

BOMBAY VILLAGE PANCHAYATS (MEETINGS) RULES, 1959

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BOMBAY VILLAGE PANCHAYATS (MEETINGS) RULES, 1959

In exercise of the powers conferred by clause (vii) of sub-section (2) of section 176 of the Bombay Village Panchayats Act, 1958 (Bom.III OF 1959), and in supersession of all the rules, bye-laws Or orders made under any of the enactments repealed by Section 185 of the said Act, and still in force in so far as they provide for matters covered by these rules, the Government of Bombay hereby makes the following rules, namely;-

1. . :-

These rules may be called the BOMBAY VILLAGE PANCHAYATS (MEETINGS) RULES, 1959 .

2. . :-

In these rules, unless the context otherwise requires, -

- (a) "clear days" means days exclusive of the day of issue of a notice or intimation, and of the day of meeting;
- (b) "member" means a member of a panchayat;
- (c) "motion" means a proposal made to evoke action on the part of the panchayat, and includes an amendment of a motion.

3. . :-

(1) Every panchayat shall meet at lest once in every month. Subject to the provisions of these rules, the person presiding at such ordinary meeting may, at the end of such meeting, in consultation with the majority of the members present, announce the date of the next ordinary meeting;

Provided that, the Sarpanch or in his absence the Upa-Sarpanch may having regard to the exigencies of the situation, fix another date of such next ordinary meeting.

(2) The date of every special general meeting shall be fixed by the Sarpanch, or in his absence by the Upa-Sarpanch.

4. . :-

The Secretary shall, at least three clear days, before the date fixed for any ordinary meeting, or for any meeting called under Section 28 , Section 33 or Section 43 , send or cause to be sent to all the members intimation of the date, time and place of and the business to be transacted at such meeting.

5. . :-

(1) The Sarpanch or in his absence the Upa-Sarpanch may, on his own motion, call a special meeting of the panchayat at any time or on the written requisition, of not less than half the number of the members or of the [Standing Committee, panchayat Samiti or the Chief Executive Officer, or of any officer authorised in this behalf by the Standing Committee or Panchayat Samiti or Chief Executive Officer] by a general or special order, shall call such special meeting within eight days from the date of the receipt of such requisition.

(2) The Secretary shall, at least one clear day before the date fixed for a special meeting, send or cause 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.

6. . :-

(1) A notice stating the date, time and place of every meeting of the panchayat and of the business to be transacted thereat, shall be placed on the notice board at the officer of the panchayat. [An announcement of the date of every meeting shall also be made by beat of drum in the village, and if there are more than one village in each of such villages, not later than the day immediately following the day on which the notice had been affixed as aforesaid.

(2) Every meeting of the panchayat shall be held in the office of the village panchayat or the village chavdi] [* * *]

Provided that, the panchayat may, if possible, hold at least one meeting during every financial year, in the localities, where the population of Scheduled Castes is concentrated.

7. . :-

Every notice under these rules 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 an adult male member of his family who is residing with him]. [If there is no such person to whom notice can be given or tendered or where the member, or as the case may be, in his absence such adult male member, is present but refuses to accept the notice, it shall be served by affixing it, in the presence of two witnesses, on the outer door or some other conspicuous part of the house in which the member ordinarily resides. If none of the aforesaid

modes of serving notice is feasible, the notice shall be affixed, in the presence of two witnesses, on some conspicuous part of the house in which the member is known to have last resided or carried on business or personally worked for gain.

8. . :-

(1) Every meeting shall be presided over by the Sarpanch and in his absence by the Upa- Sarpanch.

(2) Where at any meeting, the Sarpanch or the Upa-Sarpanch [is not present at the time appointed] for holding the meeting, the meeting shall choose under sub-section (3) of Section 38 one of the members preset to be the Chairman :

Provided that, -

(1) where the Sarpanch attends the meeting at any time, any other person presiding shall vacate the chair and the meeting shall continue under the presidentship of the Sarpanch, and.

(ii) where the Upa-Sarpanch attends the meeting at any time, any other person presiding, not being the Sarpanch shall, vacate the chair and the meeting shall continue under the presidentship of the Upa-Sarpanch.

9. . :-

(1) The quorum necessary for the transaction of business at a meeting of the panchayat shall be one-half of the total number of members of the panchayat including the Sarpanch and the UpaSarpanch.

Explanation:- If the number of members of the panchayat is odd, in calculating half the number for the purposes of quorum, fraction of a member shall be counted as one e.g. if the number of members is seven, the quorum shall be four, if the number is nine, the quorum shall be five and so on.

(2) If at any time during a meeting, it shall be brought to the notice of the person presiding that the number of members present inclusive of the person presiding falls short of the required quorum, the person presiding, after waiting for a period of not less than fifteen minutes, and not more than half an hour, shall adjourn the meeting to some other day, fixing such time and place as he shall think convenient and the business which remains undisposed of at

such meeting shall be disposed of at the adjourned meeting or at any subsequent adjournment thereof, whether there be a quorum present or not.

10. . :-

If within thirty minutes from the time appointed for a meeting, there be no quorum, the meeting if called upon the requisition of members, shall be dissolved in any other case, the person presiding shall adjourn the meeting to such hour on the following or some other day as he may reasonably fix and a notice of such adjournment shall be placed 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 present or not.

11. . :-

(1) Save as otherwise provided by or under the Act, all questions coming before a meeting shall be decided by a majority of the votes of the members present and voting.

(2) In the case of an equality of votes, the person presiding shall have and exercise a second or casting vote.

12. Except with the permission of the person presiding :-

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

(b) no business shall be transacted at any meeting otherwise than in the order in which it is entered in the order of business for the day:

Provided that, in granting permission for priority for transacting any business the person presiding shall be guided by the majority of votes for and against such motion.

13. . :-

No resolution of a panchayat shall be modified or cancelled within three months of the passing thereof, except by a resolution passed by not less than two third of the total number of members of the panchayat provided that notice of motion for the purpose is duly given to the members in accordance with the provisions of rule 7 and the notice has set forth fully the resolution which it is proposed

to be modified or cancelled at the meeting and the motion for the modification or cancellation of such resolutions.

14. . :-

Any 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 meeting from which the adjournment took place. The date, time and place of the adjourned meeting shall be announced at the meeting and no separate notice shall be necessary.

15. . :-

(1) Every meeting shall be open to the public unless the person presiding decides that any enquiry before or deliberations of the panchayat should be held in camera.

(2) The person presiding may cause any member of the public who interrupts the proceedings of the meeting of the panchayat, to be removed from the place of the meeting.

16. . :-

A matter requiring the decision of the panchayat shall be decided by means of a question put by the person presiding on a motion made by a member.

17. . :-

(1) A member who has given notice of a motion shall, when called on, either -

(a) state that he does not wish to move the motion, or

(b) move the motion in which case he shall commence his speech by a formal motion in the terms appearing on the list of business, after the motion is duly seconded.

(2) If a member when called is absent, any other member may, with the permission of the person presiding, move the motion standing in the name of the absent member. If permission is not granted to the other member to move the motion, the motion shall lapse.

18. . :-

After a motion has been moved and seconded the person presiding shall propose the question by reading the motion for the

consideration of the panchayat.

19. . :-

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

20. . :-

(1) After a motion has been proposed and seconded any member may propose an amendment thereto.

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

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

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(3A)

(a) An amendment to an amendment may be moved with the permission of the person presiding.

(b) When an amendment to an amendment is moved, the amendment sought to be amended shall, so long as the amendment by which it is sought to be amended is under discussion, be deemed to be the substantive motion before the meeting.

(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 motion.

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

1. Ins. by G.N. of 22.7.1961

21. . :-

(1) A member desiring to propose and discuss any motion shall rise in his seat when speaking and address his speech to the person presiding:

Provided that, the person presiding may, at the commencement of

the meeting, declare that the business of the meeting shall be transacted sitting or he may permit any member to address the meeting 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 person presiding to be irrelevant or offensive.

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

22. . :-

(1) The person presiding may address the meeting at any stage of a debate.

(2) The person presiding shall rise in his seat while addressing the meeting.

23. . :-

After a motion has been placed before the meeting for consideration under rule 18, the mover may speak in support to the motion and the seconder may either follow or reserve his speech for a later stage of the debate thereon.

24. . :-

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

25. . :-

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

26. . :-

(1) On the conclusion of a debate on a motion or where the person presiding is satisfied that the motion has been sufficiently discussed, he may put the motion to the vote of the meeting without further discussion.

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(2) The votes shall be taken in the following manner: -

(a) when there is only one amendment to the motion, -

(1) the amendment shall first be put to vote;

(ii) if the amendment is lost, the motion shall then be put to vote;
or

(iii) if the amendment is carried, the amended motion shall be put to vote;

(b) when there are more than one amendments, - **2**

(i) the amendments shall first be put to vote one after another in such order as the person presiding may decide;

(ii) if all the amendments are lost, the motion shall then be put to vote;

2 (iii) if all or any of the amendment are carried, the amended motion shall be put to vote.

1. Subs, by G.N. of 18.4.1960.

2. Subs, by G.N. of 22.7.1961.

27. . :-

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

(2) A motion under this rule cannot be made more than once during the debate on any question.

28. . :-

(1) Votes shall ordinarily be taken by word of mouth or by a show of hands but may, if the majority of members present so decide, be taken by ballot.

(2) Any member present at a meeting may refrain from voting if he so chooses.

29. . :-

When votes are taken by ballot, each member shall record his vote, on a voting paper which shall not be signed by him. The papers used for voting shall not be destroyed until after one month from the date of the declaration of the result.

30. . :-

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

(2) Any member may at any time raise a point of order for the decision of the person presiding 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 the consent of the person presiding.

31. . :-

A member called to order by the person presiding shall resume his seat till the point of order raised is decided.

32. . :-

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

33. . :-

The person presiding may adjourn any meeting that refusea to abide by his ruling Oh a point of order.

34. . :-

When any member disregards the authority of the person presiding or is guilty of obstructive or offensive conduct at any meeting, the person presiding shall forthwith put the question that such member be suspended from the service of the panchayat for the remainder of the sitting and if three-fourths of the members present are in favour thereof, the member name shall withdraw, failing which the person presiding may call such aid as he deems expedient to secure such suspension or withdrawal.

Explanation:- For the purposes of this rule "obstructive conduct" means conduct willfully and persistently adopted with a view to preventing business being done at the meeting.

35. . :-

A member who wishes to leave meeting before its close, shall, immediately before leaving, intimate his intention to the person presiding.

36. . :-

Any proposal which a member desires to place before the meeting of the panchayat may be sent to the Sarpanch. It shall be included in the business of the next meeting if it is received at least five clear days before the date of the meeting. ¹ [* * *]

1. Deleted by G.N. of 18..4.1960.

37. . :-

No member shall be entitled to propose a motion other than the one directly arising out of the subject before the meeting and relevant thereto, except in case of emergency and with the consent of the person presiding.

38. . :-

The person presiding shall have power to divide motion into two or more distinct motions or an amendment into two or more amendments, as he may deem necessary.

39. . :-

No motion shall be discussed or noted in the minute book unless and until it has been properly proposed and seconded, provided that a motion by the person presiding need not be seconded.

40. . :-

The proceedings of each meeting of the panchayat shall be recorded in a bound book. In this book shall be entered the names of the members present at each meeting, the decisions arrived at, the names of the members voting for or against and of the members remaining neutral. The proceedings shall be signed by the person presiding at the meeting and shall be read out at the next meeting of the panchayat for confirmation. A copy of the proceedings shall be submitted to the Chairman of the ¹ [panchayat Samiti and the Chairman of the Standing Committee] within seven days of the meeting. The proceedings shall be open to inspection, at all reasonable times, by any member of the panchayat.

1. Subs, by G.N. of 19.8.1964.