

GOVERNMENT OF KARNATAKA

No.RDP 64 ZPS 2019
Vidhanasoudha,

Karnataka Government Secretariat,

Bengaluru, dated:15-09-2020.

NOTIFICATION

The draft of Karnataka Gram Swaraj and Panchayat Raj (Motion of No-Confidence against Adhyaksha & Upadhyaksha of Zilla Panchayat) Rules, 2020 which the Government of Karnataka proposes to make in exercise of the powers conferred by section 311 read with sub-section (3) of section 179 of the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (Karnataka 14 of 1993) is hereby published as required by sub-section (1) of section 311 of the said Act, for the information for all persons likely to be affected thereby and requested to give objection and suggestion for their said draft rules within 30 days from of its publication in the official Gazette. And whereas, the said Gazette was made available to the public on 13-08-2020.

And whereas, the received objections are examined in accordance with law and disposed.

These rules are published as required under section 179(3) of the Karnataka Grama Swaraj and Panchayath Raj Act 1993.

Rules

1. Title and Commencement.- (1) These rules may be called the Karnataka Gram Swaraj and Panchayat Raj (Motion of No-confidence against Adhyaksha and Upadhyaksha of Zilla Panchayat) Rules, 2020.

2. Definitions.- (1) In these rules unless the context otherwise requires,- (a) “Act” means the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993).

(b) “Equivalent Officer” means an officer equivalent to the Regional Commissioner Authorised in this behalf by notification the Government.

(c) “Form” means form appended to these rules; and (d) “Section” means a section of the Act.

(2) Other Words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Act.

3. Motion of No-confidence.- (1) A written notice of intention to move the motion under the proviso to sub-Section (3) of Section 179 shall be in Form-I Signed by half of the members of the total elected number of members together with a copy of the proposed motion shall be delivered in person by any two of the members signing the notice to the Regional Commissioner or the equivalent officer as the case may be.

(2) The Regional Commissioner or the equivalent officer as the case may be shall thereafter convene a meeting for the consideration of the said motion at the office of the Zilla Panchayath on the date appointed by him which shall not be later than fifteen days from the date on which the notice under sub-rule (1) was given to him. He shall give to the members a notice of not less than ten clear days of such meeting in Form II:

Provided that, where the holding of such meeting is stayed by an order of a Court, the Regional Commissioner or the equivalent officer authorized by the Government shall adjourn the said meeting and shall hold the adjourned meeting on a date not later than fifteen days from the date on which he receives the intimation about the vacation of stay, after giving to the members a notice of not less than ten clear days of such adjourned meeting.

Provided also that, if any general holiday is declared for any unforeseen reason on that particular date, if the meeting is not commenced, the said meeting has to be held on next working day.

(3) A notice in Form-II shall be given by the Regional commissioner or the equivalent officer as the case may be to every member including the Adhyaksha and Upadhyaksha in one of the following modes namely: -

- (a) by delivering or tendering the said notice to such member; or
- (b) if such member is not found, by leaving such notice at his last known place of residence or business within the Zilla Panchayat or by giving or tendering the same to some adult member or servant of his family; or
- (c) by registered post; or email. or
- (d) if none of the means aforesaid be available, by affixing such notice on some conspicuous part of the house, if any, in which the member is known to have last resided or carried on business within the Zilla panchayat area.

(4) The quorum for such meeting shall be half of the total elected number of members of the Zilla Panchayat. The Regional Commissioner or the equivalent officer as the case may be shall preside over at such meeting.

Explanation.- For determination of half of total elected number of members under this sub-rule any fraction arrived at shall be construed as one.

(5) Save as otherwise provided in the Act or rules made thereunder a meeting convened for the purpose of consideration of a motion under sub-rules (2) shall not be adjourned for any reason.

(6) (a) If there is no quorum, within half an hour after the time specified for the meeting, the meeting shall be adjourned.

(b) The adjourned meeting shall be fixed on any day (except on General Holiday) within seven days of the adjourned meeting day. This shall be the part of the proceedings.

(c) It is necessary to issue separate notice for this adjourned meeting. Proceedings of the meeting shall be displayed on the notice board of the Zilla Panchayat office. Proceedings its self shall be deemed to be notice for the next meeting.

(d) If the adjourned meeting is not held for the want of quorum, it is understood that a resolution expressing want of confidence in any Adhyaksha or Upadhyaksha has been negative by the Zilla Panchayat.

(7) As soon as the meeting is convened under sub-rule (2) the Regional Commissioner or the equivalent officer as the case may be shall read to the members of the Zilla Panchayat, the motion of no-confidence for the consideration of which the meeting has been convened and shall put it to vote without any debate.

(8) The Regional Commissioner or the equivalent officer as the case may be shall not speak on the merits of the motion and he shall not be entitled to vote thereon.

(9) If the motion is passed by a majority of two third of the total number of elected members of the Zilla Panchayath, the Adhyaksha or Upadhyaksha, as the case may be, shall forthwith cease to hold office and function as such and the Regional Commissioner or the equivalent officer as the case may be shall record the proceedings in the proceeding book of the Zilla Panchayat. Explanation: For determination of two third of total elected number of members under this sub-rule, any fraction arrived at shall be construed as one.

(10) The Adhyaksha or Upadhyaksha as the case may be shall, immediately hand over all documents, cash or other properties of the Zilla Panchayat in his custody to the Chief Executive Officer of the Zilla Panchayat.

(11) The Regional Commissioner shall proceed further as per rules to hold an election to the post of the Adhyaksha or Upadhyaksha, as the case may be.

Form 1

(See Sub-rule (1) of rule 3) To,

The Regional Commissioner or

.....

.....

Sir,

Subject: Motion of No-confidence against the Adhyaksha or
Upadhyaksha of Zilla panchayat.

We, the following members of..... Zilla Panchayat have signed the this notice and are hereby submitting this notice for moving the no-confidence motion against Adhyaksha or Upadhyaksha of Zilla Panchayat in accordance the provision under sub section (3) of section 179 of the Act.

Yours faithfully,

Sl. No.	Name of the member	Name of the constituency	Signature

Etc.

Form 2

(See Sub-rule (2) of rule 3)

Notice

Subject: No-confidence motion against Adhyaksha or Upadhyaksha of Zilla Panchayat.

A meeting to consider the no-confidence motion against the
Shri....., the Adhyaksha or Upadhyaksha of Zilla
Panchayat will be held on.....
day.....at.....am/pm in the office of the said Zilla Panchayat.

You are therefore requested to attend the said meeting on the date and at the place and time mentioned above.

Regional Commissioner To,

Sri/Smt. _____.

By order and in the name of the
Governor of Karnataka

(P.Shivashankar)

Director (Panchayat Raj) and
Ex-officio Joint Secretary to the Government
Rural Development and Panchayat Raj Department