

CHAPTER XXI

Resignation and vacation of seats in the House

173. Resignation of seats in House.— (1) A member who desires to resign his seat in the House shall intimate in writing under his hand addressed to Speaker his intention to resign his seat in the House in the following form :

"To
The Speaker,
Rajasthan Legislative Assembly,
Jaipur.
Sir,

I hereby tender my resignation of my seat in the House with effect from.....

Yours faithfully,

Place.....

Member, Rajasthan Legislative
Assembly (Division Number.....)"

Date.....

(2) If a member hands over the letter of resignation to the Speaker personally and informs him that the resignation is voluntary and genuine and Speaker has no information or knowledge to the contrary, the Speaker may accept the resignation immediately.

(3) If the Speaker receives the letter of resignation either by post or through some one else, the Speaker may make such enquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine. If the Speaker, after making a summary enquiry either himself or through the agency of Assembly Secretariat or through such other agency as he may deem fit, is satisfied that the resignation is not voluntary or genuine, he shall not accept the resignation.

(4) A member may withdraw his letter of resignation at any time before it is accepted by the Speaker.

(5) The Speaker shall, as soon as may be after he has accepted the resignation of a member, inform the House that the member has resigned his seat in the House and that he has accepted the resignation.

Explanation:— When the House is not in session, the Speaker shall inform the House immediately after the House reassembles.

(6) The Secretary shall, as soon as may be after the Speaker has accepted the resignation of a member, cause the information to be published in the Bulletin and the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused:

Provided that where the resignation is to take effect from a future date, the information shall be published in the Bulletin and the Gazette not earlier than the date from which it is to take effect.

174. Vacation of seats in House.— (1) The seat of a member shall be declared vacant under clause (4) of Article 190 of the Constitution on a motion by the Leader of the House or by such other member to whom he may delegate his functions in this behalf.

(2) If the motion referred to in sub-rule (1) is carried, the Secretary shall cause the information to be published in the Gazette and forward a copy of the notification to the Election Commission for taking steps to fill the vacancy thus caused.