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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LOCAL GOVERNMENT

RURAL DEVELOPMENT AND CO-OPERATIVES

Local Government Division

Section-XI

NOTIFICATION

Dhaka, the 6th February, 1986

No. S.R.O. 52-L/86/S-XI/3R.4/85/13.—In exercise of the powers conferred by section 57 of the Local Government (Upazila Parishad and Upazila Administration Reorganisation) Ordinance, 1982 (LIX of 1982), the Government is pleased to make the following rules, namely:—

THE UPAZILA PARISHAD CHAIRMEN AND MEMBERS (RESIGNATION, REMOVAL AND VACATION OF OFFICE) RULES, 1986

1. **Short title.**—These rules may be called The Upazila Parishad Chairmen and Members (Resignation, Removal and Vacation of Office) Rules, 1986.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

- (a) "Authorised Officer" means the Deputy Commissioner of the concerned district;
- (b) "Ordinance" means the Local Government (Upazila Parishad and Upazila Administration Reorganisation) Ordinance, 1982 (LIX of 1982); and
- (c) "section" means a section of the Ordinance.

3. **Resignation of Chairman and members.**—(1) On receipt of this notice of resignation of a Chairman under section 12(1), the Government shall, within fifteen days of the receipt thereof, notify the vacation of the office of such Chairman in the official Gazette.

(2) On receipt of the notice of resignation of a woman member or a nominated member under section 12(2), the Chairman shall, within seven days of the receipt thereof, report the fact of such resignation, alongwith a copy of the notice, to the Government and the Authorised Officer; and the Government shall, within fifteen days of the receipt of such report, notify the vacation of the office of such woman member or, as the case may be, nominated member in the official Gazette.

4. **Manner of calling special meeting for removal of Chairman.**—(1) For the purpose of removal of a Chairman on any ground mentioned in section 13(1), a requisition stating the grounds for removal signed by not less than two-thirds of the total number of representative members shall be presented to the Government with a copy to the Authorised Officer for convening a special meeting as required by section 13(2).

(2) The Government shall, within a period not exceeding sixty days, forward the requisitions to the Authorised Officer.

5. **Show cause notice on the Chairman.**—(1) The Authorised Officer shall, within a period of seven days from the date of receipt of the requisition from the Government, serve a notice with a copy of the requisition on the Chairman to show cause in writing, within a period of ten days from the date of the receipt of the notice, why a resolution removing him from his office shall not be passed in a special meeting of the Parishad.

(2) A copy of the show cause notice referred to in sub-rule (1) shall be served on all the representative members.

6. **Time and place of special meeting.**—(1) The Authorised Officer shall, within a period of seven days after the expiry of the period allowed for showing cause, convene the special meeting.

(2) Subject to the provisions of sub-rule (1), the special meeting shall be held in the office of the Upazila Parishad concerned or in such other place as the Authorised Officer may decide in this behalf on such date and at such time as may be specified in the notice of special meeting.

(3) A copy of the notice specifying the date, time and place of the special meeting shall be served on the representative members including the Chairman at least three days prior to the time of holding such meeting.

(4) The special meeting shall be presided over by the Authorised Officer.

7. **Deferred special meeting.**—If, for any reason beyond the control of the Authorised Officer, the special meeting cannot be held on the date and time fixed for the purpose, the Authorised Officer shall convene the special meeting on such other date, time and place as may be fixed by him in this behalf:

Provided that the date of the special meeting shall be fixed within fifteen days from the date fixed for the previous meeting.

8. **Passing of resolution.**—No resolution removing the Chairman shall be passed or shall be deemed to have been passed unless four-fifths of the total number of representative members vote for the resolution.

9. **Consideration of explanation.**—(1) Before passing a resolution, the written explanation, if any, submitted by the Chairman concerned shall be considered or, in case there is no written explanation, he shall be heard in person and the verbal explanation, if any, shall be recorded by the Authorised Officer.

(2) If the Chairman does not like to be heard in person or has not submitted any written explanation or is not present in the special meeting, the Authorised Officer shall go on with the proceedings.

10. **Manner of voting.**—(1) On completion of the proceedings under rule 9, the Authorised Officer shall hand over to each representative member a voting paper in the form specified in the Schedule appended to these rules and shall ask each representative member in turn to record his vote by an appropriate mark in the space provided for the purpose in the voting paper at a table so placed that no other person can see the recording.

(2) Before handing over the voting paper to each representative member, the Authorised Officer shall sign on the reverse of the voting paper to ensure genuineness.

(3) If any representative member spoils inadvertently a voting paper, he shall be supplied with a duplicate voting paper on request.

(4) For signifying the vote in favour of the resolution, a representative member shall put a cross mark (X) in the space meant for it and for signifying vote against the resolution a tick mark (✓) shall be put in the space meant for it.

(5) After recording his vote, each representative member shall fold the voting paper and return it to the Authorised Officer.

(6) As soon as all the voting papers have been received by the Authorised Officer, he shall count the number of representative members who have recorded cross mark (X) and those who have recorded tick mark (✓) and shall forthwith declare the result of such counting and record a note to this effect.

(7) If the number of representative members recording cross mark (X) is not less than four-fifths of the total number of representative member, the resolution shall be deemed to have been passed.

11. **Submission of resolution to the Government.**—The Authorised Officer shall, within three days from the date of passing of the resolution, forward a copy of the resolution alongwith a copy of the statement of proceedings, written explanation or verbal explanation, if any, of the Chairman and the voting paper in a sealed cover to the Government for approval.

12. **Approval of the Government.**—(1) On receipt of the copy of the resolution and other concerned documents specified in rule 11, the Government shall, after satisfying itself as to the correctness of the procedure followed in the proceedings, either approve or disapprove the resolution within a period not exceeding thirty days.

(2) In case of approval of the resolution removing the Chairman, the Government shall notify the vacancy caused by removal in the official Gazette within a period of seven days from the date of approval of the resolution under sub-rule (1) and communicate copy of the notification to the Authorised Officer and the Chairman concerned.

(3) In case of disapproval of the resolution, the reasons therefor shall be recorded therein by the Government and the Authorised Officer shall be informed accordingly.

13. **Vacation of office caused by death.**—When the office of the Chairman or a women member or a nominated member becomes vacant on account of death, the Government shall, within fifteen days of receipt of such information from the Upazila Parishad concerned, notify such vacancy in the official Gazette.

14. **Copy of notification to be sent to the Election Commission.**—A copy of each notification issued by the Government, declaring vacancy in the office of the Chairman of the Parishad caused by resignation, removal or death shall be sent to the Election Commission.

15. **Preservation of records.**—The records of each case of resignation, removal or vacation of office shall be preserved by the Authorised Officer and the Government for a period of three years from the date of occurrence.

SCHEDULE

[see rule 10(1)]

Voting Paper

To move the resolution for removal of

(Name)

Chairman ofUpazila Parishad.

Space for
voting mark

Cross mark (X) in favour of the resolution

Tick mark (✓) against the resolution

Signature of representative Member

By order of the President

HUSAIN AHMED

Secretary.