

The 5th September, 1961.

No. G.S.R.I.P.A.361/S-115/61. With reference to Punjab Government Notification No. 1892-LGR dated the 24th November,

1961, and in exercise of the powers conferred by clause (c) of sub section 13] of section 115 of the Punjab Panchayat Samitis and Zila Parishads Act, 1961, the Governor of Punjab is pleased to make rules.

## **Punjab Panchayat Samitis and Zila Parishads**

### **[ Conduct of proceedings] Rules, 1961.**

#### **1. Short title**

These rules may be called the Punjab Panchayat Samitis and Zila Parishads (Conduct of proceedings) Rules, 1961.

#### **2. Definitions**

In these rules, unless the context otherwise requires,—

- (1) “Act” means the Punjab Panchayat Samitis and Zila Parishads Act, 1961
- (2) “Executive Officer” means the executive officer of the Panchayat Samiti;
- (3) “Meeting” means a meeting of Panchayat Samiti or Zila Parishad as the case may be
- (4) “Member” means Member of Panchayat Samiti or Zila Parishad, as the case may be;
- (5) “Motion” means a proposal made by a Member for the consideration of Panchayat Samiti or Zila Parishad, as the case may be, and includes a resolution and an amendment to a motion
- (6) “Presiding authority” means the person presiding at the meeting
- (7) “Secretary” means the Secretary of the Zila Parishad;
- (8) Words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

#### **3. Place of meetings**

All meetings shall be held in the office of the Panchayat Samiti or Zila Parishad, as the case may be.

#### **4. Meetings of Zila Parishad [ Panchayat Samiti]**

(1) The Chairman, or in his absence the Secretary or the Executive officer as the case may be, may, whenever he thinks fit, and shall, on requisition made in writing by not less than one-third of the total Members of the Zila Parishad or Panchayat Samiti, as the case may be, convene a meeting within two weeks of the receipt of written requisition].

(2) Notice of every meeting specifying the time and place thereof and the business to be transacted thereat shall be despatched to every Member of the Zila Parishad and exhibited at the office of the Zila Parishad not less than ten clear days before the meeting

Provided that in case of emergency the Chairman may convene a meeting by giving four clear days' notice.

## **5. List of business**

(1) The list of the business for a meeting of the Panchayat Samiti shall be prepared by the Executive Officer, and that for the Zila Parishad by the Secretary, in consultation with the Chairman. The Executive Officer or the Secretary, as the case may be, may include in the list any subject which in his opinion should be considered by the Panchayat Samiti or Zila Parishad, as the case may be, and shall include therein any subject specified by the Chairman.

(2) The list of business for the day shall be prepared in the following order:—

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- (1) Interpellations and questions;
- (2) Papers to be laid on the table of the Panchayat Samiti or Zila Parishad, as the case may be, for the first time

Note : —No discussion is to be allowed on these papers on the day they are laid on the table.

- (3) Any motion regarding change of order of business ;
- (4) Appointment of Members of Standing Committees and Consultative Committees
- (5) Matters relating to urgent official business brought forward by the presiding authority.
- (6) Proceedings of Standing Committees;
- (7) Report of Consultative committees
- (8) Resolutions.
- (9) Other official business

Added vide Notification No. GSR 231/PA dated the 29th Sept 1964

2. Substituted vide ibid.

3. In sub-rule (2) of rule 5, items (5), (3) and (4) have been re-numbered as items (3), (4) and (5) respectively, vide Notification No. 231/PA, dated the 29th Sept., 1964.

## **6. Chairman/Vice-Chairman, etc., to preside at meetings**

Every meeting of the Zila Parishad [or Panchayat Samiti as the case may be] shall be presided at by the Chairman and in his absence, by the Vice-Chairman and in the absence of both the Chairman and Vice-Chairman, by a Member elected by the Members present at the meeting.

## **7. Temporary leaving of Chair by the presiding authority**

1) Whenever the Chairman is presiding at a meeting and he finds it necessary to leave temporarily the chair, he may call upon the Vice chairman or in the latter's absence, some other Member to preside.

2) Whenever the Vice-Chairman is presiding at the meeting and he finds it necessary to leave temporarily the chair, he may call upon any other Member to preside.

### **8. Meetings open to public**

All meetings shall be open to public, provided that the presiding authority may, or at the request of majority of Members present, shall, in any particular case, for reasons to be recorded in the minute book, direct the public generally or any particular person to withdraw.

### **9. Adjournment of meeting for want of quorum**

If, within an hour after the time appointed for a meeting, the quorum is not present, the meeting shall stand adjourned, unless all the Members present agree to wait longer.

### **10. Adjournment with consent of Members**

Any meeting of a Zila Parishad [ Panchayat Samiti as the case may be] may, with the consent of the majority of the Members present, be adjourned to any other date; but no business other than that left over at the adjourned meeting shall be transacted at the next following meeting.

### **11 Decisions of matters by means of questions**

A matter requiring the decision of the Panchayat Samiti or Zila Parishad, as the case may be, shall be decided by means of a question put to the meeting by the presiding authority

### **12. Mode of putting question to vote**

When a question is put to vote, the presiding authority shall call for a show of hands and he shall count the hands shown for or against and declare the result.

1. Added vide Notification No. GSR 231/PA, dated the 29th Sept.,

### **13. Decision of questions by majority of votes**

All questions coming up before any meeting of Zila Parishad [ Panchayat Samiti as the case may be] shall be decided by a majority of votes of the Members present and voting and, in case of equality of votes, the presiding authority shall have a second or casting vote.

### **14. Language in which minutes shall be recorded**

(1) The minutes of proceedings of a Panchayat Samiti or Zila Parishad will be recorded in the Regional Language.

(2) A copy of every resolution passed by Panchayat Samiti shall, in addition to the Deputy Commissioner, be forwarded to the Zila Parishad within three days from the date of the meeting.

### **15. Minutes of proceedings of meetings of Zila Parishad**

(1) Minutes of the proceedings at each meeting of Zila Parishad [ Panchayat Samiti as the case may be] shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the authority presiding at the meeting or of the next

ensuing meeting, and shall be published in such manner as the Zila Parishad may, by bye-laws, direct, and shall, at all reasonable times be open to inspection by any inhabitant of the district.

(2) A copy of every resolution passed at any meeting of a Zila Parishad shall, within three days from the date of meeting be forwarded to the Deputy Commissioner concerned.

## **16. Motions**

(1) No business, not included in the list of business for the day, shall be transacted at any sitting except in the form of a motion and without the leave of the presiding authority

Provided that—

(i) not more than one such motion shall be made by a Member at the sitting

(ii) not more than one matter shall be discussed on the same motj and the motion shall be restricted to a specific matter of recent occurrence;

(iii) the motion shall not raise discussion on a matter which has been discussed at a meeting of the Panchayat Samiti or the Zila Parishad , as the case may be, during the previous three months

(iv) the motion shall not anticipate a matter which has been previously appointed for consideration or with reference which a notice of motion has been previously given

(v) the motion shall not deal with a matter on which a resolutic: could r t be moved.

(2) Leave to make such a motion shall be asked for after questions att ordinary meeting and at other meetings before the business for the day is cntered upon.

(3) The Member making such a motion shall hand over to the presiding authority a written statement containing the motion at least two hours before the meeting commences.

(4) If the presiding authority is of opinion that the motion is in order, it shall read the same to the Panchayat Samiti or Zila Parishad, as the case may be, and ask the Panchayat Samiti or Zila Parishad, as the case may be, if it gives leave. If three-fourths of the Members present and voting signify their assent, the presiding authority shall announce that the. motion will be taken up in that meeting. The debate on such a motion shall automatically terminate that day after which no question can be put.

## **17. Resolutions**

(1) Any member may move a resolution relating to a matter concerning the administration of the Panchayat Samiti or Zila Parishad, as the case may be.

(2) The presiding authority shall decide on the admissibility of a resolution and shall disallow any resolution which, in its opinion, contravenes the provisions of the Act

or the, rules made thereunder. The decision of the presiding authority on the question of admissibility shall be final:

Provided that if a resolution moved in the meeting of a Panchayat Samiti relates to a matter unconnected with its administration and may lead to an unseemly controversy, the presiding authority shall refer the resolution to the Deputy Commissioner and obtain his order as to whether it may be admitted. In the event of such a resolution being moved in the m of a Zila Parishad, the presiding authority shall refer the resolution to the Government and obtain its order as to whether it may be admitted.

(3) The resolutions shall not 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.

(4) The resolutions shall be of an affirmative character.

(5) Notice of a resolution shall be in writing and signed by the person moving it..

(6) A Member who wishes to move a resolution shall give at least six clear days notice of his intention and shall, along with the notice, submit a copy of the resolution which he wishes to move:

Provided that the presiding authority may, for reasons to be st by it, allow a resolution to be entered on the list of business with a notice

(7) If the Member when called on is absent, the resolution standing in his name shall be considered to have been withdrawn.

(8) Every resolution which has been moved shall be seconded other wise it shall not be discussed, nor shall any question be put on it.

(9) The discussion on a resolution shall be strictly limited to the subject of the resolution

Provided that routine resolutions regarding periodical statements and proceedings of Standing Committees and reports of Consultative Committees of a Panchayat Samiti or Zila Parishad, as the case may be, and the like, may be put to the meeting by the presiding authority without their having been moved or seconded.

## **18. Questions**

(1) A question may be asked for the purpose of obtaining information on any matter pertaining to the administration of the Panchayat Samiti or Zila Parishad, as the case may be.

(2) Notice of question shall be given at least six clear days before the sitting of the Panchayat Sarniti or Zila Par ishad, as the case may be, at which it is to be asked, and a copy of the question shall be submitted with the notice:

Provided that the presiding authority may allow a question to be asked with a notice shorter than siix days or may extend the time for answering a question. The Executive Officer, the Secretary, the Extension officer, or any other officer, called in a meeting may, with the permission of the presiding authority, answer interpellations and supplementary questions thereon.

(3) In order that a question may be admissible, it shall satisfy the following conditions :—

(i) It shall not publish any name or statement not strictly necessary to n the question intelligible,

(ii) If a question contains a statement, the Member asking the question shall be responsible for the accuracy of the statement.

(iii) It shall not contain arguments, inferences, ironical expressions or defamatory statements.

(iv) It shall not ask about the character or conduct of any person except in his official or public capacity.

(v) It shall not pertain to the individual grievances or complaints of servants of the Panchayat Samiti or Zila Parishad, as the case may be.

(vi) A question once fully answered shall not be asked again.

(4) The presiding authority may, within the period of notice, disallow any question or any part thereof, on the ground that it relates to a matter which is not primarily the concern of the Panchayat Samiti or Zila Parishad, as the case may be, or it tantamount to an abuse of the right of questioning or is in contravention of these rules, or if it cannot be answered without detriment to public interest. The question or such part thereof as may have been disallowed shall not be placed on the list of questions.

(5) Questions which have not been disallowed shall be entered in the list of questions for the day, and shall be called, if the time earmarked for questions permits, in the order in which they stand in the list, before any other business is entered upon at the meeting.

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

(7) Questions which are not taken up for want of time shall be taken up and answered at the next meeting].

### **19. Point of order**

Any Member may, at any time, submit a point of order for the decision of the presiding authority but in doing so shall confine himself solely to stating the point.

### **20. Certain restrictions on speaking**

(I) A Member, while speaking, shall not —

(i) comment on any matter on which a judicial decision is pending;

(ii) make a personal charge against a Member;

(iii) use offensive expressions about the conduct of proceedings of Parliament, or of the Legislature of any State, or of any other Panchayat Samiti or Zila Parishad;

(iv) utter defamatory words ; or

(v) use his right of speech for the purpose of obstructing the business of the Panchayat Samiti or Zila Parishad, as the case may be.

Substituted vide Notification No. GSR 231/PA, dated the 29th September, 1964,

(2) No Member shall speak more than once on a motion:

Provided that the Member who moves a motion shall have the right to reply.

### **21. Duration of speeches**

No speech shall, except with the permission of the presiding authority, exceed ten minutes in duration

Provided that the Member who moves a resolution may speak for of fifteen minutes in moving the same.

### **22. Procedure when a Member has pecuniary interest in subject under consideration of meeting**

(1) No Member shall take part in the discussion of or vote on any question coming up for consideration at a meeting, if the question is one, in which, apart from its general application to the public, he has any direct or indirect pecuniary interest].

(2) The presiding authority may prohibit any Member from voting on or taking part in the discussion of any question, in which he believes such Member to have such pecuniary interest, or he may require such Member to absent himself during the discussion.

(3) Such Member may challenge the decision of the presiding authority, who shall thereupon put the question to the meeting and the decision of the meeting shall be final.

(4) If the presiding authority is believed by any Member present at the meeting to have any direct or indirect pecuniary interest in any subject under discussion, the presiding authority may, if a motion to that effect is carried, be required to absent himself from the meeting during such discussion.

(5) The Member concerned shall not be entitled to vote on the question referred to in sub-rule (3) and the presiding authority shall not be entitled to vote on the motion referred to in sub-rule (4).

### **23. Suspension of sitting**

The presiding authority may, in case of grave disorder arising in the meeting [2]suspend any sitting for a time to be named by him.

1. Substituted vide Notification No. G 231/PA, dated the 29th September, 1961.

2. Inserted vide Notification No. GSR 211/PA, dated 29th September, 1964, (i.e. in rule 23 between the words "meeting" & "suspend" sign ";," has been inserted).

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### **24. Maintenance of order**

The presiding authority shall preserve order and shall have all powers necessary for the purpose of enforcing its decisions.

### **25. Decorum**

(1) The Members shall sit in such order as the presiding authority may fix and shall speak only from their places.

(2) A Member desiring to speak on any matter before the Panchayat Samiti or Zila Parishad, as the case may be, shall rise from his place but shall not speak before the presiding authority calls the name of the speaker, whereupon he shall address the presiding authority, if two or more Members rise simultaneously to speak, the presiding authority shall call the Member who first caught its eye to speak first. The other Member or Members shall immediately resume their seats. At any time, the presiding authority rises in its seat, any Member speaking shall resume his seat.

(3) When a Member is called to order by the presiding authority, he shall immediately sit down.

## **26. Breaches of order**

(1) A Member is guilty of breach of order, if he—

(i) uses objectionable or offensive words and refuses to withdraw them or offer any apology;

(ii) wilfully disturbs the peaceful and orderly conduct of the meeting

(iii) refuses to obey any order from the Chair; or

(iv) does not resume his seat when the presiding authority rises from its chair or when he is called upon to do so by the presiding authority.

(2) Any Member may take objection to any offensive words.

(3) A member who objects to offensive words should move: “that the words be taken down”. If his motion is agreed to, the presiding authority shall direct that the words be taken down.

(4) Objection to offensive words shall be taken down when the Words are used and not after another Member has begun to speak.

(5) A Member whose words have been taken down shall be guilty of a breach of order.

(6) The presiding authority may, after having called the attention of the Panchayat Samiti or Zila Parishad, as the case may be, to the conduct of a Member who persists in irrelevant or invidious repetition, either of his own arguments or of the argument used by other Members in debate, direct him to discontinue his speech.

(7) The presiding authority may direct any Member, who in its opinion is guilty of breach of order, to withdraw immediately from 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 authority for a second time, it may further direct the Member concerned from attending one succeeding meeting of the Panchayat Samiti or Zila Parishad, as the case may be].

## **27. Custody of the records of proceedings**

The Executive Officer and the Secretary shall have the custody of the proceedings of the Panchayat Samiti and Zila Parishad, respectively.

1. Substituted ride NotificatiGn No, GSR 231/PA, dated the 29th September, 1964.