

Annexure-1.1

SURAT MUNICIPAL CORPORATION

Surat Municipal Corporation

Sanction of rules in respect

of the proceedings of the

corporation and standing committee.

Government of Gujarat,

urban Development & urban

Housing Department.

Resolution No. SMC / 1884-4653-P.

Sachivalay, Gandhinagar.

Dated the 27th December, 1985.

**Read:- Letter No. C-2300, dated the 14 December, 1984 from the Municipal Commissioner ,
Surat Municipal Corporation, Surat.**

RESOLUTION

In exercise of the power conferred by sub-section (1) of section -455 of the Bombay Provincial Municipal Corporation Act, 1949 (Bombay LIX of 1949) Government here by approves the accompanying rules in respect of the proceeding of the corporation and standing committee framed by the Surat Municipal corporation under section 457 (2) of the said ACT.

2. The Surat Municipal Corporation should arrange to publish the companying rules in the Gujarat government gazette as required by sub- section (2) of section 455 of the B.P.M.C. Act, 1949.

By Order and in the name of the Governor of Gujarat.

sd/-

Under Secretary to Government of Gujarat

Under Development and Urban Housing Department.

Accompaniment to Government Resolution, Urban Development & Urban Housing Department No. SMC 1884- 4653/P . dated 27th December, 1985.

RULES IN RESPECT OF THE PROCEEDINGS OF THE CORPORATION AND THE STANDING COMMITTEE

RULE NO. 1 : SHORT TITLE

- (a) These rules may be called the ' Surat Municipal Corporation (Conductof meeting) Rules, 1980.
- (b) They shall come into force from the date of publication in the official gazette.

RULE NO. 2 : MEETINGS HOW TO BE HELD

Meetings of the corporation and standing Committee shall be held and the business thereat transacted in accordance with the provisions of these rules.

PROCEEDINGS OF THE CORPORATION

RULE NO. 3 : DEFINITIONS

In these rules, unless there be something repugnant in the subject or context :-

- (A) 'Government' means the government of Gujarat.
- (B) 'The Act' means the Bombay Provincial Municipal Act, 1949 (Bombay Act No. LIX of 1949) as amended from time to time.
- (C) 'Clear days' means days exclusive of the day fixed for issuing of notice or intimation or otherwise and of the day of meeting and includes Sunday and holidays.
- (D) 'The Corporation' means the Municipal Corporation of the city of surat constituted under the act.
- (E) 'Committee' means a committee appointed or elected under section 20, 30 and 31 of the act and includes a joint committee appointed under section 32 of the act.
- (F) 'Motion' means the statement of a councilor brought forward for the consideration of the corporation and includes a resolution and the amendment to a motion.
- (G) 'Secretary' means the Municipal Secretary of the corporation appointed under the Act and includes any person for the time being performing the duties of the secretary.
- (H) In these rules, the expression "Presiding Authority" includes Mayor, Deputy Mayor, Standing Committee chairman and the chairman of the meeting chosen as the case may be.
- (I) All the words and expression used in the act and not defined in these rules shall have the meaning assigned to them in the act.
- (J) Unless there be anything repugnant to the context the term 'Mayor' shall include the presiding Authority.

RULE NO. 4 : ORDINARY MEETING HOW AND WHEN TO BE CALLED.

- (A) There shall be in each month at least one ordinary meeting of the corporation. However if the notice is already given rule 9(b) and the meeting could not meet on the day fixed because of abnormal circumstances beyond control, the said meeting may meet within seven days of the said date and in such cases the notice already served under the said rule shall be valid for all purposes, provided a notice is issued by the municipal secretary after fixing the fresh date and time of the meeting by the mayor in the local news paper not later than the day previous to the meeting again called for mentioning therein the reason for which the meeting duly called for could not meet and referring the notice already given under rule 9(b).
- (B) The first meeting of the corporation after general election shall be held as early as conveniently may be on a day and at a time and place to be fixed by the commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the

commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the commissioner.

- (C) The day, time and place of meeting shall in every other case be fixed by the mayor or in the event of the office of mayor being vacant or of the death or resignation of the mayor or of ceasing to be councilor, or of his being incapable of acting, by the deputy Mayor, or failing both the Mayor and the Deputy Mayor, by the chairman of the standing committee.

RULE NO. 5 : SPECIAL MEETINGS.

The Mayor, or in such event as mentioned in rule 4(c), the Deputy Mayor, or chairman standing committee may whenever he thinks fit, and shall upon a write requisition signed by not less than one fourth whole number of councilor or by not less than four member of the standing committee call special meeting of the corporation not later than 20 days after the presentation of the requisition and every meeting of the corporation shall except for special reason to be mentioned in the notice convening the meeting to be held in the chief Municipal Office.

RULE NO. 6 : MEETINGS TO BE OPEN TO THE PUBLIC

Unless otherwise directed by the presiding Authority before the commencement of the meeting or at any time during the course of the meeting for reasons to be recorded in writing by him every meeting shall be open to public.

However entry of the public to be visitor's gallery shall be regulated as follows.

On demand each member will be given entry pass by the municipal secretary not more than two in number for allowing their guests to the visitor's gallery. The Municipal secretary will start issuing of the passes one hour before the meeting. The entry pass should bear the visitor's signature duly identified by the concerned member. No visitor's shall be allowed to enter the visitor's gallery with any articles in his hand or otherwise. If any visitor disturbs the proceedings of the meeting, the mayor may be direct such person to vacant the visitor's gallery upon such direction the visitor's shall vacate and leave the gallery fourth with. If the visitor's fails to comply, the mayor may direct the firemen or the security persons to remove him from the gallery.

RULE NO. 7 : QUORUM

- (A) The quorum of the meeting of the corporation shall be one fourth of the whole number of the councilors. For the purpose of this rule, the expression whole number of councilors' shall mean the number of councilors as included in the constitution of the corporation notified by the state government in the official gazette from time to time.
- (B) If at the time appointed for any meeting of the corporation, there is no quorum, a bell shall be rung until it is ascertained within 15 minutes after that time that there is a quorum. If at the expiration of 15 minutes after the appointed time there is no quorum, the presiding authority shall adjourn the meeting to some other day fixing such time and place for the same as he shall think convenient.
- (C) If at any time during a meeting it shall be brought to the notice of the presiding authority that there is no quorum, the presiding authority shall direct the secretary to ring the quorum bell for not less than five minutes and if immediately expiry of five minutes of the quorum bell, the number of councilors present in the house falls short of one fourth of the whole number, the presiding authority shall adjourn the meeting to some other day fixing such time and place for the same as he shall think convenient, and the business which remains undisposed off at such meeting shall be disposed off at the adjourned meeting or if the later meeting should be again adjourned, at any subsequent adjourned meeting whether there be a quorum present thereat or not.

RULE NO. 8 : PRESIDING AUTHORITY

- (A) Every meeting shall be presided over by the mayor if he is present at the time appointed for holding the same, and if the office of mayor is vacant or if the mayor is absent, by the

deputy mayor or, in the absence of the deputy mayor, the standing committee chairman and in the absence of all these, by such one of the councilor present as may be chosen by the meeting to be the presiding authority for the occasion.

Provided further that in cases where the presiding authority for the occasion is to be chosen, the Commissioner shall preside for time being and shall exercise all the powers and perform all the duties of the presiding authority.

- (B) Where at any meeting, in the absence of the Mayor, Deputy Mayor and Chairman of the Standing Committee, a Chairman chosen under sub-rule (a) is presiding and when the Mayor, Deputy Mayor and Chairman of the Standing Committee attends at any time during the course of such meeting, the person so presiding over the meeting shall vacate the chair and the meeting shall continue under the president ship of the Mayor, Deputy Mayor or Chairman of the Standing Committee as the case may be.

RULE NO. 9 : NOTICE OF MEETING AND URGENT MEETING

- (a) At least 7 clear days notice shall ordinarily be given of every meeting, other than an adjourned meeting, but except for the purpose of considering an annual budget estimate, in cases of urgency any such meeting may be called within 7 days upon a notice of not less than 3 clear days in pursuance of a written requisition signed by not less than 4 members of the Standing Committee; of adjourned meeting such previous notice shall be given as shall be practicable having regard to the period of adjournment.
- (b) Every notice of a meeting shall specify the date, time and place at which such meeting is to be held and the business to be transacted thereat other than questions under Sec.44 and shall be given by the Municipal Secretary by advertisement in one local news-paper having a substantial circulation and, as far as practicable, a copy of such notice shall be sent by ordinary post or through Municipal servant by hand delivery to every councilor or any adult member of their family or servant found at the last known place of their residence.
- (c) However, in exceptional circumstances beyond controls; if the notice of meeting could not be published in the local newspaper as laid down in this rule but the notice is served to every councilors latest by the date on which the notice should have appeared in the newspaper had the notice been appeared in the newspaper had the notice been published in time, would be valid for all the purposes provided the said notice is published in the newspaper as early as possible but not later than one clear day before the meeting.

RULE NO. 10 : NOTICE OF MOTION

- (a) Any councilor who desires at any meeting to bring forward any business, other than any questions under section 44, or to make any substantive proposition which is not already specified in the notice of such meeting, shall give Written notice of the same to the Municipal Secretary at least three clear days before the fixed for the meeting, and subject to rule No.23 a supplementary announcement of the business or propositions of which notice has been so given shall be given by the said Secretary in a local newspaper not later than the day previous to the meeting. However in exceptional circumstances beyond control if the notice could not be published in the local newspaper as laid down in this rule, the notice served to every councilor not latter than the day previous to the meeting would be valid for all purposes.

Provided that no member shall propose more than two substantive propositions at each meeting. Provided further that each such motion or proposition shall be proposed on a separate sheet of paper. Provided also further that every motion submitted by any councilor will being published in the news paper shall be narrated in the minimum words possible and shall not bear the name of councilor submitting the same.

- (B) Unless otherwise provided, every notice required by these rules shall be given in writing addressed to the secretary and shall be left at the municipal secretary's office during the scheduled office hours on working days.
- (C) If any notice is left or received not during scheduled office when the office is closed, it shall be treated as having been received on the next working day.

RULE NO. 11 : BUSINESS NOT BE TRANSACTED OTHER THAN WHICH IS ON AGENDA AND URGENT BUSINESS

Except at a meeting called on a requisition of urgency or at the discussion at any meeting of budget estimate, no business shall be transacted at any meeting other than the business specified in the notice published under 9(b) and any questions asked under section 44 or urgent business not specified in the said notice which the standing committee or the commissioner deem it expedient to bring before the meeting and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any published under rule 10 or which is not support of the recommendation of the standing committee or commissioner with reference to any urgent business brought by any of these authorities respectively before the meeting, provided that no such urgent business aforesaid shall be brought before any meeting unless at least two thirds of the councilors present at such meeting, such to third being not less than one fourth of the whole number of councilor, assent to its being brought forward thereat.

RULE NO. 12 : PROPOSTIONS THOSE AFFECTING BUDGET ESTIMATES

At a meeting called on a requisition of urgency and during the discussion at any meeting of a budget estimate, no business shall be transacted & no substantive proposition shall be made or discussed which does not directly relate to the business for which urgent meeting was called, or to the budget estimate, as the case may be, and no proposition involving any change in the taxes which the standing committee propose to impose or an increase or decrease of any item of expenditure in a budget estimate, shall be made or discussed at any meeting at which such budget estimate is under consideration unless such proposition is specified in the notice of the meeting published under rule 9(B) or in the supplementary announcement if any published under rule 10 or unless, in the case of adjourned meeting each of conditions mentioned in the second proviso to rule no.13 has been fulfilled.

RULE NO. 13 : ADJOURNMENT OF MEETING AND BUSINESS TO BE TRANSACTED AT SUCH MEETING

Any meeting may, with the consent of majority of the councilors present be adjourned from time to time to later hour on the same day or to any other day but no business shall be transacted and except as is here in after provided, no proposition shall be discussed at any adjourned meeting other than the business or proposition remaining indisposed off at the meeting from which the adjournment took place.

Provided that any at adjournment for a period not exceeding two hours on the same day shall be treated as a recess and no notice thereof except the declaration by the presiding authority with the consent of the majority of the councilor present that the meeting is recessed for such time shall be required.

Provided further that at any adjourned meeting at which budget estimate is under consideration proposition involving any change as such as is described in rule 12 may be made and discussed not with standing that such proposition is not one remaining indisposed off at the meeting from which the adjournment took place, if each of the following condition has been fulfilled, namely:-

- (1) That written notice of such position has been given at the meeting from which the adjournment took place .
- (2) That the adjournment for not less than two clear days, and
- (3) That a specially announcement of the proposition has been given by the municipal secretary (who shall be bound to give such announcement) in a local daily newspaper not later than the day previous to the adjourned meeting.

RULE NO. 14 : MINUTES

- (a) A minute of the name of the councilors present and of the proceedings at every meeting shall, as soon as conveniently may be, be drawn up and kept by the municipal secretary in a book to be provided for this purpose and shall ordinarily be signed at, and by the presiding authority of the next ensuing ordinary meeting subject to the provisions of this rule and the said minute book shall at all reasonable times be open at the chief municipal office to inspection by any councilors free of charge and by any other person on payment of a fee of fifty paise per day or such amount which may be fixed by the corporation from time to time. Provided however, that the said minute book shall be open for inspection by any person other than a councilor unless the minute is signed by the presiding authority.

Provided further that the inspection of the minute's book as referred to above shall be given only in respect of the preceding twelve calendar months.

- (b) The minutes of the previous meeting when already circulated to every councilor shall be taken as read, unless the majority of councilor present request that such minutes be read.
- (c) If any councilor present draws the attention of the municipal secretary by giving writing before four hours of the time fixed for the meeting to any errors or omission in the minutes of the previous meeting, such amendments shall be made as the presiding authority, after taking the sense of the meeting, deems fit. No discussion shall be permitted on the minutes except as to their accuracy as a record of the proceedings.
- (d) Any alteration in the minutes which is authorized by the meeting shall be initialed by the presiding authority at the time of signing the minutes.

RULE NO. 15 : VOTING

- (A) Every question other than question whether the standing committee or commissioner shall be permitted to bring urgent business before a meeting without notice shall be decided by a majority of votes of the councilors present and voting on that question, unless otherwise provided in or under this act, the presiding authority having a second or casting vote when there is an equality of votes. Any reasons stated by the presiding authority in giving a casting vote shall be entered in the minutes.
- (B) Every question votes on shall be put both for and against and unless otherwise provided the voting shall be by show of hands.
- (C) A councilor shall not vote or takes part in the discussion of any matter before a meeting in which he has directly or indirectly, by himself or by his partner any share or in which he is professionally interested on behalf of a client principle or other person.
- (D) Any councilor present at a meeting may remain from voting if he so chooses.
- (E) When there is an equality of votes and the presiding authority refrains from giving his casting vote, the business shall be held to be neither passed nor rejected and shall be brought up at any subsequent meeting.

RULE NO. 16 : DECLARATION BY THE PRESIDING AUTHORITY TO BE CONCLUSIVE UNLESS POLL IS DEMANDED.

A declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minutes book shall, unless a poll be demanded by not less than four councilors before the proposition is put to vote, be conclusive evidence of the fact without proof the number of votes given for against the propositions.

RULE NO. 17 : POLL HOW CONDUCTED

When a poll is taken, the vote of each councilor present and voting up to the proposition shall be taken by tellers appointed by the presiding authority and the names of the councilors voting respectively for or against the proposition shall be recorded in the minute book.

RULE NO. 18 : MODIFICATION AND CANCELLATION OF THE RESOLUTION.

No resolution passed by the corporation shall be modified or cancelled within three months after the passing thereof except by a resolution supported by not less than one-half of the whole number of councillors or by such larger number of councilors as may be required by this act in any particular case passed at a meeting whereof notice shall have been given fulfilling the requirements of rule 9(a) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for modification or cancellation of such resolution.

RULE NO. 19 : LIMITATION ON DEBATE

(A) The matter of every speech should be strictly relevant to the matter under discussion before the meeting and a councilor while speaking shall cease to make remarks which are held by the presiding authority to be irrelevant or offensive and shall not:-

- (1) Refer to any matter or fact on which judicial decision is pending.
 - (2) Make a personal charge against any councilor or officer or other employee of the corporation or the government.
 - (3) Make use of offensive expression regarding the parliament or any state legislature or Municipal Corporation or any public institution.
 - (4) Reflect upon the conduct of the president of India or any governor, minister or Administrator or of any court of law acting in the exercise of its judicial functions.
 - (5) Utter treasonable, seditious or defamatory words or
 - (6) Use his right of speech for the purpose of willfully obstructing the business of the corporation.
 - (7) Disclose the proceedings of any committee, appointed by the corporation, not in the list of business before the meeting.
 - (8) Discuss any ruling, order or decision of the presiding authority.
- (B) If more than one councilor rise simultaneously to address the meeting presiding authority shall summarily decide who shall speak first and so on and his decision shall be final.

(C) Written speeches other than budget speech by the chairman standing committee may not be read without the consent of the presiding authority.

RULE NO. 20 : SITTING OF COUNCELLOR AND POWER TO ORDER WILL WITHDRAWAL OF COUNCELLOR

(A) The councilor shall sit in such order as the presiding authority may determine.

(B) The presiding authority shall preserve order and may direct any councilor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the corporation and such councilor shall do so forthwith and shall absent himself during the remainder of the day's meeting.

(C) If any councilor is ordered to withdraw a second time within fifteen days the presiding authority may suspend such councilor from attending the meeting of the corporation for such period not exceeding fifteen days as the presiding authority may fix and the councilor so directed shall absent himself accordingly.

Provided that the presiding authority may remit the period of suspension on the apology being made to his satisfaction by the councilor under suspension.

Provided also that such suspension from the service of the corporation shall not prevent any councilor from participating in the proceedings of any committee of which he is a member.

(D) If any councilor has been asked by the presiding authority to withdraw or has been suspended from attending the meeting of the corporation as aforesaid and if any such councilor does not obey the order of the presiding authority it shall be competent to the presiding authority to direct physical removal from or to prevent entry to the house of such councilor by the said act of fire man or the security persons Such number of firemen or the security persons amongst the fire brigade staff shall be appointed by the mayor for the purpose as may be found necessary by him.

(E) Mayor after having called the attention of the meeting of the conduct of a councilor acts in contravention of this rule or persists in irrelevance of this rule or in tedious repetition either of his on agreement or of the argument used by any other councilor in debate, may direct him to discontinue his speech and he shall discontinue it forth with.

(F) The presiding authority may in the case of grave disorder arising in a meeting suspend the meeting for a period not exceeding three days.

RULE NO. 21 : BUSINESS AND ORDER OF ITEMS

Items of business shall be arranged by the Municipal Secretary in the following order:

(A) Confirmation of the minutes of the last ordinary meeting or meetings and the minutes of any special or urgent meetings since the last ordinary meeting.

(B) Any condolence motion from the presiding authority or councilors

(C) All elections or appointments to be made by the corporation.

(D) Resolutions of the Standing Committee.

(E) Resolutions of the Special Committees.

(F) Resolutions of the School Board.

(G) letters from the Commissioner and business form the Commissioner.

(H) Letters form Government.

(I) Miscellaneous.

(j) Notice of motions.

RULE NO.22: PAPERS TO BE LAID ON THE TABLE

All papers relating to the business on the Agenda paper shall ordinarily be laid on the table at the place of meeting one week before the date of ordinary or special meeting and three days before the date of urgent meeting. However in case where any particular business is of confidential nature, the Mayor may direct that the papers relating to the said business should not be laid on the table but should be kept with the Secretary and any councilor may have inspect in of the said business in the presence of the Secretary.

RULE NO. 23 MAYOR'S POWERS TO EXCISE OBJECTIONABLE MATTER FROM A NOTICE OF MOTION OR PROPOSITION

(A) Notice of motions for the agenda paper of the corporation shall be submitted to the mayor by the secretary before being placed on the agenda paper.

(b) In order that a motion or proposition may be admissible it shall satisfy the following conditions viz.

(i) It shall not contain any argument, inferences, imputations, ironical expressions epithets or defamatory statements

(ii) It shall not refer to the character or conduct of any person except in his official of public capacity, and it shall not relate to any matter such as is mentioned in clauses (i) & (iv) of sub rule (a) of rule 19..

(iii) It shall not raise matters under the control of bodies or persons not responsible to the Municipal Corporation.

(iv) It shall be clear, precise and specific and not vague or ambiguous and shall raise one definite issue.

(v) If it would have affect of incurring expenditure not provided for in the estimates of budget it shall be in the form of reference to the Standing Committee.

(vi) It shall be relevant to some question which affects, or may affect, the services of the Corporation, administration of the Act or the Municipal Government of the City.

(c) The Mayor or the presiding Authority shall disallow any motion which is inadmissible under clause (b) above and shall be at liberty to excise from a notice of motion any matter which he may consider to be frivolous, vexatious, insulting, libelous or grossly offensive, and if he deems proper, he may disallow a motion altogether on these grounds and his decision shall be final; however the councilor concerned shall be informed suitably. In case a proposition containing any such objectionable matter is actually proposed at meeting, it shall be competent to the presiding authority with the consent of the meeting obtained on the occasion to excise such objectionable matter from the minutes of the proceeding of the meeting.

RULE NO.24: LANGUAGE TO BE USED

All proceedings shall be conducted either in Gujarati, Hindi or English.

RULE NO.25: RESOLUTIONS OF THE STANDING COMMITTEE BY WHOM TO BE MOVED

Resolutions of the Standing Committee shall be proposed by the chairman of that body if he so desires or, if he does not desire to propose them or is absent, by any member of the Standing Committee present, or failing him by any councilor.

RULE NO.26: RESOLUTIONS OF THE SCHOOL BOARD BY WHOM TO BE MOVED

Propositions or motions in respect of relations of the School shall be proposed by the chairman or Vice Chairman or any of the member of the School Board provided they are councilors, or failing them; by any councilor.

RULE NO.27: PROCEDURE IN CASE OF MOTIONS PREVIOUSLY NOTIFIED NOT BEING MOVED BY THE COUNCILLORS ENTITLED TO DO SO LAPSING OF MOTIONS

(a) If a motion be not moved by the councilor who has given notice or by his secondary or by some other councilor authorities by the proposes to do so in writing, which authorization shall be handed to the presiding authority at the time, the shall be considered as dropped.

(b) Any motion, listed in agenda for any month, which does not come up for consideration within the next three following calendar months, shall lapse, provided that a fresh notice may be given of the same motion or motions to the Municipal Secretary under rule 10.

RULES NO.28: PRIORITY TO AN ITEM OF BUSINESS

With the consent of the authority of the councilors present at any meeting and voting on the question, the presiding authority may give priority to any item of items of business, irrespective of the order in which such item or items stands or stand on the Agenda paper.

RULESNO. 29: ITEMS OF BUSINES MAY BE GROUPEd

It shall be competent the presiding to the presiding authority with the consent of the majority of the members present. to submit for consideration ;as one subject any two or more items of business relating to the same subject although such items may not have been grouped together on the Agenda paper. it shall also be competent to the presiding authority when more than one meeting has been called for on the same day to submit with the consent of the majority of the councilors present, for consideration as one subject, and for disposal by one of such meetings, any two or more items of business, relating to the some subject notwithstanding that such items may appear on the respective agenda papers for separate meeting to the held on that day.

RULES NO. 30: A PROPOSITION MAY BE DIVIDED

The presiding authority shall have power to divide into two or more distinct propositions any motion or amendment which in his opinion is so complicated as to be likely to lead to confusion or inconvenience by being debated on as one proposition. when by virtue of this rule a motion or amendment is divided, it shall not be necessary, unless the presiding authority decides to the contrary, for the second and following portions of such motion or amendment to be again separately moved and seconded. But the propositions so divided shall be put to the vote by presiding authority, one after another.

RULE NO.31: COUNCILLORS WHEN SPEAKING TO STAND AND AT THE REQUEST OF THE PRESIDING AUTHORITY TO RESUME THEIR SEATS

Councilors when speaking shall stand and shall address the presiding authority, On being requested by the presiding authority to sit down, a councilor shall at once resume his seat. if at any time while a councilor is speaking the presiding authority rises or a councilor raises a point of order, the councilor speaking shall resume his seat.

RULE NO.32: CONDUCT OF COUNCILORS WHEN MEETING IS IN PROGRESS

While the meeting of the Corporation is in progress, a councilor:-

- (A) Shall not read any book, mews paper or letter except in connection with the business of the meeting;
- (B) Shall not interrupt any councilor while speaking by disorderly expression or noises or in any other disorderly manner;
- (c) shall how to the presiding authority while entering or leaving the meeting; and also when taking or leaving his seat;
- (D) shall not leave the meeting when the presiding authority is addressing the meetings;
- (E) shall always address the Chair,
- (F) shall keep to his usual seat while addressing the meeting
- (G) shall maintain silence when mot speaking in the meeting;
- (H) shall not obstruct proceedings, his or interrupt and shall avoid making running commentaries when speeches are being made in the meeting;
- (I) shall not applaud when a stranger enters the public galleries;
- (J) shall not, while speaking, make any reference to the strangers in public galleries.
- (K) shall not smoke, drink or eat or do anything which the presiding authority deems not proper.

RULE NO.33: DURATION OF SPEECH

It shall be in the discretion of the presiding authority to allow or disallowed a councilor moving a proposition to speak for more than 10 minutes and to allow or to disallow a councilor moving an amendment or taking part in the debate to speak for more than 5 minutes.

RULE NO.34: CLOSURE

It shall be competent for any member at the close of any speech on any items other than a budget items to move, without debate, " That the question be now put " and the motion if seconded shall, unless it shall appear to the presiding authority, that such motion is an abuse of the rules of the House of an infringement of rights of the minority, be put forth with should the motion be carried, the mover shall be entitles to reply and that he shall bring his reply to a close within 10 minutes. After that the motion or amendments under debate shall be at once put.

RULE NO.35: MOVER OR SECONDER MAY SPEAK TWICE, OTHER CONUCILLORS ONCE ONLY

Councilor shall speak only once, but the mover of failing him the seconder of a substantive motion may reply at the conclusion of the debate thereon. Any person who has already spoken may forthwith, if the actual speaker gives way, or if not at the end of that speaker's speech, briefly speak again to remove a misconception as to a material part of his former speech.

RULE NO.36: POINTS OF ORDER

Any member may at any time submit a point of order for the decision of the presiding authority but in doing so, shall confine himself to stating the point.

- (i) A point of order shall related to the interpretation or enforcement of these rules or such provisions of the Act as regulated the business of the meeting.
- (ii) A point of order may be raised in relation to the business before the meeting at the moment.

provided that the presiding authority may permit a councilor to raise a point of order during the intervals between termination of one item or business and the commencement of another, if it relates to maintenance of order in, or arrangement of business before, the meeting.

The presiding authority shall decide summarily all points of order or procedure that may arise and his decision shall be final.

No discussion on any point of order shall be allowed except with the consent of the presiding authority.

A councilor shall not raise a point of order :-

- (i) to ask for information; or
- (ii) to explain his position; or
- (iii) when a question on any motion is being put to the meeting ; or
- (iv) which may be hypothetical

RULE NO.37: A COUNCILOR CALLED TO ORDER MUST RESUME HIS SEAT

If a councilor be called to order such councilor shall be required by the presiding authority to resume his seat until the presiding authority decides the point of order; provided that the presiding authority may allow the councilor called to order to speak on the point of order raised.

RULE NO.38: AMENDMENT

- (a) After a motion has been proposed an seconded any councilor may propose an amendment thereto. An amendment must be seconded or it falls through.
- (b) Every such amendment shall be in writing either in Gujarati or in English and singed by the mover and handed over to the presiding authority who shall determine whether the same is in order and may make such alterations as will bring it into due form.
- (e) Every amendment must be relevant to the motion, and may propose a variation thereof, an addition there to or an omission therefrom but no amendment shall be a direct negative to the motion before the meeting or shall, be the same in substance as any motion or amendment already negative at the same meeting; provided that when a proposal or amendment in a negative of the same in an affirmative form may be moved.

- (d) Amendment shall be put to the vote in the reverse order in which they have been moved as against the original proposition that is to say the proposition and the last amendment shall be put to the meeting first, whichever of those two is carried shall then become the substantive proposition, which again shall be placed before the meeting as against the last but one amendment and so on.
- (e) No amendment shall be put in after the councilor has commenced to exercise his right of reply.

RULE NO.39 WITHDRAWAL OF MOTION OR AMENDMENT

A motion or any amendment once moved can not be withdrawn, save with the leave of the meeting.

RULE NO. 40 AMENDMENT AS WELL AS MOTIONS MAY BE SPOKEN ON

- (a) A councilor who has already spoken on a motion before the meeting is not thereby debarred from speaking to the amendment to the motion provided that in so doing he confines himself strictly to the fresh matter introduced by the amendment.
- (b) Leave to withdraw a motion may be asked for at any time before the question on the motion is put to vote.
- (c) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the presiding authority.
- (d) If leave is granted to a councilor to withdraw his motion, the amendment, if any which has been proposed to the motion shall also be deemed to have been withdrawn.

RULE NO.41: PROPOSAL FOR ADJOURNMENT OF DEBATE OF MEETING

If a councilor intends to move a proposition for adjournment for an act or omission of municipal authorities, he shall do so after giving notice before forty eight hours of the meeting or adjourned meeting of the Corporation. The Chairman of the Committee concerned or the Municipal Commissioner may reply to the same, but the speaker will be allowed to state reasons briefly, No other member will be allowed to speak and the matter will be put to vote and it shall be decided only by show of hands.

However an adjournment motion other than the one relating to an act or omission of municipal authorities may be allowed by the presiding authority to be moved at an time during the course of the debate provided notice of the same is given in writing before half an hour of the time fixed for the meeting. such a motion shall at once be put to vote without discussion. This vote shall also be by show of hands. No seconder will be required to support a proposition for adjournment. If, however, a councilor chooses to support such a motion he will not be allowed to speak provided however a simple motion to adjourn a meeting or to postpone the consideration of a question shall take precedence over any other motion or amendment and shall not require any prior notice.

RULE NO.42 : ADJOURNMENT CANNOT BE MOVED IN THE MIDDLE OF SPEECH OR VOTING

No proposition for adjournment of the debate or the meeting shall be moved while a councilor is speaking or while voting is proceeded with.

RULE NO. 43: SECOND MOTION OF ADJOURNMENT

A subsequent motion for the adjournment of the debate or the meeting shall not be moved until the lapse of such time after the last previous motion as the presiding authority deems to be reasonable.

RULE NO.44: MEETING MAY BE ADJOURN EVEN WHILE A COUNCILLOR IS SPEAKING

The presiding authority may at his discretion adjourn the meeting, with the consent of the majority of the councilors present even while a councilor is speaking on a proposition.

RULE NO.45: ADMISSION OF PRESS

subject to the provision of Rule 6, representatives of the press shall ordinarily be admitted to all meetings of the Corporation provided that the Corporation may temporarily exclude such representatives from a meeting as often as may be desirable at any meeting when, in the opinion of majority of the councilors present at such meeting, in view of the special nature of the business then being dealt with or about to be dealt with, such exclusion is advisable in the public interest.

RULE NO.46: QUESTIONS

(1) Unless the Mayor or any one presiding at a meeting of the Corporation in the absence of the Mayor otherwise directs, the first hour of the monthly ordinary meeting of the Corporation and the first half hour on the day to which such meeting may be adjourned shall be available for asking and answering of questions.

(2) A question may be asked for the purpose of obtaining information only on a matter pertaining to the Municipal administration of the Municipal Government of the city.

No question shall be asked,

(a) In regard to any matter which is under adjudication by a Court of Law or a Tribunal having Jurisdiction in any part of India; or

(b) as regards the conduct in the exercise of his or its Judicial functions of any Judge, a Tribunal, a Commission, a Court or inquiry constituted by Government, or a Court of Law having Jurisdiction in any part of India.

(3) In order that a question may be admissible it shall satisfy the following conditions, viz:-

(a) It shall not bring in any name or statement not strictly necessary to make the question intelligible;

(b) If it contains a statement, the councilor asking the question must make himself responsible for the accuracy of the statement;

(c) it shall not contain any arguments, inferences, imputations, ironical expressions epithets, or defamatory statement;

(d) It shall not ask for an expression of opinion or the solution of an abstract legal question or a hypothetical proposition;

(e) it shall not refer to the character or conduct of any person except in his official or public capacity;

(f) it shall not ask for any information about proceedings in any Committee which have not been placed before the Corporation.

(g) it shall not ordinarily exceed one hundred words;

(h) it shall not make or imply a charge of personal character;

(i) it shall not repeat in substance question already answered or to which answer has been refused;

(j) it shall not ask for information on trivial matters;

(k) it shall not ordinarily seek information on matters of past history beyond five years;

(l) it shall not require information set forth in accessible documents or in ordinary works of reference;

(m) it shall nor raise matters under the control of bodies or persons not responsible to the Municipal corporations;

(n) it shall not seek information about matters which are in their nature secret;

(o) it shall not refer discourteously to any public authority in India;

(p) it shall not relate to an individual case unless it raises a question of principal or policy;

(q) it shall nor ask for too many details;

(r) it shall nor seek merely to give information or to suggest its own answer or convey a particular point or view.

(s) it shall be clear and specific and not vague or ambiguous.

- (4) The Mayor may disallow or amend any question, or a part thereof, when in his opinion the question or the part thereof is an abuse of the right of questioning or is in contravention of any of these rules or any question or answer thereto is in his opinion likely to be detrimental to the interests of the corporation of the City.

In the event of such a question being admitted it shall be competent it shall be competent for the presiding authority, with the consent of the meeting obtained to expunge such a question or such portion of it as is objectionable from the minutes of the proceedings.

- (5) If any doubt arises whether any question is or is not within the restrictions imposed hereinabove, the Mayor shall decide the point and his decision shall be final.
- (6) If any question seeks information which is available in any printed record of the Corporation, it shall be sufficient for the Commissioner in his answer to invite attention to such record.
- (7) A member may by notice given at any time before the question is called by the presiding authority withdraw his question and such question shall be deemed to have been removed from the list.
- (8) The Municipal Secretary shall preparing a list of questions allowed by the Mayor under the powers vested in him in the order in which they are received and shall supply copies of the list to councilors showing the questions and the names of councilors intending to ask them.
- (9) (a) Unless otherwise directed by the presiding authority every question shall be answered by the Commissioner or in his absence by the Deputy of the Assistant Commissioner at a meeting of the Corporation.
- (b) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the Corporation or if asks for information which has been communicated to him in confidence.
- (c) No councilor shall in all, ask more than three question at any meeting.
- (d) Every such question shall be on a separate sheet of paper
- (e) If a councilor who has given notice to ask a question which has been admitted is not present when he is called upon by the presiding authority, the question may be asked by any other councilor duly authorized by him in writing, provided that such authority shall have been handed to the Municipal Secretary before the question is asked.

If, however a question is not asked by the councilor who has given notice or by some other councilor duly authorized in writing or if the councilor who has given notice of the question is absent when called upon by the presiding authority to ask the question, the question shall be considered as dropped and the question will not be included in the minutes of the day.

(f) The Mayor shall disallow:-

- (i) Any question which is inadmissible under clause (3) of rule 46 ;
- (ii) Any question relating to any debate that has occurred or answer that has been given within the preceding three months;
- (iii) Any question the answer to which would be disproportionately lengthy
- (iv) Any question concerning any matter in which the councilor asking such question has directly or indirectly by himself or his partner any share or interest or in which he is professionally interested on behalf of a client or other person;
- (v) Any question enquiring whether any statement concerning Municipal Administration appearing in any news paper is true;
- (g) No debate shall be allowed on any question.

- (h) Question and answers shall be entered by the municipal secretary in the minutes of proceedings of the Corporation.
- (10)(a) When the time for asking questions arrives, the Mayor shall call the questions in the order in which they appear in the list.
- (b) The member in whose name the question so called stands, shall then rise in his place and unless he state that it is not his intention to ask the question, the Municipal Commissioner will then answer the question.
- (11) When any question has been answered any councilor may ask any supplementary question arising out of such answer for the purpose of further elucidating any matter of fact regarding which such answer has been given. Provided that the Mayor shall disallow any supplementary question if in his opinion, it infringes the rules as to the subject matter of the questions, of it does not arise out of the answer given by the Municipal Commissioner. Provided further that the Mayor may disallow any supplementary question if in his opinion it is in the nature of cross examination.
- (12) The Mayor shall not allow any supplementary questions to be asked for more than five minutes on any question.
- (13) If the Municipal Commissioner to whom a supplementary question is addressed states that he is unable to answer it without notice, the supplementary question may be put only in the form of fresh question at a subsequent ordinary meeting of the Municipal Corporation.
- (14) No discussion shall be permitted in respect of any question or of any answer given to a question or a supplementary question or an answer thereto.
- (15) Not less than seven clear days notice in writing specifying question shall be given to the Municipal Secretary.

PROCEEDINGS OF THE STANDING COMMITTEE

RULE NO. 47: ORDINARY SPECIAL AND URGENT MEETING

- (a) There shall be an ordinary meeting of the Standing Committee at least once a week which shall be held on such day and at such time as said Committee from time to time determines.
- (b) The first meeting of each Standing Committee shall be held on a day and at a time to be fixed by the commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner.
- (c) The Chairman of the Standing Committee may whenever he thinks fit, and shall upon a written requisition signed by not less than five members of the Standing Committee call a special meeting of the Standing Committee.
- (d) The Chairman of the Standing Committee shall upon a written requisition signed by the Commissioner, call an urgent meeting of the said committee within twenty four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said committee.

RULE NO.48: PLACE OF MEETINGS

Meeting of the Standing Committee shall usually be held in the chiefmunicipal office, but for special reasons to be mentioned in the notice convening the meeting; may be held at such other place as the Chairman may direct.

RULE NO.49: QUORUM

- (a) No business shall be transacted at a meeting of the Standing Committee unless at least 5 members are present from the beginning to the end of such meeting.

- (b) If at the time appointed for any meeting of the Standing Committee there is no quorum, the Chairman or in his absence, the members present shall wait for 30 minutes and if there is no quorum after the lapse of 30 minutes shall adjourn the meeting to some other date and time as may be fixed.

RULE NO 50 : NOTICE OF MEETINGS AND URGENT BUSINESS

- (a) At least two clear days' notice shall ordinarily be given of every meeting of the Standing Committee to the members thereof other than an adjourned meeting and the meeting requisitioned by the Commissioner under rule 47(d). Of an adjourned meeting, a notice of such adjournment posted on the Municipal Notice Board of the Municipal Office shall be deemed to be sufficient notice.

Provided, however as far as may be practicable a copy of such notice may be sent to the last known address of every member of the Standing Committee.

- (b) Every notice of a meeting shall specify the date, time and place at which such meeting is to be held, and the business to be transacted thereat, and shall be sent by Municipal Secretary to each member by ordinary post to the last known address of such members or by delivery of it through municipal servant to him or any adult member of his family or servant found at the last known place or residence of such member.
- (c) It shall be the duty of the Municipal Secretary to include in the agenda of business of the meeting all the proposals contained in the letters received by him from the Municipal Commissioner, resolutions received from the different special Committees up to one clear day previous to the day of issue of the notice of the meeting specified in sub-rule 'b' above.
- (d) No business shall be transacted at any meeting other than the business specified in the notice mentioned above except :-
- (1) any urgent business which the Commissioner deems it expedient to bring before the meeting.
 - (2) Any urgent business or any motion which the Chairman deems it expedient to bring before the meeting unless at least half the number of members present assent to its being brought forward before the meeting.

Provided further that no such business shall be brought before any adjourned meeting.

RULE NO.51: MANAGEMENT AND ADJOURNMENT OF MEETING.

- (a) Every meeting of the Standing Committee shall be presided over by the Chairman if he is present at the time appointed for holding the same and if the Chairman is absent; by such one of the members present as may be chosen by the meeting to be the Chairman for the occasion.

Provided however that in cases where the Chairman for the occasion is to be chosen, the Commissioner shall preside for the time being and shall exercise all the powers and perform all the duties of the presiding authority.

- (b) Where at any meeting in absence of the Chairman, the Chairman Chosen under sub-rule (a) is presiding and when the Chairman attends at any time during the course of such meeting, the member so presiding over the meeting shall vacate the chair and the meeting shall continue under the chairmanship of the Standing Committee Chairman.
- (c) The presiding authority shall have power to divide into two or more distinct propositions any business which in his opinion is so complicated as to be likely to lead to confusion or inconvenience by being voted upon as one proposition.
- (d) The presiding authority shall decide summarily all points of order or procedure and his decision shall be final.
- (e) When a proposition has been put to the meeting, any member may propose an amendment. No second amendment except for the adjournment of the debate shall be proposed until the first has

been disposed off. The first if carried shall be put as a substantive motion to which other amendments may be proposed.

- (f) A proposition to adjourn the meeting or to postpone the consideration of a particular question shall always take precedence.
- (g) Voting shall be by show of hands. Every question voted on shall be put both FOR and AGAINST.
- (h) No question once disposed off by the Committee shall be re-opened within a period of three months unless at least one-half of the members present at the meeting vote in favor of the proposal for reconsidering the question.
- (i) Every question shall except as otherwise provided in this Rules be decided by majority of votes the members of the Standing Committee preset and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes.
- (j) The meeting may be adjourned from time to time on such day and time as may be fixed by the meeting.
- (k) The presiding authority shall preserve order and may direct any member whose conduct is in his opinion is grossly disorderly to withdraw immediately from the meeting of the Committee, and such member shall do so forthwith, and shall absent himself during the remainder of the day's meeting.
- (l) If any member is ordered to withdraw a second time within fifteen days, the presiding authority may suspend such member from attending the meetings of the Committee for such period not exceeding fifteen days as the presiding authority may fix and the member so directed shall absent himself accordingly. provided that the chairman may remit the period of suspension on apology being made to his satisfaction by the member under suspension.
- (m) The presiding authority may in the case of grave disorder arising at a meeting suspend the meeting for a period not exceeding three days.

RULE NO.52: NOTICE OF MOTIONS

- (a) Notices of motions for the Agenda paper of the Standing Committee shall be submitted to the Standing Committee Chairman by the Secretary before being placed on the Agenda paper.
- (b) In order that the motion or proposition may be admissible it shall satisfy the following conditions viz :
 - (i) It shall not contain any arguments, inferences imputations, ironical expressions, epithets or defamatory statements.
 - (ii) It shall not refer to the character or conduct of any person except in his official or public capacity.
 - (iii) It shall not raise matters under the control of bodies or persons not responsible to the Municipal Corporation.
 - (iv) It shall be clear, precise and specific and not vague or ambiguous and shall raise one definite issue.
 - (v) It shall be relevant to some question which affects, or may affect, the services of the Corporation, administration of the Act or the Municipal Government of the city.
- (c) The presiding authority shall disallow any motion which is inadmissible under clause 'b' above shall be at liberty to excise from a notice of motion any matter which he may consider to be frivolous, vexatious insulting libelous or grossly offensive and if he deems propose he may disallow a motion altogether on these grounds and his decision shall be final. In case a proposition containing any such objectionable matter is actually proposed at a meeting, it shall

be competent to the presiding authority with the consent of the meeting obtain on the occasion to excise such objectionable matter from the minutes of the proceeding of the meeting.

RULE NO.53. MINUTES

(a) A minute of the names of the member presented of the proceedings at each meeting of the Standing Committee shall as soon as conveniently may be, be drawn up and kept by the Municipal Secretary of his subordinate in a book to be provided for this purpose and shall ordinarily be signed at, and by the presiding authority of the next ordinary meeting subject to the provisions of this rule.

(b) At the commencement of proceeding of each ordinary meeting, the minutes of the previous meeting or meeting shall be taken as read unless a member or members present in the meeting requires it to be read.

If any member present draws the attention of the presiding authority on any portion of the minutes of the previous meeting as being erroneously entered in the minute book such amendment as the Chairman after taking sense of the meeting deems fit shall be made before the minutes are signed. Any clerical error may be corrected by the presiding authority while signing the proceeding in confirmation.

(c) Any alteration in the minutes which is authorized by the meeting shall be initialed by the presiding authority at the time of signing the minutes.

(d) In respect of matters of which the Standing Committee's resolution are required to be sent for the sanction of Municipal Corporation, the Secretary will arrange for their being placed before meeting of the Municipal Corporation.

(e) The minute-book of the Standing Committee shall at all reasonable times be open at the Chief Municipal office to inspection by any councilor free of charge and by any other person on payment of a fee of fifty paise per day or such amount which may be fixed by the Corporation from time to time. provided however, that the said minute book shall not be open for inspection by any person other than a councilor unless the minute is signed by the presiding authority.

provided further that the inspection of the minute book as referred to above shall be given only in respect of the preceding twelve calendar months.

RULE NO. 54: SUB-COMMITTEES

(a) Standing Committee may appoint sub-committees consisting of such members of the Standing Committee not less in number than 3 as the Standing committee thinks fit for inquiry and report for any of the matter failing within the preview of the Standing Committee.

(b) A sub-Committee may elect a Chairman of its meetings, and if no such Chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-Committee present shall choose one of its member to be Chairman of such meeting.

(c) Sub-Committee may meet and adjourn as they think proper but the Chairman of the Standing Committee may, whenever he thinks fit, and shall, upon the written request call a special meeting of such sub-Committee.

(d) Questions at any meeting of a sub-Committee shall be decided by a majority of votes of the members present, and in case of an equality of votes, the Chairman of the meeting shall have second or casting vote, but no business shall be transacted at any such meeting unless at least one half of the members of the sub-Committee are present from the beginning to the end thereof.

(e) A minute shall be kept by the Municipal Secretary or his subordinate of the names of the members present and of the proceeding at each sub-Committee's meeting which shall be signed at, and by the presiding authority of the next ensuing meeting of said sub-committee.

RULE NO.55 REPEAL

Provisions regulating the proceeding of the Corporation and the Standing Committee as contained in rule 1,2,3 and 5 of chapter I I of Schedule 'A' of the Bombay Provincial Municipal

Corporations Act, 1949 and Surat Municipal Rules framed under section 58 (a) & (b) of the Bomay Municipal Boroughs Act, 1925 so far as are applicable are hereby repealed