

# **The M.P. Panchayat (Gram Panchayat Ke Sarpanch Tatha UP-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Viruddh Avishwas Prastav) Niyam, 1994**

MADHYA PRADESH

India

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### **Rule**

### **THE-M-P-PANCHAYAT-GRAM-PANCHAYAT-KE-SARPANCH-TATHA-U of 1994**

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The M.P. Panchayat (Gram Panchayat Ke Sarpanch Tatha UP-Sarpanch, Janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Viruddh Avishwas Prastav) Niyam, 1994 Published vide Notification No. B-1-4-95-P-2-22, dated 9-1-1995, M.P. Rajpatra (Asadharan), dated 10-1-1995 at pp. 24 (3-5) In exercise of the powers conferred by sub-section (1) of Section 95 read with sub-section (2) of Section 21, sub-section (2) of Section 28 and sub-section (2) of Section 35 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely :-

### **1. Short title.**

- These rules may be called the Madhya Pradesh Panchayat (Gram Panchayat Ke Sarpanch Tatha Up-Sarpanch, janpad Panchayat Tatha Zila Panchayat Ke President Tatha Vice-President Ke Viruddh Avishwas Prastav) Niyam, 1994.

## **2. Definitions.**

- In these rules, unless the context otherwise requires, -(a)"Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);(b)"Chief Executive Officer" means the Chief Executive Officer of Janpad Panchayat or Zila Panchayat;(c)"Secretary" means the Secretary of the Gram Panchayat;(d)"Section" means the Section of the Act.

## **3. Notice.**

- [(1) Elected members of Gram Panchayat, Janpad Panchayat or Zila Panchayat desiring to move a motion of no confidence against the Sarpanch or Up-Sarpanch of a Gram Panchayat or President or Vice-President of Janpad or Zila Panchayat, as the case may be, shall give a notice thereof to the prescribed authority in the form appended to these rules :Provided that such notice shall be signed by not less than one-third of the total number of elected members of the concerned Panchayat :Provided further that where the elected members desire to move the motion of no confidence against both the Sarpanch and Up-Sarpanch, President and Vice-President of Janpad Panchayat or Zila Panchayat, as the case may be, they shall give separate notice.] [Substituted by Notification No. B-1-4-95-XXII-P-2, dated 23-12-1995](2)The prescribed authority, on receiving the notice under sub-rule (1) shall sign thereon a certificate stating the date on which hour and at which the notice has been given to him and shall acknowledge its receipt.(3)On receiving the notice under sub-rule (1), the prescribed authority shall satisfy himself about the admissibility of the notice with reference to Sections 21 (3), 28 (3) and 35 (3), as the case may be. On being thus satisfied, he shall fix the date, lime and place for the meeting of the Gram Panchayat, Janpad Panchayat or Zila Panchayat, as the case may be, which shall not be more than fifteen days from the dale of receipt of the said notice. The notice of such meeting specifying the date, time and place thereof shall be caused to be despatched by him through the Secretary of the Gram Panchayat or Chief Executive Officer of the Janpad or Zila Panchayat, as the case may be, to every member of the Panchayat concerned seven days before the meeting.

## **4. Appointment of Presiding Officer.**

- The Prescribed Authority shall appoint an officer of the Government under sub-section (2) of Section 21, sub-section (2) of Section 28, or sub section (2) of Section 35 to preside over the meeting of the Gram Panchayat, Janpad Panchayat or Zila Panchayat, as the case may he. For the purpose of considering the no confidence motion against Sarpanch or Up-Sarpanch, a Revenue Officer not below the rank ol Naib Tehsildar, against President or Vice-President of Janpad Panchayat [Officer not below the rank of Deputy Collector] [Substituted Notification No. B-1-4-95-XXII-P-2, dated 23-12-1995.] and against President or Vice-President of Zila Panchayat the Collector or Additional Collector shall be appointed to preside over such meeting and the prescribed authority shall inform the Secretary of the Gram Panchayat or Chief Executive Officer of Janpad Panchayat or Zila Panchayat as the case may be, and the Collector of the district about such appointment at least 3 days before the date fixed for the meeting.

## **5. Conduct of meeting.**

(1)The Presiding Officer shall record the attendance of the members of the Panchayat present at the meeting.(2)[ x x x] [Omitted Notification No. B-1-4-95-XXII-P-2, dated 23-12-1995.](3)[ The Presiding Officer shall ask any of the signatories to the notice to move the motion.] [Substituted by Notification No. B-1-4-95-XXII-P-2, dated 23-12-1995](4)After the motion is moved the mover shall first speak on the motion and thereafter other members may, if they so desire, speak on the motion.(5)On the conclusion of the debate on the motion, the Presiding Officer shall call the members present in the meeting one by one and shall give them ballot paper duly signed by him to indicate its authenticity, to cast his vote for or against the motion. The member who wants to vote in favour of the motion shall affix the symbol (V) and the member who wants to vote against the motion shall affix the symbol 'X'. After the member has recorded his vote, he shall fold the ballot paper to maintain secrecy and put it in the ballot box kept on the table of the Presiding Officer.(6)After the voting is over, the Presiding Officer shall take out the ballot papers from the ballot box sort out the votes for and against the motion. If the number of votes in favour of the motion fulfils the requirement of sub-section (1) of Section 21, sub-section (1) of Section 28 or sub-section (1) of Section 35, as the case may be, the Presiding Officer shall declare that the motion of no confidence is passed. [x x x] [Omitted by Notification No. B-1-4-95-XXII-P-2, dated 23-12-1995].

## **6. Minutes of the Proceedings.**

- Minutes of the proceedings of the meeting called under Rule 4 shall be drawn up by the Presiding Officer and recorded in the minute book kept in the Panchayat for recording the proceedings of its meetings and sign it.

## **7. Safe keeping of Records.**

(1)The Presiding Officer shall keep in safe custody the ballot papers referred to in sub-rule (5) of Rule 5, in his office duly sealed along with a copy of the minutes of the proceedings for period of one year.(2)The minutes of proceeding recorded under sub-rule (1) shall include,-(i)name of the office bearers present;(ii)the decision of the meeting on the motion of no-confidence;and(iii)when such decision is not unanimous the number of votes for and against such motion and the number of those who have remained neutral.

## **8. Decision to be communicated to the Prescribed Authority and the Collector.**

- When the Panchayat takes a decision on any motion of no-confidence, the Presiding Officer shall communicate forthwith a copy of the proceeding drawn under Rule 6 to the prescribed authority and the Collector.

## 9. Repeal.

- All previous rules on the subject shall stand repealed from the date of final publication of these rules in the "Madhya Pradesh Gazette".Form[See sub-rule (1) of Rule 3]Notice of No-ConfidenceTo,The Prescribed Authority.....I/We intend to move a motion of no-confidence against \*Sarpanch/Up-Sarpanch of Gram Panchayat.....  
\*President/Vice-President of Janpad Panchayat..... \*Presidont/Vice-President of Zila Panchayat.....The grounds of no-confidence motion are as under :-

1.

.....

2.

.....

3.

.....Place.....Date.....Signature\*Strike out  
which is not applicable.