

The Bihar Municipal No Confidence Motion Process Rules, 2010

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Rule

THE-BIHAR-MUNICIPAL-NO-CONFIDENCE-MOTION-PROCESS-RULES of 2010

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The Bihar Municipal No Confidence Motion Process Rules, 2010 Published vide Notification No. 4(N) vidhi-6/2009-3185/U.D. & H.D., dated 7th June, 2010, Bihar Gazette (Extraordinary) No. 359, dated 10 June, 2010 Notification No. 4(N) vidhi-6/2009-3185/U.D. & H.D. - In Exercise of powers conferred by Section 25(4) and 419 of the Bihar Municipal Act, 2007. Governor of Bihar is pleased to make the following Rules, the draft of which is previously published, for deciding the process and conduct of the No Confidence Motion to be brought against Chief Councillor/Deputy Chief Councillor of the Urban Local Self Bodies.

1. Short name, extent and commencement.

(1) These Rules may be called the Bihar Municipal No Confidence Motion Process Rules, 2010. (2) This shall extend to the whole State of Bihar. (3) This shall come into force at once.

2.

No Confidence Motion brought under Section 25 (4) of the Bihar Municipal Act, 2007 against the Chief Councillor/Deputy Chief Councillor shall be considered and disposed of as per the following process:-(i) To remove the Chief Councillor/the Deputy Chief Councillor, a special meeting of the elected Councillors shall be called for. Such special meeting shall be requisitioned and signed by not less than one third of the total numbers of the elected Councillors which shall be given to the Chief Councillor. Notice shall be issued by the Chief Councillor for the special meeting of the Urban Local Body within seven days from receipt of requisition and the meeting shall be convened within fifteen days of the date of issuance of the notice. (ii) The Special Meeting shall be presided by the Chief Councillor, if the No Confidence motion is against the Deputy Chief Councillor and shall be presided

by the Deputy Chief Councillor, if the No Confidence motion is against the Chief Councillor and if it is against both the Chief Councillor and the Deputy Chief Councillor, the meeting shall be presided by the Councillor elected for the purpose by the Councillors in the meeting. In case of post of Deputy Chief Councillor being vacant or in his absence from the meeting convened for discussion oh No Confidence Motion against the Chief Councillor or the post of the Chief Councillor being vacant or in his absence from the meeting convened for discussion against the Deputy Chief Councillor, the meeting shall be presided over by the member elected for the purpose in the meeting by the Councillors.(iii)In case the notice not being issued by the Chief Councillor within the stipulated date or not convening the meeting within stipulated time, the special meeting shall be called by as per the provision of Section 48(3) of the Municipal Act, 2007 and the notice for it shall be issued by the Chief Municipal Officer.(iv)The notice issued for considering no confidence motion against the Chief Councillor/Deputy Chief Councillor shall clearly contain the reasons/allegations on which the No Confidence Motion is to be brought.(v)As soon as the meeting, called for, commences, the presiding member at the meeting shall read out the motion on which the meeting has been called, before the members present and declare it open for discussion. During discussion, opportunity shall be given to the Chief Councillor/Deputy Chief Councillor against whom no confidence motion is moved, to defend himself. The motion shall be put to vote by the presiding member by secret ballot on the same day after discussion and after counting result shall be declared.(vi)Quorum for the meeting shall be as per the provision of Section 50 of the Bihar Municipal Act, 2007.(vii)In the event of both the posts, Chief Councillor and Deputy Chief Councillor falling vacant as a sequel to the passage of the No Confidence Motion, till the new Chief Councillor and Deputy Chief Councillor are elected, all the powers and duties which, under the provisions of the Act or the Rules or the regulations made thereunder or any other law for the time being in force, are to be exercised or performed by the Chief Councillor, shall be exercised or performed by the Chief Municipal Officer of the Municipality.(viii)On completion of the process, the Chief Municipal Officer shall submit a written report to the State Election Commission.(ix)Where the posts of Chief Councillor/Deputy Chief Councillor fall vacant as a consequence of no confidence motion, the process of electing new Chief Councillor or Deputy Chief Councillor shall be completed within 30 days of report to the State Election Commission.