

The Goa Zilla Panchayats (Conduct of Business) (Model) Regulations, 1997

Department of Panchayati Raj and Community Development Directorate of Panchayat

Notification

4/DP/ZP-MEET/96

Whereas the draft of the Goa Zilla Panchayats (Conduct of Business) (Model) Regulations, 1996, were published as required by sub-section (1) of section 244 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), at pages 615 to 622 of the Official Gazette, Series I, No. 43 dated 24-1-97, under Notification No. 4/DP/ZP-MEET/96 of the Department of Panchayat Raj and Community Development, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of one month from the date of publication of the said Notification in the Official Gazette.

And whereas the said Official Gazette was made available to the public on 24th January, 1997;

And whereas no objections/suggestions have been received from the public on the said draft by the Government.

Now, therefore, in exercise of the powers conferred by **sub-section (1) of section 244 read with section 136** of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), the Government of Goa hereby makes the following model regulations, namely:—

CHAPTER-I

Preliminary

1. Short title and commencement.— (1) These regulations may be called the Goa Zilla Panchayats (Conduct of Business) (Model) Regulations, 1997.

(2) They shall come into force at once.

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

(a) “Act” means the Goa Panchayat Raj Act, 1994 (Act 14 of 1994);

(b) “Clear days” means days exclusive of the day of issue of a notice or intimation, and of the day of meetings;

(c) “Form” means a form appended to these Regulations;

(d) “Member” means a member of a Zilla Panchayat;

(e) “Motion” means a proposal to evoke action on the part of the Zilla Panchayats and includes an amendment of motion;

(f) “Section” means a section of the Act;

(g) Words and expression, used but not defined in these Regulations, shall have the same meaning as respectively assigned to them in the Act.

3. Notice of meeting.— (1) Every notice of a meeting of the Zilla Panchayat under clause (b) of sub-section (2) of section 136 of the Act, shall be in Form “A”.

(2) Every such notice shall be served on the members in the manner as provided in section 235 of the Act.

4. Notice of meeting to be displayed on notice board.— A notice stating the date, time and place of every meeting, of the Zilla Panchayat and of the business to be transacted thereat, shall be displayed on the notice board at the office of the Zilla Panchayat.

5. Zilla Panchayat meetings.— Zilla Panchayats to meet once in a month:- Zilla Panchayats shall meet at least once in two months on the date and at such time as may be fixed by the previous meeting of the Zilla Panchayats. The meeting shall generally be held at the Zilla Panchayat Office. The agenda of the meeting shall be prepared by the Chief Executive Officer in consultation with the Adhyaksha and in his absence with the Upadhyaksha of the Zilla Panchayats:

Provided that the date of the first meeting of the Zilla Panchayats after the first constitution or reconstitution, shall be fixed and presided over by the Director.

6. The Chief Executive Officer to intimate the date of the meeting.— The Chief Executive Officer of the Zilla Panchayat shall atleast 10 clear days before the date fixed for ordinary meeting and 15 clear days before the date fixed for special meeting, send or caused to be sent to all the members intimation of the date, time and place and the business to be transacted on such meeting. No meeting shall be held on any day observed as public holidays.

7. Attendance register.— (1) An attendance register shall be maintained in Form “B” showing the names of the members. It shall be placed in the meeting hall at the commencement of each meeting, and every member attending the meeting shall sign against his name in the register as soon as he enters the meeting hall.

(2) Where a member is unable to sign his name, he may, with the help of any other member or any officer of the Zilla Panchayat, put his thumb impression against his name in the register and thumb impression shall be duly attested by any person authorised by the presiding authority in that behalf.

8. Order of business.— Subject to the provisions of clause (i) of sub-section (2) of section 136 of the Act, the order of business for every meeting shall be arranged, as far as possible, in the following manner, namely:—

- (a) confirmation of the minutes of the last meeting kept in accordance with part I of Form “C”;
- (b) questions from members;
- (c) elections and appointments to be made by the general meeting;
- (d) resolutions of the Standing Committee;
- (e) resolutions of any other Committees;
- (f) communications from Government or Government officers;
- (g) consideration of motions, which are part of the business, to be transacted at the meeting;
- (h) any other business to be transacted at the meeting.

9. Presiding authority in the absence of Adhyaksha or Upadhyaksha.— Where at any meeting the Adhyaksha or as the case may be, the Upadhyaksha is not present within 30 minutes, after the time appointed for holding of the meeting at which a quorum is present at the place of the meeting, the members present at the meeting shall choose one of the members present at the meeting who shall preside over the meeting as provided in clause (e) sub-section (2) of section 136 of the Act:

Provided that—

(i) where the Adhyaksha attends the meeting at any time during the course of such meeting, the Upadhyaksha or the member so presiding over the meeting shall vacate the chair and the meeting shall continue with the Adhyaksha as the presiding authority; and

(ii) where the Adhyaksha is not present and the Upadhyaksha attends the meeting at any time after the proceedings during the course of Meeting, the member so presiding shall vacate the chair, and the meeting shall continue with the Upadhyaksha as the presiding authority.

10. Quorum.— (1) The quorum necessary for the transaction of business at the meeting of the Zilla Panchayat shall be one third of the total number of the members of the Zilla Panchayat including Adhyaksha and Upadhyaksha as thereof.

Explanation.— If the member of the Zilla Panchayat is odd in calculating one third of the total number of members of the Zilla Panchayat for the purpose of quorum, any fraction shall be counted as 1 e. g. if the number of members is 22, the quorum shall be 8. If the number is 29, the quorum shall be 10 and so on.

(2) If at any time during the meeting it is brought to the notice of the Presiding Authority that the number of members present inclusive of presiding authority falls short of the number required for the quorum, the presiding authority shall if there is no quorum after waiting for a period not less than 30 minutes and not more than one hour, adjourn the meeting to some other day, fixing such time and place as he thinks convenient and the business which remains undisposed at such meeting, shall be disposed of at the adjournment meeting and at any subsequent adjournment thereof, whether there be a quorum thereat or not:

Provided that no business shall be transacted at any adjourned meeting other than that left undisposed or at the previous meeting.

11. Raising point of order.— (1) Any member may, at any time submit a point of order for the decision of the presiding authority, but in doing so he shall confine himself to stating the point.

(2) The decision of the presiding authority on any point of order shall be final.

(3) No discussion of any point of order shall be allowed except with the consent of the presiding authority.

12. Resumption of seat.— (1) A member called to order by the presiding authority shall resume his seat.

(2) If at any time, while a member is speaking, the presiding authority rises or a member rises to a point of order, the member speaking shall immediately resume his seat.

13. Duration of speeches.— The presiding authority may, having regard to the state of business before the meeting and the nature of the subject, lay down a time limit, for speeches on any subject.

14. Manner of speaking.— (1) A member desiring to speak on any matter before the meeting shall rise in his seat and, if called upon by the presiding authority, address his remark to the presiding authority. If he is not called upon, he shall resume his seat:

Provided that, if a member is disabled by sickness or infirmity he may be permitted by the presiding authority to address the meeting sitting.

(2) If more than one member rise simultaneously to address the meeting, the presiding authority shall decide who shall speak first.

(3) A member shall not read his speech, but may refresh his memory by reference to notes.

15. Right of presiding authority to address meeting.— The presiding authority may address the meeting at any stage of the debate, without any time limit for speech, and while so addressing, shall rise in his seat:

Provided that if the presiding authority is disabled by sickness or infirmity, he may address the meeting sitting.

16. Interruption during speech.— If, while a member is speaking, another member desires to make an explanation or to seek any explanation or information from the member speaking, he shall rise in his seat and, if called upon by the presiding authority, shall make the explanation or seek the explanation or information. If not so called upon, he shall resume his seat. The presiding authority shall not call upon the member so rising, unless the member speaking resumes his seat.

17. Talk amongst members.— The members shall not talk amongst themselves in the meeting so as to interrupt the proceedings or disturb a member who is speaking.

18. Withdrawal from meeting.— A member who desires to leave a meeting while proceedings are going on shall, immediately before leaving, rise in his seat and bow to the presiding authority.

19. Questions.— (1) A member may address question to the Adhyaksha or the Chairman of the standing or any subjects Committee on matters connected with the functions and duties of the Zilla Panchayat under the Act.

(2) The member seeking to address the question shall give under his signature or thumb impression a notice of the question together with copy thereof to the Chief Executive Officer at least fifteen days before the meeting of the Zilla Panchayat at which it is to be replied.

(3) Subject to the provisions of clause 5, the member shall be entitled to an oral reply in the meeting or at any subsequent meeting if the presiding authority for proper reasons deems it fit to extend the time:

Provided that, if in the opinion of the presiding authority, any question entitled to an oral answer is of such a nature that a written reply would be more appropriate, it may direct that such question shall be answered with a written reply at the meeting or at any subsequent meeting.

(4) The question shall be answered by the Adhyaksha or the Chairman concerned:

Provided that the Executive Officer may, with the permission of the presiding authority, answer any question on behalf of the Adhyaksha or such Chairman.

(5) The Adhyaksha may disallow any question:—

(a) in respect of which fifteen clear days notice in writing specifying the question has not been given to the Chief Executive Officer; or

(b) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition; or

(c) which concerns or is directly connected with, any pending suit or proceedings in any court of law or before any judicial tribunal; or

(d) which relates to the character or conduct or performance of any member or an officer or servant serving under or employed by the Zilla Panchayat other than in his official or public capacity; or

(e) which is, or by implication may be defamatory or which makes or implies a charge of personal character against any person or any community or a section of any community; or

(f) which contains arguments, inferences, imputations, ironical expressions, epithets, or defamatory statements; or

(g) which relates to a matter with which the Zilla Panchayat is not concerned; or

(h) which, in the opinion of the presiding authority, is frivolous, trivial, vexatious or offensive; or

(i) if it seeks information about matters which are in their nature secret; or

(j) which involves the communication of information given to the presiding authority or any officer or servant of the Zilla Panchayat in confidence; or

(k) which contains any name or statement not strictly necessary to make the question intelligible; or

(l) which relates to the individual service matters including grievances or complaints of officers or servants of the Zilla Panchayat; or

(m) which is of excessive length; or

(n) which repeats in substance questions already answered or to which an answer has been refused:

Provided that, the Adhyaksha may allow any question in an amended form.

(6) If any doubt arises whether any question does or does not fall under any of the clause of the sub-clauses of clause (5), the Adhyaksha shall decide the point and his decision thereon shall be final.

(7) If a question contains a statement, the member shall be responsible for the accuracy of the statement.

(8) Subject to the provisions of this regulation, every question which has not been disallowed, shall be entered in the list of questions for the day and shall be called, if the time made available permits, in the order in which it stands in the list.

(9) After the question has been answered, any member may put supplementary questions for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that, the presiding authority may disallow any supplementary question, if, in its opinion, it infringes any of the provisions of clause (5).

(10) If the presiding authority is satisfied that sufficient information is not available for an answer to be given to a supplementary question at the same meeting, it may direct that an answer to such question may be given at the next ordinary meeting of Zilla Panchayat.

(11) No debate or speech shall be allowed on any question.

(12) All questions, whether allowed or disallowed, and replies given shall be incorporated in Part III of the register in Form "C".

20. Admissibility of motion.— No motion shall be admissible which does not comply with the following conditions, namely:—

(a) it shall be clearly and precisely expressed and shall raise substantially one definite issue;

(b) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;

(c) it shall not refer to the conduct or character of any member or an officer or servant serving under or employed by the Zilla Panchayat except in his official or public capacity;

(d) it shall be of an affirmative character;

(e) it shall not relate to any matter such as is mentioned in sub-clause (i) of clause (2) of regulation.

21. Motion how moved.— (1) Unless otherwise expressly provided every motion (not being a formal motion, such as a motion for adjournment, closure, and the like), shall be handed over or sent by the proposer in writing after putting his signature or thumb impression thereon to the Adhyaksha or the Chief Executive Officer before it is moved. Where a motion has been handed over or sent to the Adhyaksha, a copy thereof shall be sent to the Chief Executive Officer.

(2) Subject to the provisions of clause (a) of sub-section (2) of section 136 of the Act, no motion which has not been received by the Adhyaksha or Chief Executive Officer as provided in clause (1), at least fifteen days before the date of a meeting, shall be included in the business to be transacted in that meeting:

Provided that, the Adhyaksha may in special circumstances, for reasons to be recorded in writing, include a motion which has been received not less than ten days before the date of the meeting.

(3) If the Chief Executive Officer, on receipt of the motion by him, is of the opinion that the motion is not consistent with the provisions of the Act or the rules or bye-laws made thereunder or that it entails expenditure from the Zilla Panchayat Fund and no financial sanction has been obtained therefor he shall forward his views to the Adhyaksha. Where the motion is in order, the Chief Executive Officer shall prepare a brief note thereon giving the necessary information from the financial and administrative points of view.

22. Seconding.— Except a motion of an amendment suggested by the presiding authority which does not require to be seconded, no motion or amendment shall be taken up for discussion unless and until it is seconded by a member who is entitled to vote.

23. Provision in the absence of a mover.— If a member who has given a notice of motion is absent, any other member entitled to vote and authorised by him in writing may move it.

24. Withdrawal of motion.— Any motion which has been proposed and seconded may be withdrawn by the proposer with the consent of the member who seconded the motion and with the permission of the Zilla Panchayat.

25. Motion once withdrawn cannot be proposed in the same meeting.— A motion which has once been withdrawn under regulation 21, shall not be moved again at the same meeting (including an adjourned meeting, if the meeting is adjourned).

26. Limitations on certain motions.— A notice of a proposition for priority for any item under clause (i) of sub-section (2) of section 136 of the Act shall be given to the Chief Executive Officer before the commencement of the meeting and no debate or speech shall be allowed on any such proposition.

27. Proposal to Postpone.— (1) A motion to postpone the consideration of any matter may be moved by any member at any time after it is taken up and such motion shall take precedence over any other motion relating to that matter;

(2) The presiding authority, after permitting a brief explanatory statement from mover of the motion and if the motion is opposed by not more than one member shall, without further debate, put the motion to vote.

(3) A motion for the postponement of consideration of any matter shall not, without the permission of the presiding authority, be made more than once during the debate on any matter.

28. Discussion.— (1) On a motion of amendment being moved and seconded, the presiding authority shall read it or cause it to be read to the meeting; it shall then be considered to be

before the meeting for discussion. The mover may then speak in support of the motion or amendment and the seconder may either follow or reserve his speech for a later stage of the debate thereon. Other members may, save as otherwise provided, speak on the motion in the order in which they are called upon by the presiding authority.

(2) The Chief Executive Officer may express his views on the motion if it is inconsistent with the provisions of the Act or the regulations or byelaws made thereunder or involves expenditure from the Zilla Panchayat Fund.

(3) No member who has once addressed the meeting on a motion shall subsequently move or second an amendment thereto or otherwise take part in the debate on that motion.

(4) A member shall not vote or take part in the discussion of any matter before a meeting or ask any question under regulation 19 concerning any matter in which he has, directly, or indirectly, by himself, or by his partner, any share or interest such as is described in clause (g) of sub-section (2) of section 136 of the Act or in which he is professionally interested on behalf of a client, principal or other person or has any pecuniary interest.

29. Limitation of debate.— (1) The matter of every speech shall be relevant to the subject on which it is made.

(2) A member while speaking shall not,—

(i) refer to any matter of fact which is under adjudication before a Court of law (including any Tribunal) having jurisdiction in any part of India;

(ii) make a personal charge against another member;

(iii) reflect upon any decision arrived at by the Zilla Panchayat on any matter except on a fresh motion relating to such matter;

(iv) use offensive or defamatory expressions;

(v) use his right of speech for the purpose of disturbing the proceeding or a member who is speaking;

(vi) disclose the proceedings of any Committee appointed by the Zilla Panchayat; or

(vii) discuss any ruling, order or discretion of the presiding authority except—

(a) the ruling, order or discretion of the presiding authority on a resolution for the removal from Office of the Adhyaksha or Upadhyaksha brought under sub-section (3) of section 135 of the Act; and

(b) with the consent of the presiding authority.

(3) (a) The presiding authority or a member who objects to any offending words shall move either at once or at the conclusion of the speech of the member who used such offending words “that the words be recorded”. If his motion is agreed to, the presiding authority shall direct that the words be recorded.

(b) A member whose words have been recorded shall be guilty of a breach of order.

(4) The presiding authority, having called the attention of the meeting to the conduct of the members who persist in irrelevance or in tedious repetition either on his own arguments or of the arguments used by other members in debate or wilfully contravenes the provisions of clause (1) or any other regulation may direct him to discontinue his speech.

30. Opening adjourned debate.— On resumption of an adjourned debate, the member who was addressing the meeting immediately prior to the adjournment shall be entitled to speak first.

31. Power of presiding authority to divide motion or amendment.— When any motion or amendment involves several points, the presiding authority may divide it and put each or any point separately to vote as it may think fit.

32. Grouping of motions and amendments.— The presiding authority may group together two or more motions or amendments for consideration of a meeting, provided the subject matter of the motions or amendments is substantially the same.

33. Amendments.— (1) After a motion has been moved and seconded, amendments may be proposed thereto.

(2) Every amendment shall be relevant to the motion and may propose a variation thereof, an addition thereto, or omission therefrom, but no amendment shall be a direct negation of the motion before the meeting or shall in substance be the same which has already been negated at the same meeting.

(3) Any number of amendments may be moved before the meeting at the same time, but no member shall propose more than one amendment to the same motion and no member who has proposed or seconded any motion shall propose or second an amendment thereto.

(4) When an amendment to an amendment is moved, the amendment sought to be amended shall be, as long as the amendment by which it is sought to be amended is under discussion, be deemed to be substantive proposition before the meeting.

(5) An amendment in the alternative shall not be moved.

(6) The presiding authority may disallow any amendment which is, in its, opinion frivolous.

(7) No amendment shall be moved after a member has commenced his right of reply.

34. Right to reply.— The mover, or if the mover waives his right, the seconder of a substantive motion, may reply at the conclusion of the debate on it but no other member shall speak on the same motion or amendment, after the reply except to explain, with the permission of the presiding authority, any material ambiguity in the speech of reply.

35. Closure.— (1) The presiding authority or any member may at any time move “that the question be now put to vote” and if the motion is carried, the presiding authority, after allowing the mover or the seconder to reply to the debate under regulation 31, shall put the motion together, with the amendment, if any, to vote.

(2) There shall be no debate on a motion for closure.

(3) If a motion for closure is lost, it shall not be moved again until after a lapse of fifteen minutes.

36. Voting on original motion and amendments.— (1) On the conclusion of the debate on a motion or where the presiding authority is satisfied that the motion has been sufficiently discussed, it may, after allowing the mover or seconder his right to reply, put the motion to the vote of the meeting without further discussion.

(2) The votes shall be taken in the following manner:—

(a) when there is only one amendment to the motion,

(i) the amendment shall first be put to vote;

(ii) if the amendment is lost, the motion shall then be put to vote; or

(iii) if the amendment is carried, the amended motion shall be put to vote;

(b) when there are more than one amendments,—

(i) the amendments shall first be put to vote one after another in such order as the presiding authority may decide;

(ii) if all the amendments are lost, the motion shall then be put to vote;

(iii) if all or any of the amendments are carried, the amended motion shall be put to vote.

37. Methods of recording votes.— Votes shall ordinarily be taken by a show of hands, but on special occasion, if the presiding authority so decides, votes may be taken by ballot, provided that votes in respect of any motion or proposal involving financial commitments shall not be recorded by ballot by the presiding authority, but the names of the members voting for or against such motion or proposal shall be recorded.

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

39. Voting not compulsory.— Any member present at the meeting may refrain from voting if he so chooses to do.

40. Result in case of equality of votes.— When there is an equality of votes and the presiding authority refrains from giving its casting or second vote, the proposition shall be held to have lapsed, and shall not be brought forward at any subsequent meeting till a period of six months has elapsed.

41. Declaration of result.— (1) As soon as the votes have been counted, the presiding authority shall, subject to the provisions of clause (f) of sub-section (2) of section 136 of the Act, then and there declare the result of voting which shall be duly recorded in the minute book.

(2) Where votes are taken by show of hands, a declaration by the presiding authority that a resolution or motion has been carried and an entry to that effect in the minute book shall be conclusive evidence of the fact that the resolution or motion has been carried.

42. Voting on budget estimate, etc.— (1) When a budget estimate a supplementary budget estimate, a proposition for a reappropriation of funds, a code of rules or bye-laws, a list of lands for sale or purchase or lease or transfer, a list of items for write off, lists of arrears, accounts of the Zilla Panchayat or such other propositions as the standing Committees decides, is laid before a meeting, the presiding authority may group the items in such groups as may be convenient to it and propose to the meeting for each group in succession, an appropriate resolution approving the proposal, such resolution being seconded before it is proceeded with:

Provided that, the presiding authority may sub-divide or rearrange the groups:

Provided further that, if on the sense of the meeting being taken by the presiding authority, all members present are of the opinion that no item or group should be considered separately, the whole question shall be considered as one proposition.

(2) No debate or speech shall be allowed when the opinion or sense of the meeting is being taken under the second proviso to clause (1).

43. Form of minutes.— The minutes of every meeting shall be kept in accordance with the provisions of sub-section (3) of section 136 of the Act in a book in Part II of Form 'C'.

44. Minutes.— (1) If, after the minutes are placed before the next meeting of the Zilla Panchayat, any member objects to the minutes as having being incorrectly or incompletely recorded, the presiding authority shall, after taking the sense of the meeting, make such amendments in the minutes as the meeting deems proper and shall confirm and sign the minutes as so amended. The presiding authority shall initial or sign all amendments so made.

(2) No debate or speech shall be allowed on any objection to the minutes raised under this regulation.

(3) The record of the minutes of the meeting shall always contain the views; in any, expressed by the Chief Executive Officer, on the motion or resolution at the meeting.

(See regulation 3)

FORM OF NOTICE OF MEETING

No.

Office of the Zilla Panchayat

Date:

Notice is hereby given to *Shri/Shrimati (members of the Zilla Panchayat that an ordinary*/special meeting of the Zilla Panchayat will be held on the..... day of at (time) in the office of Zilla Panchayat situated at for transacting business mentioned in the Annexure.

The member is requested to make it convenient to attend the meeting.

A copy of the motion*/proposition of which written notice has been given by a member*/the members of his*/their intention to bring forward at the meeting*/mentioned in the written request for the special meeting is enclosed.

(Signature)

Adhyaksha

..... Zilla Panchayat.

* Score out what is inapplicable.

ANNEXURE TO FORM "A"

Business to be transacted at Ordinary/Special meeting of the Zilla Panchayat

(1)

(2)

(3)

(4)

(5)

etc.

(Signature)

Adhyaksha

(See regulation 7)

Date of meeting

Name of the member		Signature or thumb impression duly attested
(1)	(2)	
(1)	
(2)	
(3)	
(4)	
(5)	
etc.	

PART—I

Date and time of meeting	Name of members present	Names of others who attended the meeting	Proceedings in brief
(1)	(2)	(3)	(4)

(Presiding Authority).....

(See regulation 43)

Date and time of meeting	Subject of motion	Working of motion	Names of proposer and seconder	Amendments, if any		For	Number of Votes given		Final resolution after the vote on amendment s Serial No.
				Wording	Names of		Against	Working	
				i) Proposer	ii) Secunder				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

(Signature)

(Presiding Authority).....

PART — III

[See clause (12) of regulation 19]

Register of Questions

Date of meeting

Questions	Name of the member who tabled the Question	Whether allowed or disallowed	Reply given, if any	If reply given by whom given
(1)	(2)	(3)	(4)	(5)

By order and in the name of the Governor of Goa.

G. G. Kambli, Director of Panchayats & Ex-Officio Joint Secretary.

Panaji, 10th June, 1997.