In exercise of the powers conferred by sub section (2) of section 300, read with section 79, of the Dadra and Nagar Haveli Municipal Council Regulation, 2004, the Administrator, Dadra and Nagar Haveli, hereby makes the following rules, namely:-

1. **Short title and commencement:**- (1) These rules may be called the Dadra and Nagar Haveli Municipal Council **Conduct of Business Rules, 2018.**
   
   (2) They shall come in to force on the date of their final publication in the Official Gazette.

2. **Definition:**- In these rules, unless the context otherwise requires: -
   (a) “Form” means a Form appended to these rules;
   (b) “Regulation” means the Dadra and Nagar Haveli Municipal Council Regulation, 2004;
   (c) “Section” means section of the Regulations; and
   (d) Point of order means statement asking the presiding authority to prioritize any item of business, or asking the presiding authority to correct any irregularities in the conduct of business.
   (e) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Regulation.
3. **Notice of meeting:** (1) A notice of meeting of the Council under sub-section (4) of section 79 shall be in Form-A.

(2) A notice, except a notice of a meeting referred to in sub-section (14) of section 79 shall be delivered in person to a Councilor or sent through registered post, or shall be sent on registered email of the Councilor.

4. **Attendance Register:** (1) An attendance register shall be maintained in Form-B showing the names of the Councilors.

(2) The register shall be placed in the meeting hall at the commencement of each meeting and every Councilor present and participating in the deliberations of the meeting shall append his signature against his name in such register.

(3) Where any Councilor is not in a position to append his signature, he may with the help of any other Councilor or any officer or employee of the Council, put his thumb impression against his name.

(4) The thumb impression shall be certified by Chief Officer or any officer duly authorized in this behalf by the presiding authority.

5. **Order of business:** Subject to the provisions of sub-section (11) of section 79, the business for every meeting shall be arranged in the following order, namely:-

   (a) confirmation of the minutes of the last meeting kept in accordance with Part-I and Part-II of Form-C:-

   (b) questions from Councilors;

   (c) elections and appointments to be made by the general meeting;

   (d) resolution of the Standing Committee;

   (e) resolution of any other Committee;

   (f) communication from Government;

   (g) consideration of motions to be transacted in the meeting; and

   (h) any other business to be transacted at the meeting.

6. **Presiding authority in absence of President or Vice President:** (1) Where the President, for any reason, is unable to attend a meeting, the Vice-President shall preside at the meeting.

(2) Where both, the President and the Vice-President, are unable to attend a meeting, a Councilor chosen by the Councilors present from amongst themselves at the meeting shall preside over the meeting as provided in sub-section (6) of section 79.
7. **Raising point of order:** (1) Any Councilor 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 permissible, except with the approval of the presiding authority.

8. **Resumption of seat:** (1) A Councilor called to order by the presiding authority shall resume his seat.

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

9. **Duration of speech:** The presiding authority shall have the power, having regard to the state of business before the meeting and the nature of the subject, specify time limit for speeches on any subject.

10. **Manner of speaking:** (1) A Councilor while speaking on any subject matter shall address his remarks to the presiding authority:

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

   (3) A Councilor shall not be allowed to read his speech, but he 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.

12. **Seeking explanation during speech:** (1) Where in the meeting during a debate any Councilor intend to seek an explanation or information from the Councilor so speaking, he shall rise in his seat and call upon the presiding authority.

   (2) Where the presiding authority does not allow for such explanation or information, he shall resume his seat.

   (3) Where the presiding authority allows such explanation or information, the Councilor speaking shall resume his seat.

13. **Talk amongst Councilors:** In the meeting Councilors shall not talk amongst themselves so as to interrupt the proceedings or disturb the Councilor who is speaking.

14. **Withdrawal from meeting:** A Councilor who intend to leave a meeting while proceedings are going on, shall, before leaving, rise in his seat and bow to the presiding authority.

15. **Questions:** (1) A Councilor may address questions to the President or the Chairman of the Standing Committee or the Chairman of the Subject Committee or to the Chief Officer on matters connected with the functions and duties of the Council as specified under the provisions of the Regulation.
(2) The Councilor seeking to address the question shall give under his signature or thumb impression a notice of the question together with a copy thereof to the Chief Officer at least ten days before the meeting of the Council at which it is to be replied.

(3) Subject to the provisions of sub-rule (5), the Councilor shall be entitled to an oral reply in the meeting or at any following meeting if the presiding authority for certain 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 may be more appropriate, it may direct that such question shall be answered with a written reply at the meeting or at any following meeting.

(4) The question shall be answered by the President or the Chairman, as the case may be:

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 presiding authority may disallow any question: -

(a) in respect of which ten 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 direct 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 Councilor or an officer or an employee of the Council; 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, inferences, 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, vexations 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 employee 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 employee of the Council; or

(m) which is of excessive length; or

(n) which repeats in substance questions already answered or has been disallowed:

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

(6) Where 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 Councilor shall be responsible for the accuracy of the contents of such 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 allowed permits, in the order in which it is enumerated in the list.

(9) After the question has been answered, any Councilor 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, it may direct that the answer to the question may be given later at the same meeting or at the next ordinary meeting of the Council.

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

(12) All questions, whether allowed or disallowed or replied, shall be incorporated in part III of the register in Form-C.

16. Admissibility of motion: - No motion shall be admissible which do not comply with the following conditions, namely:-

(a) have only one clearly and precisely expressed definite issue;

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

(c) refer to the conduct or character of any Councilor or an officer or employee of the Council except in his official or public capacity; and

(d) relates to any matter which is mentioned in clause (i) of sub-rule (2) of rule 25.

17. Moving motion: - (1) Every motion, not being a formal motion including a motion for adjournment, closure and the like, 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.

(2) Where a motion has been handed over or sent to the President, a copy thereof shall be sent to the Chief Officer.

(3) Subject to the provisions of sub-section (10) of section 79, where a motion under sub-rule (1) has not been received by the President or the Chief Officer at least ten days before the date of a meeting, such motion shall not be included in the business to be transacted in that meeting:

Provided that, the presiding authority may in special circumstances for reasons to be recorded in writing, include a motion which has been received before seven days from the date of the meeting.

(4) Where on receipt of the motion the Chief Officer is of the view that: -

(a) the motion is not consistent with the provisions of the Regulation or the rules or bye-laws made there under; or

(b) that it entails expenditure from the Municipal Fund and no financial sanction has been obtained, then he shall forward his views to the President.

(5) Where the motion is in order, the Chief Officer shall prepare a brief note thereon giving the necessary information from the financial and administrative point of view.

18. Seconding of motion:— No motion or amendment thereof shall be taken up for discussion unless it is seconded by such Councilor who is entitled to vote:

Provided that, a motion of an amendment suggested by the presiding authority shall not require to be seconded.

Provided further that a motion by the President shall not be required to be seconded.

19. Moving motion in absence of mover:— Where a Councilor who has given a notice of a motion is not present, any other Councilor entitled to vote and duly authorized 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 Councilor who seconded the motion and with the permission of the Council.

21. Withdrawn motion cannot be proposed in 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.

22. Limitation on certain motions:— A notice of a proposition for priority for any item under the provision to sub-section (11) of section 79 shall be given to the Chief Officer before the commencement of the meeting and no debate or speech shall be allowed on such proposition.
23. **Motion to postpone matter:**

(1) A motion to postpone the consideration of any matter may be moved by any Councilor 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 shall, after seeking a brief explanatory statement from the mover of the motion and if the motion is opposed by not more than one Councilor, without any 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 thereof, being moved and seconded, the presiding authority shall read it or cause to be read to the meeting.

(2) After being read in accordance with the provisions of sub-rule (1), the presiding authority shall get it considered for discussion.

(3) The mover may then speak in support of the motion or amendment thereof, as the case may be, and the seconder may either follow or reserve his speech for a later stage of the debate thereon.

(4) Other Councilors who have given their names to the presiding authority for discussion, may, speak on the motion in the order in which they are called upon by the presiding authority.

(5) The Chief Officer may express his views on the motion if it is inconsistent with the provisions of the Regulation or the rules or bye-laws made there under or involve any expenditure from the Municipal Fund.

(6) A Councilor who has once addressed the meeting on a motion shall not subsequently move or second an amendment thereto or otherwise take part in the debate on that motion.

(7) A Councilor 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, by himself, or by his partner, any share or interest as described under sub-section (3) of section 17 or in which he is professionally interested on behalf of a client, principal or any other person.

25. **Limitation of debate:**

(1) The matter of every speech in a meeting shall be relevant to the subject on which it is made.

(2) A Councilor 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 a personal charge against another Councilor or any Officer other than for work done in his official capacity.

   (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 on a resolution for the removal from Office of the President or Vice-President brought under sub-section (1) of section 57; and

b. with the consent of the presiding authority.

(3) The Councilor who objects to offending or offensive or defamatory words shall move either at once or at the conclusion of the speech of the Councilor who used such offending words, “that the words be removed from the proceedings of the meeting”.

(4) Where such motion is agreed to, the presiding authority shall direct that such words be removed from the proceedings of the meeting.

(5) A Councilor whose words have been removed from the proceeding of the meeting shall be guilty of a breach of order.

(6) The presiding authority, having called the attention of the meeting to the conduct of the Councilor who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other Councilors in debate or willfully contravenes the provisions of sub-rule (10) or any other rule, may direct him to discontinue his speech.

26. **Opening adjourned debate:-** On resumption of an adjourned debate, the Councilor who was speaking in the meeting immediately before the adjournment shall be entitled to speak first.

27. **Power of presiding authority to divide motion or amendment:-** When any motion or amendment thereto involves several points, the presiding authority shall divide it and put each point separately to vote.

28. **Grouping of motions and amendments:-** Where the subject matter of more than one motions or amendments thereto are substantially the same, the presiding authority may group together two or more such motions or amendments thereto for consideration of a meeting.

29. **Amendment:** -(1) After a motion has been moved and seconded, amendments may be proposed thereto.

(2) Every amendment shall be relevant to the motion and propose a variation or addition or omission, 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 same meeting.

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

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

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

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

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

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

31. Closure :- (1) The presiding authority or any Councilor may at any time move “that the question be now put to vote” and if the motion is carried, the presiding authority, after allowing the mover or the seconder to reply to the debate under rule 30, shall put the motion together, with the amendment, if any, to vote.

(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 before fifteen minutes.

32. Voting on original motion and amendment :- (1) On the conclusion of the debate on a motion, or where the presiding authority is satisfied that the motion has been sufficiently discussed, it shall, after allowing the mover or seconder his right to reply, put the motion to the vote of the meeting without further discussion.

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

(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 amendments:

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

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

(iii) where all or any of the amendments are carried, the amended motion shall be put to vote.
33. **Method of recording vote:** 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 Councilors voting for or against such motion or proposal shall be recorded as provided under sub-section (12) of section 79.

34. **Voting by ballot:**
   (1) When votes are taken by ballot, each Councilor shall record his vote on vote recording machine or on a voting paper.

   (2) The papers used for voting shall not be destroyed till one month from the date of declaration of the result.

35. **Refrain from voting:** Any Councilor present at the meeting may refrain from voting if he so decides to do.

36. **Consequences of equality of votes:** When there is an equality of votes and the presiding authority refrains from giving its 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 votes have been counted the presiding authority shall, subject to the provisions of sub-section (13) of section 79, 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 fiscal matter:**
   (1) When budget estimate, supplementary budget estimate, proposition for re-appropriation of funds, code of rules or bye-laws, list of lands for sale or purchase or lease or transfer, list of items for write off, lists of arrears, accounts of the Council or such other propositions as the Standing Committee decides, are laid before a meeting, the presiding authority may group the items in such groups as may be convenient to it and propose to the meeting for each group in succession.

   (2) The presiding authority may sub-divide or re-arrange the groups.

   (3) Where on the sense of the meetings being taken by the presiding authority, all Councilors present are of the opinion that no item or group should be considered separately, the whole question shall be considered as one proposition.

   (4) No debate or speech shall be allowed when the opinion or sense of the meeting is being taken under sub-rule (3).

   (5) Each resolution approving the proposal shall be seconded before it is proceeded with.
39. **Form of minutes**: The minutes of every meeting shall be recorded and maintained in accordance with sub-section (12) of section 79 in a book in Form-C.

40. **Amendment of Minutes**: (1) Where, after the minutes are placed before the next meeting of the Council, any Councilor 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.

   (2) The presiding authority shall initial or sign all amendments so made.

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

   (4) 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.

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**FORM-A**

(See sub-rule (1) of rule 3)

**Form of Notice of Meeting**

No……. Office of the Municipal Council……..

Date…….

Notice is hereby given to Shri/Smt.………. Councilor of the ……. Municipal Council that an ordinary/Special meeting of the Municipal Council will be held on the ……. day of ……. at …………. (time…….) in the Municipal office situated at….., for transacting business mentioned in the Annexure.

The Councilor is requested to make it convenient to attend the meeting.

A copy of the motion*/proposition of which written notice has been given by a Councilor*/the Councilors of his/their intention to bring forward at the meeting/mentioned in the written request for the special meeting, is enclosed.

(Signature)

(Designation)

*score out what is inapplicable
ANNEXURE

Business to be transacted at meeting of the Municipal Council …… on the ……. Day of ………

1.
2.
3.

(Signature)

(Designation)

---

FORM-B

(See sub-rule (1) of rule 4)

Attendance Register

Date of meeting…………………………

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Ward No.</th>
<th>Name of the Councilor</th>
<th>Signature of thumb impression duly attested</th>
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</thead>
<tbody>
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</tbody>
</table>
# FORM-C

(See rules 5 and 39)

## Minute Book

### PART- I

<table>
<thead>
<tr>
<th>Date and time of the meeting</th>
<th>Names of Councillors Present</th>
<th>Names of others who have attended the meeting</th>
<th>Proceedings in brief</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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</table>

(Signature)
(Presiding Authority)

### PART-II

<table>
<thead>
<tr>
<th>Date and time of meeting</th>
<th>Subject of motion</th>
<th>Working of motion</th>
<th>Names of proposer and seconder</th>
<th>Amendment if any</th>
<th>Numbers of Votes given</th>
<th>Final resolution after the vote amendments</th>
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*When votes are not recorded by ballot, give also the names of Councilors who voted for and against the motion in column 7 and 8 respectively.*

(Signature)
(Presiding Authority)

### PART-III

(See sub-rule (12) of rule 15)

#### Register of Questions

<table>
<thead>
<tr>
<th>Question</th>
<th>Name of the Councillors by whom tabled the question</th>
<th>Whether allowed or disallowed</th>
<th>Reply given if any</th>
<th>If reply given, by whom given</th>
</tr>
</thead>
<tbody>
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</table>

By order and in the name of the Administrator Dadra and Nagar Haveli

Silvassa

Dated : 09/02/2018

Deputy Secretary (UD) Dadra and Nagar Haveli, Silvassa.