

The Orissa Zilla Parishad (Conduct of Business) Rules, 1996

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Rule

THE-ORISSA-ZILLA-PARISHAD-CONDUCT-OF-BUSINESS-RULES-1996 of 1996

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The Orissa Zilla Parishad (Conduct of Business) Rules, 1996Published vide Notification S.R.O. No. 459/96, dated 19th July, 1996, Orissa Gazette Extraordinary No. 792 dated 3.8.1996S.R.O. No. 459/96. - Whereas the draft of certain rules was published as required under Sub-section (1) of Section 51 of the Orissa Zilla Parishad Act, 1991 (Orissa Act 17 of 1991) in the extraordinary issue No. 1429 of the Orissa Gazette, dated the 19th December 1955, under the notification of the Government of Orissa in the Panchayati Raj (Grama Panchayat) Department No. 26266/G.P., dated the 18th December 1995, as S.R.O. No. 1446/95, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of fifteen days from the date of publication of the said notification in the Orissa Gazette;And whereas no objection or suggestions has been received by the State Government in respect of the said draft;Now, therefore, in exercise of the powers conferred by Section 51 of the said Act, the State Government do hereby make the following rules namely :

1. Short title and commencement.

(1)These rules may be called the Orissa Zilla Parishad (Conduct of Business) Rules, 1996.(2)They shall come into force on the date of their publication in the official gazette.

2. Definition.

(1)In these rules, unless the context otherwise requires,-(a)"Act" means the Orissa Zilla Parishad Act, 1991;(b)"Clear days" includes Sundays and holidays but does not include the day of the meeting and the day of the issue of the notice;(c)"Members then on the roll" means the total strength of members having right to vote excluding the seats which are vacant;(d)"Motion" means the statement of a matter brought forward for the consideration of the Parishad and includes a

resolution and an amendment of a motion;(e)"President" and "Vice-President" shall respectively mean the President or the Vice-President of the Parishad as the case may be;(f)"Secretary" means the Secretary of the Parishad;(g)"Section" means a Section of the Act;(2)Words and expressions used but not defined in these rules, unless the context otherwise required, shall have the same meaning as respectively assigned to them in the Act.

3. Venue of the meeting.

- The meetings of the Parishad shall be held at the office of the Parishad.

4. Date of the meeting.

- An ordinary meeting of the Parishad shall be held on such date as may be decided by the President :Provided that if for any reason, it is found inconvenient to hold meeting on the day so fixed, the President may fix another day.

5. Notice.

(1)At least seven clear days notice of a meeting of the Parishad shall be given to every member. The notice shall be issued under the signature of the Secretary and served by post or by such other method as may be decided by the Secretary. A copy of such notices shall also be published in the notice board of the Parishad:Provided that an emergency meeting of the Parishad may be held with three days notice.(2)The notice shall set forth clearly the time, place and date of the meeting and of the business to be transacted in the meeting.(3)Accidental failure of service of notice shall not invalidate proceedings of any meeting.

6. Preparation of Agenda.

- The agenda for the meeting shall be prepared by the Secretary of the Parishad in consultation with the President and the Chief Executive Officer.

7. Agenda of the meeting.

- The agenda shall include such subjects as are assigned to the Parishad under the Act :Provided that if the State Government refers any particular matter to the Parishad for their decision, such matter shall be included in the agenda for discussion in the meeting.

8. Special Meeting.

(1)The President shall call for a special meeting of the Parishad within thirty days from the date of receipt of the requisition of one-third of its members having right to vote specifying the reasons in the resolution which they propose to move in the meeting.(2)The President may call for a special meeting of the Parishad whether suo motu or on a requisition from the Director within fifteen days

from the date of receipt of such requisition.(3)The subject or subjects which the President or the Director proposes to discuss in the meeting under Sub-rule (1) or under Sub-rule (2) shall be specified by them in such manner as they determine.(4)Procedure required to be followed for convening of meeting under Rules 6 and 7 shall apply to the special meeting convened under this rule.

9. Presiding member of the meeting.

- Every meeting of the Parishad except that convened under Section 39 shall be presided over by the President and in his absence, by the Vice-President and in the absence of both the President and the Vice-President by a member having right to vote chosen by the Members present at the meeting.

10. Temporary absence of President.

(1)Whenever the President finds it necessary to leave the chair temporarily, he may call on the Vice-President or in the latter's absence he may call upon a member to preside in the meeting.(2)Whenever the Vice-President is presiding over the meeting and if he finds it necessary to leave the meeting temporarily, he may call upon a member to preside over the meeting.

11. Absence of President or Vice-President.

- In the ordinary meeting of the Parishad, convened after the Vice-President enters upon office, there shall be drawn a panel of three members, in order of priority who shall exercise the powers and perform the functions of the President in case the office of the President, or as the case may be, the office of the Vice-President is vacant.

12. Seeking orders.

- In the absence of the panel referred to in Rule 41 or in the case of unwillingness of the members on such panel, the Chief Executive Officer shall forthwith inform the Government seeking an order under Sub-section (1) of Section 53.

13. Quorum.

- A quorum for the meetings of the Parishad shall be one third of the total number of members then on the roll of the Parishad:Provided that in cases where the number of members then on the roll is not divisible by three, the one-third of the number of members shall be counted by taking the number next above the whole number which is divisible by three.

14. Adjournment of meeting.

(1)If within an hour after the time appointed for a meeting the required number of members to meet the quorum are not present, the meeting shall stand adjourned to some other day to be fixed by the

President unless all the members present agreed to wait longer.(2)If the meeting shall stand adjourned to some other day fixed by the President at least seven clear days notice of such adjourned meeting as provided under Rule 5 shall be given to every member.(3)The members present at such adjourned meeting shall form the quorum whatever their number may be.

15. Manner of decision of the Parishad.

- A matter requiring the decision of the Parishad shall be decided by means of questions put by the presiding member of the Parishad but not otherwise.

16. Counting.

- 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 results.

17. Decision by the majority.

- All questions which may come before the Parishad at any meeting shall be decided by a majority of votes. In case of equality of voters, the presiding member shall exercise his vote in favour or in against of the decision.

18. Resolution.

- Subject to the provisions of Section 23, no resolution of a Parishad shall be modified or cancelled after three month's of its passing except at a meeting specially convened in that behalf by a resolution of the Parishad supported by not less than one-half of the total number of members then on the roll of the Parishad.

19. Minutes of the meeting.

(1)Minutes of the proceedings of every meeting of the Parishad shall be drawn up and recorded by the Secretary in such language, to be decided by the Parishad, in a book to be kept in the Parishad for the purpose which shall be signed by the presiding member after each meeting including every corrections therein.(2)The Secretary shall forward a copy of the minutes of the proceedings of each meeting of the Parishad to the Government and the Revenue Divisional Commissioner having jurisdiction of the district and to all the members of the Parishad within seven days of each meeting.

20. Code of conduct.

- A member, while speaking, shall not -(i)comment on any matter on which a judicial decision is pending;(ii)make a personal charge against any member;(iii)use offensive language about the conduct or proceeding of the Parliament, or of the Legislature of any state, or of an Parishad;(iv)reflect upon the conduct of the President of India or any Governor of a State or any

Court of law in the exercise of its judicial function;(v)utter defamatory words;(vi)use his right of speech for the purpose of obstructing the business of the Parishad; or(vii)comment on the functioning of the State Election Commissioner.

21. Addressing in the meeting.

- 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 addressing after voting.

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

23. Restriction on addressing.

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

24. Speech.

- No speech, except with the permission of the presiding member, shall exceed ten minutes in duration :Provided that the mover of a resolution in moving the same, may speak for such length of time as the presiding member may permit.

25. Pecuniary interest.

(1)No member shall vote on, or take part in the discussion of any subject coming up for consideration at a meeting of the Parishad, if in the subject, apart from its general application to the public, he has any direct pecuniary interest by himself or 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 refrain himself from taking part in discussion.(3)A member may object to the decision of the presiding member who may hereupon put the objection to vote. The decision of the Parishad on voting of the objection in the meeting shall be final.(4)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 (2).

26. Business of the day.

- A list of business for the day shall be prepared by the presiding member in the following order, namely :(a)the minutes of the last meeting held shall be read and if approved as correctly entered shall be signed by the presiding member of such meeting. If any portion or portions of the

proceedings are challenged and not acceded to, it shall be left to the decision of the Parishad. The minutes then amended as per this decision shall be signed by the President;(b)interpretations and questions;(c)papers to be laid on the table of the Parishad for the first time (No discussion shall be allowed on these papers on that day);(d)election of members of Standing Committees, if any;(e)review of the progress of development works in the district and of the income and expenditure of the Parishad;(f)matters relating to urgent official business brought forward by the presiding member;(g)any motion regarding change of order of business;(h)proceedings of Standing Committee of the Parishad, if any;(i)resolutions; and(j)other official business;

27. Decorum.

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

28. Speaking.

- A member, desiring to speak on any matter before the Parishad, shall rise from his seat, but shall not speak before the presiding members calls the name of the speaker. After the call he shall address the presiding member. If two or more members rise simultaneously to speak, the presiding member shall decide as to which member shall speak first. The other member or members shall immediately resume their seats. At any time the presiding member rises in his seat, any member speaking shall resume his seat.

29. To keep order.

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

30. Urgent resolutions.

(1)No business unless included in the list of business for the day, shall be transacted at any sitting except in the form of a motion and with the leave of the presiding member and of the Parishad.(2)In any sitting of the Parishad -(i)not more than one such motion shall be made;(ii)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;(iii)the motion shall not raise discussion on a matter which has been discussed at a meeting of the Parishad during the previous three months;(iv)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;(v)the motion shall not deal with a matter on which a resolution could not be moved.

31. Leave to make a motion.

- Leave to make a motion must be asked for after questions at the ordinary meeting and at other meetings are over and before the business for the day is entered upon.

32. Motion.

- The members making such a motion shall hand over to the presiding member a written statement of facts containing the motion before the meeting commences, but he shall not speak thereon.

33. Consideration of motions.

- The presiding member, if he is of opinion that the motion is in order shall read the same to the Parishad and ask the Parishad for its leave for consideration of the motion. If three fourths of members having right to vote present signify their assent, the presiding member shall announce that the motion will be taken up in that meeting.

34. Debate.

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

35. Resolution.

- Any member may move a resolution relating to a matter concerning the administration of the Parishad.

36. Admissibility of resolution.

- The presiding member shall decide on the admissibility of a resolution and shall disallow any resolution which in his opinion, contravenes the provisions of the Act or the rules, made thereunder and his decision shall be final :Provided that if the resolution relates to a matter unconnected with the Parishad administration and may lead to an unseemly controversy, he shall refer the resolution to the Director and obtain his orders as to whether it may be admitted. The decision of the Director shall be final.

37. Issue of a resolution.

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

38. Subject matter of a resolution.

- Resolution shall not contain arguments, inferences, ambiguous expression of defamatory statements nor shall they refer to the conduct or character of persons except in their official capacity.

39. Approach.

- Resolution shall be of an affirmative character.

40. Notice of Resolution.

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

41. Notice to move the resolution.

- A member who wishes to move a resolution shall intimate his intention in writing to the presiding member giving at least seven clear days notice and such notice shall contain a copy of the resolution: Provided that the presiding member may allow, for reasons to be stated by him, a resolution with shorter notice to be entered in the list of business and may extend the time for rescussion. The Chief Executive Officer may with the permission of the presiding member answer any question or supplementary questions thereon.

42. Precedence of resolution.

- The relative precedence of resolutions to be moved at meetings of the Parishad shall be determined by ballot.

43. One member one resolution.

- No member shall be entitled to move more than one resolution at a time.

44. Lapse of resolution.

- Resolutions moved but not considered or disposed of shall lapse.

45. Fresh notice.

- A member shall be at liberty to give fresh notice in respect of resolution which have lapsed.

46. Ten resolution in a meeting.

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

47. Call.

- A member in whose name a resolutions appears on the list of business shall when called on either,

-(a)move the resolutions; or(b)withdraw the resolution, in which case he shall confine him self to a statement to that effect.

48. Absence of member.

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

49. Secunder.

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

50. Discussion.

(1)Discussion on a resolution shall be strictly limited to the subject of the resolution.(2)When any resolution involves several points for discussion 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 resolutions.

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

52. Presiding member.

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

53. Amendment of resolution.

- After a resolution has been moved and seconded, amendments may be moved at any stage of the debate thereon.

54. Vote on resolution.

- In the event of several amendments 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 amendments have been disposed of, he shall ought to vote the original resolution or the resolution as amended, as the case may be.

55. Question.

- Notice of a question shall be given at least seven clear days before the sitting of the Parishad at which it is to be asked and a copy of the question shall be submitted with the notice ;Provided that the presiding member may allow a question to be asked with a shorter notice than seven days or may extend the time for answering the question.

56. Information.

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

57. Admissible of a question.

- In order that a question may be admissible it shall satisfy the following conditions, namely : (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 it shall make himself responsible for the accuracy of the statement; (c) It shall not contain arguments inferences, ironical expression 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 capacity; (f) It shall not pertain to the individual grievances or complaints of members of the Parishad; (g) It shall not be unduly long; and (h) A question once fully answered shall not be asked against;

58. Irrelevant question.

- The presiding member may, within the period of notice, disallow any question or any part thereof, on the ground that it relates to a matter which is not primarily the concern of the Parishad or prohibited under the Orissa Zilla Parishad Election Rules, 1994 and if he does so, the question or part of the question shall not be placed on the list of question.

59. Decision of admissibility of a question.

- The presiding member shall decide on the admissibility of a question, and may disallow any question which in his opinion is in contravention of these rules or on the ground that it cannot be answered in the public interest.

60. Calling of question.

- 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 questions permits, in the order in which they stand in the list, before any other business is entered upon at the meeting. Question not considered on the day shall lapse.

61. Answering questions.

- The first thirty minutes of every ordinary meeting shall be available for the asking and answering of questions.

62. Interpretations.

- Interpretations shall not be adjourned.

63. Point of order.

- 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 point.

64. Breach of order.

- A member will be guilty of breach of order, who -(a)uses objectionable or offensive words and refuses to withdraw them or offer any apology;(b)wilfully disturbs the peaceful and orderly conduct of the meeting;(c)refused 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.

65. Offensive words.

- Any member may take objection to any offensive words.

66. Withdrawal of objection.

- A member who objects to offensive words should move that the words be withdrawn and if his motion is agreed to, the presiding member shall direct that the words be withdrawn.

67. Time of objections.

- Objections to offensive words shall be considered when the words are used but shall not be considered after another member has begun to speak.

68. Guilty of breach of order.

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

69. Discontinuance of speech.

- The presiding member, after having called the attention of the Parishad to the conduct of a

member who persists in irrelevant or intedious repetition either of his own arguments, or of the arguments used by other members in debate, may direct him to discontinue his speech.

70. Withdrawal from the meeting.

- The presiding member may direct any member guilty of breaches 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 reminder of the day's 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 meeting of the Parishad for a certain period not exceeding four months.

71. Suspension of sitting.

- The presiding member, may in case of grave disorder arising in the meeting of the Parishad suspend any sitting for a time to be specified by him.

72. Custody of records.

- The Secretary shall be the custodian of the proceedings and records of the Parishad and of all Standing Committees of the Parishad.

73. Access to the records.

- A member shall have access during office hours to the records of the Parishad after giving due notice to the President :Provided that the president may, for the reasons to be recorded in writing, refuse, access of any such member to the records.

74. Copies of the proceedings.

- The Secretary with the prior approval of the President may grant copies of the proceedings of the Parishad and of the Standing Committees to a member :Provided that the Secretary may refuse to grant such copies with the approval of the President.

75. Question after motion.

- At any time after a motion has been made at the end of a speech, any member move "that the question be now put", and unless it appears to the presiding member, that such a motion is an abuse of the rules of the Parishad or an infringement of the right of reasonable debate the question "that the question be now put" shall be put forthwith and decided without amendment or debate. Should the motion be carried, the presiding member shall take the sense of the meeting whether the mover be allowed to reply. 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.