

ANNEXURE I

EDUCATION AND SOCIAL WELFARE DEPARTMENT

29th August 1960

Sachivalaya Annexe, Bombay,

Bhadra 7, 1882

CONSTITUTION OF INDIA.

NO.TAC-1160-J:- In exercise of the powers conferred by Sub-paragraph (3) of paragraph 4 of Part B of the Fifth Scheduled to the Constitution of India and in supersession of the Bombay Tribes Advisory Council Rules, 1957, the Governor of Maharashtra hereby makes the following rules, namely :-

1. Short title - These rules may be called the Maharashtra Tribes Advisory Council Rules, 1960.
2. Definitions - In these rules unless the context requires otherwise.
 - (a) "Assembly" means the Maharashtra Legislative Assembly;
 - (b) "Council" means the ~~Tribes Advisory~~ Tribes Advisory Council established in the State of Maharashtra under paragraph 4 of Part B of the Fifth Scheduled to the Constitution of India;
 - (c) "Governor" means the Governor of Maharashtra;
 - (d) Words and expressions used in these rules but not defined shall have the meanings assigned to them in the Constitution of India.
3. Constitution of Council - (1) The Council shall consist of the following twenty members, namely :-
 - * i) The Chief Minister ex-Officio Chairman;
 - * ii) Minister Tribal Development, ex-officio Vice-Chairman;
 - iii) The Director of Social Welfare, Maharashtra State, ex-officio member and Secretary of the Council;
 - * iv) Fifteen (15) members who are representatives of the Scheduled Tribes in the Assembly to be Nominated by the State Government.
 - v) Two members to be nominated by the Governor from amongst persons who in his opinion have

Special knowledge and experience of the needs of the Scheduled Tribes or the Scheduled Areas of the State.

* (2) The names of the members including the Chairman, the Vice-Chairman and the Secretary shall be published in the Official Gazette.

4. Term of Office:- (1) Subject to the provisions of rules 5 and 6 a member who is a representative of the Scheduled Tribes in the Assembly under clause (iv) of sub-rule (1) of rule 3 shall continue to hold as he is a member of the Assembly.

(2) A person nominated by the Governor under clause (v) of sub-rule (1) of rule 3 shall hold the office of a member of the Council for a period of two years from the date of his nomination until his successor is nominated, whichever is later.

(3) Notwithstanding anything contained in this rule, a member of the Council may continue to hold office until a new member is elected or nominated, as the case may be, in his vacancy.

5. Resignation of member:- Any member other than the Chairman, Vice-Chairman or Secretary may at any time resign his office by writing under his hand addressed to the Chairman. Such resignation shall take effect from the date on which it is received by the Chairman.

6. Vacation of office due to absence:- If any member other than the Chairman, Vice-Chairman or Secretary absents himself from three consecutive meetings of the Council without its permission, the Council may declare his office to be vacant.

7. Filing up of vacancies:- In a vacancy occurs in the Office of a member of the Council, the vacancy shall be filled in the manner provided for in rule 3,

8. Meetings of Council:- (1) The Council shall ordinarily meet once in every six months at such place and on such date as the Chairman may appoint.

(2) The Chairman may, however, if he thinks fit and shall upon a requisition in writing signed by not less than five members of the Council, convene a special meeting of the Council. The special meeting to be convened upon a requisition of the members shall be convened within fifteen days of the receipt of the requisition.

(3) Not less than ten clear days' notice of an ordinary meeting and not less than five clear days' notice of a special meeting shall be given to every member of the Council. Such notice shall specify the place, date and time of the meeting and the business to be transacted there at and in the case of a special meeting convened upon a requisition, the reasons mentioned in the requisition for calling such meeting.

9. Quorum - Four members excluding the Chairman shall form a quorum at a meeting of the Council.

10. Functions of Chairman and Vice-Chairman:- It shall be the Council. In the absence of the Chairman at any meeting, the Vice-Chairman shall preside at such meeting and when so presiding shall exercise the same powers as are vested in the Chairman under these rules.

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11. Scrutiny by Secretary of items of business - The Secretary shall examine each item of business fixed for a meeting and offer his remarks, if any, thereon. His remarks on each item shall be circulated to all members of the Council before that item is taken up for consideration at the meeting.

12. Conduct of business - (1) The business to be transacted at a meeting shall consist of matters pertaining to the Welfare and advancement of the Scheduled Tribes in the State which have been referred to the Council by the Governor for advice.

(2) No business shall be transacted and no proposition shall be moved or discussed at any meeting unless it has been specified in the notice for convening the meeting:

Provided that the Chairman may in his discretion permit any business to be transacted or any proposition to be discussed at a meeting which in his opinion is of an urgent nature and which could not for reasonable cause be entered in the notice of the meeting.

(3) The items of business at a meeting shall be taken up in such order as the Chairman may direct:

Provided that if a member proposes to give priority to any particular item of business, the Chairman shall put the motion for priority to vote and shall decide the order according to the majority of votes cast for or against the motion.

(4) The advice of the Council on any matter placed before it shall be determined by a majority of votes of the members present and voting at a meeting.

Provided that in the case of any equality of votes, the Chairman shall have and exercise a casting vote in addition to his own vote.

- (5) The decision and opinions of the Council on matters referred to it by the Governor shall be in the form of recommendations, but any member may, within 24 hours, submit a minute of dissent in regard to any recommendations adopted by the Council and such minute shall be added to and form part of the proceedings of the meeting.
- (6) The meeting of the Council shall not be open to members of the public.
13. Power of Chairman to invite other persons to participate in debates of Council - Notwithstanding anything contained in sub-rule (6) of Rule 12, the Chairman may invite any person other than a member of the Council to participate in the debates of the Council but such person shall not have the power of voting.
14. Proceedings not affected by vacancy - No proceedings of the Council shall be called in question merely by reasons of any vacancy in its membership.
15. Travelling allowance to non official members :-
 - (1) The members of the Council other than those referred to in clauses (i), (ii) and (iii) and of sub-rule (1) of rule 3 shall be entitled to travelling allowance in accordance with the provisions of rule 1 in Section I of Appendix XLII-A to the Bombay Civil Services Rules, 1959.
 - (2) Notwithstanding anything contained in sub-rule (1), a member shall not draw travelling allowance admissible under the said sub-rule if for the same journey he has drawn travelling allowance from the Government Treasury

16. Miscellaneous - All resolutions passed by the Council together with the minutes of dissent, if any, and all other communications from the Council shall be forwarded by the Secretary of the Council to the Secretary to the Government of Maharashtra in the Education and Social Welfare Department, for submission to the Governor.

By order and in the name of the Governor of
Maharashtra.

P.J.CHINMULGUND,
Secretary to Government.

Amended vide :-

- * Notification No. TAC 1262-J, dt. 13.7.1962.
- * Notification No. TAC 1264-J, dt. 10.4.1964.
- * Notification No. TAC 1267/51049-M, dt. 1.12.1967.
- * Notification No. 1277/29919-XV, dt. 29.6.1977.