

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 Repeal.-The Madhya Pradesh Panchayat (Procedure of Meeting and Conduct of Business) Rules, 1991 are hereby repealed.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

[Notification No. 1508-2128-XXII-P-94, dated 16th September, 1994, published in M.P. Rajpatra, Extraordinary, dated 16th September, 1994, p. 1594 (6) - 1594 (13) and as amended by Notfn. No.B-I-55-95-XXII-P-2., dated 6th January, 1996, Published in M.P.Rajpatra (Asa.), dated 8th January, 1996, p.26(1) and Notfn. dated 13-11-2000, Pub.in M.P.Rajpatra Ext., dated 14-11-2000, p.1396].-In exercise of the powers conferred by sub-section (1) of Section 95 read with sub-section (4), (5) and (6) of Section 47 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government 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 Janapad 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.

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) "Form" means the form appended to these rules;

(c) "President" means the President of Janapad Panchayat or Zila Panchayat, as the case may be;

(d) "Section" means a section of the Act;

(e) "Standing Committee" means the Standing Committee of Janapad Panchayat or Zila Panchayat, as the case may be;

(f) "Vice-President" means the Vice-President of the Janapad Panchayat or the Zila Panchayat, as the case may be.

CHAPTER I - ELECTION OF MEMBERS

3. Janapad Panchayat/Zila Panchayat to determine number of members of the Standing Committee.-The Janapad Panchayat and Zila Panchayat shall, subject to the provision of sub-section (4) of Section 47, by resolution determine the number of members of such Committee mentioned in the said section. The number of members of each committee shall not however exceed ten.

4. Meeting for constitution of Standing Committees.-The Chief Executive Officer of the Janapad Panchayat/the Zila Panchayat shall within one month of the date on which the election of members, President and Vice-President is notified under sections 26 or 33, as the case may be convene a meeting of the Janapad Panchayat or Zila Panchayat, as the case may be, for the election of members of the Standing Committees other than the General Administration Committee of the Janapad Panchayat or Zila Panchayat, as the case may be:

Provided that for the first constitution of the Janapad Panchayat and the Zila Panchayat as the case may be, the period prescribed above shall be four months.

¹[Provided further that if the constitution of any Standing Committee is not completed within the said period then such Committee shall be deemed to be dissolved and the competent authority shall have to constitute fresh standing committee.]

COMMENTARY

Election delayed for constituting Standing Committee of Janpad Panchayat by two days- Holding of election, not without jurisdiction.- The Panchayat Raj Adhiniyam does not contemplate that if there is a delay in holding the meetings or elections, the committees cannot be constituted at a later date. There is no other provision which gives an alternative in the event of non- constitution of the Standing Committees. Unless the provision is accompanied by some penal consequences, the same cannot be held to be mandatory. The provision can only be said to be directory. Simply because the elections were held two days after the prescribed period for constitution of Standing Committee, the holding of election cannot be said to be without jurisdiction. *Harisingh Patel v. Janpad Panchayat*, 1996 MPLJ 418.

5. Election to be held separately.-(1) A separate election shall be held for each Standing Committee.

(2) If elections are held at the same meeting of the Janapad Panchayat or Zila Panchayat as the case may be, in respect of more than one Standing Committee, they shall to the extent possible be held in the order in which the Standing Committees are mentioned in sub-section (1) of Section 47. If, however, the election for any Standing Committee is adjourned under sub-rule (2) of rule 9, the election for the Standing Committee next in the order shall be proceeded with.

²[**6. Presiding Officer.**-The meeting for the election of members of a Standing Committee of Zila Panchayat and Janpad Panchayat shall be presided over by an officer appointed by the Divisional Commissioner and the District Collector respectively].

7. Nominations to be invited.-(1) The Presiding authority shall announce, the name of the Standing Committee for which election is to be held and the number of members to be elected and invite nominations

1 Ins. by Notfn. dated 13-11-2000.

2 Subs. by Notfn. dated 6.1.1996.

therefor in Form I.

(2) Every candidate for election shall be proposed by one member and seconded by another:

Provided that no member shall be proposed if he has already been elected as a member of three Standing Committees.

8. Nomination.—The names of the candidates who have been validly proposed and seconded shall be recorded in writing by the presiding authority and shall be read out in the meeting by him.

9. Procedure.—(1) If the number of candidates whose names are so read out is equal to the number of seats, the presiding authority shall declare all such candidates to have been duly elected.

(2) If, the number of such candidates is less than the number of seats, the presiding authority shall declare all such candidates to have been duly elected and shall either call for fresh nominations or adjourn the election to the next meeting of the Janapad Panchayat or Zila Panchayat as the case may be, to fill up the remaining seat or seats.

(3) If the number of candidates proposed exceeds the number of seats, the election shall be held by ballot.

10. Recording of votes etc.—(1) The candidates shall be assigned a serial number with reference to alphabetical order of the names written in Hindi in Devanagari Script. The presiding authority shall then announce to the members the serial number assigned to each candidate.

(2) The presiding authority shall be provided a ballot box so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom, without the box being unlocked.

(3) The presiding authority shall immediately, before the votes are taken, show that the ballot box is empty to such members as may be present, and shall then lock it and place his seal upon it in such a manner as to prevent its being opened without breaking such seal.

(4) Every member present at the meeting shall be supplied with a ballot paper on which the name of all the candidates shall be typed or legibly written in Hindi in alphabetical order in the following form:—

S. No.	Name	Mark
1		
2		
3		

(5) The presiding authority shall affix his signature and seal on each ballot paper so as to indicate its authenticity.

(6) Each voter shall then in the order prescribed by the presiding authority proceed to the place set apart for voting and there affix the mark x on the ballot paper against the name of the candidate for whom he wishes to vote. Each member of the Janapad Panchayat or Zila Panchayat as the case may be, shall have votes equal to the number of seats to be filled in by election. He shall then fold up the ballot paper so as to maintain the secrecy of the ballot and deposit the same in the ballot box placed in the view of the presiding authority and other members.

(7) If owing to illiteracy or any physical infirmity a member of the Janapad Panchayat or Zila Panchayat as the case may be, is unable to

record his vote, the presiding authority shall render him such assistance as may be necessary to enable him to record his vote in secrecy.

(8) The presiding authority shall cause such arrangements to be made as will ensure the secrecy of the ballot.

(9) Immediately after the voting is over, the presiding authority shall open in the presence of the members present the ballot box, take out ballot papers therefrom, count them and record under his hand and seal the total number thereof the number of valid votes secured by each contesting candidate in the form of a statement. A ballot paper shall be invalid—

- (a) If, it bears the signature of the voter or contains any word, sign or visible representation by which he can be identified; or
- (b) If, marks are placed against the number of candidates in excess of the number of seats to be filled in; or
- (c) If, the mark is so placed as to make it doubtful for which candidate the vote was given; or
- (d) If, no mark is placed thereon; or
- (e) If, it does not bear the signature or the seal as required by sub-rule (5).

(10) The presiding authority shall then under his hand and seal record in the statement referred in sub-rule (9) the name(s) of the candidate(s) who has/have secured the highest number of valid votes in descending order and declare him or them to be elected as per the number of seats vacant.

(11) In the event of there being an equality of votes between the candidates, the presiding authority shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

11. Result of election.—The result of the election of one Standing Committee shall be declared before the election to constitute another Standing Committee is taken up.

12. Record of election papers.—Immediately after the meeting the presiding authority shall:—

- (a) Prepare a record of the proceedings at the meeting and sign it attesting with his initials every correction made therein, and also permit any member of the Janapad Panchayat or Zila Panchayat as the case may be, present at the meeting, to affix his signature on such record, if he expresses his desire to do so; and
- (b) Publish on the notice board of the Janapad Panchayat or Zila Panchayat as the case may be, a notice, signed by him, stating the names of the persons elected as member of each of the Standing Committees and send a copy of such notice to the Commissioner.

13. Custody of Election Papers.—(1) The presiding authority shall then make up into separate packets all papers relating to election of each Standing Committee, seal each packet and note thereon a description of its contents, the election to which it relates and the date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced except under the orders of the Commissioner.

(3) The packets shall be retained in safe custody in the office of the Commissioner for a year and shall, thereafter unless otherwise directed by the Commissioner be destroyed.

14. Casual Vacancy.-If any casual vacancy occurs in the office of a member of any Standing Committee the Janapad Panchayat or Zila Panchayat, as the case may be, shall as soon as may be after the occurrence of such vacancy, elect in the manner aforesaid one of its members to fill the vacancy and every member of the Janapad Panchayat or Zila Panchayat, as the case may be, so elected shall hold such office for the unexpired term of his predecessor:

Provided that no casual vacancy shall be filled which occurs within a period of four months preceding the date on which the term of the office of member concerned expires.

¹[**14-A. Cooption of Members.**-(1) Subject to the provisions of section 47 of the Act, every Standing Committee of Zila Panchayat shall, as soon as practicable after its constitution, shall coopt not more than two members of State Legislative Assembly who are members of that Zila Panchayat.]

(2) The meeting for the cooption of member of State Legislative Assembly shall be presided over by an officer appointed by Divisional Commissioner.

(3) The presiding authority shall invite nominations for cooption. Every candidate for cooption shall be proposed by one elected member and seconded by another:

Provided that no member of State Legislative Assembly shall be proposed if he has already been coopted as a member of two Standing Committee.

(4) The names of all the candidates who have been validly proposed and seconded, shall be recorded in writing by the presiding authority and shall be read out in the meeting by him.

(5) If the number of candidates proposed exceeds the number of seats, the cooption of members shall be decided by the lot to be drawn by the presiding officer.

(6) The provisions of rules 11 to 14 shall apply in relation to the cooption of members as they apply in relation to the election of members of Standing Committee.]

CHAPTER II - ELECTION OF CHAIRMAN OF STANDING COMMITTEES

15. Election of Chairman.- ²[(1) Every Standing Committee except General Administration Committee and Education Standing Committee, shall within one month after its constitution, elect amongst its elected members, a Chairman].

³[Provided that if any Standing Committee, other than the General Administration Committee and the Education Committee, does not elect a Chairman for the said Committee within the said period, such Committee shall be deemed to be dissolved and the prescribed authority shall proceed to constitute Standing Committee in their place under the provisions of

1 Ins. by Notfn. dated 6.1.1996.

2 Subs. by Notfn dated 6.1.1996.

3 Ins. by Notfn. dated 13-11-2000.

rule 4.]

(2) The manner of election provided in Chapter I shall with such modifications as may be necessary apply to the election of the Chairman of the Standing Committee.

CHAPTER III - POWERS AND FUNCTIONS

16. Powers of the Standing Committee.-Subject to the provisions of the Act, the Committee shall, in relation to the subject assigned to it have power to:—

- (a) Call for papers, documents and other information in the same manner and to the same extent as the Janapad Panchayat or Zila Panchayat, as the case may be, has power to call;
- (b) Subject to availability of funds, incur expenditure on the subjects assigned to it under the Act to the extent provided in the annual budget of the Janapad Panchayat or Zila Panchayat as the case may be;
- (c) Reappropriate funds from one sub-item to another sub-item under the same head and after the approval of the Janapad Panchayat or Zila Panchayat, as the case may be, reappropriate amount from one head to the other;
- (d) Make an estimate of the amount likely to be surrendered under different heads by the end of December each year and submit such statements to the Janapad Panchayat or Zila Panchayat, as the case may be.

17. Functions of the Standing Committee.-Subject to the provisions of the Act, the concerned Standing Committee shall perform the following functions, namely:—

- (a) the functions falling within the purview of sub-section (1) of Section 50; or of sub-section (1) of Section 52, as the case may be.
- (b) preparation of a quarterly progress report about the schemes of programmes falling within its purview and submission thereof to the Janapad Panchayat or Zila Panchayat, as the case may be, the end of July, October, January and April for the quarters ending on 30th June, 30th September, 31st December and 31st March, respectively;
- (c) maintenance of proper accounts of the expenditure incurred by it.

CHAPTER IV - TERM OF OFFICE AND PROCEDURE FOR CONDUCT OF BUSINESS

18. Term of Office.-The term of the office of the Chairman and Members of the Standing Committee shall be the same as that of the Janapad Panchayat or Zila Panchayat, as the case may be:

Provided further that a person who ceases to be member of a Janapad Panchayat or Zila Panchayat as the case may be, shall cease to be Chairman or Member of the Standing Committee.

19. Convening of Meeting.-(1) The Chairman of the Standing Committee may convene a meeting of the Standing Committee as often as may be necessary but shall do so at least once in every month.

(2) The Chairman shall convene a meeting of the Standing Committee on a written requisition signed by at least three members.

(3) If a meeting is not held within ten days from the date of receipt of the said requisition the Chief Executive Officer of the Janapad Panchayat or the Zila Panchayat, as the case may be, shall call such meeting.

20. Notice of Meeting.-Notice of every meeting specifying the date, time and place thereof and business to be transacted there at shall be given to each member and exhibited at the Janapad Panchayat or Zila Panchayat office, as the case may be, five clear days before the meeting.

21. Quorum.-(1) The quorum necessary for a meeting of the Standing Committee shall be one half of the members constituting the Standing Committee for the time being inclusive of the presiding authority.

(2) If at any meeting there are not sufficient members present to form the quorum, the presiding authority shall adjourn it to such time or date as he thinks fit and announce the same at once and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting may be disposed of at such meeting or at any subsequent adjourned meeting whether there be quorum or not.

22. Chairman of Meeting.-The Chairman shall preside over all meetings of the Standing Committee but in his absence, the members present shall elect one from amongst themselves to preside over that meeting.

23. Business to be transacted.-(1) No business other than that specified in the notice relating shall be transacted at a meeting except with the previous approval of the presiding authority.

(2) Where any matter concerns more than one Standing Committee it shall be placed for decision before the Janapad Panchayat or Zila Panchayat, as the case may be.

24. Public not be admitted to the meeting of the Standing Committee.-Members of the public shall not be admitted to the meeting of the Standing Committee.

¹**25. Secretary of the Standing Committees.**-(1) Except the General Administration Committee, an officer nominated by the Chief Executive Officer of the Janpad Panchayat and the Zila Panchayat shall be the secretary of the Standing Committee. The Chief Executive Officer shall be the Secretary of the General Administration Committee.

(2) The Secretary of Standing Committee shall attend meeting of the Standing Committee unless prevented by a reasonable and sufficient cause and may tender information or clarification in respect of any matter under discussion.

(3) The Chief Executive Officer of the Janpad Panchayat or Zila Panchayat may present at any meeting of any Standing Committee and may explain or make a statement in regard to any subject under discussion at such meeting. In the absence of Chief Executive Officer, Additional Chief Executive Officer may present in such meeting and perform said functions.]

26. Decision of item of business.-(1) All items of business brought before any meeting of the Standing Committee shall be decided on the basis of consensus of opinion among the member of the Committee:

¹ Subs. by Notfn. dated 6.1.1996.

Provided that if there is sharp difference of opinion on any issue the presiding authority shall take vote on it.

(2) All decisions of the Standing Committee shall be recorded in a register maintained in Form 2:

Provided that if votes are taken as per provision to sub-rule (1), the decision shall be recorded together with the names of members voting for or against the point of issue.

27. Proceedings of the Standing Committee.-(1) Minutes of each meeting of Standing Committee shall be drawn up in Hindi written in Devnagri Script and recorded in a book to be kept for the purpose and shall be signed by the presiding authority of the meeting.

(2) (i) The abstracts of the decision taken and the minutes of the meeting of the Standing Committees of the Janapad Panchayat shall be placed in the next meetings of the Janapad Panchayat by the Chief Executive Officer, who shall also send copies thereof to the Chief Executive Officer of the Zila Panchayat for information.

(ii) The abstracts of the decision taken and the minutes proceedings of the meeting of Standing Committee of the Zila Panchayat shall be placed in the next meetings of the Zila Panchayat by the Chief Executive Officer and a copy thereof shall also be sent to the Commissioner of the Division for his information.

28. Members interested in the business under discussion.-(1) No member of a Standing Committee shall vote on or take part in the discussion of any item coming up for consideration in the meeting, if the item is one in which he has any direct or indirect pecuniary interest.

(2) The presiding authority of the Standing Committee may prohibit any member from voting or taking part in the discussion on any item in which he believes such member has such interest or he may require such person to abstain himself during the discussion on such item.

(3) Such member may challenge the decision of the presiding authority who shall there upon put the question to remaining members attending the meeting and the decision thereon taken by majority of such remaining members shall be final.

(4) If it appears to any member at the meeting that the person presiding at the meeting has any such pecuniary interest in any item under discussion and a motion brought by him to that effect is carried by majority of the other members attending the meeting such person shall not preside over such meeting during the discussion on the item and the meeting shall be presided over by any other person who would have presided had the person so presiding been absent.

29. Reconsideration of subject finally disposed of.-No subject once finally disposed of by the Standing Committee shall be reconsidered by it within a period of six months unless the recorded consent of not less than three fourths of the members of the Janapad Panchayat or Zila Panchayat as the case may be, has been obtained thereto or unless in the case of the Janapad Panchayat the Collector had directed its reconsideration on a reference made by the Chief Executive Officer of the Janapad Panchayat or in the case of the Zila Panchayat the Commissioner has directed its reconsideration on a reference made by the Chief Executive Officer of the Zila Panchayat as the case may be.

(PR)230 J.P. & Z.P. ... COMMITTEES (ELECTION) RULES , 1994

30. Repeal.-The Madhya Pradesh Janapad Panchayat and Zila Parishad Standing Committees (Election of Members, powers and functions and term of members and procedure for the conduct of Business) Rules, 1991 are hereby repealed.

FORM I

[See Sub-rule (1) of rule 7]

FORM OF NOMINATION FOR ELECTION OF MEMBER OF STANDING COMMITTEE OF JANPAD PANCHAYAT/ ZILA PANCHAYAT

Name of Panchayat

Name in full of Candidate

Father's/Husband's name

Age

Full Address

Name in full of proposer

.....
Signature of Proposer

Name in Full of Secnder

.....
Signature of Secnder

FORM II

[See Sub-rule (2) of rule 26]

S. No.	Sub- ject	Decisio n taken	Signature of Chief Ex- ecutive Officer of the Janapad Panchayat or the Zila Panchayat, as the case may be, and the presiding authority	Re- marks	Ac- tion taken
1	2	3	4	5	6