

## **Kerala Panchayat Raj (Procedure For Panchayat Meeting) Rules, 1995**

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### **APPENDIX 1 :- APPENDIX**

## **Kerala Panchayat Raj (Procedure For Panchayat Meeting) Rules, 1995**

S.R.O. No. 1260/95. - In exercise of the powers conferred by Sections 157, 158 and 161 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with Section 254 thereof, the Government of Kerala hereby make the following rules, namely: -

## **1. Short Title And Commencement :-**

(1) These rules may be called the Kerala Panchayat Raj (Procedure for Panchayat Meeting) Rules, 1995.

(2) They shall come into force at once.

## **2. Definitions :-**

In these rules unless the context otherwise requires, -

(a) Act means the Kerala Panchayat Raj Act. 1994 (13 of 1994);

(b) Authorised Officer means an officer authorised by the Government by notification in the Gazette under sub-section (1) of Section 275;

(c) Empowered officer means an officer empowered by the Government under subsection (2) of Section 157 of the Act;

(d) Section means a section of the Act;

(e) Words and expressions used and not defined in these rules, but defined in the Act shall have the meanings respectively assigned to them in the Act.

## **3. Place And Time Of Meeting :-**

Each Panchayat shall have an office in its headquarters designated by the Government under sub-section (1) of Section 4 and the President shall convene the meeting of the Panchayat at least once in a month and it shall be held in the Panchayat office on the date and at the time fixed by him: Provided that no meeting shall be held on public holidays notified by the Government:

Provided further that no meeting shall be held before 9 O clock in the morning and after 6 O'clock in the evening, except in urgent situations.

## **4. Notice And Agenda Of Meeting :-**

(1) The notice regarding the place, date and time of the meeting and subject to be discussed in the meeting shall be given to the members at least three clear days prior to the date fixed for beginning of the meeting: Provided that, in the above said clear days, declared holidays shall be included but the date of receipt of notice and the date of meeting shall not be included.

(2) Notwithstanding anything contained in sub-rule (1), if urgent decision of the Panchayat is inevitably required in any case, the President may convene special meeting by giving \*\* notice of a period not less than 24 hours.

\*Published in Kerala Gazette (Extra) No.45 as G.O.(P) No.16998/NI/99/LSGD dt. 13-11-2001.As amended by S.R.O.No.1021/2003, Published in Kerala Gazette Extra No.2033 dated 11-12-2003 (3) No subject which is not included in a given agenda for

the particular meeting shall be considered in that meeting:

**\*\*Provided that orders and directions having urgency and send by Government for consideration of Panchayat shall be considered in that meeting, even if they are not included in the agenda.**

(4) Copies of notice and agenda issued under sub-rules (1) and (2) shall be published in the notice board of the Panchayat on the date of notice itself.

## **5. Preparation Of Agenda :-**

(1) The Secretary shall prepare the agenda for the meeting in consultation with the President.

(2) The agenda shall include the subjects which, according to the Secretary or the exofficio Secretary requires decision of the Panchayat thereon, the subjects that are proposed by the President, the questions to be answers in the meeting by the President or the Chairman of the Standing Committee, as the case may be, under rule 12 and the resolutions that may be allowed to be introduced in the meeting under rule 13.

(3) All the subjects included in the agenda for the consideration of the Panchayat meeting shall be serially numbered and recorded in an agenda register in which the page numbers are serially marked in advance and the register shall be under the custody of the Secretary.

(4) The Secretary shall have the responsibility to render advice to the Panchayat necessary for taking decision in accordance with the provisions of the Act and the Rules made thereunder on any subject included in the agenda for the consideration of the panchayat and he shall, accordingly record his opinion in the respective file and the notes containing such opinion shall either be given to the members before the commencement of the meeting or be submitted before the meeting at the time of consideration on the subject.

## **6. Requisition For Convening Of Meeting :-**

(1) The President shall, if so requested by not less than one third of the number of members of the Panchayat as notified by the Government under sub-section(1) of section 6, by giving notice to him in writing specifying the purpose for which the meeting is to be convened , convene, within ten days of getting the notice, a special meeting of the Panchayat to consider such matter.

(2) Copy of the notice given to the President under sub-rule (1) shall be given to the Secretary

(3) Where the President does not convene the meeting within ten days of the receipt of the notice under sub-rule (1) the members who given the notice may after giving notice to the other members as provided

under sub-rule (1) of rule 4, and informing the Secretary, convene a special meeting of the Panchayat. No other subjects except the subject mentioned in the notice shall be discussed in such meeting

(4) No meeting under sub-rule (1) or sub-rule(3) shall be convened at a place other than the place at which the office of the Panchayat is situated.

### **7. Quorum For Panchayat Meeting :-**

(1) One third of the sanctioned strength of the members of the Panchayat shall be the quorum and no Panchayat meeting shall be held if that much number of members are not present in the meeting.

(2) The meeting shall not be proceeded with if at any time there becomes a fall in quorum.

(3) Even after passing half an hour from the time appointed for a meeting, the quorum does not occur and the members present refuse to wait further, the meeting shall be deemed to have been postponed.

(4) There shall be a register containing the names of members of the Panchayat and all the members present in a meeting shall put their signature on it.

### **8. Panchayat Meeting To Be Held Open :-**

The public and reporters shall have access as visitors to the meeting of a Panchayat at any level and such access shall be controlled by the President, Vice-President or the presiding member: Provided that the person presiding may, for reasons to be recorded in the minutes book, direct the public in general or a person or persons in particular to withdraw or be removed from any meeting of the Panchayat.

### **9. Holding And Presiding Over Meetings :-**

(1) The President or in his absence the Vice- President or in the absence of both a member chosen by majority opinion of the members present shall take chair of the Panchayat meeting.

(2) The Chairman may, if the law and order situation becomes out of control, stop the meeting for such time as he may decide or for the day.

(3) The Chairman shall control the meeting and decide on all points that arises at or in connection with the meeting. There shall be no discussion on a point of order and the decision of the Chairman shall, save as otherwise provided in the Act or in these rules, be final.

(4) The Chairman shall, if any member behaves disorderly and causes obstruction in conducting the meeting, direct such member to withdraw forthwith and if disobeys, suspend him from the meeting for the day and on such suspension the member shall immediately withdraw from

the meeting, failing which he shall be removed, if necessary, by using reasonable force.

**10. Decision In Meetings :-**

The Panchayat shall decide all subjects coming for consideration by majority, votes of the members present and the Chairman may exercise a casting vote in all cases of equality of votes.

**11. Cancellation Or Modification Of Resolutions :-**

No resolution of a Panchayat shall be modified or cancelled except through a resolution passed in a meeting specially convened for the purpose within three months of passing such resolution, by a two third majority of the total number of members of the Panchayat.

Provided that where the Panchayat is satisfied that a decision or resolution passed by the Panchayat has not been passed in accordance with law or it has been passed in violation of any of the powers conferred on the Panchayat by the Act or abuse thereof or that, if implemented, it may endanger human life, health or public safety, the Panchayat may, at any time with the approval of more than one half of the total numbers of the Panchayat, amend or repeal such decision or resolution.

**12. Interpellation By Members To The President Or Chairman Of The Standing Committees :-**

(1) A member who desired to interpellate the President or the Chairman of a Standing Committee in any meeting shall give a copy of the question which he intends to ask at least seven clear days in advance to the President if the question is to the President and to the President and Chairman of the Standing Committee, if the question is to the Chairman of a Standing Committee: Provided that the president may, if he thinks fit, admit a question with a notice of less than seven days.

(2) Questions by members shall be confined to matters coming within the administrative power of the Panchayat.

(3) In any meeting, a member may ask upto two questions for obtaining information on any matter relating to Panchayat.

(4) No question shall be allowed if not complied with the following conditions: -

(a) It shall relate to a single matter;

(b) It shall be in clear and precise words;

(c) It shall be prepared in the form of a submission to know information;

(d) It shall not contain arguments, hypothetical inferences, ironical expressions or defamatory statements and anything referring to the

conduct or character of persons other than that relating to official or public position.

(e) It shall not refer to any matter which is pending disposal before a Court of law;

(f) It shall be the responsibility of the member who raises the question to confirm the accuracy of the statement;

(g) It shall not contain any non-essential name or statement to make the question logical;

(h) It shall not raise questions of policy which cannot be confined to an answer;

(i) It shall not be a question which has already been answered or refused;

(j) It shall not be one seeking information on trivial matters;

(k) It shall not be in the nature of charging directly or indirectly on the character of a person.

(5) The president shall decide whether a question is to be allowed or not, before the date fixed for the next meeting and he may allow, disallow or partly allow it. He may disallow any question which in his opinion, contravenes these rules or constitutes an abuse of the right of questioning or cannot be answered without affecting public interest and in that cases the question shall not be included in the agenda or the proceedings of the meeting of the Panchayat.

(6) The questions allowed by the President shall be included in the agenda for the next meeting and the President or the Chairman of the Standing Committee, as the case may be, shall unless it has already been withdrawn by the member putting it, answer every question so included in the order in which it is included in the agenda, before any other business is taken up at the meeting:

Provided that even if a question included in the agenda has been withdrawn, answer may be given in public interest.

(7) Any member may put a supplementary question for further elucidating any matter which has already been answered: Provided that the president may disallow any supplementary question if in his opinion the contents of the question violates rules.

(8) No discussion shall be permitted in respect of any question or of any answer given to a question.

(8A) The question time shall not exceed one hour from the beginning of the meeting and the President or the Chairman of the Standing Committee, as the case may be, shall, after the meeting give to the members concerned, answer in writing for the questions included in the agenda and which could not be answered in the meeting within the time.

(8B) The President or the Chairman of the Standing Committee as the case may be, any, for preparing answers to the questions, collected

details thereof the Secretary or the Ex-officio Secretaries or any other officer under the control of the Panchayat.

(9) The question asked and the answer given to it shall be recorded in the proceedings of the Panchayat meeting.

### **13. Procedure For Moving Resolutions At Panchayat Meeting :-**

(1) A member who intends to move a resolution shall give seven clear days notice of such intention in writing to the President along with a copy of the resolution:

Provided that the President may include a resolution in the list of business with a shorter notice than seven days.

(2) No member shall move more than one resolution.

(3) The President shall examine all the resolutions and shall have power to disallow any resolution which in his opinion does not comply with the conditions laid down in sub rule (4).

(4) A resolution in order to be admissible shall comply with the following condition namely: -

(a) It shall relate to matters coming within the administrative power of the Panchayat;

(b) It shall be clearly and precisely worded;

(c) It shall relate to a single matter;

(d) It shall not contain arguments, hypothetical inferences, ironical expressions or defamatory statements;

(e) It shall not refer to the conduct or character of a person except that in his official or public capacity;

(f) It shall not refer or relate to a matter which is under adjudication by a Court of law.

(5) The President may decide to allow and to give priority to resolutions and may disallow any resolution in part or in full, which in his opinion contravenes the provisions of the Act or the rules made thereunder and his decision thereon shall be final.

(6) The resolution allowed by the president shall be included in the agenda of the meeting.

(7) The President shall when any resolution is disallowed on any ground mentioned in sub-rule (4), intimate the fact to the member concerned stating the reasons for disallowing the resolution.

(8) A member in whose name a resolution is included in the list of business may, when called either move or withdraw the resolution, by making a statement.

(9) If a member, allowed to move a resolution, is absent, any other member authorised by him may, with the permission of the President, move the resolution and if it is not so moved, it shall be deemed to have been withdrawn.

- (10) Any resolution moved by a member shall be seconded by another member.
- (11) The discussion on a resolution shall be confined to the contents of the resolution.
- (12) Any member may move amendments to resolutions during discussion subject to sub-rule (4), (5) and (10).
- (13) A member who has moved a resolution or amendment to a resolution shall not withdraw the same except by leave of the panchayat.
- (14) A resolution included in the agenda shall, if not discussed in that meeting, be deemed to have lapsed.
- (15) The President shall put amendments to vote ordinarily in the order in which they have been moved and if the amendments are lost, put the original motion to vote.
- (16) A resolution which has been discussed and rejected by the Panchayat shall not be moved again before the lapse of six months from the date of rejection.
- (17) The time allowed for a resolution shall not exceed half an hour at any Panchayat meeting.

#### **14. Resolution On Bye-Laws :-**

- (1) A resolution on bye-laws placed before the panchayat under Section 256 of the Act shall be to frame bye-laws or to modify or to cancel existing bye-laws.
- (2) The procedure laid down in The Kerala Panchayat Raj (Procedure for framing bye-laws) Rules, 1995 shall be followed on every bye-law introduced in the Panchayat Committee.

#### **15. Motion Of No-Confidence In The President Or The Vice-President :-**

- (1) A motion expressing no-confidence in the President or the Vice-President of a Panchayat shall be made in accordance with the procedure laid down in Section 157 of the Act.
- (2) A notice under sub-section (2) of section 157 shall be in the form appended to these rules.

#### **16. When To Allow Speeches :-**

- (1) A member shall speak only when there is a subject before the meeting or when he moves or seconds or opposes a resolution, except in the following cases: -
- (a) when speaking on a point of order;
  - (b) when making a statement with the special permission of the



Chairman.

(2) A member in whose name a resolution is included in the list of business shall, except in the context he withdraws it, move the resolution when called upon and shall commence his speech by a formal motion.

**17. Order Of Delivering Speech :-**

After the delivery of speech by the member moving the resolution, other members may speak to the motion in the order in which they are called upon by the Chairman. Any member who does not speak when called upon by the Chairman shall have the right to speak at a later stage only with the special permission of the Chairman.

**18. Speeches How To Permitted :-**

Save as otherwise proved, a member shall not speak more than once on the same subject: Provided that a member may, if the main subject is with regard to the framing, Cancellation or modification of bye-laws or financial estimates, move or support amendment more than once.

**19. Personal Explanations :-**

A member may, with the permission of the Chairman make personal explanations before the Panchayat, not as part of a discussion.

**20. Duration Of Speeches :-**

Any member desiring to speak on an issue before the Panchayat shall intimate the same in writing to the Chairman and the Chairman shall call the members in the order of priority. No speech shall ordinarily exceed 4 minutes duration:

Provided that a person moving a resolution or amendment may be allowed upto 8 minutes time to speak:

Provided further that the Chairman may at his discretion allow a person to extend or reduce time for speech.

**21. Point Of Order And Decision Thereon :-**

(1) Any member may, in the nature of question, raise point of order regarding the compliance of these rules or regarding the interpretation of any bye-laws made by the Panchayat to regulate the procedure of the Panchayat or the jurisdiction of the Chairman.

(2) The point of order may be raised at the beginning of the business: Provided that, if the point of order is regarding the regulation or control of business of the Panchayat, a member may be allowed to raise such point of order during the interval between the closing of one item and commencement of another item.

(3) A member may, subject to the conditions in sub-rules (1) and (2), raise a point of order and the Chairman shall decide whether it is a

point of order or not and such a decision shall be final.

(4) No discussion shall be allowed on a point or order raised by a member, but the Chairman may, if so thinks fit give an opportunity to the members to speak what they have, before taking a decision.

(5) The raising of a point of order shall not be the privilege of a member.

(6) A member shall not raise a point of order on the following matters: -

(a) to know any information;

(b) to explain his position;

(c) regarding the resolution which is being moved;

(d) regarding hypothetical matters.

## **22. Resolutions To Be Put To Vote :-**

(1) The Chairman shall, when the discussion is concluded or if there is no discussion, put the resolution to vote.

(2) Any subject taken for consideration in a Panchayat meeting shall be decided on the majority opinion of the members present and in case of equality of votes the Chairman may also exercise a casting vote.

## **23. Manner Of Polling :-**

Except in cases otherwise provided.

(a) the manner of taking votes in a meeting may be as per the discretion of the Chairman;

(b) if any member demands a poll, it shall be done by raising of hand;

(c) the Chairman shall declare the results of the poll and it shall not be challenged.

## **24. Procedure When The Chairman Speaks :-**

When the Chairman rises for talking, the member speaking shall stop it and sit down immediately. The Chairman may direct the member repeatedly raising monotonous and improper matters on disputes to stop his speech.

## **25. Decision Of The Chairman :-**

The Chairman shall have full competence to take decision on any point of order and shall have necessary powers to enforce it.

## **26. Recording Of Decision And Proceeding Of Meetings :-**

(1) The Secretary shall attend all the meetings of the Panchayat and in case it becomes impossible for him to attend the meeting due to unavoidable reasons, an officer authorised by the Secretary in this behalf shall attend the meeting

(2) The Ex-officio Secretaries concerned with the subjects which are under considerations of the meeting of the Panchayat shall, where the

President so requires, attend the meetings.

(3) There shall be a Decision Register to record the decision and resolutions passed in the Panchayat meeting and Minutes Book to record the proceedings of the Panchayat meeting and the page numbers of the same shall be serially marked in advance and shall be under the custody of the Secretary.

(4) The Secretary or the Officer authorised by him shall record in the Decision Register, along with the carbon paper copy, the decisions and resolutions passed by the Panchayat after assigning each of them a serial number in the order of passing the same and making entries as to the respective Agenda Number and the Secretary and the Chairman of the meeting shall sign below such notings and the Secretary shall read out the same in the meeting and the carbon paper copy of the decisions and resolutions passed shall, immediately after the conclusion of the meeting, be notified on the notice board.

(5) The decisions and resolutions recorded in the Decision Register shall be complete, self-explanatory and free from doubts or interpretations.

(6) The Secretary shall, within forty-eight hours after the Panchayat meeting, given to all the Panchayat, copy of the decision and resolutions passed in the Panchayat meeting.

(7) The summary of the speeches as statements made by the members on every item in the Panchayat meeting and of the remarks made by the Secretary thereon and of the decision taken by the Chairman on the point of orders and in case there was voting on any item, the names and details of the members voted for and against thereon, the questions allowed and the replies given thereto and the decisions and the resolutions passed by the Panchayat shall be recorded in detail in the minutes book as notes on the proceedings of the meeting.

(8) The Secretary shall, within three days after the meeting, prepared the draft notes on the proceedings of the meeting and submit the same for the approval of the Chairman.

(9) The Chairman shall, within twenty-four hours of receipts of the draft proceedings of the meeting prepared by the Secretary, examine the same make necessary material changes if any and return it to the Secretary. (10) The Secretary shall, immediately on receipt of the proceedings approved by the Chairman, record the same in the Minutes Book and obtain the signature of the Chairman therein and publish the copy thereof in the notice board of the Office.

## **27. Chairman Or Members To Keep Away From The Discussion On Issues Involving Personal And Financial Interest :-**

(1) The Chairman or members concerned shall not note on issues taken up for consideration in a Panchayat meeting if the Chairman or such

member have financial or personal interest, whether direct or indirect, in such issue.

(2) The Chairman may, if satisfied that a member has financial interest in an issue being discussed direct him to abstain from the discussion and prohibit him from voting.

(3) Such member may question the decision of the Chairman and if so questioned, it shall be presented before the meeting. The decision of the meeting thereon shall be final.

(4) Any member may, if so believes that the Chairman has financial or other interest in the issue put to discussion, present the same in the meeting by a resolution and if the resolution is accepted the Chairman shall be liable to abstain from such discussion.

(5) The member and the Chairman concerned shall not have any right to vote in the resolutions referred to in sub-rule (3) and sub-rule (4) respectively.

### **28. Dissenting Note On Decisions :-**

Where a member of the Panchayat has dissenting opinion on a decision or a resolution passed in the Panchayat meeting, he may, after the conclusion of the meeting and within forty eight hours of receipt of a copy of the minutes give his dissenting note to the Secretary.

Provided that any members who was not present in the meeting if being present has not voted against the decision or the resolution concerned shall not have the right to give dissenting note under this rule.

### **29. Forwarding Of Minutes :-**

(1) The Secretary shall, within ten days after the date of meeting, forward a copy of the minutes of every meeting of a Panchayat with dissenting note, if any, with the approval of the President, to the officer authorised by the Government in this behalf.

(2) Where the decision of the Government or the Authorised Officer is required on any matter in connection with implementing a decision of the Panchayat or on a dissenting note, the Secretary shall, along with his detailed report thereon, bring the same to the notice of the Government or the Authorised Officer.

(3) Where the Secretary is of the opinion that a decision or resolution passed by the Panchayat has not been passed in accordance with law or is ultra virus the powers conferred by the Act or if implemented, it may endanger human life, health or public safety, he shall in writing, request the Panchayat to review the said decision and if the Panchayat, after discussion of such request in its next meeting, resolve to uphold its earlier decision, the Secretary shall, within two days, forward the Panchayat resolution and his opinion thereon by registered post to the

Government for its decision shall, in the case of agency, deliver it directly to the Government.

(4) Where no direction has been received from the Government within fifteen days after a Panchayat decision was forwarded to the Government, the Secretary shall, on the presumption that the Government have no direction to issue in the matter, implement the said resolution and inform the matter to the Government forthwith.

### **30. Custody Of Records :-**

The minutes and records of the Panchayat and other Committees shall be under the custody of the Secretary.

#### **APPENDIX 1**

#### **APPENDIX FORM**

[See sub-rule (2) of Rule 15]

(Notice regarding the intention to move no-confidence motion in the \*President/Vice-President/ of .....\*Village Panchayat/Block Panchayat/District Panchayat.

(Official name and address of empowered officer)

Sir,

We , the following undersigned elected members of the.....\*Village Panchayat/Block Panchayat/District Panchayat hereby give notice of intention to move motion of no-confidence in

\*Shri/Smt.....the\*President/VicePresident/..... of this Panchayat. The sanctioned strength of the Panchayat is .....A copy of the motion intended to be moved is enclosed herewith.

(To be filled by the empowered officer)

This notice is handed over to me directly in.....day of..... (month).....(year) by Shri/Smt....., one of the elected members of the Panchayat. Signature of the empowered officer

\*Strike out whichever is not applicable.

#### **Explanatory Note**

(This does not form part of the Notification, but is intended to indicate its general purpose.) Government have decided to make rules prescribing, the form of notice for moving noconfidence in the President, Vice-President and StandingCommittee Chairman of a Panchayat, under Section 157; the procedure for moving resolution in a Panchayat Committee and for asking questions to the president regarding matters coming under the administrative power of the President, under Section 158 and the maximum interval which may gave between two consecutive Panchayat meetings, the time, place and quorum of such meetings, the procedure for convening and conducting of such meeting, under Section 161 of the Kerala Panchayat Raj Act, 1994 (13 of 1994). This Notification is intended to achieve the above purpose.