

Bihar Panchayat Raj Institutions (Conduct of Business) Rules, 2015

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Rule

BIHAR-PANCHAYAT-RAJ-INSTITUTIONS-CONDUCT-OF-BUSINESS-R of 2015

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Bihar Panchayat Raj Institutions (Conduct of Business) Rules, 2015Published vide Notification No. 8Pa/Vi-4-106/2012/5307/154, dated 30.07.2015Last Updated 7th February, 2020No.8Pa/Vi-4-106/2012/5307/154 - In exercise of the powers conferred by Section 146 of the Bihar Panchayat Raj Act, 2006 (Bihar Act, 6 of 2006), the Governor of Bihar is pleased to make the following Rules -Chapter-1

1. Short Title, Extent and Commencement.

(1)These rules may be called the Bihar Panchayat Raj Institutions (Conduct of Business) Rules, 2015(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force from the date of its notification in the Official Gazette.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context -(a)"Act" means the Bihar Panchayat Raj Act, 2006.(b)"Section" means the section of the Bihar Panchayat Raj Act, 2006.(c)"Government" means the State Government of Bihar;(d)"Panchayati Raj Institutions" means Gram Panchayat, Panchayat Samiti and Zila Parishad, as the case may be, constituted under the provisions of the Act, 2006.(e)"Gram Panchayat" means autonomous institution constituted under Article- 243 B of the Constitution of India and Section 11 of the Bihar Panchayat Raj Act, 2006.(f)" Panchayat Samiti" means Panchayat Samiti of a Block constituted under Article-243 B of the Constitution of India and Section 34 of the Bihar Panchayat Raj Act, 2006.(g)"Zila Parishad"

means Zila Parishad of a district constituted under Article-243 B of the Constitution of India and Section 62 of the Bihar Panchayat Raj Act, 2006 .(h)"Mukhiya" means the elected Mukhiya of a Gram Panchayat under the provisions of the Bihar Panchayat Raj Act, 2006.(i)"Up-Mukhiya" means the elected Up-Mukhiya of a Gram Panchayat under the provisions of the Bihar Panchayat Raj Act, 2006.(j)"Gram Panchayat Member" means the elected member from territorial constituency of a Gram panchayat under clause (b) of subsection (3) of section 12 of the Bihar Panchayat Raj Act, 2006.(k)"Pramukh" means the elected Pramukh of a Panchayat Samiti under the provisions of the Bihar Panchayat Raj Act, 2006.(l)"Up-Pramukh" means the elected Up-Pramukh of a Panchayat Samiti under the provisions of the Bihar Panchayat Raj Act, 2006.(m)"Panchayat Samiti Member" means the elected member from the territorial constituency of that Panchayat Samiti under sub section (3) of section 37 of the Bihar Panchayat Raj Act, 2006.(n)"Adhyaksh" means the elected Adhyaksh (Chairman) of a Zila Parishad under the provisions of the Bihar Panchayat Raj Act, 2006.(o)"Upadhyaksh" means the elected Upadhyaksh (Deputy Chairman) of a Zila Parishad under the provisions of the Bihar Panchayat Raj Act, 2006.(p)"Zila Parishad Member" means an elected member from the territorial constituency of that Zila Parishad under sub section (3) of Section 64 of the Bihar Panchayat Raj Act, 2006.(q)"Executive Officer" means the Executive Officer of a Panchayat Samiti appointed under section 60 of the Bihar Panchayat Raj Act, 2006.(r)"Chief Executive Officer" means the Chief Executive Officer of a Zila Parishad appointed under section 87 of the Bihar Panchayat Raj Act, 2006.(s)"Additional Chief Executive Officer" means the Additional Chief Executive Officer of a Zila Parishad appointed under section 87 of the Bihar Panchayat Raj Act, 2006.(t)"Presiding Member" means the person presiding over the meeting of a Panchayat Raj Institution.(u)"Block Panchayat Raj Officer" means a Block level Panchayat Officer or Block Panchayat Raj Officer specially appointed by the State Government.(v)"Panchayat Secretary" means the Secretary of Gram Panchayat appointed under Section 32 of the Bihar Panchayat Raj Act, 2006.(w)Words and expressions used but not defined in these rules shall have the same meanings which are assigned to them in the Act.

Chapter-2 Gram Panchayat

3. Composition and Responsibilities of Gram Panchayats.

- Under Section 12 of the Act, a Gram Panchayat will be composed of the elected Mukhiya from that Gram Panchayat and all the elected members from its territorial electoral constituencies. The Gram Panchayat will function as a body corporate and will be responsible for implementation of the decisions taken by Gram Sabha and execution of all functions prescribed under Section 22 of the Act.

4. Meetings of Gram Panchayat.

- Every Gram Panchayat shall meet at least once in every two months in the Gram Panchayat Office for the transaction of its business on the date and time appointed by the Mukhiya.

5. Special Meetings of Gram Panchayat.

(1)The Mukhiya, whenever he deems fit, may call up special meeting of Gram Panchayat. In addition to this, the Mukhiya on the written request of at least one-third members of the total number of the

members of the Gram Panchayat, shall call a special meeting on a date within fifteen days from the receipt of such request,(2)If the Mukhiya fails to call up a special meeting under sub-rule (1), the Up- Mukhiya or in his absence, on receipt of request of one third of the total numbers of the members, such meeting may be called up for a day within not more than fifteen days. The Panchayat Secretary shall issue notice for calling up such meeting, and take necessary action.

6. Notice for The Meetings.

(1)Notice of a general or special meeting of Gram Panchayat, specifying there in the place, date and time of such meeting and the business to be transacted thereat, shall be given in writing by the Gram Panchayat Secretary to the members and to such officers as may be specified by the Gram Panchayat, and it shall be affixed at notice board of the Gram Panchayat at a conspicuous place. The Gram Panchayat Secretary shall issue written notice for the meeting to all concerned members and government officers/employees and maintain acknowledgements thereof .At least seven days previous notice for an ordinary meeting and three days previous notice for a special meeting shall be given by the Secretary.(2)The Gram Panchayat may require the presence of government officials at its meeting. If it appears to Gram Panchayat that the presence of any officer of the government having jurisdiction over a part of Gram Panchayat and not working under it, is desirable in the meeting of the Gram Panchayat, the Panchayat Secretary shall, by a letter addressed to such officer not less than seven days before the intended meeting, request that officer to be present in the meeting and he shall, unless he is unable by sickness or other reasonable cause, attend the meeting.If he is unable to be present in the meeting himself he may depute a responsible and knowledgeable person of his office to represent him in the meeting. On being absent from the meeting without reasonable grounds, the Gram Panchayat may write to his controlling officer to take disciplinary action against such official/employee with intimation to the Block Development Officer and the District Magistrate.(3)The notice to each member of Gram Panchayat shall be generally sent by post or in such other manner which the Secretary thinks fit, to the place of his ordinary residence.

7. Minutes of The Meeting.

(1)The minutes of the meeting of Gram Panchayat shall be prepared by the Panchayat Secretary in consultation with Mukhiya, and may include any subject which is in public interest and which in his opinion should be considered by the Gram Panchayat and it may also include any subject specified by the Mukhiya.(2)Only that subject shall be included in the minutes of the special meeting, for which the special meeting has been summoned .(3)The following subjects shall always be included in every agenda of Gram Panchayat in addition to other subjects -(i)Confirmation of the minutes of the last ordinary or special meeting;(ii)Statement of accounts and expenditures as per cash book;(iii)Any subject, proposal or question postponed in the last meeting;(iv)Progress of different development schemes and utilization of funds;(v)Issues related to rural sanitation, street lighting, drinking water, aanganwadi, construction of village roads, fair price shops, admission in school and attendance of teachers and students, repair of school buildings, immunization and family welfare etc;(vi)Any other subject included in the notice issued under rule 6 ;(vii)Statement regarding proceedings of standing committees .(4)A copy of the minutes along with a copy of the notice

describing the date, time and place of the meeting shall be forwarded individually to each member of the Gram Panchayat. A copy will also be forwarded to the Block Development Officer.

8. Quorum for the Meetings.

- The quorum for a meeting of Gram Panchayat shall be at least half number of the total number of the members. If, at the time appointed for the meeting, a quorum is not present or if the meeting has begun and attention is drawn to the want of quorum, the presiding member shall wait for one hour in such situation, and if within such period also, the quorum is not present, the presiding member shall adjourn the meeting to such time on the following day or such future day as he may fix. The subject, which is not be considered at the meeting so postponed for want of quorum, shall be brought before and disposed of at the subsequent meeting for which same way half quorum of the total number of members shall again be required .

9. Presiding Member.

(1)The Mukhiya and in his absence the Up-Mukhiya shall preside over the meetings of Gram Panchayat, and if both are absent or the Mukhiya is absent and the Up-Mukhiya is not available, the present members will nominate from amongst them one member to preside over the meeting. Provided that if any member present in the meeting of Gram Panchayat believes that the presiding member has any pecuniary or personal interest in any matter which is under consideration and if motion to that effect may be made, he shall not preside at the meeting during such discussion. Any member of the Gram Panchayat present at the meeting may be chosen to preside at the meeting during the continuation of such discussion.(2)(i)The special meeting called for removal of the Mukhiya of a Gram Panchayat shall be presided over by the concerned District Panchayat Raj Officer.(ii)The special meeting called for removal of the Up-Mukhiya of a Gram Panchayat shall be presided over by the Mukhiya .(3)Whenever the Mukhiya finds it necessary to leave the chair temporarily during the meeting, he may call on the Up-Mukhiya or in the latter's absence some other member to preside the meeting in his absence.

10. Restriction To Vote Or To Take Part In Discussion.

- No member of a Gram Panchayat shall vote or take part in the discussion on any question coming before the meeting of Gram Panchayat or any of its committees, if save for general purposefulness of common public, his direct pecuniary or personal interest is involved in that question.

11. Proceeding of The Meeting.

(1)All proceedings of the meeting of Gram Panchayat shall be recorded in Hindi in Devnagari script in a register kept for this purpose by the Panchayat Secretary and shall be signed by the presiding member of the meeting.(2)The proceedings shall include the attendance of present members with their signatures and decisions/resolutions taken at the meeting. Although it will not be necessary to give details of discussions held regarding different resolutions proposed in the meeting, however it

shall be the duty of the officer recording the proceedings to give details of each such resolution with reasons, which in his opinion, is inconsistent with the provisions of the Act or any other law or rules made therein or directions issued by the government.(3)A copy of the proceedings shall be sent to the concerned Panchayat Samiti. Such copies shall be sent within 15 days. In case of a resolution taken under sub-rule (2), the Secretary of a Gram Panchayat shall send the proceeding reports to the Executive Officer of Panchayat Samiti within 24 hours. The Panchayat Secretary shall also send the relevant extracts of the proceedings of the meeting to district/sub-division/block level officials of the concerned departments for necessary action at their ends.(4)The proceeding register shall always be kept at the office of Gram Panchayat. In no case the proceeding register shall be taken out from the office of Gram Panchayat, unless required by the government or authorities authorised by it or by the order of a competent court of law to do so. The Panchayat Secretary shall be the custodian of the proceeding register of Gram Panchayat.(5)The proceeding register shall be available for inspection of the members of public.

12. Meeting and Its Procedure for No Confidence Motion Against Mukhiya/up-Mukhiya.

- The State Government may issue separate directions/guidelines in this regard under the provisions of the Act, which shall form part of these Rules.Chapter-3 Panchayat Samiti

13. Composition and Responsibilities of Panchayat Samiti.

- Under Section 26 of the Act, a Panchayat Samiti will be composed of all the elected members from its territorial electoral constituencies, the members of House of the People and State Legislative Assembly representing the constituencies falling partly or completely under the jurisdiction of Panchayat Samiti, the members of Rajya Sabha and State Legislative Council registered as electors under the Panchayat Samiti area and all the Mukhiyas falling under the jurisdiction of Panchayat Samiti.The Panchayat Samiti will be a body corporate and will be responsible for performance of all functions and execution of powers prescribed under Section 47 of the Act.

14. Meetings of Panchayat Samiti.

- Every Panchayat Samiti shall meet at least once in every two months in the office of Panchayat Samiti for the transaction of its business on the date and time appointed by the Pramukh.

15. Special Meetings of Panchayat Samiti.

(1)The Pramukh, whenever he deems fit, may call up special meeting of Panchayat Samiti. In addition to this, on receipt of the written request of at least one-third members of the total number of the members (including elected and ex-officio members) of the Panchayat Samiti, he shall call a special meeting within fifteen days from the date of receipt of such request,(2)If the Pramukh fails to call up the special meeting under sub-rule (1), the Up-Pramukh shall call up such meeting and on his failure also to do so, one third of the total number of the members may themselves fix a date for

calling up such meeting, and request the Executive Officer to call the said meeting. On such request, to issue notice to members and take necessary action for organising the meeting will be binding for the Executive Officer.(3)All members of Panchayat Samiti (directly elected and ex-officio) along with the Executive Officer of Panchayat Samiti and Block Panchayat Raj Officer and block level supervisory officials will be present in the ordinary or special meeting of Panchayat Samiti, but if the special meeting has been convened to discuss no confidence motion against Pramukh/Up-Pramukh, only the elected members from territorial electoral constituencies of Panchayat Samiti shall take part in such meeting. The Executive Officer shall invariably be present in such meeting. An officer authorised by the District Magistrate under Section 157 of the Act may also remain present in such meeting .Provided that the Executive Officer or any other present supervising Officer shall not have the right to vote in meetings. All such officials may be required to furnish information/report on any matter brought before Panchayat Samiti.

16. Notice for The Meetings.

(1)At least ten days previous notice for an ordinary meeting and seven days previous notice for a special meeting of Panchayat Samiti, specifying explicitly there in the place, date and time of such meeting and the business to be transacted thereat, shall be given by the Executive Officer to the members and to such officers as may be specified by the Government, and it shall be affixed at notice board of the Panchayat Samiti at a conspicuous place. In case of a special meeting, the notice will include the motion or purpose mentioned in the written application for such meeting. Only one fixed agenda in it will be discussed in the special meeting, and no other agenda shall be included in any case.(2)The Panchayat Samiti may require the presence of government officials at its meeting. If it appears to Panchayat Samiti that the presence of any officer of the government having jurisdiction over the whole or a part of Panchayat Samiti and not working under it, is desirable in the meeting of the Panchayat Samiti, the Executive Officer shall, by a letter addressed to such officer not less than seven days before the intended meeting, request that officer to be present in the meeting and he shall, unless he is unable by sickness or other reasonable cause, attend the meeting.Provided that if such officer is not in a position to be present in the meeting himself on account of reasonable grounds, he may depute a subordinate or any other competent officer under him to represent him in the meeting. On being absent from the meeting without reasonable grounds, the Panchayat Samiti may write to his controlling officer to take disciplinary action against such official/employee and its intimation will be given to the District Magistrate. The District Magistrate shall be competent to ask explanation from such employees and may report to the government for taking action against them if considered guilty.(3)The notice to each member of Panchayat Samiti shall generally be sent by post or in such other manner which the Executive Officer thinks fit, to the place of his ordinary residence.

17. Minutes Or The Meeting.

(1)The minutes or the meeting of Panchayat Samiti shall be prepared by Executive Officer in consultation with Pramukh, and any subject of public interest may be included in it and which, in his opinion, should be considered by the Panchayat Samiti and it may also include any subject specified by the Pramukh.(2)Only that subject shall be included in the agenda of the special meeting,

for which the special meeting has been summoned .(3)In the special meeting called to discuss no confidence motion against Pramukh/Up-Pramukh, only the matter concerned with removal of Pramukh/Up-Pramukh shall be discussed.(4)A copy of the minutes along with a copy of the notice mentioning the date, time and place of the meeting shall be forwarded individually to each member of the Panchayat Samiti.

18. Order of Business.

- Arrangement of business to be transacted for the day in the meeting of Panchayat Samiti shall be generally done by the presiding member in the following order -(i)Administration of oath, if necessary,(ii)Questions and answers,(iii)Confirmation of proceeding of the last ordinary or extraordinary meeting or meetings and confirmation of the proceeding of any special meeting/meetings;(iv)A statement of the actions taken in accordance with the proceeding/decisions taken in the last meeting;(v)Information relating to important letters/reports (audit reports, inspection notes by various inspecting authorities, circulars and instructions received from the government etc.) to be laid on the table of Panchayat Samiti for the first time (no discussion shall be allowed on these papers on that day);(vi)Statement of proceedings of Standing Committees;(vii)Physical and financial progress report of the current schemes;(viii)Subjects relating to urgent official business which, in opinion of the presiding member, are essential to be taken up;(ix)Any motion regarding change of order of business;(x)Resolutions;(xi)Measures taken to augment the resources of Panchayat Samiti and progress of revenue collection;(xii)Miscellaneous.

19. Quorum for the Meetings.

- The quorum shall be present with at least half number of the total number of the members of Panchayat Samiti for transacting business at a meeting of Panchayat Samiti. If, at the time appointed for the meeting, a quorum is not present, the presiding member shall wait for one hour and if within this period quorum is present, the meeting will proceed on but if within such period the quorum is not present, the presiding member shall adjourn the meeting to such time on the following day or such future day as he may fix. He may adjourn the meeting at any time after it has begun if his attention is drawn to want of quorum. In the meeting so adjourned, the quorum will be present with one fifth of the total number of members and the business which was brought for disposal in the original meeting shall be transacted .

20. Presiding Member.

(1)The Pramukh and in his absence the Up-Pramukh shall preside over the meetings of Panchayat Samiti, and if both are absent or the Pramukh is absent and the Up-Pramukh is not available, the present members will elect from amongst them one member to preside over the meeting;Provided that if any member present in the meeting of Panchayat Samiti believes that the presiding member has any pecuniary or personal interest in any matter which is under consideration and if motion to that effect may be made, he shall not preside at the meeting during such discussion. Any member of the Panchayat Samiti present at the meeting may be chosen to preside at the meeting during the continuation of such discussion.(2)The special meeting called for removal of the Pramukh of a

Panchayat Samiti shall be presided over by the Up-Pramukh, for removal of the Up-Pramukh by the Pramukh and for removal of Pramukh and Up-Pramukh both by any member of the Panchayat Samiti elected from amongst the members present in the meeting.(3)Whenever the Pramukh finds it necessary to leave the chair temporarily during the meeting, he may call on the Up-Pramukh or in his absence some other member to preside.

21. Restriction To Vote Or To Take Part In Discussion.

- No member of a Panchayat Samiti shall vote or take part in the discussion of any issue brought before the meeting of Panchayat Samiti or any of its committees, if save for general purposefulness his direct pecuniary or personal interest is involved in that issue.

22. Proceeding of The Meeting.

(1)All proceedings of the meeting of Panchayat Samiti shall be recorded in Hindi in Devnagari script in a register kept for this purpose by the Executive Officer and shall be signed by the presiding member of the meeting.(2)The proceedings shall include the attendance of present members with their signatures and decisions/resolutions taken at the meeting. Although it will not be necessary to give details of discussions held regarding different resolutions proposed in the meeting, however it shall be the duty of the officer recording the proceedings to give details of each such resolution with reasons, which in his opinion, is inconsistent with the provisions of the Act or any other law or rules made therein or directions issued by the government.(3)A copy of the proceedings shall be sent to all the members of Panchayat Samiti and Zila Parishad. Such copies shall be sent within 15 days. In case of a resolution taken under sub-rule (2), the Executive Officer of Panchayat Samiti shall send the proceeding reports to the Chief Executive Officer of Zila Parishad within 24 hours. The Executive Officer shall also send the relevant extracts of the proceedings of the meeting to district/subdivision/ block level officials of the concerned departments for necessary action at their ends.(4)The proceeding register shall always be kept at the office of Panchayat Samiti. In no case the proceeding register shall be taken out from the office of Panchayat Samiti, unless required by the government or authorities authorised by it or by the order of a competent court of law to do so. The Executive Officer shall be the custodian of the proceeding register of Panchayat Samiti.(5)The proceeding register shall be available for inspection of the members of public.

23. No Confidence Motion Against Pramukh/up-Pramukh.

- The State Government may issue separate directions/guidelines in this regard under the provisions of the Act, which shall form part of these Rules.Chapter-4 Zila Parishad

24. Composition and Responsibilities of Zila Parishad.

- Under Section 63 of the Act, a Zila Parishad will be composed of all the elected members from its territorial electoral constituencies, the members of House of the People and State Legislative Assembly representing the constituencies falling partly or completely under the jurisdiction of

district, the members of Rajya Sabha and State Legislative Council registered as electors under the district and all the Pramukhs falling under the jurisdiction of the district. The Zila Parishad will function as a body corporate and will be responsible for discharge of all functions and powers assigned under Section 73 and 74 of the Act.

25. Meetings of Zila Parishad.

- Every Zila Parishad shall meet at least once in every three months in the office of Zila Parishad for the transaction of its business on the date and time appointed by the Adhyaksh.

26. Special Meetings of Zila Parishad.

(1) The Adhyaksh, may call up special meeting of Zila Parishad on the written request of at least one-fifth members of the total number of the members of the Zila Parishad on a date within ten days from the receipt of such request, (2) If the Adhyaksh fails to call up the special meeting under sub-clause (i), the said members of Zila Parishad may themselves fix a date for calling up such meeting with intimation to the District Magistrate and may convene the meeting giving seven days prior notice to Adhyaksh and other members of Zila Parishad. The Chief Executive Officer shall issue notice for convening such meeting.

27. Presence of Officials In The Meetings.

(1) The Zila Parishad may require the presence of government officials at its meeting. If it appears to Zila Parishad that the presence of any officer of the government having jurisdiction over the whole or a part of Zila Parishad and not working under it, is desirable in the meeting of the Zila Parishad, the Chief Executive Officer shall, by a letter addressed to such officer not less than seven days before the intended meeting, request that officer to be present in the meeting and he shall, unless he is unable by sickness or other reasonable cause, attend the meeting. If he is not in a position to be present in the meeting himself on account of reasonable grounds, he may depute a subordinate or any other competent officer under him to represent him in the meeting. On being absent from the meeting without reasonable grounds, the Zila Parishad may write to his controlling officer to take disciplinary action against such official/employee with intimation to the District Magistrate. The District Magistrate shall be competent to ask explanation from such employees and may report to the government for taking action against them if considered guilty. (2) Necessary information/report may be required from such government officials/employees on the subject matter of minutes in the meeting of Zila Parishad. Provided that prior intimation on the minutes of the meeting and the subject matter on which information is required from such officials/employees must be given to them.

28. Notice for The Meetings.

(1) At least ten days previous notice for an ordinary meeting and seven days previous notice for a special meeting of Zila Parishad, specifying there in the place, date and time of such meeting and the

business to be transacted thereat, shall be given by the Chief Executive Officer to the members and to such officers as may be specified by the Government, and it shall be affixed at notice board of the Zila Parishad at a conspicuous place. In case of a special meeting, the notice will include the motion or purpose indicated in the written application for such meeting.(2)The notice to each member of Zila Parishad shall generally be sent by post or in such other manner which the Chief Executive Officer thinks fit, to the place of his ordinary residence.(3)The acknowledgements of notices given to members/officials shall be kept in safe custody of the Chief Executive Officer.

29. Minutes for the Meeting.

(1)The minutes for the meeting of Zila Parishad shall be prepared by Chief Executive Officer in consultation with Adhyaksh, and may include any subject of public interest and which in his opinion should be considered by the Zila Parishad and it will also include any subject specified by the Adhyaksh.(2)Only that subject shall be included in the agenda of the special meeting, for which the special meeting has been convened.(3)In the special meeting called to discuss no confidence motion against Adhyaksh/Up-Adhyaksh, only the matter concerned with removal of Adhyaksh/Up-Adhyaksh shall be discussed.(4)A copy of the minutes along with a copy of the notice describing the date, time and place of the meeting shall be forwarded individually to each member of the Zila Parishad.

30. Order of Business.

- Arrangement of business to be transacted for the day in the meeting of Zila Parishad shall be mutatis mutandis similar to that which has been prescribed in Rule-17 for Panchayat Samiti.

31. Quorum for The Meetings.

- The quorum shall be present with at least one third number of the total number of the members of Zila Parishad for transacting business at a meeting of Zila Parishad. If, at the time appointed for the meeting, a quorum is not present, the presiding member shall wait for one hour and if within this period the quorum is present the meeting will proceed on but if within such period also, the quorum is not present, the presiding member shall adjourn the meeting to such time on the following day or such future day as he may fix. He may adjourn the meeting at any time after it has begun if his attention is drawn to want of quorum.

32. Presiding Member.

(1)The Adhyaksh and in his absence the Up-Adhyaksh shall preside over the meetings of Zila Parishad, and if both are absent or the Adhyaksh is absent and the Up-Adhyaksh is not available, the present members will elect from amongst them one member to preside over the meeting.Provided that if any member present in the meeting of Zila Parishad believes that the presiding member has any pecuniary or personal interest in any matter which is under consideration and if motion to that effect may be made, he shall not preside at the meeting during such discussion. Any member of the

Zila Parishad present at the meeting may be chosen to preside at the meeting during the continuation of such discussion.(2)The special meeting called for removal of the Adhyaksh of a Zila Parishad shall be presided over by the Up-Adhyaksh, for removal of the Up-Adhyaksh by the Adhyaksh and for removal of Adhyaksh and Up-Adhyaksh both by the District Magistrate.(3)Whenever the Adhyaksh finds it necessary to leave the chair temporarily, he may call on the Up-Adhyaksh or in the latter's absence some other member to preside.

33. Restriction To Vote Or To Take Part In Discussion.

- No member of a Zila Parishad shall vote or take part in the discussion of any issue brought before the meeting of Zila Parishad or any of its committees, if save for general purposefulness of common public, his direct pecuniary or personal interest is involved in that issue.

34. Proceeding of The Meeting.

(1)All proceedings of the meeting of Zila Parishad shall be recorded in Hindi in Devnagari script in a register kept for this purpose and shall be signed by the presiding member of the meeting. The proceedings of Zila Parishad shall be recorded by the Chief Executive Officer.(2)The proceedings shall include the attendance of present members with their signatures and decisions/resolutions taken at the meeting. Although it will not be necessary to give details of discussions held regarding different resolutions proposed in the meeting, however it shall be the duty of the officer recording the proceedings to give details of each such resolution with reasons, which in his opinion is inconsistent with the provisions of the Act or any other law or rules made therein or directions issued by the government.(3)A copy of the proceedings shall be sent to all the members of Zila Parishad and Panchayati Raj Department. Such copies shall be sent within 15 days. In case of a resolution taken under sub-rule (2), the Chief Executive Officer of Zila Parishad shall send the report of proceedings to the Panchayati Raj Department within 24 hours. The Chief Executive Officer shall also send the relevant extracts of the proceedings of the meeting to district level officers of concerned departments for necessary action at their ends.(4)The proceeding register shall always be kept at the office of Zila Parishad. In no case the proceeding register shall be taken out from the office of Zila Parishad, unless required by the government or authorities authorised by it or by the order of a competent court of law to do so. The Chief Executive Officer shall be the custodian of the proceeding register of Zila Parishad.(5)The proceeding register shall be available for inspection of the members of public.

35. No Confidence Motion Against Adhyaksh/up-Adhyaksh.

- The State Government may issue separate directions/guidelines in this regard under the provisions of the Act, which shall form part of this "Rules."Chapter-5 General Procedures To Be Followed In The Meetings of Panchayati Raj Institutions

36. Questions.

(1) Such questions, the notice of which has been given at least seven clear days before calling up the meeting, shall be considered in that meeting. A copy of the question to be asked shall be accompanied with the notice; Provided that the presiding member may allow a question to be asked, with short notice, or may extend the period for answering a question. The Panchayat Secretary/Executive Officer/Chief Executive Officer may, with the permission of the presiding member, answer questions and supplementary questions thereof. (2) A question may be asked in the meeting of Gram Panchayat/Panchayat Samiti/Zila Parishad only for obtaining information of any thing pertaining to the administration of the Gram Panchayat/Panchayat Samiti/Zila Parishad. (3) Any question shall be admissible when the following conditions are fulfilled - (i) The question shall not contain any such name or speech which is not strictly necessary in view of intelligibility; (ii) If a question contains a speech, the member asking the question shall be responsible for its accuracy; (iii) The question shall not contain arguments, inferences, ironical expressions or anything defamatory; (iv) The question shall not be asked for opinion on or the solution of an abstract legal question or of a hypothetical proposition in the question; (v) The question shall not be asked in respect of the character or conduct of any person except in his official or public capacity; (vi) The question shall not pertain to the individual grievances or complaints of members of Gram Panchayat/Panchayat Samiti/Zila parishad; (vii) The question shall not be of excessive length; (viii) A question once fully answered shall not be asked again. (4) The presiding member 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 concern of the Gram Panchayat/Panchayat Samiti/Zila parishad and on such disallowance, the question or part of the question shall not be placed on the list of questions. (5) The presiding member shall decide on the admissibility of a question and may disallow any question which in his opinion, is only abuse of the right to question or is in contravention of these rules or also on the ground that it cannot be answered in view of public interest. (6) All such question, which have not been disallowed, shall be entered in the list of questions for the day and shall be considered, if possible in the determined period for question in the order of the questions in the list, before any other business is entered upon at the meeting. (7) The first thirty minutes of every ordinary meeting shall be available for asking and answering of questions. (8) Questions shall not be adjourned.

37. Motion.

(1) Any business, not included in list of minutes for the day, shall not be transacted at any sitting unless it may not be moved in the form of a motion and leave of the presiding member and of the Gram Panchayat/Panchayat Samiti/Zila Parishad, as the case may be, be taken. (2) (i) Not more than one such motion shall be made at any one sitting. (ii) Not more than one matter shall be considered on the same motion and the motion shall be restricted to any information of any recent occurrence. (iii) No discussion should be raised on a matter which has been discussed at meeting of the Gram Panchayat/Panchayat Samiti/Zila Parishad, as the case may be, during the previous three months in the motion. (iv) A matter, which has been previously appointed for consideration shall not be anticipated in the motion or with reference to which a notice of motion has been previously given. (v) A matter on which a resolution cannot be moved shall not be dealt in the motion. (3) Leave

to make such a motion must be asked for after questions at the ordinary meetings and at other meetings before the business for the day is entered upon.(4)The member making such a motion shall hand over to the presiding member a written statement before the meeting commences.(5)The presiding member, if he is of the opinion that the motion is in order, shall read the same to the Gram Panchayat/Panchayat Samiti/Zila Parishad, as the case may be, and ask the Gram Panchayat/Panchayat Samiti/Zila Parishad if leave may be given or not. If one-fourth of the members present and voting express their assent, the presiding member shall announce that the motion will be taken up in that meeting.

38. Resolution.

(1)Any matter requiring the decision of Gram Panchayat/Panchayat Samiti/Zila Parishad, as the case may be, shall be put up in form of a resolution.(2)The presiding member shall decide on the admissibility of a resolution and shall disallow any resolution which in his opinion is irrelevant, contravenes the provisions of the Act or the Rules made thereunder, and his decision shall be final.(3)Every resolution shall be (a) of an affirmative character, (b) clearly and appropriately expressed and a definite subject shall be mentioned in it and (c) shall not contain arguments, inferences, ironical expressions or defamatory statements, nor it shall be referred to the conduct or character of a person except in his official or public capacity.(4)Notice of resolution shall be given in writing and signed by the proposer and be accompanied by a copy of the resolution.(5)Only such resolution, the notice of which has been given at least seven clear days before the convening of any meeting, shall be considered in that meeting, but the presiding member may allow, for reasons to be recorded by him, a resolution to be entered on the list of minutes with short notice.(6)A member in whose name a resolution appears on the list of minutes shall, when called on, either - (i) present the resolution or (ii) withdraw the resolution and he shall only address to that effect.(7)If the member when called on is absent, the resolution entered in his name shall be deemed to have been withdrawn.(8)Every resolution shall be seconded by any other member, otherwise it shall not be considered.(9)The discussion on a resolution shall be only on the subject relating to the resolution.(10)After the debate on a resolution is concluded, the presiding member shall put it for voting.(11)When a resolution is put for voting the presiding member shall call the members present for a voting on it by show of hands in favour and against the resolution and after counting them shall declare the result.(12)If several points have been raised in a resolution, the presiding member shall present for voting all such points or some specific point which he in his discretion deems fit for voting.(13)Routine resolutions, namely periodical statements and proceeding of the Standing Committees may be put to the meeting by the presiding Officer without their moving by any member or seconded.(14)The presiding member shall have the same right to move motion/resolution or to be seconder or to support or to speak as general members.(15)All matters to be put before a Panchayati Raj Institution at any meeting for voting shall, unless otherwise specifically provided, be decided by a simple majority of the members present and voting at the meeting. When any matter may be put for voting, the presiding member shall ask the members to vote by show of hands and count the hands raised in favour or against it and declare the result. The presiding member, unless he refrains from voting, may cast his vote before declaring the number of vote for and against a matter, and in case of equality of votes, the presiding member may exercise his casting vote. In case of any matter not passed unanimously, the names of the members casting

their votes for and against the matter shall be recorded if demanded by any member present at the meeting. Officers attending the meeting of Panchayati Raj Institutions shall have no right to vote on any matter.(16)No motion of a Gram Panchayat/Panchayat Samiti/Zila Parishad shall be modified or rescinded within six months after passing thereof unless a motion has been passed by not less than one-half of the total number of members at an ordinary or special meeting the notice of which has been given fulfilling the requirements of Rule 37 and having detail statement of such motion in which the motion is to be modified or rescinded.

39. Certain Restrictions On Speaking.

(1)The subject matter of every speech must be strictly relevant to the matter under consideration for the time being and a member, while speaking, shall not -(a)comment on any matter on which a judicial decision is pending ;(b)make a charge against a member or chairperson or a vice - chairperson of any Panchayati Raj Institution or any officer of the government in relation to his conduct except which is done in his official or public capacity ;(c)use offensive and objectionable expressions about the conduct or proceedings of legislation of the Parliament, or of the Legislature of any State or of any Panchayati Raj Institution ;(d)utter defamatory words ; or(e)use his right to speech for the purpose of obstructing the business of Panchayati Raj Institution, or(f)insist on boring repetition of his own arguments or on the irrelevancy of the arguments placed by other members during discussion ;(2)Except the proposer, who has the right to answer, no member shall speak more than once;(3)When the presiding member shall put the motion for voting, no member shall speak over it .

40. Decorum.

(1)The members shall sit in such order as the presiding member may appoint. The members shall speak only from their seats.(2)A member desiring to speak on any matter before the Gram Panchayat/Panchayat Samiti/Zila Parishad shall rise from his seat, but shall not speak unless the presiding member calls the name of the speaker, and then 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 eyes to speak first. The other member or members shall immediately resume their seats. Whenever, the presiding member shall rise in his seats, the member speaking shall resume his seat.(3)When a member is called to order by the presiding member, he shall immediately sit down.(4)Any member, who uses objectionable, offensive or un-parliamentary words or sentences and be ordered by the presiding member to withdraw these words or sentences with regret, shall do the same and this part of his speech shall not be recorded in the proceeding of the meeting.(5)The presiding member shall have the power to regulate the period of speeches.(6)No other member except the proposer member of the motion may speak on his motion or on its amendment twice without the permission of the presiding member.

41. Breaches of Order.

(1)Any member, if he -(i)uses objectionable or offensive words and refuses to withdraw them or to offer any apology,(ii)will fully disturbs the peaceful and orderly proceeding of the

meeting, (iii) refuses to obey any order of the presiding member, or (iv) 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, shall be deemed to be guilty of breaches of order. (2) Any member, who desires to object the offensive words, shall have to move the motion "that the words may be recorded". If his motion is agreed to, the presiding member shall direct that the words may be recorded. (3) Objections to offensive words shall be taken when the words are used, and not after another member has begun to speak. (4) The member, whose words have been recorded, shall be deemed to be guilty of a breach of order. (5) The presiding member, after having called the attention of the Gram Panchayat/Panchayat Samiti/Zila Parishad 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. (6) The presiding member may direct any member, whose conduct is, in his opinion, grossly disorderly, 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 day's meeting. If any member is so directed by the presiding member for a second time, the presiding member may further order that the member shall be absent from the meetings of the Gram Panchayat/Panchayat Samiti/Zila Parishad, as the case may be, for a certain period not exceeding four months. (7) The Mukhiya/Pramukh/Adhyaksh may, in case of grave disorder in the meeting of Gram Panchayat/Panchayat Samiti/Zila Parishad, as the case may be, suspend the proceeding of the meeting for a time which may be fixed by him. Chapter-6 Miscellaneous

42. Copies of Proceedings/records.

- The Secretary of a Gram Panchayat/Executive Office of a Panchayat Samiti/Chief Executive Officer of a Zila Parishad may grant copies of the proceedings and records of the Gram Panchayat/Panchayat Samiti/Zila Parishad and Standing Committees respectively to non - members on payment of the following fees in advance - (a) Fees for ordinary copies -

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| (i) Copy of running matter | Fifty paise per foolscap page of 100 words or part thereof a minimum fee of two rupees. |
| (ii) Copy of statement | Ten Paise per line of four columns or part thereof. |
| (iii) Copy of drawings Rs. | 5 per square foot of ferro paper or part thereof. |
| (b) Fees for urgent copies | When an application has been made for an urgent copy, the order granting or refusing the copy shall be made on the same day and the copy shall be delivered to the applicant or to his authorised agent as far as possible, within twenty four hours of the presentation of the challan, showing the deposit of double the fees for ordinary copy. |

43. Power To Remove Difficulties.

- If any difficulty arises in making the provisions of these Rules effective, the State Government may, issue such order or circular, in consultation with the Law Department which is necessary and expedient to remove the difficulties as per requirements.