(6)

Signature..... Chief
Executive Officer/Officer-in-charge

Signature..... Presiding Officer