

The Orissa Panchayat Samiti (Conduct of Business) Rules, 1969

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Rule

THE-ORISSA-PANCHAYAT-SAMITI-CONDUCT-OF-BUSINESS-RULES- of 1969

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The Orissa Panchayat Samiti (Conduct of Business) Rules, 1969 Published vide Notification S.R.O. No. 377/70 dated 20th April, 1970, Orissa Gazette Extraordinary No.769/10.7.1970 S.R.O. No. 377/70 dated 20th April, 1970. - In exercise of the powers conferred by Section 57 of the Orissa Panchayat Samiti Act, 1959 (Orissa Act 7 of 1960) and in supersession of the Orissa Zilla Parishad (Conduct of Business) Rules, 1960, the State Government, hereby make the following rules, relating to the conduct of business of the Panchayat Samitis the same having been previously published as required by Sub-section (1) of Section 57 of the said Act.

1. Short title.

- These rules may be called the Orissa Panchayat Samiti (Conduct of Business) Rules, 1969.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" means the Orissa Panchayat Samiti Act, 1959;(b)"clear days" includes Sundays and holidays but do not include the day of the meeting and the day of the issue of notice;(c)"motion" means the statement of a matter, brought forward for the consideration of the Panchayat Samiti and includes a resolution and an amendment of a motion;(d)"section" means a section of the Act;(e)"official members" means members specified in Clauses (b) and (c) of Sub-section (1) of Section 16 and also Section 15-A of the Act;(f)"members then on the roll" means total sanctioned strength of the members having right to vote excluding seats which are vacant;(g)words and expressions used, but not defined in these rules shall have the respective meaning assigned to them, in the Act.Rules of Business Meetings of Panchayat Samitis

3.

[The meetings of the Samiti shall be held at the office of the Samiti.] [Substituted vide Orissa Gazette Extraordinary No. 1529/4.11.1986.]

4.

Every Samiti shall meet at least once in every two months. An ordinary meeting of the Samiti shall usually be held on a fixed day of every alternate month, to be decided by it, in a meeting :Provided that, if for any reason, it is deemed inconvenient to hold any such meeting on the day thus fixed, the Chairman may fix another day for that particular meeting. Notice of meeting

5.

(i) At least, seven clear days notice of a meeting of the Samiti, shall be given to every member [besides the member of the State Legislature as required by Sub-section (2) of Section 18 of the Act] [Inserted vide Notification No. 13566-LCI-2/86/31.10.1986, published vide Orissa Gazette Extraordinary No. 1529/4.11.1986.], The notice shall be issued under the signature of the Block Development Officer and served by post under certificate of posting. A copy of the notice shall also be published in the notice board of the samiti :Provided that the notice for an emergency meeting may be served by post under certificate of posting or by such other method as may be deemed expedient. (ii) The notice shall set forth clearly and fully the time, place and date of the meeting and the business to be transacted thereat. (iii) Accidental failure of service shall not invalidate the proceedings of any meeting. Agenda for a meeting

6.

The agenda for the meeting shall be prepared by the Block Development Officer in consultation with the Chairman of the Samiti.

7.

The agenda, shall include such subjects, as are assigned to the Samiti under the Act.

8.

(i) The Chairman of the Samiti shall call for a special meeting on the requisition of one-third of the number of members, then on the roll of the Samiti, within one month from the date of receipt of such requisition giving the resolution, which it is proposed to move. (ii) The Chairman of the Samiti may call for a special meeting of the Samiti suo motu and shall convene, such meeting of the Samiti, on requisition from the Collector of the district, within fifteen days from the date of receipt of requisition. (iii) The procedure prescribed for meeting under the foregoing rules shall apply for special meetings under this rule.

9.

Every meeting of the Samiti shall be presided over by the Chairman and in his absence by the Vice-Chairman and In the absence of the Chairman and Vice-Chairman, by a non-official member, from out of a panel of three such members In order of priority, nominated by the Chairman in pursuance of Sub-section (5) of Section 20-A of the Act.

10.

(i)Whenever the Chairman of the Samiti finds it necessary, to temporarily leave the Chair, he may call on the Vice-Chairman or the latter's absence, the non-official member from out of a panel of three such members in order of priority nominated by the Chairman, in pursuance of Sub-section (5) of Section 20-A of the Act and in case all such members are absent he may call on any member present there.(ii)Whenever the Vice-Chairman of a Samiti is presiding over the meeting and he finds it necessary to leave the Chair temporarily, he may call up on the non-official member, from out of a panel of three such members, in order of priority, nominated by the Chairman in pursuance of Sub-section (5) of Section 20-A of the Act and in case, all such members are absent, he may call of any member present there.

11.

If the office of the Chairman and Vice-Chairman of the Samiti are vacant, the duties assigned to them, under Rules 3 and 4, shall be performed by the non-official member from out of panel of three such members, in order of priority nominated by the Chairman in pursuance of Sub-section (5) of Section 20-A of the Act.

12.

[* * *] [Deleted vide Orissa Gazette Extraordinary No. 1529/4.11.1986.]Quorum

13.

A quorum for any meeting of the Samiti shall be one-third of the total number of non-official members having a right to vote, then on the roll of the Samiti :Provided that in case where the number of members having a right to vote then on the roll is not evenly divisible by three, the one-third shall be ascertained by taking the number next above the whole number which is evenly divisible by three as the number to be divided.

14.

If within an hour, after the time appointed for a meeting, the quorum is not present, the meeting shall stand adjourned, to some future day, to be appointed by the Chairman unless all the members present agreed to wait longer and at least seven days notice of such adjourned meeting as prescribed

under Rule 5 shall be given. The adjourned meeting shall be convened within fourteen days from the date of adjournment. The members present at such adjourned meeting shall form a quorum whatever their number may be.

15.

A matter, requiring the decision of the Samiti, shall be decided by means of a question, put by the presiding Member of the Samiti.

16.

When a question is put to vote, the presiding member shall call for a show of hands and he shall count the hands shown for or against and declare the result.

17.

All questions which may come before the Samiti at any meeting shall be decided by a majority of votes of non-official members having right to vote. In case of equality of vote the presiding member shall have and exercise a second or casting vote.

18.

No resolution of the Samiti, shall be modified or cancelled, within three months, after the passing thereof except at a meeting, specially convened in that behalf and by a resolution of the Samiti supported by not less than one-half of the total number of non-official members, having a right to vote than on the roll on the Samiti.

19.

(i) There shall be a book, for drawing up the minutes of the proceedings of each meeting of the Samiti. During the period of each meeting, the Block Development Officer, shall record the names of the members present in the meeting, in the minutes book, and shall obtain their signature. (ii) Minutes of the proceedings of each meeting of the Samiti shall be drawn up and recorded by the Block Development Officer in the Oriya language in the book kept for the purpose and after obtaining the signature of the presiding member, the Block Development Officer shall circulate copies of the same, to all members, within seven days of the meeting. If no objections are received from any member, within 20 days of holding of the meeting the minutes shall be taken to have been correctly recorded. (iii) The Block Development Officer, shall forward the copy of the minutes of the proceedings of each meeting of the Samiti to the concerned Subdivisional Officer and the Collector of the district, within seven days, of each meeting. He shall forward a copy to the Government, if directed by the Samiti, within seven days of each meeting.

20.

(a)A member, while speaking shall not comment on any matter of which a judicial decision is pending, or(b)make a personal charge against any member, or(c)use offensive language about the conduct or proceedings or of Legislature of any State or of any Parishad or Samiti, or(d)reflect upon the conduct of the President or any Government or any Rajpramukh (as distinct from the Government of which they are respectively the heads) or any Court of law In the exercise of its judicial functions, or(e)utter defamatory words, or(f)use his right of speech for the purpose of obstructing the business of the Samiti.

21.

A member 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

22.

No member shall speak on a motion, after it has been put to vote by the presiding member.

23.

No member may speak more than once on a motion except the mover, who has the right of reply. After the mover's reply, no member shall speak on the motion. If the mover of a motion speaks on an amendment thereto, he loses his right of reply.

24.

No speech except with the permission of the presiding member, shall exceed seven minutes in duration.

25.

(1)No member shall vote or take part in the discussion of any subject coming up for consideration at a meeting of the Samiti, if the subject is one in which a part from its general application to the public he has any direct pecuniary interest, by himself or as a partner.(2)The presiding member, either on his own motion or on the motion of any member present, may prohibit any member from voting on or taking part in the discussion of any subject in which he believes such member to have pecuniary interest or he may require such member to absent himself during the discussion.(3)Such member may challenge the decision of the presiding member who shall thereupon put question to the meeting. The decision of the meeting shall be final.(4)If the presiding member is believed, by any member present at the meeting to have any such pecuniary interest, in any subject under discussion, the presiding member, may if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.(5)The member concerned shall not be entitled to vote on the

question referred to in Sub-rule (3) and the presiding member shall not be entitled to vote on the motion referred to in Sub-rule (4).Orders of the day

26.

A list of business for the day shall be entered into in the following order:(a)Any objection received from the members regarding the correct recording of the proceedings of the last meetings shall be placed before the Samiti for decision.(b)Oath taking of members, if any.(c)Questions.(d)Papers to be laid on the table of the Samiti for the first time. (No discussion to be allowed on these papers on that day)(e)Election of members to standing committees of Samiti, if any.(f)Review of the progress of Development Work in the Block and of the income and expenditure of the Samiti.(g)Official business brought forward by the Presiding Member.(h)Proceedings of Standing Committee of Samiti, if any.ResolutionDecorum

27.

The members shall sit in such order, as the presiding member may appoint. The members shall speak only from their places.

28.

A member, desiring to speak on any matter, before the Samiti, shall rise from his place, but shall not speak, before the presiding member calls the name of the speaker, when he shall address the presiding member. If two or more members rise simultaneously to speak, the presiding member shall, call the member who first caught his eye, to speak first.The other member or members shall immediately resume their seat. At any time, the presiding member rises in his seat, any member speaking shall resume his seat.

29.

When a member is called to order by the presiding member, he shall immediately sit down.Urgent Resolution

30.

(1)No business, not included in the list of business for the day, shall be transacted at any sitting, except in the form of a motion and without the leave of the presiding member and of the Samiti.(2)(a)Not more than one such motion, shall be made at any one, sitting.(b)Not more than one matter, shall be discussed on the same, motion and the motion shall be restricted to a specific matter of recent occurrence.(c)The motion shall not raise discussion, on a matter which has been discussed at a meeting of the Samiti, during the previous three months.(d)The motion shall not anticipate a matter, which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given.(e)The motion shall not deal with a matter on

which a resolution could not be moved.

31.

Leave to make such a motion must be asked for, after questions at the ordinary meetings and at other meetings, before the business of the day is entered upon.

32.

The member, making such a motion, shall handover to the presiding member, a written statement containing the motion, before the meeting commences but he shall not speak thereon.

33.

The presiding member, if he is of opinion, that the motion is in order, shall read the same to the Samiti and ask the Samiti, if it gives leave of three-fourths of the voting members, present signify their agent, the presiding member, shall announce, that the motion will be taken up in that meeting.

34.

The debate on such motion shall automatically terminate, that day, after which no question can be put. Resolution

35.

Any non-official member may move a resolution relating to a matter concerning the administration of Samiti.

36.

A non-official member, having right to vote, who wishes to move a resolution shall intimate his intension in writing to the Chairman, giving at least seven days notice :Provided that, the Chairman may allow for reason to be stated by him, a resolution with shorter notice to be entered in the list of business.

37.

The Chairman, shall decide on the admissibility of a resolution and shall disallow, any resolutions which in his opinion, contravenes the provisions of the Act or the rules, made thereunder and his decisions shall be final :Provided that the presiding member shall inform the meeting of the resolutions, disallowed by the Chairman.

38.

Every resolution shall be clearly and precisely expressed and shall raise a definite issue.

39.

Resolutions shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall they refer to the conduct or character of persons, except in their official or public capacity.

40.

Resolutions shall be of an affirmative character.

41.

Notice of resolutions shall be in writing and signed by the mover.

42.

The relative precedence of resolutions, given notice of by members, having right to vote, for being moved at meetings of the Samiti, shall be determined by ballot.

43.

No member, having a right to vote, shall be entitled to ballot for more than one resolution at a time.

44.

Resolutions balloted but not reached or disposed of shall lapse.

45.

A member having a right to vote, shall be at liberty to give fresh notice, in respect of resolutions which have lapsed.

46.

Not more than ten resolutions, according to the order of priority, determined by ballot, shall be set down for every meeting.

47.

A member having a right to vote in whose name a resolution appears on the list of business shall when called on either-(a)move the resolution ; or(b)withdraw the resolution, in which case he shall confine himself to a mere statement to that effect.

48.

If the member, having a right to vote when called on, is absent, the resolution standing in his name shall be considered to have, been withdrawn.

49.

Every resolution, which has been moved, shall be seconded, otherwise, it shall not be discussed nor shall any question be put on it.

50.

(1)Discussion on a resolution shall be strictly limited to the subject of the resolution.(2)When any resolution involving several points has been discussed it shall be in the discretion of the presiding member to divide the resolution and put each, or any point, to vote separately as he may think fit.

51.

Routine resolution namely, regarding periodical statements and proceedings of the Standing Committee of Samitis and the like, may be put to the meeting, by the presiding member without their having been moved or seconded.

52.

The presiding member has the same right of moving or seconding or speaking on a resolution or motion as any other member having a right to vote.

53.

After a motion has been moved and seconded an amendment may be moved at any stage of the debate thereon.

54.

On the discussion being concluded in the event of several amendment having been proposed, the presiding member shall put the amendments to vote in the reverse of the order in which they were moved, and when the amendment has been disposed of, he shall put to vote the original motion on

the motion as amended, as the case may be. Questions

55.

(1) Notice of a question shall be given to the Chairman, at least, seven clear days before the sitting of the Samiti, at which it is to be asked and a copy of the question, shall be submitted with the notice : Provided that the Chairman may allow a question to be asked with a shorter notice than seven days, or may extend the time of answering the question. (2) When a non-official member, in whose name, the question stands, is absent, some other non-official member authorised by the former under prior intimation to the Chairman, may ask the question.

56.

A question may be asked for the purpose of obtaining information, on any matter, pertaining to the administration of the Samiti.

57.

In order that a question may be admissible, it shall satisfy the following conditions : (a) It shall not contain any name or statement not strictly necessary to make the question intelligible. (b) If a question contains a statement, the member asking shall make himself responsible for accuracy of the statement. (c) It shall not contain argument, inferences, ironical expressions of defamatory statements. (d) It shall not ask for the expression of opinion or the solution of an abstract legal question or of a hypothetical proposition. (e) It shall not ask about the Character or Conduct of any person except in his official or public capacity. (f) It shall not pertain, to the individual grievances or complaints of members of the establishment of the Samiti. (g) It shall not be of excessive length. (h) A question, once fully answered, shall not be asked again.

58.

The Chairman may, within the period of notice disallow any question or any part of a question on the ground, that it relates to a matter which is not primarily the concerned of the Samiti and if he does so, the question or part of the question shall not be placed on the list of question.

59.

The Chairman shall decide on the admissibility of a question and may disallow any question when in his opinion, it is an abuse of the right of questioning or is in contravention of these rules or on the ground that, it cannot be answered in the public interest.

60.

The questions which have not been disallowed, shall be entered in the list of questions for the day, and shall be called, if the time made available for question permits, in the order in which they stand in the list, before any other business is entered upon at the meeting. Question not reached on the day shall lapse.

61.

The first thirty minutes in ordinary meeting shall be available for the asking and answering question.

62.

Any member may, at any time, raise a point of order, for the decision of the Presiding Member but in doing so shall confine himself-solely to stating the points. Branch of Order

63.

A member is guilty of breach of order who-(a)uses objectionable or offensive words and refuses to withdraw them, or offer any apology;(b)willfully disturbs the peaceful and orderly conduct of the meeting; or(c)refuses to obey any order from the Chair; or(d)does not resume his seat, when the Presiding Member rises from his Chair or when he is called upon to do so by the Presiding Member.

64.

Any member may make objection to any offensive words.

65.

A member who objects to offensive words should move that the words be withdrawn. If his motion is agreed to, the Presiding Member shall direct that the words be withdrawn.

66.

Objection to offensive words shall be taken down when the words are used, but not after another member has begun to speak.

67.

A member, who does not withdraw the words so objected to, shall be guilty of a breach of order.

68.

The Presiding Member after having called the attention of the Samiti to the conduct of a member, who persists in irrelevant or in tedious repetition, either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

69.

The Presiding Member may direct any member, guilty of breach of the order, to withdraw immediately from the meeting and, any member so ordered to withdraw shall do so forthwith, and absent himself during the remainder of the days meeting. If the member is so directed by the Presiding Member for a second time, he may further order that the member shall be absent from the meeting of the Samiti for a certain period not exceeding four months.

70.

The Presiding Member may, in case of grave disorder arising in the meeting of the Samiti, suspend any sitting, for a time to be, specified by him.

71.

The Block Development Officer shall have the custody of the proceedings, and records of the Samiti and of all standing committees of the Samiti.

72.

The procedure prescribed in these rules shall not apply to the meetings convened under Section 46-B of the Act. Closure

73.

At any time after a motion has been made and at the end of a speech, any member having a right to vote may move "that the question be not put" and unless it appears to the Presiding Member that such motion is an abuse of the rules of the Samiti, or an infringement of the rights of reasonable debate, the question, "that the question be not put" shall put forthwith and decide without amendment or debate should the motion be carried, the Presiding Member shall take the senses of the meeting whether the mover be allowed to replay. If the mover is so allowed, he shall bring his reply to a close within five minutes. After that, or should the reply by the mover be not allowed, the motion or amendment or amendments under debate, shall be put at once.