

THE MADHYA PRADESH PANCHAYAT (PROCEDURE OF MEETING AND CONDUCT OF BUSINESS) RULES, 1994

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[Notification No. 2171-1183-XXII-P-2-94 dated 23rd December, 1994, published in M.P. Rajpatra, Extraordinary, dated 24th December, 1994, p. 2116 (5) -2116 (9)].-In exercise of the powers conferred by sub-section (1) of Section 95 read with sub- section (1) of Section 44 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (1 of 1994), the State Govern-

ment hereby makes the following rules, the same having been previously published as required by sub-section (3) of Section 95 of the said Act, namely:-

1. Short title.-These rules may be called the Madhya Pradesh Panchayat (Procedure of Meeting and Conduct of Business) Rules, 1994.

2. Definitions.-In these rules, unless the context otherwise requires,—

- (a) "Act" means the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994);
- (b) "Meeting" means a meeting of a Panchayat;
- (c) "Secretary" means the Secretary of the Gram Panchayat;
- (d) "Chief Executive Officer" means the Chief Executive Officer of the Janapad Panchayat or Zila Panchayat, as the case may be;
- (e) "Chairperson" means the person preside over the meeting of the Panchayat;
- (f) "Section" means a Section of the Act.

3. Convening of the Meeting.-(1) Subject to the provisions of Section 44 of the Act the date, time and place of the meeting shall be fixed by the Sarpanch or President, as the case may be.

(2) Notice of every meeting specifying the date, time and place thereof and the business to be transacted thereat shall be sent by the Secretary or the Chief Executive Officer, as the case may be, to every office bearer and exhibited at the office of the Panchayat seven clear days before an ordinary meeting and three clear days before special meeting.

(3) Every meeting shall be presided over by the Sarpanch or President, as the case may be, or in his absence the Up-Sarpanch or Vice-President, as the case may be, or in the absence of both, by a member chosen by the members present at the meeting to preside over the occasion.

(4) All questions before a meeting shall be decided by a majority of voters of the members present and, unless otherwise provided, the person presiding the meeting shall have a second or casting vote in all cases of equality of votes.

4. Agenda for the meeting.-(1) The Agenda for the meeting shall be prepared by the Secretary or the Chief Executive Officer, as the case may be, in consultation with the Sarpanch or the President, as the case may be.

(2) The agenda shall, as far as possible, be accompanied by short notes on the items included in the agenda.

5. Power of the Chairperson.-(1) The Chairperson may prohibit any office-bearer from voting or taking part in the discussion on any subject in respect of which the Chairperson has reasonable grounds to believe that such office-bearer has any direct or indirect pecuniary interest in any agreement or property or any right thereto, which is the subject matter of the discussion.

(2) Such office-bearer may challenge the decision of the Chairperson who shall thereupon put the question in the meeting. The decision that may be taken at the meeting shall be final.

(3) The office-bearer concerned shall not be entitled to vote on the question referred to in sub-rule (2).

6. Rules to be observed while speaking.-An office bearer, while speaking, shall not,—

- (a) Comment on the merits of any matter which is subjudice;
- (b) make a personal charge or accusation against an office bearer or official of the Local Government, State Government or Central Government;
- (c) use offensive language about the conduct or proceedings of the Parliament, or of the Legislature of any State or of any Zila Panchayat, Janapad Panchayat or Gram Panchayat;
- (d) utter defamatory words;
- (e) use unfairly his right of speech for the purpose of obstructing the business of the Panchayat.

7. An Office-bearer not to move or second an amendment to a motion.-An Office-bearer who has once addressed the meeting on a motion shall not subsequently move or second an amendment thereto.

8. An Office-bearer not to speak on a motion after it has been put to vote.-No office-bearer shall speak on a motion after it has been put to vote by the Chairperson.

9. Office-bearer seats.-Office bearers shall sit in such order as the Chairperson may prescribe. Office-bearers shall speak only from their places.

10. Office-bearer to rise when speaking.-An Office-bearer desiring to speak on any matter shall rise from his place, but shall not speak before the Chairperson calls the name of the speaker. The speaker shall address the Chairperson.

11. Office-bearer to sit down when called to order by Chairperson.-When an office-bearer is called to order by the Chairperson he shall be immediately sit down on his seat.

12. Power to move resolution.-Any Office-bearer may move a resolution relating to a matter concerning the administration and functions of the Panchayat.

13. Chairperson to decide admissibility of resolution.-The Chairperson shall decide on the admissibility of a resolution. If in his opinion any resolution is in contravention of the provision of the Act, or the rules made thereunder, he shall not admit it and his decision shall be final.

14. Form of resolution.-(1) Every resolution shall be clearly and precisely expressed and shall raise a definite issue.

(2) Resolution shall neither 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.

(3) Resolution shall be of an affirmative character.

15. Notice of resolution.-(1) Notice of resolution shall be in writing and signed by the mover.

(2) An office-bearer who wishes to move a resolution shall give at least five days clear notice of his intention and shall, together with the notice, submit a copy of the resolution which he wishes to move, but the Chairperson may allow, for reasons to be stated by him, a resolution to be entered on, the list of business on a shorter notice than five days.

16. Moving or withdrawing of resolution.-An office-bearer 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.

17. Chairperson to allow discussion on a resolution.-If an office-bearer, when called on, is absent, the resolution standing in his name shall be considered to have been withdrawn unless the Chairperson allows it to be discussed.

18. Scope of discussion.-The discussion on a resolution shall be strictly limited to the resolution.

19. Splitting of resolution.-When any resolution involving several points has been discussed, it shall be at the discretion of the Chairperson to divide the resolution and put each or any point to vote separately as he may think fit.

20. Right of Chairperson in respect of resolution.-The Chairperson shall have the same right of moving or speaking on a resolution or motion as any office bearer.

21. Calling attention of Chairperson.-(1) An office-bearer may call attention of the Chairperson by giving a notice of his intention to do so atleast five clear days before the meeting.

(2) An office-bearer may also call for information on the administration or the progress of any programme of Panchayat from the Chairperson by giving a notice of five clear days before the meeting.

(3) The Chairperson may disallow any motion to call his attention for information if it contravenes the provisions of Rule 7.

(4) A call attention information notice shall not be debatable.

22. Office bearer when guilty of breach of order.-An office-bearer who,—

- (a) uses objectionable or offensive words and refuses to withdraw them or offer any apology; or
- (b) wilfully 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 Chairperson rises from his seat or when he is called upon to do so by the Chairperson,

is guilty of breach of order.

23. Offensive words.-(1) Any office bearer may take objection to any offensive words.

(2) An office bearer who objects to offensive words should move, "The offensive words be withdrawn". If his motion is agreed to, the Chairperson shall direct that the words be withdrawn.

(3) Objections to offensive words shall be taken when words are used and not after another office bearer has began to speak.

24. Irrelevance or repetition.-The Chairperson after having called the attention to Panchayat to the conduct of an office bearer who persists in irrelevant or in tedious repetitions either of his own arguments or of the arguments used by other office bearers in debate, may direct him to discontinue his speech.

25. Power of Chairperson to direct office bearer to withdraw from meeting.—The Chairperson may direct any office bearer whose conduct is, in his opinion grossly disorderly, or who is guilty of breach of order, under rule 22 to withdraw immediately from the meeting and any office-bearer so ordered to withdraw shall do so forthwith and absent himself during the remainder of the day's meeting.

26. Power to suspend any sitting.—The Chairperson may in case of grave disorder arising in the meeting suspend any sitting for a time to be decided and announced by him.

27. Office bearer not entitled to vote.—No office bearer shall vote on, and take part in the discussion of any question coming up for consideration at the meeting of the Panchayat if the question is one in which he has any direct or indirect pecuniary interest whether by himself or through some other person other than interest as a member of public.

28. Person presiding the meeting not entitled to preside in certain cases.—If it appears to any office-bearer present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for the discussion as is referred to in rule 27 and a motion brought by him to that effect is carried, such person shall not preside over such meeting during the discussion and the meeting shall be presiding over by any other person who would have presided had the person so presiding been absent.

29. Minutes.—(1) Every Panchayat shall record in the Minute Book—

- (a) the names of the office bearers present;
- (b) the names of the Government officers, if any, present;
- (c) the minutes of all the proceedings of every meeting of the Panchayat and its committees;
- (d) the names of the office bearers voting for or against any resolution or remaining neutral.

(2) Such minutes shall be circulated to all the persons invited for the meeting, within 10 days from the conclusion of the meeting.

(3) The minutes so recorded shall be signed by the person who presided over the said meetings.

(4) It shall at all reasonable times be open to inspection free of charge by any office-bearer.

(5) The minutes shall be in Hindi written in Devnagri script.

(6) A copy of the minutes shall, within fifteen days, be sent to,—

- (a) in case of Panchayat to the Chief Executive Officer of the Janapad Panchayat;
- (b) in case of Janapad Panchayat to the Chief Executive Officer of the Zila Panchayat or Deputy Director Panchayat and Social Welfare;
- (c) in case of Zila Panchayat to the District Deputy Director of Panchayat and Social Welfare, Collector, Joint Director Panchayat & Social Welfare and Director Panchayat & Social Welfare.

(7) In case, President or the Sarpanch fails on atleast three occasions to convene the meeting of Zila Panchayat, Janapad Panchayat or Gram Panchayat, as the case may be, as required by sub-section (4) or sub-section (6) of Section 44 of the Act, the Secretary or the Chief Executive

Officer, as the case may be, shall send a report to that effect to the State Government or the prescribed authority who shall take suitable action in accordance with the provisions of the Act.

30. Interpellations and resolutions.-Any office bearer may call the attention of the Chairperson to any neglect in the execution of the Panchayat work, to any waste or misapplication of Panchayat Fund or property or to the needs of any locality within the Panchayat area, and may offer such suggestion as may appear desirable.

31. Repeal.-The Madhya Pradesh Panchayat (Procedure of Meeting and Conduct of Business) Rules, 1991 are hereby repealed.

THE MADHYA PRADESH JANPAD PANCHAYAT AND ZILA PANCHAYAT STANDING COMMITTEES (ELECTION OF MEMBERS, POWERS AND FUNCTIONS AND TERM OF MEMBERS AND PROCEDURE FOR THE CONDUCT OF BUSINESS) RULES, 1994

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