

## **GUJARAT PANCHAYATS (PROCEDURE) RULES, 1997**

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## **GUJARAT PANCHAYATS (PROCEDURE) RULES, 1997**

In exercise of the powers conferred by sub-section (1) and (2) of section 274 of the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993), the Government of Gujarat hereby makes the following rules, namely

### **1. Short title :-**

These rules shall be called the Gujarat Panchayats (Procedure) Rules, 1997.

### **CHAPTER 1**

#### **Preliminary**

### **2. Definitions :-**

In these rules, unless the context otherwise requires :-

(a) "the Act" means the Gujarat Panchayats Act, 1993

(b) "Clear days" means days exclusive of the day of issue of a notice or intimation, and of the day of meeting;

(c) "Form" means a form appended to these rules:

(d) "member" means a member of a panchayat:

(e) "Motion" means a proposal made to evoke action on the part of the panchayat and includes an amendment of a motion:

(f) "panchayat" means

(i) in relation to a village panchayat, the village panchayat:

(ii) in relation to a taluka panchayat, the taluka panchayat and

(iii) in relation to a district panchayat, the district panchayat:

(g) "President" means "President" of a taluka or a district panchayat and in his absence, the Vice-President of the panchayat:

(h) "Sarpanch" means a Sarpanch of a Village Panchayat and in his absence, the up-sarpanch of the village panchayat:

(i) "Secretary" means the secretary of a panchayat:

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

(k) "Village Chavdi" includes such a place as is deemed to be a Chavdi under the Land Revenue Code. COMMENTARY Right to call a meeting-Decision taken by District Development Officer-Meeting called by Taluka Development Officer on his instruction-No breach of rules.-It is a settled law that power must be exercised by the authority on whom it is conferred. But at the same time exercise of the substantive power and performance of ministerial functions in accordance with the decision taken by the competent authority are two different things. In the instant case the decision was taken by the competent authority i.e., by the District Development Officer, and the Taluka Development Officer was directed to hold the meeting as per the direction issued by District Development Officer. Held that the former was substantive order whereas the later was merely ministerial function and there was no delegation of power by the District Development Officer. Ramanbhai Shanabhai v. Nadiad Taluka Panchayat, 1998 (3) GLR 2409=1998 (1) GCD 571 (DB).

## CHAPTER 2

### Meeting of Panchayat

#### **3. Time Place and agenda of meetings :-**

- (1) A village panchayat shall meet, at least once in every month.
- (2) Subject to the provisions of Section 91 or 122 or 144 of the Act, as the case may be, a panchayat shall meet on such date, time and place as may be fixed by the Sarpanch or the President.
- (3) The meeting shall, generally, be held at the panchayat office.
- (4) The agenda of the meeting shall be prepared by the Secretary in Consultation with Sarpanch/ President.
- (5) Except in exceptional circumstances, no meeting shall be held on any day observed as holiday by the panchayat.

#### **4. Notice of Ordinary Meeting :-**

The Secretary, shall, atleast

- (i) five clear days in case of a village panchayat and
- (ii) fifteen clear days, in case of a taluka or a district panchayat before the date fixed for any ordinary meeting cause to be sent to all the members intimation of the date, time and place of such ordinary meeting and of the business to be transacted at such meeting with itemwise agenda notes.

## **5. Notice of special meeting :-**

The Secretary, shall, at least,

(i) three clear days in case of a village panchayat and

(ii) six clear days in case of a taluka or a district panchayat before the date fixed for a special meeting send or caused to be sent to all the members, intimation of the date, time and place of such special meeting and of the business to be transacted thereat, with itemwise agenda notes.

## **6. Notice of meeting to be display on notice board :-**

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

## **7. Mode of delivery of notice :-**

(1) In case of a village panchayat, every notice under these rules is shall, if practicable, be served personally by delivering or tendering it to the member to whom it is addressed or if such person is not found, by giving or tendering it to any adult member of his family who is residing with him. If none of the aforesaid modes of serving notice is feasible, the notice shall be affixed on some conspicuous part of the house in which the member ordinarily resides or is known to have last resided or carried on business or personally worked for gain in the Presence of two persons residing in the village.

(2) Every notice under these rules shall be sent to the members of a taluka or district panchayat by ordinary post under a certificate of posting.

## **8. Notice of meeting issued not to be cancelled :-**

No notice often ordinary or a special meeting once to the members shall be cancelled or modified except for the purpose of sending supplementary agenda items.

## **9. Presiding Officer of meeting :-**

Where at any meeting, neighter the Sarpanch/President nor the Up-Sarpanch/Vice-President present within 30 minutes from the time appointed for holding the meeting, the members present at the meeting shall choose one of the members present and entitled to vote to preside over the meeting:

Provided that where the Sarpanch/President or Up-Sarpanch/ Vice-

President attends at any time during the course of such meeting the person so presiding over the meeting shall vacate the chair and the meeting shall continue under the presidentship of the Sarpanch/President or as the case may be, the Up-Sarpanch/VicePresident.

#### **10. Quorum :-**

(1) The quorum for the transaction of business at the meeting of the panchayat shall be one-third of the total number of members of the panchayat including Sarpanch/President and Up-Sarpanch/Vice-President. Explanation - For the purposes of this rule, if the total number of members entitled to vote is odd then in calculating the number for the purposes of quorum, fraction shall be counted as one i.e. if the number of members is thirty one, the number required for quorum shall be eleven.

#### **11. Adjournment for want of quorum :-**

(1) If within one hour from the time appointed for a meeting there be no quorum, the meeting shall if called upon the requisition of members, be dissolved and in any other case unless all the members present agree to wait longer, the presiding officer shall adjourn the meeting, to such hour on the same day or some other days as he may reasonably fix and notice, of such adjournment shall be displayed on the notice board at the office of the Panchayat 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 and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be a quorum thereat or not:

(2) If at any time during a meeting it is brought to the notice of the presiding officer that the number of members present inclusive of the presiding officer falls short of the number, required for quorum, presiding officer shall if there be no quorum after waiting for a period of not less than thirty 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 undispensed of such meeting shall be disposed of at the adjourned meeting or at any subsequent adjournment thereof, whether there be a quorum thereat or not :

(3) No business shall be transacted at any adjourned meeting other than that left undispensed of at previous meeting.

**12. Adjournment of meeting :-**

A meeting may, with the consent of the majority of the members present be adjourned from time to time. But no business shall be transacted at any adjourned meeting other than that left undisposed of at the previous meeting. The date time and place of the adjourned meeting shall be announced at the meeting before it is adjured, and no separate notice shall be necessary.

**13. Resolution for adjournment of postponement to have precedence :-**

(1) A resolution to adjourn a meeting or to postpone the consideration of a question shall take precedence over any other resolution before the meeting.

(2) A motion of no confidence against a Sarpanch of Up-Sarpanch or a President or Vice-President of a Taluka or District Panchayat, shall not be postponed and such motion shall lapse if not considered and voted at such meeting.

(3) A resolution under this rule can be made more than once during the debate on any question.

**14. Unruly meeting may be adjourned :-**

The presiding officer may adjourn any meeting that refuses to abide by his ruling on a point of order or in the case of a grave disorder arising in a meeting to any other day, not exceeding three days. Notice of such adjournment shall be given by announcement in the meeting and affixing a notice at the office of the panchayat;

Provided that no business shall be transacted at such adjourned meeting other than that left un-disposed of at the previous meeting.

**15. Meeting to be open to public :-**

All meeting of a panchayat shall be open to the public, provided that the presiding officer may in any particular case direct that the public generally or any person shall withdraw from the meeting.

**16. Order of business at a meeting :-**

(1) The items of business at a meeting of the panchayat shall generally be shown in the following order namely :

(i) Confirmation of the minutes of the previous meeting:

(ii) Questions (in order of priority decided by the Sarpanch/President by ballot) limited to one hour.

(iii) Report an action taken on the decisions of the previous meeting;

(iv) election of members to different committees of the panchayat;

(v) proceedings of the meetings of the committees of the panchayat.

(vi) matters relating to urgent official business brought forward by the presiding officer;

(vii) Any matters which the panchayat is required to consider by

(1) The taluka Development Officer or the District Development Officer in case of village panchayat

(2) The District Development Officer or The Development Commissioner in case of a taluka panchayat: or

(3) The State Government or the Development Commissioner in case of a district panchayat.

(viii) Any motion regarding change of agenda.

(ix) motion, if any, sent by the members ;

(x) resolutions;

(xi) statement of receipts and expenditure

(xii) progress reports;

(xiii) items such as budget, plans, programmes and audit reports, etc:

(xiv) any other item which may be brought up at the meeting with the permission of the presiding officer.

(2) As regards confirmation of minutes of the previous meeting, the Presiding Officer may declare it deemed to have been read if the copy of the same has been sent to all members or shall be read at the meeting for confirmation.

(3) If any member objects to the confirmation, on the grounds of improper or incomplete reporting of the minutes, the Presiding Officer after ascertaining the views of the other Officers and members



present in the meeting, take a decision about the amendments, if any, to be made in such proceedings and the minutes of the previous meeting shall be confirmed subject to such amendments.

(4) Resolutions duly passed and recorded in the minutes book signed by the Presiding Officer can be implemented without waiting for the confirmation of minutes.

**17. Ordinarily business to be transacted according to agenda :-**

Except with the permission of the presiding officer.

(a) no business, which is not entered in the agenda shall be transacted at any meeting.

(b) the business to be transacted at any meeting shall be taken up in the order in which it is entered in the agenda: Provided that in granting permission for priority for transacting any business, the presiding officer shall be guided by the majority of votes for or against the motion moved thereof.

**18. Notice amendment of resolution :-**

Subject to the provisions of Section 97 or Section 128, or as the case may be, section 152 of the Act, the notice of motion for modification, amendment, variation or cancellation of any resolution of a panchayat shall be given to the members in accordance with the provisions of rule 7 and the notice shall set forth fully the resolution which is proposed to be modified, amended varied or cancelled, at the meeting and also the motion for the modification amendment variation or cancellation of such resolution

**19. Procedure for questions :-**

(1) It shall be open to any member to ask question at any meeting of the panchayat. In respect of every such question, not less than seven clear days notice shall be given by the member in writing to the Sarpanch/President. The Sarpanch/President may disallow any question which is not in accordance with the provisions of these rules. A list of question so disallowed shall be displayed on the notice board of the panchayat office. In the case of questions which are defamatory in character only the serial number of the question and the name of the member asking the same shall be given and not the details thereof.

(2) In order that a question or a Supplementary Question may be

admissible.

(a) it must not bring in any name or statement not strictly necessary to make the question ineligible:

(b) if a question contain a statement, the member asking it must himself be responsible for the accuracy of the statement.

(c) it must not contain any arguments inference imputations, ironical expressions, opithelts or defamatory statements:

(d) it must not ask for an expression of opinion or the solution of an abstract, legal question or hypothetical proposition.

(e) it must not be asked as to the character of or conduct of any person except in his official or public capacity:

(f) it must not be of excessive length

(g) it must not be a question which was once fully answered:

(h) it should be asked with a view to getting information of any matter pertaining to the administration of the panchayat.

(3) In absence of a member whose question is admitted it shall be treated as dropped, unless another member, who has been authorised in writing to ask such question, by the absent member on his behalf rises in his seat to ask the same, provided that such authority letter has been delivered to the Secretary of the panchayat before the commencement of the meeting.

(4) When a question is answered at the meeting the member asking it may, to elicit further information, ask supplementary question. The presiding officer may disallow it on the grounds that it violates the provisions of sub-rule (2) or is fully answered or discussed.

(5) If sufficient information is not available to answer the question admitted for the meeting the Presiding Officer may postpone it, to the next general meeting and it shall be answered at such meeting on a priority basis.

## **20. Notice of no confidence motion :-**

(1) Any member of a panchayat who desires to move a motion of no confidence against the Sarpanch/President or Up-Sarpanch/Vice-President of the panchayat, shall give notice thereof to the Secretary in Form-A. Where the motion of no confidence is to be

moved against the Sarpanch/President as well as Up-Sarpanch/Vice-President, two separate notice shall be given. If the motion is given jointly by more than one member, the motion may be moved by any of the members who have assigned the notice. Every such notice shall be supported by atleast one-half of the total number of members of the panchayat.

(2) The member giving any notice under sub-rule (1) shall forward therewith three additional copies thereof to the Secretary who shall deliver one copy to the Sarpanch/President, one copy to the Up-Sarpanch/Vice-President and one copy.

(i) to the taluka Development Officer where the motion relates to the Sarpanch or Up-Sarpanch, or

(ii) to the District Development Officer where the motion relates to the President or Vice-President of a taluka panchayat, or

(iii) to the Development Commissioner where the motion relates to the President or Vice-President of a district panchayat. Explanation - For the purposes of this rule, if the total number of members of a panchayat is odd, then, in calculating the number for the purpose of this rule, a fraction shall be counted as one, that is to say, if the number of members is thirty one, the member required for supporting the notice so that a motion may be moved shall be sixteen and so on.

**21. Decision of panchayats and names of members voting for or against motion to be reported :-**

When the panchayat takes a decision on any motion of no confidence, the Secretary shall forthwith communicate to the officer to whom a copy of their motion was sent under sub-rule (2) of rule 20, the names of all the members who were present at the meeting at which such decision was given taken and the nature of vote given by each member by show of hands whether in favour of or against the motion and the names of members who abstained from voting.

**22. Procedure for Resolution :-**

(1) Subject to the provisions of this rule, any member may move a resolution relating to a matter concerning the administration of the panchayat.

(2)

(a) A member who wishes to move a resolution shall give atleast eight clear days notice of his intention to do so and shall together with the notice submit a copy of the resolution which he wishes to move. The Sarpanch/President shall decide on the admissibility of a resolution and shall disallow any resolution which in his opinion does answer to the requirements of sub-rules (3) to (6) or contravenes the provisions of the Act or the rules made thereunder and his decision shall be final.

(b) The Sarpanch/President may for reasons to be stated by him allow a resolution to be entered in the items of the agenda at a shorter notice.

(3) Every resolution shall be clearly and precisely expressed and shall raise one definite issue.

(4) A resolution shall not contain arguments, inferences, ironical expressions or defamatory statements nor shall it refer to the conduct or character of any person except in his official or public capacity.

(5) A resolution shall be of an affirmative character.

(6) Notice of a resolution shall be in writing and signed by the mover.

(7) The order in which the resolution of which notice is given may be moved, shall be determined by ballot.

(8) No member shall be entitled to a allot for more than one resolution at a time.

(9) Resolutions balloted but not reached or disposed of at a meeting shall lapse.

(10) A member shall be at liberty to give a fresh notice in respect of a resolution which has lapsed.

(11) Not more than ten resolution according to the order of priority determined by ballot shall be set shown for every meeting.

(12) A member in whose name a resolution appears on the agenda shall, when called upon either

(a) move the resolution which shall be duly seconded by another member, or

(b) Withdraw the resolution in which case he shall confine himself

to a mere statement to that effect withdraw.

(13) If the member when called upon is absent, the resolution standing in his name shall be deemed to have been withdrawn, or any other member may with the permission of the presiding officer, move the said resolution standing in the name of the absent member. If the permission is not granted, the resolution shall lapse.

(14) Every resolution which has been moved shall be required to be seconded. A resolution, which has not been seconded shall not be discussed nor shall any question be put on it and shall not be noted in the minutes book of the panchayat.

(15) The discussion on a resolution shall be limited to the subject of the resolution.

(16) Where any resolution involving several points has been discussed, it shall be in the discretion of the presiding officer to divide the resolution and put any point to vote separately as he thinks fit.

(17) Routine resolutions may be put to the meeting by the presiding officer without their having been moved or seconded.

(18) The presiding officer has the same right of moving or seconding or speaking on a resolution of motion as any other member: Provided that the provisions of sub-rules (7) and (8) shall not apply in the case of a resolution moved by the presiding officer.

**23. Power of Sarpanch/President to dispense with notice :-**

The Sarpanch or the President may, at his discretion allow any question or Resolution at shorter notice or at meeting itself.

**24. Resolution to be relevant to business :-**

No member shall be entitled to propose a resolution to her than the one directly arising out of the subject under discussion in the meeting and relevant thereto, except in the case of emergency and with the consent of the presiding officer.

**25. Check It :-**

Power to divide motion or amendment. The presiding officer may divide a resolution into two or more distinct resolutions or an amendment into two or more distinct amendments as he may deem necessary.

**26. Decision of panchayat how to be ascertained :-**

A matter requiring the decision of the panchayat shall be decided by means of a question by the presiding officer on a resolution by reading the resolution for consideration of the meeting.

**27. Withdrawal or resolution :-**

After resolution has been moved and seconded, it shall not be withdrawn or altered in substance except with the consent of the member who seconded it.

**28. Amendment to resolution :-**

(1) After resolution has been moved and seconded, any member may move an amendment there to.

(2) Every amendment must be relevant to and within the scope of the resolution to which it relates.

(3) No amendment shall be moved which has merely the effect of negative vote.

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

(5) Any number of amendments may be moved to the same motion but no member shall move more than one amendment to the same resolution.

(6) The presiding officer may disallow any amendment which is in his opinion irrelevant or frivolous.

**29. Conduct of members during meeting :-**

(1) A member desiring to make any observation on any matter before the meeting shall rise in his seat and if called upon by the presiding officer, address his remarks to the presiding officer. If he is not called upon by the presiding officer, he shall resume his seat :

Provided that the presiding officer may permit any member to address the meeting while sitting.

(2) A member shall confine his speech strictly to the question before the meeting and shall cease to make remarks which are held by the presiding officer to be irrelevant or offensive.

(3) Members shall not talk amongst themselves in the meeting so as to distract the proceedings or a member who is speaking.

### **30. Right of presiding officer to address meeting :-**

The presiding officer may address the meeting at any stage of a debate.

### **31. Mover to start debate :-**

After a motion has been placed before the meeting for consideration under rule 26, the mover may speak in support of the motion and the seconder may either follow or reserve his speech for a later stage of the debate thereon.

### **32. Right of reply :-**

The mover, or if the mover waives his rights the seconder of a substantive resolution may reply at the conclusion of the debate thereon but no other member shall, without the express permission of the presiding officer speak more than once on the same resolution except for the purpose of making a personal explanation but in such case, no debatable matter; shall be brought forward.

### **33. Time limits for speech :-**

The presiding officer may fix a reasonable time limit within which the mover, the seconder and any other member shall end his speech.

### **34. Resolution to be voted on conclusion of debate :-**

(1) The presiding officer may, on the conclusion of a debate on a Resolution or at any time when the presiding officer is satisfied that the resolution has been sufficiently discussed, put the resolution to the vote of the meeting.

(2)

(i) When there are one or more amendments to a resolution, the presiding officer shall first put to vote the amendment or amendments one by one;

(ii) If all amendments are lost, the presiding officer shall put the resolution to vote:

(iii) If any amendment or amendments are carried the presiding officer shall put to vote the resolution incorporating the amendment or amendments which have been carried:

(iv) The presiding officer may group together amendments which are substantially the same :

Provided that in a group of amendments, the presiding officer may give precedence to any amendment which is most comprehensive and that when such amendment is either carried or lost it shall not be necessary to put to vote the other amendments in the group.

(3) The resolution with or without an amendment to amendments as finally carried under sub-rule (2) shall be considered to be the decision of the panchayat.

**35. Manner of taking votes :-**

Votes may ordinarily be taken by a show of hands and a member who desires to give his vote in favour of a resolution shall raise his hand in favour of that resolution.

**36. Points of order :-**

(1) The presiding officer shall decide all points of order and his decision thereon shall be final.

(2) A member may at any time raise a point of order for the decision of the presiding officer but in doing so, he shall confine himself to stating the point.

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

**37. Member Speaking to resume his seat when Presiding Officer stands or point of order is raised :-**

If, while a member is speaking, the presiding officer rises or another member raises a point of order, the member speaking shall resume his seat.

**38. Maintenance of order at meeting :-**

The presiding officer shall preserve order at the meeting and have all powers necessary for the purpose of enforcing his decision.

**39. Suspension and withdrawal of unruly members :-**

When any member disregards the authority of the presiding officer or is guilty of obstructive or offensive conduct at any meeting, the presiding officer shall forthwith put the question that such member be suspended from the meeting for the remainder of the sitting and if Two Third of the members present are in favour thereof, the member named shall withdraw, failing which the presiding officer may call such aid as he deems expedient to secure such suspension or withdrawals. Explanation - For the purpose of this rule "obstructive conduct" means willfully and persistently adopted with



a view to preventing business being done at the meeting.

**40. Records of Proceedings of meeting. :-**

The minutes of such meeting of the panchayat shall be recorded in a bound book in gujarati by the Secretary. In this book, he shall enter the names of the members present at each meeting, the decision arrived at the number of members voting for or against and number of members remaining neutral. The minutes of the meeting shall be prepared on the day following the day of the meeting or as soon the reafter, as may be, and shall be signed by the Presiding Officer and shall be read out at the next meeting of the panchayat of for confirmation. A copy of minutes shall, in the case of a village panchayat be sent to taluka panchayat and in the case of a taluka panchayat be sent to the district panchayat concerned and in the case of district panchayat to Development Commissioner within seen days from the closer of the meeting under certificate of posting. The minutes shall be open to inspection at all reasonable times by any member of the panchayat.

**41. Copy of minutes to be displayed on notice board :-**

A copy of minutes of meeting of a panchayat shall be displayed on the notice board of the panchayat at its office, for information of the general public.

**CHAPTER 3**

**Meetings of Committees**

**42. Power to summon a meeting of a committee and period of notice for such meeting :-**

(1) The meeting of a committee shall be held at least once in three months.

(2) A committee may meet and adjourn as it thinks proper; but the Chairman of a committee may whenever he thinks fit, and shall upon the written request of the Sarpanch or the president of the panchayat or of not less than two members of the committee and for a date not more than ten days after the presentation of such request, call a special meeting of such committee.

(3) Meetings of a committee shall normally be held at the panchayat office, unless the committee, unanimously decides to meet elsewhere within the jurisdiction of the panchayat.

(4) A committee meeting shall be held at such time on such as may be fixed by the Chairman.

(5) At least, five clear days notice of an ordinary meetings and at least three clear days notice of a special meeting shall be given in case of a village panchayat and atleast ten clear days notice of an ordinary meeting, and six clear days notice of a special meeting shall be given in case of a taluka panchayat or a district panchayat, as the case may be.

(6)

(a) During the leave or absence of a Chairman of a Committee other than the Education Committee of a District Panchayat, a meeting of the Committee, may be convened by the Secretary of the concerned committee.

(b) During the, cave or absence of the Chairman of the Education Committee of a District Panchayat, a meeting of that Committee for electing the Chairman under sub-section (3) of section 147 shall be convened by the Secretary of the District Panchayat.

**43. Manner of service of notice :-**

The manner of service of notice shall be the same as that for the meeting of the panchayat.

**44. Quorum :-**

No business shall be transacted at any meeting of the committee unless, one-third of its strength or three members, whichever is more, are present.

**45. Rules of procedure :-**

The rules of procedure for the meeting of the panchayat shall generally apply mutatis mutandis to the meeting of committees.

**46. Chairman of the Committee :-**

The Chairman of the committee shall preside over the meeting whenever he is present and in his absence, the members shall elect a Chairman.

**47. Secretary of the Committee :-**

(1) In case of a village panchayat or a taluka Panchayat, the secretary, of the panchayat shall be the secretary of the committee.

(2) In case of a district panchayat, the officer of the panchayat dealing with the subjects allotted to a committee under the panchayat functions list and where there are more such officers than one such one of them or if there is no such officer, the officer

as the district development officer may determine, shall be the Secretary of the Committee.

**48. Notice of No Confidence motion against Chairman of Education Committee :-**

(1) Any member of the Education committee of a district panchayat who intends to move a motion of no confidence against the Chairman of Education Committee may give a notice there of to the Secretary of the Education Committee of the district panchayat in Form-B.

(2) If the notice is given jointly by more than one member the motion may be moved by any of the members who have signed the notice.

(3) The member giving any notice under sub-rule (1) shall forward there with three additional copies there of to the Secretary of the Education Committee who shall deliver one copy to the Chairman of the Education Committee one copy to the President of district panchayat through the District Development Officer and one copy shall be sent to the Development Commissioner.

**49. Proceedings to be placed before the panchayat and to be sent to concerned offices :-**

(1) The Proceedings of every meeting of every committee shall be placed before the panchayat at its next meeting.

(2) In case of a district panchayat, a copy of the proceedings of executive committee shall be sent to the Development Commissioner, and of other committee, to the concerned Heads of department of Government.

(3) In case of a taluka panchayat, a copy of the proceedings of a committee shall be sent to the District Development Officer and concerned district officer.

(4) In case of a village panchayat, a copy of the proceedings of a committee shall be sent to the taluka development officer.

(5) A copy of the proceedings of the committee required to be sent under sub-rules (2), (3) and (4) shall be sent under certificate of posting within seven days from the date of the meeting of the committee.

**50. Circumstances in which and conditions and procedure**

**subject to which proposition may be circulated for the votes of members :-**

(1) Wherever a question requiring urgent decision arises within ten days from the date of the meeting of a committee last held or during a period when seasonal agricultural operations are in progress or whenever for any special reasons calling of a meeting of the committee may not be feasible, and it appears necessary to the Chairman of the committee to take immediate decision on such question, the question may be rendered in the form of the proposition which may be circulated by the Chairman for the votes of the members.

(2) A copy of such proposition may be sent under certificate of posting, to each member of the committee together with a reply paid envelopes with postage stamps of sufficient value for the reply specifying a time limit within which reply should be sent by the member concerned and the member may be informed that if no reply is received from hi within the time limit so specified, a decision of the committee on the question will be recorded by the Chairman on the basis of the majority of votes of the members from whom replies are received within specified time limit.

(3) A special meeting shall be convened to consider the said proposition on a request being made by not less than two members of the committee.

(4) The provisions of rules 43, 44, 45 and 49 shall so far as may be apply, to the proceedings adopted and decision taken under this rule.

**51. Panchayat to control assigned powers :-**

Where powers are asisgned to a committee, the panchayat shall reserve to itself the power to review cancel, modify or otherwise amend, any decision of the committee within ninety days of such decision.

**52. Implementation of decisions of committee :-**

Each committee shall be responsible for the implementation of all its decisions in respect of the subjects assigned to it. All administrative work involved, in carrying out the decisions of a committee shall be attended to by the Secretary of the Committee. The responsibility for ensuring participation of the members of the public where necessary for proper supervision of the work which is being done, and for the timely completion of the work shall be that

of the committee. The committee may in turn assign different items of its work to a sub-committee consisting of one or more its members.

#### CHAPTER 6

##### Meeting of Sub-Committee

#### **55. Procedure for taking action under sub-section (5) of section 104 or sub-section (2) of section 105 :-**

(1) Before taking action under sub-section (5) of section 104 in respect of its clause 9b) (alteration or demolition of erection or re-erection) or before taking action mentioned in sub-section (2) of section 105 (removal of obstruction or encroachment etc.) the person against whom the action is proposed shall be given seven clear days notice to show cause why the proposed action should not be taken giving details of actions desired to be taken by such person, failing which the action proposed (details to be given in the notice) shall be taken by the panchayat.

(2) Such notice shall clearly mention last date of his reply in writing to be delivered to the Panchayat and also the date, time and place where he will be given a personal hearing before the panchayat meeting.

(3) The panchayat shall after considering the written reply and personal hearing, decide the action to be taken by a resolution at such meeting and a copy of the same shall be served upon the person concerned with notice to comply accordingly within seven days, failing which decision of the panchayat shall be implemented at his cost and risk.

(4) The panchayat shall after the expiry of seven days from the date of service of such notice under sub-rule (3), take action as per sub-section (5) of section 104 or sub-section (2) of section 105, as the case may be.

(5) Notice under sub-rule (1) and (3) shall be served, personally to the person concerned or any adult member of his family residing with him or by affixing at his residence or place of business or by post by Registered letter A.D. if he resides out of the village panchayat area.

#### **56. Procedure for removal of obstructions :-**

(1) For removal of obstruction mentioned in clause (b) of sub-

section (1) of section 105, the Sarpanch or Secretary of the village panchayat shall give oral notice to remove such obstruction immediately and if it not removed, a written notice, signed by the Sarpanch may be served upon him personally or to any adult member of his family or affixed to his residence or place of business in present of two witnesses, asking him to remove such obstruction within two hours of receipt of such notice, failing which such obstruction shall be removed and goods or things be taken in custody of the panchayat at his cost.

(2) On the expiry of the period of such notice, the Sarpanch or Secretary of the panchayat may remove such obstruction at the defaulter cost, and shall return the goods after recovering such costs.

**57. Procedure to be followed by taluka development officer :-**

The taluka development officer while exercising powers of panchayat under sub-section (7) or (8) of section 105, shall follow the procedure prescribed in rule 55 or 56 as the case may be: -

**CHAPTER 5**

Meeting of Sub-Committee

**CHAPTER 6**

Procedure for Taking Action Under Sections 104 and 105

**55. Procedure for taking action under sub-section (5) of section 104 or sub-section (2) of section 105 :-**

(1) Before taking action under sub-section (5) of section 104 in respect of its clause 9b) (alteration or demolition of erection or re-erection) or before taking action mentioned in sub-section (2) of section 105 (removal of obstruction or encroachment etc.) the person against whom the action is proposed shall be given seven clear days notice to show cause why the proposed action should not be taken giving details of actions desired to be taken by such person, failing which the action proposed (details to be given in the notice) shall be taken by the panchayat.

(2) Such notice shall clearly mention last date of his reply in writing to be delivered to the Panchayat and also the date, time and place where he will be given a personal hearing before the panchayat meeting.

(3) The panchayat shall after considering the written reply and

personal hearing, decide the action to be taken by a resolution at such meeting and a copy of the same shall be served upon the person concerned with notice to comply accordingly within seven days, failing which decision of the panchayat shall be implemented at his cost and risk.

(4) The panchayat shall after the expiry of seven days from the date of service of such notice under sub-rule (3), take action as per sub-section (5) of section 104 or sub-section (2) of section 105, as the case may be.

(5) Notice under sub-rule (1) and (3) shall be served, personally to the person concerned or any adult member of his family residing with him or by affixing at his residence or place of business or by post by Registered letter A.D. if he resides out of the village panchayat area.

#### **56. Procedure for removal of obstructions :-**

(1) For removal of obstruction mentioned in clause (b) of sub-section (1) of section 105, the Sarpanch or Secretary of the village panchayat shall give oral notice to remove such obstruction immediately and if it not removed, a written notice, signed by the Sarpanch may be served upon him personally or to any adult member of his family or affixed to his residence or place of business in present of two witnesses, asking him to remove such obstruction within two hours of receipt of such notice, failing which such obstruction shall be removed and goods or things be taken in custody of the panchayat at his cost.

(2) On the expiry of the period of such notice, the Sarpanch or Secretary of the panchayat may remove such obstruction at the defaulter cost, and shall return the goods after recovering such costs.

#### **57. Procedure to be followed by taluka development officer :-**

The taluka development officer while exercising powers of panchayat under sub-section (7) or (8) of section 105, shall follow the procedure prescribed in rule 55 or 56 as the case may be: -

#### **CHAPTER 7**

Annual Confidential Report of Officers

#### **58. Authority to whom annual confidential reports shall be sent under section 137 (2) (g) :-**

(1) The annual confidential reports of officers allocated to the Panchayat Service and holding office under a taluka panchayat shall be forwarded by the Taluka Development Officer to the District Development Officer, not later than 30th of April

(2) The confidential reports of an officer posted under section 232 or deputed under section 238 to a taluka panchayat shall be forwarded by the Taluka Development Officer through the District Development Officer to the authority in the State Government competent to order his posting or deputation not later than 30th of April.

**59. Authority to whom annual confidential report shall be sent under section 162 (2) (g) :-**

The annual confidential reports of an officer posted under section 232 or deputed under section 233 to the district panchayat shall be forwarded by the District Development Officer to the authority in the State Government competent to order his posting or deputation, not later than 30th of April. CHAPTER VIII Notice, Warrants Etc.

**60. Notice of vacancy under section 61 or 75 or 89 :-**

(1) The notice of vacancy referred to in section 61 or 75 or 89 shall be given by the Secretary of the Panchayat in Form 'C'.

(2) A copy of such notice shall also be sent to the Secretary of the State Election Commission and the Collector of the district in case of a vacancy in the office of a Sarpanch or a member of any village, taluka or district panchayat.

**61. Notice of inquiry :-**

(1) A notice of the inquiry to be held under section 113 shall be in Form 'D' and shall state the time and place of the inquiry. It shall be signed by the officer issuing it.

(2) Such notice not less than ten days before the inquiry

(a) shall be affixed at the village Chavdi or some other conspicuous place in the village in which the property is situated and also at the office of the village panchayat and at a conspicuous part of the property:

(b) shall also be served on the relevant panchayat and on all persons who are known or believed to have made and claim to the



property or any right in or over it.

(3) The notice shall be served under clause (b) of sub rule (2) by tendering or delivering a copy thereof to the person concerned or if he cannot be found, by affixing a copy of it to some conspicuous part of the place where he ordinarily resides.

(4) If the residence of the person to whom notice is to be served is in another village town, the notice shall be sent by Registered Post A-D at the known address. Where he resides or last resided.

(5) The notice to be served on the village panchayat shall be served on the Sarpanch of such Panchayat.

**62. Notice of decision :-**

Written notice in Form 'E' of any order passed under section 113 specifying briefly the subject matter, contents and date of the order passed, shall be served in the manner specified in sub-rule (3), (4) and (5) of the rule 62 upon the village panchayat and on the person referred to in clause (b) of sub-rule (2) of that rule and shall also be affixed in the manner provided in the said sub-rule (3).

**63. Form of warrant :-**

The warrant to be issued by an authorised officer under sub-section (2) of section 268 shall be in form "F".

**64. Check It :-**

Repeal. The Gujarat Gram and Nagar Panchayats (Procedure) Rules, 1963 and the Gujarat Taluka and District Panchayats (Procedure) Rules, 1963 are hereby repealed.