

# The Rajasthan Municipalities (Conduct of Business) Rules, 1974

RAJASTHAN

India

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### Rule

### THE-RAJASTHAN-MUNICIPALITIES-CONDUCT-OF-BUSINESS-RULES of 1974

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The Rajasthan Municipalities (Conduct of Business) Rules, 1974 Published vide Notification No. F3(2)(10) LSG/74, GSR 74, dated 14-8-1974, published in Rajasthan Rajpatra, Part 4-C(1), dated 12-9-1974, Page No. 208-214 In exercise of the powers conferred by sub-section (1) of section 297 read with section 70 of the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the State Government hereby makes the following rules, namely :-

#### 1. Short title and commencement.

(1) These Rules shall be called the Rajasthan Municipalities (Conduct of Business) Rules, 1974. (2) These Rules shall come into force after one month from the date of their publication in the Official Gazette.

#### 2. [ Definitions. [Substituted by Rajasthan Gazette Part IV-C, dated 20-10-1983 page 133.]

(1) In these rules, unless the context otherwise requires- (a) "Act" means the Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959); (b) "Board" includes the Municipal Council; (c) [ "Executive Officer" includes Commissioner of Municipal Council or Corporation who holds post of Commissioner (Headquarter) or any other Commissioner to whom such powers have been delegated by Board for the purpose of these rules]; (d) "Meeting" means a meeting of a Board; and (e) "Motion" means a proposal made by a member for the consideration of a Board and includes a resolution and an amendment to a motion. (2) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.]

**3. [ Meeting of a Board. [Substituted by Notification No. F.8 (G) (Rules) LSG/99/6361 dated 16-7-1999, Rajasthan Gazette Part IV-C, Extra-ordinary, dated 26-7-1999, page No. 91.]**

- There shall be an ordinary general meeting of the board once a month.]

**4. Notice of meeting.**

(1)No [ordinary general] [Inserted by Notification No. F.8 (G) (Rules) LSG/99/6361 dated 16-7-1999, Rajasthan Gazette Part IV-C, Extra-ordinary, dated 26-7-1999, page No. 91.] meeting shall be held unless notice of the place, date and time of the business to be transacted there at is given at least six clear days before the date of the meeting.Explanation. - The meetings of a Board shall ordinarily be held at the office of the Board.(2)In case of urgency the Chairman may convene a meeting by giving shorter notice than that specified in sub-rule (1) but in no case the period of notice shall be less than 48 hours.(3)The notice shall be signed and sent by the Executive Officer by post or by such other mode as the Executive Officer may consider expedient to every member of the Board at his ordinary place of residence.

**5. Agenda for a meeting.**

- The agenda for a meeting shall be prepared by the Executive Officer the Executive Officer may include in the agenda any subject which is his opinion should be considered by the Board and shall include therein and subject specified by the Chairman.(2)Resolutions by the members shall also be included in the agenda provided that the Chairman may disallow any resolution which in his opinion, contravenes the provisions of the Act or the Rules made thereunder and his decision shall be final.

**6. Special meeting of Board.**

- The Chairman shall call for a [Special meeting for a date not more than six days from the date of receiving a request] [Substituted by Rajasthan Gazette Part IV-C, dated 29-5-1975 page 159.] in writing signed by not less than one third of the whole number of the members of the Board specifying the resolution which is Proposed to be moved.[Provided that if the Chairman fails to call a special general meeting within the time specified under this rule, the Vice- Chairman or one third of the whole number of members may call such a meeting by a notice issue by the Executive Officer under his signature for a day not more than thirty days after the presentation of such request.] [Substituted by Rajasthan Gazette Part IV-C, dated 29-5-1975 page 159.]

**7. Chairman/Vice Chairman to preside over the meetings.**

- Every meeting shall be presided over by the Chairman and in his absence by the Vice-Chairman and in the absence of both the Chairman and Vice-Chairman by a member chosen by the members present at the meeting.

## **8. Meetings open to public.**

- All the meetings of the Board shall be open to the public, provided the presiding member may, in any particular case direct that the public generally or any particular persons shall withdraw.

## **9. Quorum for meeting.**

- No business shall be transacted at a meeting unless there be present at least one third of the whole number of members of the Board.

## **10. [ Adjournment of a meeting for want of quorum. [Substituted by Rajasthan Gazette Part IV-C, dated 20-10-1983 page 133.]**

- If within an hour after the time appointed for a meeting [there is no quorum the meeting shall stand adjourned unless all the members present agree to wait longer] .]

## **11. The decision of a question by majority of vote.**

- All questions which may come before the Board at any meeting shall be decided by a majority of the members present and voting at the meeting and in case of equality of votes, the presiding member shall have and exercise a second or casting vote.

## **12. The mode of putting the question to vote.**

- When a question is put to vote, the presiding member shall call to raise their hands and he shall count the hands so raised for or against and declare the result which shall be recorded in the proceeding, showing as well the names of members voting for or against.

## **13. Limitations on modification or cancellation of decisions within three months of their taking.**

- No decision of a board shall be modified or cancelled within three months after taking thereof except by a meeting specifically convened in that behalf and by a resolution of the Board supported by not less than two-third of whole number of members of the Board.

## **14. [ Minutes of the proceedings of the meeting to be in Hindi and submission of their copies. [Substituted by Rajasthan Gazette Part IV-C, dated 20-10-1983 page 133.]**

(1)The proceedings of a Board shall be in Hindi. Minutes of the proceedings at every meeting shall be recorded within 24 hours by the Executive Officer in his own hand and under his signature and the signature of the presiding authority in a book to be kept for purpose. These minutes shall be read

over at the next meeting and when confirmed shall be signed by the presiding member. In recording the minutes the names of the members present shall be mentioned in the beginning.(2)[ The Executive Officer shall forward a copy of the proceedings of such meeting of the board to the State Government, the District Collector, the Sub-Divisional Officer concerned and members within 7 days of such meeting.](3)It shall be the duty of the Executive Officer to record in the proceedings the fact that he had tendered advice to the Board bringing out the provisions of the Act or the rules in force and the Board had taken a decision to the contrary in the matter.]

**15. [ Certain restrictions on speaking. [Amended by Rajasthan Gazette Part IV-C, dated 20-10-1983 page 133.]**

(1)A member while speaking shall not:-(i)comment in any matter on which a judicial decision is pending;(ii)make a personal charge against a member;(iii)use offensive expressions about the conduct of proceedings of Parliament, or of the Legislature of any State, or any other Board;(iv)utter defamatory words; and(v)use his right of speech for the purpose of obstructing the business of the Board.(2)No members may speak more than once on a motion except the mover who has the right to reply.]

**16. [ Duration of speeches. [Amended by Rajasthan Gazette Part IV-C, dated 20-10-1983 page 133.]**

- The presiding member shall regulate the duration of speeches in his own discretion.]

**17. [ Procedure when a member has a pecuniary interest in the subject under consideration of a meeting. [Amended by Rajasthan Gazette Part IV-C, dated 20-10-1983 page 133.]**

(1)No member shall vote on or take part in the discussion on any subject coming up for consideration at a meeting of the Board, if the subject is one, in which, apart from its general application, to the Public he has any direct or indirect pecuniary interest by himself or as partner.(2)The presiding member may after recording in writing prohibit any member from voting on or taking part in the discussion of any subject in which he believes such member to have such pecuniary interest or he may require such member to absent himself discussion.(3)Such member may challenge the decision of the presiding members who shall thereupon put the question to the Board and the decision of the Board shall be final.(4)If the presiding member is believed by any member present at the meeting to have any such pecuniary interest in any subject under discussion the presiding member may if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.(5)The member concerned shall not be entitled to vote on the question referred to in sub-rule (3) and the presiding member shall not be entitled to vote on the motion referred to in sub- rule (4).]

## **18. Order of the day.**

- A list of business for the day shall be prepared by the "Executive Officer in consultation with the Chairman.

## **19. [ Business to be transacted in a meeting. [Amended by Rajasthan Gazette Part IV-C, dated 20-10-1983 page 133.]**

(1) Any matter not included in the list of business for the day, shall not be transacted in any meeting, without the permission of the presiding authority]. (2) [ If the presiding authority considers that a motion not specified or business nor stated in the agenda is so urgent in public interest that the transaction at a meeting is necessary, he may with the consent of the three fourth of the members present at the meeting, place such a motion or business for consideration and decision of the Board at that meeting] [Substituted by Rajasthan Gazette Part IV-C, dated 29-5-1975 page 159.].

## **20. Withdrawal of a member.**

- The presiding member may direct any member, whose conduct, is, in his opinion, grossly disorderly, to withdraw immediately from the meeting and any member so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's sitting.

## **21. Suspension of a sitting.**

- The presiding member may, in case of grave disorder arising in the meeting of the Board suspend any sitting for a time to be named by him.

## **22. Maintenance of order.**

- The presiding member shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions.

## **23. Custody of the proceedings and records of the Board.**

- The Executive Officer shall have the custody of the proceedings and records of the Board.

## **24. Member's right to obtain information and of access to the records.**

- A member shall have the right to obtain information on any matter pertaining to the administration and of access to the records of the Board during office hours after giving due notice to the Executive Officer, provided that the Executive Officer may with the approval of the Chairman and for reason to be recorded in writing, refuse to give any particular information or access to any particular records.