

The Goa Panchayats (Meetings) Rules, 1996

GOA

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Rule THE-GOA-PANCHAYATS-MEETINGS-RULES-1996 of 1996

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The Goa Panchayats (Meetings) Rules, 1996 Published vide Notification No. 2/DP/DR-MR/95, dated 14-11-1996

2.

/DP/DR-MR/95. - Whereas the draft of the Goa Panchayats (Meetings) Rules, 1995, was published as required by sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 316 to 319 of the Extraordinary Official Gazette, Series I No. 31, dated 2nd November, 1995 under Notification No. 1/DP/DR-EP/95 dated 28-9-1995 of the Department of Community Development & Panchayats inviting objections and suggestions from all persons likely to be affected thereby before the expiry of thirty days from the date of publication of the said Notification in the Official Gazette. And Whereas the said Gazette was made available to the public on 2nd November, 1995; And Whereas objections/suggestions received from the public on the said draft have been considered by the Government. Now, Therefore, in exercise of the powers conferred by sections 52 and 54 read with sub-section (1) of section 240 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following rules, namely:-

1. Short title and commencement.

(1) These rules may be called the Goa Panchayats (Meetings) Rules, 1996. (2) They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994); (b) "clear days" means days exclusive of the day of issue of a notice or intimation, and of the day of meeting; (c) "motion" means a proposal to evoke action on the part of the Panchayat and includes an amendment of a motion; (d) "member" means a member of

Panchayat;(e)words used but not defined shall have same meanings as assigned to them in the Act.

3. Panchayat to meet once a month.

- The Panchayat shall meet at least once in every [fortnight] [The word 'fortnight' has been substituted for the word 'month', by 1st Amendment Rules, 1997, published in O. G., Series I No. 49 dated 5-3-1998.] on such date and at such time as may be fixed by the Sarpanch or in his absence, by the Deputy Sarpanch.

4. Secretary to intimate the date of meeting.

(1)The Secretary of the Panchayat shall, at least seven clear days before the date fixed for any ordinary meeting and at least three clear days before the date of special meeting, send or cause to be sent to all the members, intimation of the place, date and time of and the business to be transacted at such meeting in Form "A".(2)A copy of the intimation shall also be exhibited on the Notice board of the Village Panchayat.

5. [Consideration of motion of no confidence. [[Rule 5 has been substituted by 1st Amendment Rules, 1997, published in O. G., Series I No. 49 dated 5-3-1998. The original rule 5 reads as follows:

'5. Consideration of motion of no confidence. - (1) A motion of no confidence against a Sarpanch or a Deputy Sarpanch under section 51 of the Act shall be given in duplicate to the Secretary and in his absence to the clerk of the Village Panchayat during office hours in Form 'B' appended hereto. A copy of such notice shall also be endorsed to the concerned Block Development Officer. The Secretary or clerk as the case may be, on receiving such notice, shall acknowledge the notice under his dated signature.(2)The Secretary or clerk as the case may be, on receiving the notice under sub-rule (1), shall pass on the notice to the Sarpanch for calling a special meeting.(3)When a Panchayat takes a decision on the motion of no confidence against the Sarpanch or Dy. Sarpanch the Secretary shall forthwith furnish a copy of the resolution to the Block Development Officer.']] - A notice of motion of no confidence against a Sarpanch or a Deputy Sarpanch under sub-section (1) of section 51 of the Act shall be delivered to the Block Development Officer during office hours in Form "B" appended to these Rules. A copy of such notice shall also be delivered to the Secretary of the Panchayat concerned. The Secretary, on receiving such notice, shall acknowledge the same under his signature with date.(2)The Block Development Officer, on receiving the notice under sub-rule (1), shall convene a special meeting of the Panchayats to consider the motion of no confidence within fifteen days from the receipt of notice thereof in his office. Intimation for convening a special meeting shall be given by the Block Development Officer to the Secretary of the Panchayat in Form "C" appended to these Rules.(3)The Secretary of the Panchayat shall, on receiving the intimation under sub-rule (2), send or cause to be sent to all members of Panchayat, at least three clear days before the date of special meeting for considering the no confidence motion, intimation of the place, date and time of meeting. Such intimation shall be in Form "A" appended to these Rules.(4)The Block Development Officer, if himself/herself is unable to attend the special meeting as observer,

shall appoint any official from his/her office or from any other Government office/s of the Taluka Headquarters as observe to attend the special meeting. The observer so appointed shall have no right to take part in the proceedings of the special meeting.(5)When a Panchayat takes a decision on the motion of no confidence against the Sarpanch or Dy. Sarpanch, the Secretary shall immediately write the proceedings of the meeting in the minutes book of the Panchayat and shall forthwith furnish a copy of the proceedings of the meeting to the Block Development Officer.]

6. President of the meeting.

(1)At any meeting of the Panchayat while a motion of no confidence against the Sarpanch is under consideration, the Deputy Sarpanch and while a motion of no confidence against the Deputy Sarpanch is under consideration, the Sarpanch and while the motion of no confidence against the Sarpanch as well as the Deputy Sarpanch is under consideration such member of the Panchayat as may be elected by the members present shall preside at the meeting.(2)A member elected to preside shall not be entitled to move the motion of no confidence.

7. Questions shall be decided by the majority of the votes.

(1)Save as otherwise provided in the Act, all questions coming before a meeting shall be decided by a majority of the votes of the members present and voting.(2)In case of an equality of votes, the person presiding shall have and exercise a second or casting votes.

8. Business to be transacted.

- Except with the permission of the person presiding,-(a)no business, which is not entered in the agenda, shall be transacted at any meeting;(b)the order of business to be transacted at every meeting shall be taken in the order in which it is entered in the order of business for the day:Provided that, in granting permission for priority for transacting any business, the person presiding shall be guided by the majority of votes for and against such motion.

9. Adjournment of meeting.

- Any meeting may, with the consent of the majority of the members present, be adjourned from time to time. But no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place, the date, time and place of the adjourned meeting shall be announced at the meeting and no separate notice shall be necessary.

10. [Meeting to be open to the public. [[Sub-rule (1) substituted by 1st Amendment Rules, 1997 published in O. G., Series I No. 49 dated 5-3-98. The original sub-rule (1) read as follows:

'10. Meeting to be open to the public. - (1) Every meeting shall be open to the public unless the person presiding decides that any enquiry before or deliberations of the Panchayat should be held in

camera.'](1)Every meeting of the Panchayat shall be open to the public unless the Panchayat unanimously decides that any enquiry before or deliberations of the Panchayat shall be held in camera.](2)The person presiding may cause any member of the public who interrupts the proceeding of the meetings of the Panchayat to be removed from the place of the meeting.

11. Manner of deciding a matter before Panchayat.

- A matter requiring the decision of the Panchayat shall be decided by means of a question put by the person presiding on a motion made by a member.

12. Discretion of the member either to withdraw or move the motion.

(1)A member who has given notice of a motion shall, when called upon either-(a)state that he does not wish to move the motion, or(b)move the motion, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business, after the motion is duly seconded.(2)If a member, when called, is absent, any other member may, with the permission of the person presiding, move the motion standing in the name of the absent member. If permission is not granted to the other member to move the motion, the motion shall lapse.

13. Person presiding to propose question on the motion.

- After a motion has been proved and seconded, the person presiding shall propose the question by reading the motion for the consideration of the Panchayat.

14. Motion not to be withdrawn or altered once moved and seconded.

- After a motion has been moved and seconded, it shall not be withdrawn or altered in substance, except with the consent of the member who seconded it.

15. Amendment to the motion.

(1)After a motion has been proposed and seconded, any member may propose an amendment thereto.(2)Every amendment shall be relevant to, and within the scope of the motion to which it relates.(3)No amendment shall be moved which has merely the effect of a negative vote.(4)An amendment in the alternative shall not be moved.(5)Any number of amendments may be moved to the same motion but no member shall move more than one amendment to the same motion.(6)The person presiding may disallow any amendment which is, in his opinion, irrelevant or frivolous.

16. Member to address the person presiding by rising in his seat.

(1)A member desiring to propose and discuss any motion shall rise in his seat when speaking and address his speech to the person presiding:Provided that the person presiding may, at the commencement of the meeting, declare that the business of the meeting shall be transacted sitting

or he may permit any member to address the meeting sitting.(2)A member shall confine his speech strictly to the question before the meeting and shall cease to make remarks which are held by the person presiding to be irrelevant or offensive.(3)Members shall not talk among themselves during a meeting so as to disturb the proceedings or a member who is speaking.

17. Privilege of the person presiding.

- The person presiding may address the meeting at any stage of a debate.

18. Mover may support his motion and seconder may either follow or reserve his speech.

- After a motion has placed before the meeting for consideration under rule 13, the mover may speak in support of the motion and the seconder may either follow or reserve his speech for a later stage of the debate thereon.

19. Right of mover and seconder to reply to the debate.

- The mover, or if the mover waives his right, the seconder, of a substantive motion may reply at the conclusion of the debate thereon, but no other member shall, without the express permission of the person presiding, speak more than once on the same motion, except for the purpose of making a personal explanation but in such cases, no debatable matter shall be brought forward.

20. Time limit for speech.

- The person presiding may fix a reasonable time limit within which the mover, the seconder and any member shall end his speech.

21. When and how to put the motion to vote.

(1)On the conclusion of a debate on a motion or where the person presiding is satisfied that the motion has been sufficiently discussed, he may 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 only one amendment is made upon a motion, votes shall be taken between the motion and the amendment.(b)When there is more than one amendment, the one last proposed shall be put against that immediately preceding and then the one which is carried shall be put against the next preceding and so on until only one amendment is left. The vote shall then be taken between the sole remaining amendment and the original motion:Provided that the person presiding may give precedence to any amendment which he deems fit.(d)The motion of amendment carried under classes (a) or (b) shall be again put to vote as a substantive proposal and the result shall be considered to be the decision of the Panchayat.

22. Which matter to take precedence.

(1) A motion to adjourn a meeting or to postpone the consideration of a question shall take precedence over any other motion before the meeting. (2) A motion under this rule shall not be made more than once during the debate on any question.

23. Manner of voting.

(1) Votes shall ordinarily be taken by a show of hands, but may, if the majority of members so decide, be taken by secret ballot. (2) Any member present at a meeting may refrain from voting if he so chooses.

24. Manner when voting is by ballot.

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

25. Person presiding to decide points of order.

(1) The person presiding shall decide all points of order and his decision thereon shall be final. (2) Any member may, at any time raise a point of order for the decision of the person presiding, but in doing so, he shall confine himself to stating the point. (3) No discussion on any point of order shall be allowed except with the consent of the person presiding.

26. Member called to order to resume his seat till decision.

- A member called to order by the person presiding shall resume his seat till the point of order is decided.

27. Rights and duties of the person presiding at the meeting.

- The person presiding at the meeting shall preserve order and have all powers necessary for the purpose of enforcing his decision.

28. Suspension of member guilty of obstructive conduct.

- When any member disregards the authority of the person presiding or is guilty of obstructive or offensive conduct at any meeting, the person presiding shall forthwith put question that such member be suspended from the meeting of the Panchayat for the remainder of the sitting and if three-fourths of the members present are in favour thereof, the member named shall withdraw, failing which the person presiding may call such aid as he deems expedient to secure such suspension or withdrawal. Explanation. - For the purpose of this "obstructive conduct" means

conduct wilfully and persistently adopted with the object of preventing business being transacted at the meeting.

29. Member not to leave the meeting without intimating the person presiding.

- A member who wishes to leave a meeting before its close, shall immediately before leaving, intimate his intention to the person presiding.

30. Proposal may be sent to the Sarpanch.

- Any proposal which a member desires to place before the meeting of the Panchayat may be sent to the Sarpanch. It shall be included in the business of the next meeting if it is received at least five clear days before the date of the meeting unless the Sarpanch or in his absence, the Deputy Sarpanch, for reasons to be recorded in writing, considers the proposal as not worth placing before the next meeting of the Panchayat, in which case it shall appear in the notice convening the subsequent meeting.

31. Member not to propose irrelevant motion.

- No member shall be entitled to propose a motion other than the one directly arising out of the subject before the meeting and relevant thereto, except in case of emergency and with the consent of the person presiding.

32. Power of person presiding to divide the motion.

- The person presiding shall have power to divide a motion into two or more distinct motions or an amendment into two or more amendments, as he may deem necessary.

33. No motion to be discussed and noted until duly proposed and seconded.

- No motion shall be discussed or noted in the minute book unless and until it has been properly proposed and seconded: Provided that a motion by the person presiding need not be seconded.

34. Language and manner of keeping the proceedings.

- The proceedings of each meeting of the Panchayat shall be recorded in a bound book and in anyone of the following languages, namely:-(i)Hindi(ii)English(iii)Konkani(iv)MarathiIn this book shall be entered the names of the members present at each meeting, the decisions arrived at, the names of the members voting for or against and of the members remaining neutral. The proceedings shall be signed by the person presiding at the meeting and shall be read out at the next meeting of the Panchayat for confirmation. A copy of the proceedings shall be submitted to the B. D. O./Director of Panchayats and Chief Executive Officer if any within ten days of the meeting. The proceedings shall be open for inspection at all reasonable times, by any member of the

Panchayat. Form "A" (See rule 4) Notice of Meeting of V. P. The ordinary/special meeting of this Panchayat is fixed on (Date) at at (Time) (Venue) The member is requested to make it convenient to attend the meeting. The agenda of the meeting is as follows:-(1)(2)(3) Signature of (V. P. Secretary) To, Shri/Smt. address) Form "B" (See rule 5) Form of Notice of Motion of No Confidence We members of the village Panchayat of hereby propose to move a no confidence motion against the Sarpanch, Deputy Sarpanch of V. P. which is to be decided in the special meeting to be called for the following reasons. We declare that the facts stated above are true to the best of our knowledge. Signature of the V. P. members giving the notice [Form "C"] [Form 'C' inserted by 1st Amendment Rules; 1998 published in O. G., Series I No. 49 dated 5-3-1998.] [See rule 5 (2)] No. Office of the Block Development Officer Date:- Read:- Notice of No Confidence Motion dated signed by members of Village Panchayat. In exercise of the powers conferred by sub-section (2) of section 51 of the Goa Panchayat Raj Act, 1994 (Act 14 of 1994), read with sub-rule (2) of rule 5 of the Goa Panchayats (Meetings) Rules, 1996, I, Block Development Officer, Taluka/Block, do hereby convene a special meeting of the Village Panchayat to consider the no confidence motion against Shri/Smt. to (Sarpanch and/or Dy. Sarpanch) be held on at and direct the Secretary of Village (Date) (Time) Panchayat to intimate all the members of the Panchayat accordingly as required under sub-rule (3) of rule 5 of the said rules. Office Seal Signature of Block Development Officer, with date To, The Secretary of Village Panchayat