

Orissa Municipal Corporation (Procedure and Conduct of Business) Rules, 2003

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Rule

ORISSA-MUNICIPAL-CORPORATION-PROCEDURE-AND-CONDUCT-O of 2003

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Orissa Municipal Corporation (Procedure and Conduct of Business) Rules, 2003Published vide Notification S.R.O. No. 586/2003, Orissa Gazette Extraordinary No. 1554 dated 17.10.2003S.R.O.No. 586/2003. - Whereas the draft of the Orissa Municipal Corporation (Procedure and Conduct of Business) Pules, 2003 was published as required by Sub-section (1) of Section 656 of the Orissa Municipal Corporation Act, 2003 (Orissa Act 11 of 2003) in extraordinary issue No. 1385 of the Orissa Gazette, dated the 9th September, 2003 under the notification of the Government of Orissa in Housing & Urban Development Department No. 40997-Legislative-1-38/2003, dated the 9th September 2003 as S.R.O. No. 491/2003, inviting objections and suggestions from all persons likely to be affected within a period of fifteen days from the date of publication of the said notification;And whereas no objection or suggestion has been received from any person within the period specified in respect of the said draft by the State Government.Now therefore, in exercise of the powers conferred by Sub-section (1) of Section 656 of the said Act, the State Government do hereby make the following rules, namely
:Chapter-1Preliminary

1. Short title and commencement.

(1)These rules may be called the Orissa Municipal Corporation (Procedure and Conduct of Business) Rules, 2003.(2)They shall come into force on the date of their publication in the Orissa Gazette.

2. Definitions.

(1) In these rules, unless there is anything repugnant in the subject or context, - (a) "Act" means the Orissa Municipal Corporation Act, 2003 (Orissa Act 11 of 2003); (b) "Commissioner" means Commissioner of the Municipal Corporation; (c) "Corporation" means Municipal Corporation constituted under Section 3 of the Act; (d) "Council" means Municipal Council constituted under the provisions of Orissa Municipal Act, 1950; (e) "Government" means the State Government of Orissa; (f) "Ordinary meeting" means a meeting of the Corporations held under Sub-section (1) of Section 113 of the Act; (g) "President" means the Mayor, Deputy Mayor or any member presiding over the meeting of the Corporation; (h) "Section" means a section of the Act; (i) "Special meeting" means a meeting convened under Sub-section (2) of Section 14, Sub-section (1) of Section 20 and includes any other meeting held for the transaction of any particular business; and (j) "Schedule" means a Schedule appended to these rules; (2) Words and expressions used, but not herein defined shall have the same meaning as respectively assigned to them in the Act.

Chapter-II Conduct of business of the Corporation

3. First Meeting of the Corporation.

(1) The first meeting of the Corporation after the general election shall be convened under Sub-section (8) of Section 14 by the Director, Municipal Administration, not later than 30 days from the date of publication of the results of the election to the Corporation. (2) Every Corporator before taking his seat, shall make and subscribe at the first meeting an oath or affirmation under Sub-section (1) of Section 72.

4. Election of Mayor.

(1) The Corporator of the Corporation shall at the first meeting of the Corporation elect a Mayor from among themselves under Clause (a) of Sub-section (2) of Section 14. (2) The procedure of election of Mayor under Sub-rule (1) shall be as prescribed in Chapter VIII of the Orissa Municipal Corporation (Division of City into wards, Reservation of Seats and Conduct of Election) Rule, 2003.

5. Meeting of the Corporation.

(1) Meetings of the Corporation may be - (a) Ordinary meetings; or (b) Extraordinary meetings. (2) A meeting of the Corporation shall be deemed to have been duly when - (a) The meeting is duly convened; (b) There is necessary quorum; (c) The meeting is held at a place within the Corporation area or any place as may be decided by the Corporation; (d) The meeting is presided over by a person authorised under the Act and these rules; and (e) The proceedings of the meeting are duly recorded.

6. Ordinary meeting.

(1) The Corporators shall meet in the Corporation Office for transaction of business at least once in every month upon such day and such hours as may be arranged and a meeting may be convened by

the Mayor at any time if considered necessary.(2)No meeting shall be held unless, notice of the day, hour of the meeting and of the business to be transacted there at has been given to the members before six clear days of such meeting.(3)A list of business to be transacted at every meeting of the Corporation except at an adjourned meeting and the proceedings of the last meeting shall be sent to each member of the Corporation in their registered address and no business shall be brought before, or transacted at, any meeting other than the business of which notice has been so given :Provided that any member of the Corporation may send or deliver to the Secretary notice of any resolution so as to reach him atleast forty-eight hours before the time fixed for the meeting and the Secretary shall, with all possible means take steps to circulate such resolution to every member of the Corporation in such manner as he may think fit.(4)The Mayor shall place before the Corporation a statement of receipts and disbursements on account of the Corporation fund from the close of the last preceding year upto the close of the preceding month in which the meeting takes place at an ordinary meeting held in each of the months of April, June, August, October, December and February.(5)Corporator who desires to move a motion shall give notice along with a copy of the motion in writing to the Mayor ten days before the day fixed for the next meeting.(6)The Mayor shall decide as to whether the motion is in order, and if so, direct that-(i)Every such motion received in time to be included in the list of business for the next meeting; and(ii)Every such motion received after the schedule time to be included in the list of business for the next succeeding meeting.(7)If the Mayor decides that a motion is not in order, he shall make such alterations as deemed necessary. The decision of the Mayor shall be final.

7. Extraordinary meeting.

(1)In an extraordinary meeting, no matter, other than the one for which the meeting has been convened, shall be discussed. Such meeting may be-(a)An emergent meeting; or(b)A special meeting.(2)In case of urgency, the Mayor, may convene an emergent meeting after giving to the members shorter notice than that specified in Rule 6. In such case notice of the date and time of the meeting shall be published in such manner, as the Mayor may deem most expedient.(3)(a)The Mayor shall call a special meeting on receiving a request in writing signed by not less than one-third of the members specifying the resolution, which is proposed to be moved.(b)No special meeting shall be held unless atleast four clear days' notice, specifying the date, time and purpose of the meeting has been given to each member.

8. Commissioner to convene meeting.

- If the office of the Mayor and Deputy Mayor are vacant, the duties assigned to the Mayor under Rules 6 and 7 shall be performed by the Commissioner.

9. Meeting to be ordinarily open to the public.

- All meetings of the Corporation shall be open to the public :Provided that the Mayor, Deputy Mayor or Presiding Member may direct that the public generally or any particular person shall withdraw from the meeting.

10. Order of Business in meeting.

(1)At ordinary meeting the proceedings of the previous meeting shall be confirmed with or without modification and the business shall be conducted in the following order, namely : (a) Questions shall be asked and replies given thereto as provided under Rule 11; (b) Business not taken up in the last ordinary meeting shall be considered; (c) A progress report of the works shall be laid before the Corporators; (d) Letters and reports of committees shall be read and accounts and statements shall be considered and passed; (e) Motions included in the list of business for the meeting shall be discussed. (2) At a special meeting only the business for which the meeting is called, shall be considered : Provided that the Corporators present may give their consent for any other business to be considered.

11. Question.

(1) Any Corporator who desires to ask a question in a meeting shall give 3 clear day notice to the Mayor before the meeting and shall ask a question or questions relating to the affairs of the Corporation. No debate shall be allowed on any question. When he thinks it admissible to do so, the Mayor shall have the answer to such question laid before the meeting. (2) In order that a question may be admissible, it must satisfy the following conditions, namely : (a) If it contains a statement by the Corporator himself, he shall make himself responsible for the accuracy of the statement based on authentic records; (b) It shall not contain argument, inferences, ironical expression or defamatory statements; (c) It shall not ask for an expression of opinion or the solution of a hypothetical proposition; (d) It may not be asked as to the character or conduct of any person except in his official or public capacity; (e) It shall not be of excessive length; (f) It shall be brief and specific; (g) It shall not seek information set forth in documents easily accessible to Corporators; (h) It shall not suggest action; (i) It shall not ask for any interpretation of law; (j) It shall not relate to a matter which is subjudice; and (k) It shall not ordinarily raise a matter in which the interest of a particular individual is involved. (3) The Mayor may disallow any question, which does not conform to Sub-rule (2). (4) Any Corporator may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given : Provided that the President of the meeting may disallow any supplementary question, if in his opinion it violates the provisions of Sub-rule (2). (5) The question, which has been disallowed by the Mayor and the answer, if any given to it, shall be entered in the minutes of the proceedings of the meeting.

12. Motions and amendments.

(1) After a motion has been duly moved and seconded by a Corporator an amendment may be moved at any stage of the debate thereon. (2) Every amendment shall be so worded as to be capable of making an intelligible sentence either alone or in its proper place in an original motion, as the case may be. (3) An amendment shall not be moved which has merely the affect of a negative vote. (4) A motion or amendment duly moved and seconded shall not be withdrawn without the consent of the majority of the Corporators present at the meeting. (5) The President of the meeting may for reasons to be recorded in writing in the minutes of the proceedings- (i) Decide that an amendment is not in order; and (ii) Make such alternations to an amendment as may in his opinion, render it to be in

order, and may refuse to put the amendment in the meeting unless and until the proposer and seconder accept and sign the alterations made.(6)The decision of the President of the meeting shall be final.(7)When a motion or an amendment thereto has been moved by the President and duly passed, no further motions for amending the original motion or amendment thereto shall be entertained.(8)On the discussion being concluded, in the event of several amendments having been proposed, the President of the meeting shall put the amendments to the vote in the order, which he considers most convenient.(9)Votes shall be taken by raising of hands or pressing of the buttons.(10)Every motion or amendment thereto duly moved and seconded and pressed to a division, shall be recorded in full in the proceedings, together with the number and names of voters for and against the same.(11)Every motion or amendment thereto duly moved shall be seconded and if not seconded immediately after being moved no debate shall take place thereon nor shall it be put to the meeting and no entry thereof shall be made in the minutes.(12)When motion or amendment is put to the vote, the President of the meeting shall record against it, first the names of members voting for it and then the names of those voting against it.(13)Voting by proxy is prohibited and no Corporator may cast his vote on any motion or amendment unless he is present in person at the time when it is put to the vote.

13. The Right to speak.

(1)The President of the meeting may require Corporators to stand when they address the meeting.(2)The Corporator who first rises to address the meeting shall be entitled to be heard first and in case more than one Corporator rise to address the meeting at the same time, the President of the meeting shall decide the order in which such Corporators shall speak.(3)Any Corporator shall be at liberty to call the attention of the President of the meeting to a point of order even when a member is speaking. On a point of order being raised the member addressing the meeting shall resume his seat until the question has been decided by the President. No discussion shall be allowed on a point of order. After the decision of the President the same point of order cannot be raised again. Except as provided under this rule no Corporator shall interrupt a speaker participating in the meeting.(4)Except as provided under Sub-rules (2) and (3), no Corporator shall speak more than once on any motion or amendment except with the permission of the President of the meeting for the purpose of making a personal explanation, but in that case he shall not be entitled to bring forward any debatable matter.(5)A Corporator who has spoken on a motion may speak again on any amendment thereof moved afterwards.(6)The mover of a motion or amendment shall in all cases have a right of reply.

14. Adjournment.

(1)Any Corporator may move the adjournment of the debate or of the meeting in a speech not exceeding five minutes in duration.(2)When a motion for the adjournment of the meeting or of a debate is made, it shall be seconded without a speech, and put by the President of the meeting to the vote without debate or amendment.(3)No motion for the adjournment of the meeting or of a debate shall be admissible which proposes an adjournment beyond the next ordinary meeting.

15. Adjourned meeting.

(1) No business shall be transacted at an adjourned meeting except the business contemplated at the original meeting. (2) An adjourned meeting being a continuation of the original meeting does not require any fresh notice.

16. Modification of resolution.

- No resolution of the corporation shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the corporation supported by not less than two thirds of the total number of members present and voting.

17. Minutes of the proceedings.

(1) Minutes of the Proceedings of the corporation shall be entered in Oriya and in English in a book to be called the minute book specifying the names of the Corporators who attended the meeting, the business transacted, the decision of the Corporation in respect of each item of business, the date of the meeting and the time of commencement and closing of the meeting and shall be signed by the Presiding Officer after each meeting. The minutes shall be written by the Secretary. (2) The minute book shall be open at the corporation office at all reasonable times to the inspection of any Corporator without payment and to the inspection of any other person on payment of a fee of rupees fifty and subject to such conditions as the corporation may impose. (3) The Commissioner may grant copies of the proceedings of the Corporation and the Standing Committees on payment of a fee as the corporation may by general or special order determination.

18. Forwarding of minutes and reports of proceedings to State Government.

- The Secretary of the Corporation shall forward to the State Government a copy of the minutes of the proceedings of each meeting of the Corporation and the Committees of the Corporation within a period of ten days from the date on which the minutes/proceedings of such meeting are signed. (2) The State Government may in any case call for a copy or copies of any or all the papers laid before the Corporation or any Committee of the Corporation and thereupon the Secretary of the Corporation shall forward to the State Government a copy or copies of such paper or papers. (3) The Secretary of the Corporation shall forward to the State Government, as soon as may be after the expiry of the period referred to in Sub-rule (1), a copy of the proceedings of the meeting of the Corporation and a Committee of the Corporation.

19. Rules to be observed by members while present in the meeting.

- During a meeting of the Corporation, a member shall-(i) Not read any book, newspaper or letter except in connection with the business of the Corporation; (ii) Not interrupt any member while speaking by disorderly expression or noise or in any other disorderly manner; (iii) Not leave the

meeting when the Presiding Officer is addressing the meeting;(iv)Always address the presiding member of the meeting;(v)Maintain silence when not speaking in the meeting; and(vi)Not obstruct proceeding, hiss or interrupt and shall avoid making running commentaries when speeches are being made in the meeting.

20. Rules to be observed while speaking.

(1)The matter of every speech shall be strictly relevant to the matter before the Corporation.(2)A Corporator while speaking shall not-(i)Refer to any matter on which a judicial decision is pending;(ii)Make a personal charge against a Corporator;(iii)Use offensive expressions regarding the conduct or proceedings of Members of Parliament or any State Legislature;(iv)Reflect upon the conduct of the President or any Governor or any Court of law in the exercise of the judicial functions;(v)utter reasonable seditious or defamatory words; and(vi)use his right of speech for the purpose of wilfully and persistently obstructing the business of the Corporation.Chapter-III
Standing Committees

21. Standing Committee.

(1)The election of any member or members of a Standing Committee of a Corporation shall be held in the office of the Corporation at the 2nd meeting of the Corporation specially convened for the purpose as required under Sub-section (4) of Section 10.(2)Such meeting shall be convened by the Mayor as soon as possible after the general election or the occurrence of the vacancy.(3)Notice of the day and hour of such meeting shall be given to the Corporators at least seven clear days before the day of the meeting.

22. Separate elections.

(1)Separate elections shall be held in respect of each Standing Committee.(2)The elections to Standing Committee shall be taken up in the following order-(a)Elections to the Standing Committee mentioned in Sub-section (1) of Section 9 of the Act shall be taken up first in the order in which the Standing Committees are mentioned in the said subsection.(b)If however, the election to any Committee is adjourned under Rule 26, the elections to the Standing Committee next in order shall be proceeded with.

23. Presiding Officer.

- The meeting for any election under these Rules shall be presided over-(a)By the Mayor; or(b)In his absence by the Deputy Mayor; or(c)In the absence of both, by a Corporator not intending to stand as a candidate at the election or any of the elections, as the case may be, chosen by the Corporation.

24. Election.

(1) Every candidate for election shall be proposed by one Corporator and seconded by another. (2) The proposer shall, when proposing the name of any candidate, deliver to the President of the meeting a declaration in writing expressing the candidate's willingness to stand for election to the Standing Committee concerned, signed by the candidate and by the proposer. (3) A candidate who has been proposed and seconded may withdraw his candidature by making a statement to that effect at the meeting. (4) The names of all the candidates, who have been proposed and seconded at the election and who have not withdrawn their candidature shall be read out by the President of the meeting.

25. Declaration of result.

- If the number of candidates whose names are so read out is equal to the number of vacancies, the President of the meeting shall declare all such candidates duly elected.

26. Fresh nomination.

- If the number of such candidates is less than the required number of vacancies, the president of meeting shall declare all such candidates duly elected and shall either call for fresh nominations or adjourn the election to fill up the remaining vacancies.

27. Casting of votes.

(1) If the number of such candidates exceeds the number of vacancies the votes of the Corporators present at the meeting shall be taken by ballot. (2) The President shall make adequate arrangements to secure the privacy of the ballot.

28. Ballot paper.

(1) Every Corporator wishing to vote shall be supplied with a ballot paper as given below, on which the names of all such candidates shall be typed or legibly written in the following form :

Sl. No.	Name	Vote
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1		
---	--	--

2		
---	--	--

3		
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4		
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(2) Each Corporator shall be told how many votes may be given and he shall then proceed to the place set apart for the purpose and there place a mark on the voting paper against the name of the

candidate or the names the candidates for whom he wishes to vote. He shall then fold up the voting paper so as to conceal his vote and deposit the same in a ballot box placed in the view of the President of the meeting.(3)The ballot box shall be so constructed that the voting paper may be placed therein but not extracted therefrom without the box being opened.(4)The President of the meeting shall open the box and count the votes in the presence of two Corporators (other than candidates at the election in question).

29. Elected candidates.

- The candidate who secured the highest number of votes or if there is more than one vacancy, equal numbers of the candidates securing highest number of votes from the top shall be declared to have been duly elected. If there be an equality of votes between any two or more candidates, the Presiding Officer of the meeting shall decide by drawing lots in the presence of the Corporators present.

30. Participation in casting of votes.

- The Corporators who have been duly proposed and seconded as candidates may also take part in the ballot.

31. Validity of ballot paper.

- A ballot paper shall be invalid if-(a)It bears the signature of the voter, or contains any word, sign or visible representation by which he can be identified;(b)Marks are placed thereon against more candidates than there are vacancies to be filled; or(c)It is uncertain to which candidate the mark is intended to apply; or(d)No mark is placed thereon.

32. Publication of result.

- Before the conclusion of the meeting, the President of the meeting shall announce the names of duly elected candidates and publish on the notice board of the office of the Corporation concerned a notification, signed by him, stating the names of the persons elected as members of the Standing Committee or Committees concerned.

33. Sealing of ballot paper.

- The President of the meeting shall then seal up in separate packets the counted and the rejected ballot papers, and note on each packet the number of papers it contains and the election to which it relates.

34. Membership.

- A Corporator elected to be member of Standing Committee shall hold office as such, unless he sooner resigns, until his term of office as a Corporator expires or he otherwise ceases to be such

Corporator.

35. Meeting of the Committee.

- A committee may meet and adjourn as it thinks proper. The quorum of a Committee shall be three members. If the Chairman or the vice-Chairman is not present at the time for holding any meeting, the members present shall choose one of their members to be President. Every question at a meeting shall be determined by a majority of the votes of the members present and voting on that question. In case of an equal number of votes the President shall have a casting vote.

36. Absence.

(1) If any member of a Standing Committee fails to attend four consecutive meetings of such Committee he shall cease to be a member of the said Standing Committee and the Corporation shall elect another member in his place. (2) A member of a Standing Committee may be removed by the Corporation if he is guilty of misconduct in the discharge of his duties : Provided that the resolution recording his removal is to be supported by not less than two-thirds of the Corporators present at the meeting.

37. Meeting of the Standing Committee.

- Each Standing Committee shall meet at the Corporation office at least once a month on such day and such hour as the Standing Committee shall from time to time determine.

38. Special meeting.

- The Chairman of a Standing Committee may, at any time, call a meeting of the Committee and shall do so within forty-eight hours of the receipt of a requisition signed by the Commissioner or by three members of the Committee and stating the business to be transacted in the meeting.

39. Notice.

- Every notice of meeting shall be issued by the Secretary of the Corporation.

40. Casting votes.

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

41. Minutes of the meeting.

(1) All minutes of the proceedings of each Standing Committee shall be entered in a book and shall be signed by the Chairman or Presiding Member after each meeting. The minutes shall be written by the Secretary of the Corporation. (2) The minute book shall be placed before the Corporation at its next meeting.

42. Conflicting decisions.

- In any case in which two or more Standing Committees have passed conflicting decisions, the Commissioner shall submit a report to the Mayor who shall place the subject before a meeting of the Corporation and pending the resolution of the Corporation the Commissioner shall withhold all action in regard to the matter at issue.

43. Absence of members.

- Any member of a Standing Committee, other than the Mayor or Deputy Mayor, who fails to attend four consecutive meetings shall cease to be a member of such Standing Committee but may be re-elected by the Corporation.

44. Resolutions.

- Every resolution of a Standing Committee shall be made available to every member of the Committee within fifteen days from the date of passing of such resolution and the Corporation may, on a motion by any member of the Corporation modify or amend or revoke any such resolution.