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## **MAHARASHTRA MOUNICIPALITES (CONDUCT OF BUSINESS) RULES, 1966**

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**MAHARASHTRA MOUNICIPALITES (CONDUCT OF BUSINESS)  
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**1. Short title :-**

These rules may be called the Maharashtra Municipalities (Conduct of Business) Rules, 1966.

**2. Definitions :-**

In these rules, unless the context other: requires,-

(a) "Act" means the Maharashtra Municipalities Act, 1965 (Mah. XL of 1965);

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act.

**3. Notice of meeting :-**

(1) Every notice of a meeting of the Council under the clause (4) of Section 81 shall be in Form A.

(2) In addition to posting up at the municipal Office, every such notice (not being a notice of meeting referred to in clause (14) of Section 81) may be served upon each Councillor either personally, by delivering or tendering it to him, or by sending it to him by ordinary post under certificate of posting, or by registered post, at his last known address.

**4. Attendance Register :-**

(1) An attendance register shall be maintained in Form B showing the names of the Councillors. It shall be placed in the meeting hall at the commencement of each meeting, and every Councillor attending the meeting shall sign against his name in the register as soon as he enters the meeting hall.

(2) Where a Councillor is unable to sign his name, he may with the help of any other Councillor or any officer or servant of the Council put his thumb impression against his name in the register and such thumb impression shall duly attested by any person authorised by the presiding authority in that behalf.

## **5. Order of Business :-**

Subject to the provisions of clause (11) of Section 81, the order of business for every meeting shall be arranged as far as possible in the following order, namely:-

- (a) confirmation of the minutes of the last meeting kept in accordance with Parts I and II of Form C;
- (b) questions from Councillors;
- (c) elections and appointments to be made by the general meeting;
- (c) elections and appointments to be made by the general meeting;
- (d) resolutions of the Standing Committee;
- (e) resolution of any other Committees;
- (f) communications from Government or Government officers;
- (g) consideration of motions, which are part of the business to be transacted at the meeting;
- (h) any other business to be transacted at the meeting.

## **6. Presiding Authority in absence of President or Vice-President :-**

If at the time appointed for a meeting, a quorum is present and the president fails to appear at the place of the meeting in time, the Vice-President, and if both the President and the Vice-President fails to appear at such place in time, a Councillor chosen by the Councillors present at the meeting, shall preside over the meeting as provided in clause (6) of Section 81:

Provided that,-

- (i) where the President attends the meeting at any time after the proceedings have commenced, the Vice-President or the Councillor so presiding shall vacate the chair, and the meeting shall continue .with the President as the presiding authority and
- (ii) where the President is not present and the Vice-President attends the meeting at any time after the proceedings have commenced, the Councillor so presiding shall vacate the chair, and the meeting shall continue with the Vice-President as the presiding authority.

## **7. Raising point of order :-**

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

(2) The decision of the presiding authority on any point of order shall be final.

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

#### **8. Resumption of seat :-**

(1) A Councillor called to order by the presiding authority shall resume his seat.

(2) If at any time, while a Councillor is speaking the presiding authority rises or a Councillor rises to a point of order, the Councillor speaking shall immediately resume his seat.

#### **9. Duration of speeches :-**

The presiding authority may, having regard to the state of business before the meeting and the nature of the subject, prescribe a time limit for speeches on any subject.

#### **10. Manner of speaking :-**

(1) A Councillor desiring to speak on any matter before the meeting shall rise in his seat and if called upon by the presiding authority address his remarks to the presiding authority, if he is not called upon, he shall resume his seat:

Provided that, a Councillor disabled by sickness or infirmity may be permitted by the presiding authority to address the meeting sitting.

(2) If more than one Councillor rise simultaneously to address the meeting, the presiding authority shall decide who shall speak first.

(3) A Councillor shall not read his speech, but may, refresh his memory by reference to notes.

#### **11. Right of presiding authority to address meeting :-**

The presiding authority may address the meeting at any stage of the debate, without any time limit for speech, and while so addressing shall rise in his seat:

Provided that presiding authority disabled by sickness or infirmity may address the meeting sitting.

**12. Interruption during speech :-**

If while a Councillor is speaking another Councillor desires to make an explanation or to seek any explanation or information from the Councillor speaking he shall rise in his seat and, if called upon by the presiding authority, shall make the explanation or seek the explanation or information. If not so called upon, he shall resume his seat. The presiding authority shall not call upon the Councillor so rising, unless the Councillor speaking resumes his seat.

**13. Talk amongst Councillors :-**

A Councillors shall not talk amongst themselves in the meeting so as to interrupt the proceedings or disturb a Councillor who is speaking.

**14. Withdrawal from meeting :-**

A Councillor who desires to leave a meeting while proceedings are going on shall, immediately before leaving, rise in his seat and bow to the presiding authority.

**15. Questions. :-**

(1) A Councillor may address questions to the President or the Chairman of the Standing or any Subjects Committee on matters connected with the functions and duties of the Council under the Act.

(2) The Councillor seeking to address the question shall give under his signature or thumb impression a notice of the impression a notice of the question together with a copy thereof to the Chief Officer at least fifteen days before the meeting of the Council at which it is to be replied.

(3) Subject to the provisions of sub-rule (5), the Councillor shall be entitled to an oral reply in the meeting or at any subsequent meeting if the presiding authority for proper reasons deems it fit to extend the time:

Provided that if in the opinion of the presiding authority any question entitled to an oral answer is of such a nature that a written reply would be more appropriate it may direct that such question shall be answered with a written reply at the meeting or at any subsequent meeting.

(4) The question shall be answered by the President or the Chairman concerned:

Provided that, the Chief Officer may, with the permission of the presiding authority, answer any question on behalf of the President or such Chairman.

(5) The President may disallow any question-

(a) in respect of which fifteen clear days notice in writing specifying the question has not been given to the Chief Officer ; or

(b) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or

(c) which concerns or is directly connected with, any pending suit or proceedings in any court of law or before any judicial tribunal; or

(d) which relates to the character or conduct or performance of any Councillor or an officer or servant serving under or employed by the Council other than in his official or public capacity; or

(e) which is, or by implication may be, defamatory or which makes or implies a charge of personal character against any person or any community or a section of any community; or

(f) which contains arguments, inference, imputations, ironical expressions, epithets, or defamatory statements; or

(g) which relates to a matter with which the Council is not concerned; or

(h) which, in the opinion of the presiding authority, is frivolous, trivial, vexatious or offensive; or

(i) if it seeks information about matters which are in their nature secret; or

(j) which involves the communication of information given to the presiding authority or any officer or servant of the Council in confidence; or

(k) which contains any name or statement not strictly necessary to make the question intelligible; or

(L) which relates to the individual service matters including grievances or complaints of officers or servants of the Council; or

(m) which is of excessive length; or

(n) which repeats in substance questions already answered or to which an answer has been refused;

Provided that, the President may allow any question in an amended form.

(6) If any doubt arises whether any question does or does not fall under any of the clauses of sub-rule (5), the President shall decide the point and his decision shall be final.

(7) If a question contains a statement the Councillor shall be responsible for the accuracy of the statement.

(8) Subject to the provisions of this rule, every question which has not been disallowed shall be entered in the list of questions for the day and shall be called if the time made available permits, in the order in which it stands in the list.

(9) After the question has been answered, any Councillor may put supplementary questions for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that, the presiding authority may disallow any supplementary question if in its opinion, it infringes any of the provisions of sub-rule (5).

(10) If the presiding authority is satisfied that sufficient information is not available for an answer to be given to a supplementary question at the same meeting, it may direct that an answer to such a question may be given at the next ordinary meeting of the Council.

(11) No debate or speech shall be allowed on any question.

(12)' All questions whether allowed or disallowed and replies given shall be incorporated in Part III of the Register in Form C.

**16. Admissibility of motion :-**

No motion shall be admissible which does not comply with the following conditions, namely :-

(a) it shall be clearly and precisely expressed and shall raise only one definite issue:

(b) it shall not contain arguments, inferences ironical expressions or defamatory statements;

(c) it shall not refer to the conduct or character of any Councillor or an officer or servant serving under or employed by the Council except in his official or public capacity;

(d) it shall not relate any matter such as is mentioned in clause (i) of sub-rule (2) Rule 25.

**17. Motion how moved :-**

(1) Unless otherwise expressly provided, every motion (not being a formal motion, such as a motion for adjournment, closure and the likely), shall be handed over or sent by the proposer in writing after putting his signature or thumb impression thereon to the President or the Chief Officer before it is moved. Where a motion has been handed over or sent to the President, a copy thereof shall be sent to the Chief Officer.

(2) Subject to the provisions of clause (10) of Section 81, no motion which has not been received by the President or Chief Officer as provided in sub-rule (1), at least fifteen days before the date of a meeting, shall be included in the business to be transacted in that meeting.

Provided that, the President may in special circumstances for reasons to be recorded in writing, include a motion which has been received not less than seven days before the date of the meeting.

(3) If the Chief Officer on receipt of the motion by him, is of the opinion that the motion is not consistent with the provisions of the Act or the rules or bye-laws made thereunder or that it entails expenditure from the Municipal Fund and no financial sanction has been obtained therefore, he shall forward his views to the President. Where the motion is in order, the Chief Officer shall prepare a brief note thereon giving the necessary information from the financial and administrative points of view.

**18. Seconding :-**

Except a motion of an amendment suggested by the presiding authority which does not require to be seconded, no motion or amendment shall be taken up for discussion unless and until it is seconded by a councillor who is entitled to vote.

**19. Provision in the absence of a mover :-**

If a Councillor who has given a notice of motion is absent, any other Councillor entitled to vote and authorised by him in writing may move it.

**20. Withdrawal of motion :-**

Any motion which has been proposed and seconded may be



withdrawn by the proposer, with the consent of the Councillor who seconded the motion and with the permission of the Council.

**21. Motion once withdrawn cannot be proposed in the same meeting :-**

A motion which has once been withdrawn under Rule 20 shall not be moved again at the same meeting (including an adjourned meeting if the meeting is adjourned).

**22. Limitations on certain motions :-**

A notice of a proposition for priority for any item under the proviso to clause (11) of Section 81 shall be given to the Chief Officer before the commencement of the meeting and no debate or speech shall be allowed on any such proposition.

**23. Proposal to postpone :-**

(1) A motion to postpone the consideration of any matter may be moved by any Councillor at any time after it is taken up and such motion shall take precedence over any other motion relating to that matter.

(2) The presiding authority, after permitting a brief explanatory statement from the mover of the motion, and if the motion is opposed by more than one Councillor shall, without further debate put the motion to vote.

(3) A motion for the postponement of consideration of any matter shall not, without the permission of the presiding authority, be made more than once during the debate on any matter.

**24. Discussion :-**

(1) On a motion or amendment being moved and seconded the presiding authority shall read or cause it to be read to the meeting: it shall then be considered to be before the meeting for discussion. The mover may then speak in support of the motion or amendment and the seconder may either follow or reserve his speech for a later stage of the debate thereon. Other Councillor may, save as otherwise provided, speak on the motion in the order in which they are called upon by the presiding authority.

(2) The Chief Officer may express his views on the motion if it is inconsistent with the provisions of the Act or the rules or bye-laws made thereunder or involves expenditure from the Municipal Fund.

(3) No Councillor who has once addressed the meeting on a motion shall subsequently move or second in amendment thereto or otherwise take part in the debate on that motion.

(4) A Councillor shall not vote or take part in the discussion of any matter before a meeting or ask any question under Rule 15 concerning any matter in which he has, directly, or indirectly, by himself, or by his partner, any share or interest such as is described in sub-section (3) of Section 16, or in which he is professionally interested on behalf of a client, Principal or other person.

## **25. Limitations of debate :-**

(1) The matter of every speech must be relevant to the subject on which it is made.

(2) A Councillor while speaking shall not:-

(i) refer to any matter of fact which is under adjudication before a Court of Law (including any Tribunal) having jurisdiction in any part of India;

(ii) make personal charge against another Councillor;

(iii) reflect upon any decision arrived at by the Council on any matter except on a fresh motion relating to such matter;

(iv) use offensive or defamatory expressions;

(v) use his right of speech for the purpose of obstructing the business of the meeting;

(vi) disclose the proceedings of any Committee appointed by the Council; or

(vii) discuss any ruling, order or discretion of the presiding authority except-

(a) the ruling, order or discretion of the presiding authority on a resolution for the removal from office of the President or Vice-President brought under sub-section (1) of Section 55; and

(b) with the consent of the presiding authority.

(3)

(a) The presiding authority or a Councillor who objects to any offending words shall move either at once or at the conclusion of the speech of the Councillor who used such offending words "that

the words be recorded". If his motion is agreed to, the presiding authority shall direct that the words be recorded.

(b) A Councillor whose words have been recorded shall be guilty of a breach of order.

(4) The presiding authority, having called the attention of the meeting to the conduct of the Councillor who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other Councillors in debate or willfully contravenes the provisions of sub- rule (1) or any other rule, may direct him to discontinue his speech.

### **26. Opening adjourned debate :-**

On resumption of an adjourned debate, the Councillor who was addressing the meeting immediately prior to the adjournment shall be entitled to speak first.

### **27. Power of presiding authority to divide motion or amendments :-**

When any motion or amendment involves several points, the presiding authority may divide it and put each or any point separately to vote as it may think fit.<sup>5</sup>

### **28. Grouping of motions and amendments :-**

The presiding authority may Group together two or more motions or amendments for consideration of a meeting, provided the subject matter of the motions or amendments is substantially the same.

### **29. Amendments :-**

(1) After a motion has been moved and seconded, amendments may be proposed thereto.

(2) Every amendment shall be relevant to the motion and may propose a variation thereof, an addition thereto, or omission therefrom, but no amendment shall be a direct negation of the motion before the meeting or shall in substance be the same which has already been negated at the meeting.

(3) Any number of amendments may be moved before the meeting at the same time, but no Councillor shall propose more than one amendment to the same motion and no Councillor who has proposed or seconded any motion shall propose or second an amendment thereto.

(4) When an amendment to an amendment is moved, the amendment sought to be amended shall be, as long as the amendments by which it sought to be amended is under discussion, be deemed to be the substantive proposition before the meeting.

(5) An amendment in the alternative shall not be moved.

(6) The presiding authority may disallow any amendment which is in its opinion frivolous.

(7) No amendment shall be removed after a Councillor has commenced his right of reply.

### **30. Right to reply :-**

The mover, or if the mover waives his right, the seconder or a substantive motion, may reply at the conclusion of the debate on it but no other Councillor shall speak on the same motion or amendment, after reply, except to explain, with the permission of the presiding authority, any material ambiguity in the speech of reply.

### **31. Closure :-**

(1) At any time after a motion has been made, any Councillor may move "that the question be now put to vote" and, unless it appears to the presiding authority that such motion would infringe the rights of reasonable debate, the presiding authority shall, without any debate, forthwith put the question, "that the question be now put to vote."

(1A) When the motion 'that the question be now put to vote' has been carried, the presiding authority shall, after allowing the mover or seconder such right of reply as is admissible under the last preceding rule, put the question or questions consequent thereon to vote without further debate.

(2) There shall be no debate on a motion for closure.

(3) If a motion for closure is lost, it shall not be moved again until after a lapse of fifteen minutes.

### **32. Voting on original motion and amendments :-**

(1) On the conclusion of the debate on a motion the presiding authority shall, after allowing the mover or seconder such right of reply as is admissible under Rule 30, put the motion to the vote of the meeting without further discussion.

(2) The votes shall be taken in the following manner-

(a) when there is only one amendment to the motion,-

(i) the amendment shall first be put to vote;

(ii) if the amendment is lost, the motion shall then be put to vote;  
or

(iii) if the amendment is carried, the amended motion shall be put to vote;

(b) when there are more than one amendment,-

(i) the amendments shall first be put to vote one after another in such order as the presiding authority may decide;

(ii) if all amendments are lost, the motion shall then be put to vote;

(iii) if all or any of the amendments are carried, the amended motion shall be put to vote.

**33. Method of recording votes :-**

Votes shall ordinarily be taken by a show of hands, but on special occasion, if the presiding authority so decides, votes may be taken by ballot, provided that votes in respect of any motion or proposal involving financial commitments shall not be recorded by ballot by the presiding authority, but the names of the Councillors voting or against such motion or proposal shall be recorded as provided in clause (12) of Section 81.

**34. Voting by ballot :-**

When votes are taken by ballot, each Councillor shall record his vote on a voting paper. The papers used for voting shall not be destroyed until after one month from the date of declaration of the result.

**35. Voting not compulsory :-**

Any Councillor present at the meeting may refrain from voting if he so chooses to do.

**36. Result in case of equality of votes :-**

When there is an equality of votes and the presiding authority refrains from giving a casting or second vote, the proposition shall be held to have lapsed and shall not be brought forward at any subsequent meeting till a period of three months has elapsed.

### **37. Declaration of result :-**

(1) As soon as the voters have been counted, the presiding authority shall, subject to the provisions of clause (13) of Section 81, then and there declare the result of voting which shall be duly recorded in the minute book.

(2) Where votes are taken by show of hands, a declaration by the presiding authority that a resolution or motion has been carried and an entry to that effect in the minute book shall be conclusive evidence of the fact that the resolution or motion has been carried.

### **38. Voting on budget estimate, etc. :-**

(1) When a budget estimate, a supplementary budget estimate, a proposition for a reappropriation of funds, a code of rules, or bye-laws, a list of lands for sale or purchase or lease or transfer, a list of items for write off, lists of arrears, accounts of the Council or such or other propositions as the Standing Committee decides, is laid before a meeting the presiding authority may group the items in such groups may be convenient to it and purpose to the meeting for each group in succession, an appropriate resolution approving the proposals, such resolution being seconded before it is proceeded with:

Provided that, the presiding authority may sub-divide or re-arrange the groups;

Provided further that, if on the sense of the meeting being taken by the presiding authority, all Councillors present are of the opinion that no item or group should be considered separately, the whole question shall be considered as one proposition.

(2) No debate or speech shall be allowed when the opinion or sense of the meeting is being taken under the second proviso to sub-rule (1).

### **39. Voting on budget estimate, etc :-**

The minutes of every meeting shall be kept in accordance with clause (12) of Section 81 in a book in Form C.

### **40. Minutes :-**

(1) If after the minutes are placed before the next meeting of the Council, any Councillor objects to the minutes as having been incorrectly or incompletely recorded, the presiding authority shall,

after taking the sense of the meeting, make such amendments in the minutes as the meeting deems proper and shall confirm and sign the minutes as so amended. The presiding authority shall initial or sign all amendments so made.

(2) No debate or speech shall be allowed on any objection to the minutes raised under this rule.

(3) The record of the minutes of the meeting shall always contain the views, if any, expressed by the Chief Officer, on the motion or resolution at the meeting.