

**HIMACHAL PRADESH STATE AGRICULTURAL MARKETING BOARD
VIPNAN BHAWAN, KHALINI, SHIMLA-171002.**

No.HMB (F) 1-4/2004-

Dated: Shimla-2, 1. 9.2007

NOTIFICATION

In exercise of the powers conferred by Section 85 of the Himachal Pradesh State Agricultural and Horticultural Marketing Produce (Development and Regulation) Act, 2005 (Act No. 20 of 2005), the H.P. State Agricultural Marketing Board, with the prior approval of the Government of Himachal Pradesh Agriculture Department conveyed vide letter No.Agr.F(10)-8/2006, dated 3.1.2007 and vide its resolution No.3 of the meeting of the Board held on 24.8.2007, is pleased to frame and notify **The Himachal Pradesh State Agricultural Marketing Board (Conduct of Business) Regulation, 2006**, as follow:-

- 1. Short title,-** These regulations may be called the Himachal Pradesh State Agricultural Marketing Board (Conduct of Business) Regulation, 2006.
- 2. Definitions ,-** (1) In these regulations, unless there is anything repugnant in the subject or context:-
 - (a) “**Act**” means The Himachal Pradesh Agricultural and Horticultural Produce Marketing (Development and Regulation) Act, 2005 (Act No. 20 of 2005);
 - (b) “**Motion**” means a proposal moved by the chairman or a member for consideration in a meeting and includes a resolution and an amendment to an agenda item, on which unless withdrawn a decision of the Board is ascertained;.
 - (c) “**Meeting**” means the sitting of the members of the Board for transacting business on any day from its commencement till it rises for the day.

(2) Words and expressions used in these regulations but not defined herein shall have the meaning respectively as assigned to them in the Act and the rules made thereunder.
- 3. Manner in which notice shall be given,-** (1) The notice of a meeting shall state the place, the date and the hour fixed for a meeting and shall be signed by the Managing Director or in his absence by any other person authorized in this behalf by the Chairman.

- (2) Notice shall invariably be accompanied by a list of business (hereinafter called the 'agenda') prepared by the Managing Director with the approval of the Chairman, or in his absence by the vice chairman.
 - (3) The agenda may also include items proposed by individual members, of which the proposer has given an advance notice of seven clear days.
 - (4) The notice shall be delivered to the members as expeditiously as possible; care being taken that it reaches their hand at least one clear day before the date appointed for an extraordinary meeting; and at least seven clear days before the date fixed for any other meeting.
- (5) The Chairman may adjourn a meeting of the Board either on his own motion or with the consent of the members present:

Provided that when a meeting is adjourned sine die, seven clear day's notice shall ordinarily be given to the members of the date on which the Board shall re-assemble:

Provided further that the chairman may, if he thinks fit, call a meeting of the Board before the date or, time to which it has been adjourned or at any time after it has been adjourned sine die.

4. Item which is not included in agenda not to be discussed,- Save as otherwise provided in these regulations or by the rules made under the Act, no business not included in the agenda shall be transacted at any sitting without the permission of the chair.

5. Attendance of members,- (1) A record of attendance of members in the meeting of the Board shall be kept by the Managing Director in register. A member, who has not signed the register during the course of the meeting, shall be treated absent.

- (2) A member desiring permission to remain absent from a meeting of the Board shall make an application in writing addressed to the chairman and all such applications shall be set down for consideration of the Board soon after receipt as may be directed by the chairman.
- (3) If a member remains absent from three consecutive meetings of the Board without the leave of the Board, without reasonable cause the chairman shall forthwith report the default to the State Government.

6. Arrangement of business,- (1) A meeting shall commence with a motion from the chair seeking confirmation of the minutes of the previous meeting. The minutes placed for confirmation shall normally be taken as read, but if for any reason, these have not been circulated earlier, these shall be read before the motion is taken into consideration.

- (2) At this stage any member may take objection to the confirmation of the minutes by moving an amendment, through motion provided he has given a notice in writing at least three clear days in advance. If this notice seeks alteration, annulment or an amendment in the minutes upon discussion, the

chairman shall declare that the item stands deferred to the next meeting of the Board for decision which shall be inclusive and final.

- (3) Agenda items shall be taken up by the chair one by one in the order in which these appear on the list of business unless the chairman is satisfied that there is sufficient ground for any variation therein.
- (4) Unless the chairman directs otherwise, no business requiring notice shall ordinarily be transacted for a meeting before the period of necessary notice has expired.
- (5) No matter shall be included in the agenda for any meeting nor be discussed in any meeting of the Board which is not connected with the functions and the duties of the Board as prescribed by the Act.

7. Voting in the meeting,- Save as otherwise provided in the Act, the rules framed there under and these regulations, all questions at a meeting shall be determined by a majority of votes of the members present and voting, and in case of equality of votes, the chairman shall have a casting vote.

8. Notice of motion by the members,- (1) Every notice of a motion shall be given in writing addressed to the Managing Director and shall be left at his office during the working hours on all days except on Sunday or a public holiday.

- (2) The Managing Director shall bring every notice to the attention of the chairman and, without delay, cause it to be circulated amongst the members of the Board.
- (3) A notice shall be inadmissible, if-
 - (a) it is not clearly and precisely expressed;
 - (b) it relates to a matter which is not primarily the concern of the Board;
 - (c) it relates to a matter which is subjudice or has already been discussed during the previous six months, and
 - (d) it does not raise substantially one definite issue.
- (4) The chairman shall decide whether a notice or any part thereof is or is not admissible and may disallow notice of a motion as a whole or a part thereof, which in his opinion, is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the Board or is in contravention of these regulations.

9. Amendments in resolution,- (1) After a resolution has been moved, any member may move an amendment.

- (2) If notice of such amendment has not been given at least one day previous to the day on which the resolution is scheduled to be moved, any member may object and such objection shall prevail, unless the chair allows the amendment to be moved.
- (3) The Managing Director shall, if time permits, make available to members lists of amendments of which notices have been received.
- (4) The amendments admitted shall be taken up at the discretion of the Chairman.

10. Scope of discussion,- (1) The discussion on a resolution shall be strictly relevant to and within the scope of the resolution.

- (2) The chairman may, after considering the state of business, prescribe a time limit for speeches.

11. Member not to take part in proceedings,- No member shall have a right to vote or take part in any proceeding of the Board or any sub-committee thereof, if the subject matter of the vote or proceeding relates to a matter in which he or any of his family member has a direct or indirect pecuniary or personal interest.

12. Procedure at meetings,- (1) The chairman shall regulate all business to be transacted in a meeting.

- (2) The members shall sit in such order as the chairman may determine.
- (3) A member desiring to speak or make an observation on any matter under discussion shall speak from his place, shall rise when he speaks when called upon by the chair and shall address the chairman.
- (4) If at any time the chairman speaks, the member speaking shall resume his seat and resume his speech only if and when called by the chairman.
- (5) Written speeches may not be read.
- (6) The matter of every speech shall be brief and strictly relevant to the matter under discussion. A member while speaking shall not-
 - (b) refer to any matter which is subjudice;
 - (c) make a personal charge against a member or an officer or other employee of the Board, without previous notice to the chairman as well as the party concerned; and
 - (d) use offensive expressions or reflect upon the conduct of high dignitaries.

13. Order of speeches and right of reply,- (1) After a member who moves a motion has spoken, other members may speak on the motion in such order as the chairman may call upon them. If any member so called upon does not speak, he shall not be entitled to take part in the proceedings except with the permission of the chairman.

- (2) Except in exercise of right of reply, no member shall speak more than once on any motion, except with the express permission of the chairman.
- (3) A member who has moved a motion may speak again by way of reply:

Provided that nothing in this sub-regulation shall be deemed to give the right of reply to the member moving the motion, save with the permission of the chairman.

14. Procedure for decision of the Board,- (1) A matter requiring the decision of the Board shall be decided by means of a question put from the chair.

- (2) When a motion has been made, the chairman shall propose the question for the consideration and after having reasonable debate, on it put the same for the decision of the House. If a motion embodies two or more separate propositions, those propositions may be proposed as separate questions.

- (3) Amendment, if duly proposed, shall first be put to the vote; only after its acceptance or rejection, the motion shall be put to the vote.
- (4) A member shall not speak after the chairman on ascertaining the majority, has announced the decision.

15. Points of order and decision thereon,- (1) A point of order shall relate to the interpretation or enforcement of these regulations or such provisions of the Act as regulate the business of the Board, and shall raise a question which is within the cognizance of the chairman.

- (i) A point of order may be raised in relation to the business before the Board at the moment.
- (ii) Subject to paras (1) and (2) a member may formulate briefly and concisely a point of order and the chairman shall decide whether the point raised is a point of order and if so, give his decision thereon, which shall be final.
- (iii) No debate shall be allowed on a point of order, but the chairman may, if he thinks fit, hear members before giving his decision.

16. Consideration of budget,- (1) The budget shall be dealt with, in two stages, namely;

- (a) a general discussion; and
 - (b) consideration and approval of individual items.
- (2) On a day appointed by the chairman, the members shall be at liberty to discuss the budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage.
 - (3) For a day or such number of days as the chairman may thereafter thinks fit to prescribe, individual demands shall be taken up for consideration and motions may be moved at this stage to reduce any demand but not to increase or alter its destination.
 - (4) On the last day allocated for the purpose, half an hour or so before the usual closing time of the sitting of the day, the chairman shall forthwith put every question necessary to approve all outstanding demands and it shall be the duty of the chairman to ensure timely completion of the entire financial process.
 - (5) If the budget passed by the Board is returned by the State Government with a message that the board may re-consider the budget as a whole or any particular provisions thereof, the chairman shall apprise the members and appoint a day to consider the budget as returned by the Government.
 - (6) On the day appointed for the meeting the Board may adopt such procedure as be deemed expedient by it and the chairman shall see that the debate is brief and remains within the scope of only such points as the State Government has desired to re-consider.

17. Maintenance of order,- (1) In the case of grave disorder arising in a meeting, the chairman may, if he thinks it necessary to do so, adjourn the meeting or suspend the sitting for such a time as may be fixed by him.

- (2) The chairman may direct any member whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the sitting and any member so ordered shall not take part in the remaining part of the sitting.

- (3) The chairman may, if he deems it necessary, report a member to the State Government, if he disregards the authority of the chair or abuses these regulations or persistently and willfully obstructs the business of a meeting.

18. Record of the Proceedings,- The Managing Director shall cause to be prepared a brief record of the proceedings (minutes) of each meeting which shall be signed both by the chairman and the Managing Director.

19. Custody of record and papers,- The Managing Director shall have the custody of all records, documents and papers belonging to or relating to business conducted by the Board, any of its sub-committees, and he shall not permit any such document or paper to be taken out, copied, inspected or otherwise transmitted by an officer or employee, or any other person, save in the due discharge of bonafide functions and duly authorised in this behalf in accordance with general or specific directions of the Board.

20. Admission of strangers to the meeting of the Board,- (1) Admission of accredited press representatives and members of general public to the meetings of the Board shall be regulated in accordance with the orders made by the chairman.

- (2) The chairman may whenever he thinks fit, order their withdrawal from any meeting of the Board and may take such steps as may be practicable to secure compliance with such order.

Sd/-
Managing Director
-Cum-
Member Secretary

No. HMB (F) 1-4/2004-

Dated: Shimla-2, 1. 9.2007

Copy of the above notification is forwarded to the following for favour of information and necessary action:

1. The Principal Secretary (Agr.) to H.P. Government, Shimla-2.
2. All the Secretary, A.P.M.Cs in H.P.
3. The Controller, H.P. Printing and Stationery, Deptt. Shimla-5 for immediate publication in official Gazette.
4. Librarian, H.P. State Agril. Marketing Board (two copies).
5. Guard File.

Sd/-
Managing Director
-Cum-
Member Secretary