
Kerala Panchayat Raj (Standing Committee) Rules, 2000

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Kerala Panchayat Raj (Standing Committee) Rules, 2000

S. R. O. No. 895/2000.-In-exercise of the powers conferred by section 162 and 162A of the Kerala Panchayat Raj Act, 1994 (13 of 1994) read with section 254 thereof, and in super session of the Kerala Panchayat Raj (Constitution of Standing Committee and its Procedures and Powers) Rules, 1995 issued under Notification G.O. (P) No. 222/95/LAD dated 12th October, 1995 and published as S. R. O. No. 1200/95 in the Kerala Gazette Extraordinary No. 1025 dated 12th October, 1995, 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(Standing Committee) Rules, 2000.

(2) It shall come into force with effect from the 1st October, 2000.

2. Definitions :-

(1) In these rules, unless the context otherwise requires-

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

(b) Section means a section of the Act;

(c) Form means a form appended to these rules. (2) Words and expressions used but not defined in these rules, but defined in the Act shall have the respective meanings assigned to them in the Act.
Election of Members and Chairman of the Standing Committee

3. Number Of Members In The Standing Committee :-

The Panchayat shall, in its first meeting convened after its constitution or reconstitution thereof and after the election of its President, determine under sub-section (2) of section 162, the number of members that each Standing Committee of the Panchayat shall have in it.

4. Notice For Convening The Meeting For Election :-

(1) The President shall give the notice for convening the meeting for the election of members of the Standing Committee to all the elected members of the Panchayat, five days prior to the date of the meeting and the notice for convening the meeting for the election of the Chairman of the Standing Committee, shall be given to all the members of the Standing Committee concerned two days prior to the date of the meeting: Provided that in the aforesaid days, declared public holidays shall include and the date of receipt of the notice and the date of the meeting shall net 1 include.

(2) The notice under sub-rule (1) may be given either through an Officer or in person and the member shall be bound to put his signature on the document in acknowledgement of the receipt of the notice. (3) The other matters in respect of the service of a notice under sub-rule (1) shall be in the same manner as that of convening an ordinary meeting of the Panchayat. (4) If a member intends to contest as a member of the Standing Committee or the Chairman thereof, as the case may be, he shall be required in the notice under sub-rule (1), to duly file the nomination in writing, showing the last date and time for making such nomination to the President.

5. Election To The Standing Committees :-

(1) The election to elect the members to the Standing Committees to be constituted under sub-section (1) of section 162 shall be held in a meeting of the elected members of the Panchayat convened by the President for this purpose, in the serial order of the Standing Committees as given in the said sub-section within fifteen days after the number of members of the Standing Committees has been fixed under rule 3.

(2) The President or, in his absence, the Vice-President shall preside over the election meeting:

Provided that a member who intends to be a candidate in the election shall not preside over that meeting.

6. Qualification Of Candidates :-

Any elected member of the Panchayat may be a candidate in the election to the Standing Committee: Provided that the President, the Vice-President, member of any other Standing Committee and the Chairman of any other Standing Committee shall not be a candidate.

7. Manner Of Election Of Members :-

(1) Every candidate who wishes to be elected to a Standing Committee shall, within the time and date given in the notice under rule 4, inform the President of his candidature in writing.

(2) The Chairman of the meeting shall read out the names of the contesting candidates in the meeting.

(3) If the number of seats vacant in a standing Committee and the number of candidates are equal, the Chairman shall declare all such candidates duly elected.

(4) If the number of candidates is more than the number of seats vacant., the members present in the meeting shall elect the members to the seats vacant in accordance with the system of proportional representation by single transferable vote, by conducting election under rule 8. (5) If the number of candidates is less than the number of seats vacant, the Chairman shall declare such candidates as duly elected and the members required for the remaining vacant seat or seats shall be elected within five days in a special meeting convened for the purpose. (6) In case, in the special meeting convened under sub-rule (5), there is no candidate for contesting to a seat and in case all the members to all other Standing Committees have been elected, the elected member of

the Panchayat, who is not a member of any Standing Committee shall, in the meeting, be inducted to that place and he shall be bound to hold the post as if duly elected. (7) In case there are vacancies of members in more than one Standing Committee and there are no candidates to contest, the member to the vacant seats in the Standing Committee shall be elected from the remaining members who are not members to any Standing Committee, if there is such a member or members, in the serial order as given under sub-section (1) of section 162 by majority decision of the meeting convened under sub-rule (5) and such elected members shall be bound to hold those posts.

8. Manner Of Recording Votes, Counting Of Votes And Declaration Of Result In Elections :-

(1) The Chairman of the meeting shall issue a ballot paper in Form No, 1 appended to these rules to every elected member of a Panchayat who wishes to vote in the election to a Standing Committee and the ballot paper shall contain the names of all the contesting candidates.

(2) Each member shall, immediately on receipt of the ballot paper, proceed to the place set apart for voting and record the vote by writing legibly on the ballot paper the priority given by him in the order of one, two, three and so on against the names of such number of candidates as may be elected, and after putting his signature and writing his name on the reverse of the ballot paper, fold the ballot paper and put it into the ballot box kept at a place fully visible to the Chairman.

(3) The Chairman shall, on completion of the voting; open the ballot box in the presence of the members, take out the ballot papers and count the priority votes obtained by each candidate. (4) A ballot paper on which vote has been, marked for none of the candidates or on, which vote has been marked giving same priority to more than one candidate or the reverse of which does not bear the name and signature of the member who voted, shall be rejected, and the rejected ballot papers shall be kept in separate cover.

(5) Result of the election shall be declared in accordance with the following procedure, namely :-

(a) On counting the votes, the candidates, equal in number to that of vacant seats, securing the highest number of first priority votes shall be declared elected; (b) On counting the votes under clause

(a), when the first priority., votes recorded to two or more candidates are equal and one or more members from among them have to be elected, the second priority votes recorded shall be added to the first priority votes secured by the respective candidates and the candidate or candidates who have secured the highest number of such votes shall be declared elected ; (c) On counting the votes under clause (b), when the total priority votes are equal for two or more candidates and one or more members are to be elected from among them the third priority votes recorded shall be added to the first and second priority votes secured by the respective candidates and the candidate or candidates securing highest number of such votes shall be declared elected;

(d) On counting the votes under clause (c), when the total priority votes are equal for two or more candidates and, one or more members are to be elected from among them, the counting of vote shall be conducted as given under the foregoing clauses and such counting shall be continued till members to all the vacant seats are elected;

(e) On counting the votes under clause (d), if the total votes to more than one candidate comes to be equal while only one seat remains vacant, lot shall be drawn in the meeting for filling up of that post and the person whose name is drawn first from among the said candidates shall be declared elected.

Note:--While counting priority votes under the above sub-rule, total votes secured by a candidate shall be calculated, in the order that the number of first priority votes secured as zero if no first priority vote has been secured and the number of second priority votes secured as zero, if no second priority vote has been secured by the candidate and so on

9. Filling Up Of Casual Vacancies :-

(1) The President shall, on the occurrence of a casual vacancy of a member in a Standing Committee, convene a special meeting of the elected members of the Panchayat within the time given under sub-section (10) of section 162 and conduct election in accordance with the procedure under rule 7 and 8 for the purpose of filling up the vacancy.

(2) If more than one casual vacancy occur at a time in a Standing Committee, the vacancies shall be filled up in a single voting.

10. Election Of Chairman Of A Standing Committee :-

(1) The Chairman of a Standing Committee other than the Standing Committee for Finance shall also be elected after the election of its members under rule 8.

(2) If casual vacancy occurs in the Office of Chairman of a Standing Committee other than the Standing Committee for Finance, a member of the Standing Committee shall be elected as Chairman in its next meeting. (3) For the purpose of election of Chairman under sub-rules (1) and (2), the President shall, as soon as may be and within ten days after the election of members under rule 8 or on the occurrence of a casual vacancy of the Chairman, convene a meeting under his chairmanship. (4) An elected member of the Standing Committee shall, in writing, nominate another elected member as a candidate for the election of the Chairman:

Provided that a member shall not propose more than one name.

11. Manner Of Election Of Chairman :-

(1) Every candidate who wishes to be elected to the Office of Chairman shall submit the nomination under rule 10 to the President within the time and date specified in the notice under rule 4.

(2) The President shall, in the meeting, read out the names of the candidates who have duly given nominations.

(3) Voting shall not be conducted, if there is only one person as candidate for the Office of Chairman and the President shall declare that candidate elected as Chairman.

(4) The President shall, if there are more than one candidate for the Office of the Chairman, conduct voting in the meeting and for the voting, issue ballot paper in Form No.2 appended to these rules to the elected members present in the meeting and the ballot paper shall contain the names of all the contesting candidates.

(5) Each member shall, immediately on receipt of the ballot paper, proceed to the place set apart for voting and vote putting the mark X on the ballot paper against the name of the candidate for whom he intends to vote and after putting his signature and writing his name on the reverse of the ballot paper, put it into the ballot box kept in a place visible to the President. (6) The President shall, after completion of the voting, open the ballot box, take out the ballot papers and count the votes secured by each candidate.

(7) The ballot paper that does not contain the mark ; X against the name of any of the candidates or that contains the mark X against more than one name or that does not bear on the reverse, the

name and signature of the member who marked the vote shall be rejected and the rejected ballot papers shall be kept in separate cover.

(8) The President shall declare the candidate who secured, the highest number of valid votes elected as Chairman of the Standing Committee.

(9) The President shall, in the event of two or more candidate securing the highest number of valid votes equally, draw lot in the meeting and declare the person whose name is drawn first elected as Chairman.

12. Presiding Over The Standing Committee Meeting :-

(1) The Chairman of a Standing Committee shall preside over its meetings and in his absence a member chosen by the members present from among themselves shall preside over the meeting.

(2) A member presiding over a meeting of the Standing Committee shall, while so presiding, have all the powers of the Chairman and shall be subjected to all the liabilities thereof.

(3) The person presiding over the meeting shall control the meeting and shall decide the points of order and the matters in respect of procedure arising in or in connection with the meeting.

13. Term Of Office Of The Members And The Chairman Of The Standing Committee :-

(1) Every member elected, to a Standing Committee shall hold the Office as long as he continues to be a member of the Panchayat.

(2) The Chairman of a Standing Committee other than the Standing Committee for Finance shall, unless resigned his Office earlier or unless removed from the Office under rule 15 hold the Office as long as he continues to be a member of the Panchayat.

(3,) The Chairman of the Standing Committee for Finance shall hold the Office as long as he continues to be the Vice-President of the Panchayat.

14. Power To Resign :-

(1) A member of a Standing Committee not being an ex-officio member thereto or the Chairman of a Standing Committee except that of the Standing Committee for Finance, who intends to resign under sub-section (7) of section 162 shall tender his resignation to the Secretary in Form No. 3 appended to these rules.

(2) The person who intends to resign shall sign the resignation letter before the Secretary and entrust-it directly to the Secretary and in case under any circumstance it becomes impossible to do so, the resignation letter shall be sent to the Secretary by registered post after it is attested by a Gazetted Officer of the State Government Service.

(3; Immediately on receipt of a proper resignation letter the Secretary shall, record on it the date and time of its receipt and as to whether it was received direct or by post and affix his signature thereon and shall give an acknowledgement receipt direct or by post, as the case may be, to the person concerned.

(4) Resignation shall come into force with effect from the date of receipt of the resignation letter by the Secretary and the Secretary shall, forthwith, inform the matter to the President and the Panchayat and publish. it on the Notice Board of the Panchayat

15. Expressing No-Confidence In The Chairman Of The Standing Committee :-

(1) A notice, in respect of the intention of presenting a motion expressing noconfidence in the Chairman of a Standing Committee other than the Standing Committee for Finance shall be delivered in person., in Form No. 4 appended to these rules, signed by not less than one third of the elected members of the Standing Committee, together with a copy of the motion which is intended to be presented, to the Officer authorised by the State Election Commission to receive the notice of no-confidence in respect of the President.

(2) The Officer referred to under sub-rule (1) shall, for considering the motion, convene a special meeting of the members of the concerned Standing Committee to be held at the Office of the Panchayat at a time appointed by him and not later than fifteen working days from the date on which he received the notice under sub-rule (1).

(3) The Officer referred to under sub-rule (1) shall, by registered post, give not less than seven clear days notice to the elected members of the concerned Standing Committee, showing the time and date fixed for convening the special meeting referred u under sub-rule (2).

(4) The Officer referred to under sub-rule (1) shall preside over the meeting convened for considering the no-confidence motion.

(5) A meeting considering no-confidence motion shall not. except

for reasons beyond human control be adjourned.

(6) The quorum required for the meeting for considering no confidence motion shall be on half of the number of members of the concerned Standing Committee as fixed by the Panchayat under sub-section (2) of section 362.

(7) The person presiding over the meeting shall, immediately after commencing the meeting read out the motion and shall declare that the discussion thereof has begun.

(H) A discussion of no-confidence motion shall not except for reasons beyond human control, be postponed.

(9) The discussion on the no-confidence motion shall cease automatically on the expiry of one hour from the commencement of the meeting, if not concluded earlier, and upon the conclusion of the discussion or upon the "expiry of the said period of one hour, as the case may be, the motion shall be put to vote.

(10) The person presiding over the meeting shall speak on the merits and demerits of the motion and he shall not have the right to vote.

(11) If the motion is passed with a majority of the members of the concerned Standing Committee as fixed by the Panchayat under sub-section (2) of section 162 the Chairman shall, after the same, cease to hold office and he shall be deemed to have vacated the Office forthwith and the Officer authorised under sub-rule (I) shall report the matter in writing, to the Government, the President of the Panchayat and the Secretary.

(12) No notice of no-confidence motion shall be entertained before the completion of six months of assuming the Office of the Chairman of the Standing Committee,

(13) Where the meeting could not be held for want of quorum as per sub-rule (6) or where the motion is not passed by a majority as per sub-rule (11) as the case may be, no notice of motion expressing no-confidence in the same Chairman of the Standing Committee shall be entertained for the same period in which a notice of no-confidence in the President under the same circumstances shall not be entertained.

PROCEDURE FOR THE MEETING OF THE STANDING COMMITTEE

16. Meeting Of The Standing Committee :-

(I) A Standing Committee shall meet in the Office of the Panchayat at least once in a month on such date and time as may be fixed by the Chairman from time to time: Provided that the meeting of the

Committee shall not be held, except in urgent situations, on public holidays or during the time before 9 O'clock in the morning and after 6 O'clock in the evening.

(2) The Chairman of the Standing Committee may convene the meeting of the Standing Committee as and when necessary and shall convene the meeting within forty eight hours if the Secretary or not less than three members of the Committee make a request hereof in writing informing the subject to be discussed.

(3) The Chairman of the Standing Committee at least three clear days before the date fixed for convening the meeting, give the members notice of (the date and time of meeting and the subject to be discussed in the meeting:

Provided that, the Chairman may, in urgent situations, convene the meeting on shorter notice.

Explanation.- In the aforesaid clear days declared holidays shall include but the date of receipt of the notice and the date of meeting shall not include.

(4) The Chairman shall publish copy of the notice and that of the agenda of the meeting on the notice board in the Office of the concerned Panchayat .

(5) The Chairman shall inform the President who is the ex-officio member, the date and time fixed for the meeting of (the Standing Committee and the subjects to be discussed in the meeting.

(6) The Secretary shall, in consultation with the Chairman of the Standing Committee, prepare the agenda of the meeting and include in the agenda, the subjects which according to him require the consideration of the Committee and those which are proposed by the Chairman.

(7) The Secretary and the Chairman of the Standing Committee shall have the right to record as notes, their opinion in respect of any subject included in the agenda and the notes so recorded shall, at the time of discussion of the subject, be submitted before the committee-

(8) The Standing Committee shall not consider any matter except those given under sub-section (1) of section 162A: Provided that the Secretary shall, in case any doubt or dispute arises as to whether any matter has been authorised to the Standing Committee; inform the same to the Government and the decision of the Government thereon shall be final.

(9) The quorum of the Standing Committee shall be three, and the Committee shall not meet without quorum.

(10) The Standing Committee shall, by majority vote of the

.members participating in the meeting decide all matters coming for its consideration but under the circumstances of equal division of votes, the Chairman of the meeting may exercise a casting vote.
(11) There shall be a minutes book to record the proceedings of the Standing Committee and the decisions of the Committee shall be recorded in the minutes book by the Secretary or, on the direction of the Secretary, by the ex-officio Secretary referred to in sub-section (11) of section 79 and the person who presides over the meeting shall sign below it.

(12) The Secretary shall make arrangements for recording minutes.

(13) The Secretary shall submit every resolution passed by the Standing Committee in the next meeting of the Panchayat.

17. Cancellation Of Modification Of Resolution Of Standing Committee :-

No resolution of a Standing Committee shall be modified or cancelled except at a meeting of the Standing Committee specially convened for the purpose and by a resolution supported by more than one-half of the members fixed by the Panchayat under sub-section (2) of section 162: Provided that the Standing Committee shall not modify or cancel any of its resolution three months after it is passed.

18. Conflicting Decisions Of Standing Committees :-

The Secretary shall, in case two or more Standing Committees take conflicting decisions on the same subject, submit the same to the consideration of the Panchayat, and shall, pending decision of the Panchayat thereon keep in abeyance, the implementation of such decisions of the Standing Committees.

19. Power Of The Committee For Requisitioning Records Etc :-

The Standing Committee may for the execution of the functions delegated to it require the Secretary, ex-officio Secretary or the employees under the control of the Panchayat to produce any record,, report, return, document or other details and to appear before the committee meeting to seek further details, as it may deem fit, and if so requisitioned, they shall be bound to comply with it.

20. Procedure In Matters Not Provided For In The Rules :-

Panchayat may, subject to-section 256 of the Act, make bye-laws for any matter not included in these rules regarding Standing Committee.

