

**SIKKIM HOUSING & DEVELOPMENT BOARD**  
**(MEETING, PROCEDURE AND DISPOSAL**  
**OF BUSINESS) REGULATION, 1980.**

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**SIKKIM HOUSING & DEVELOPMENT BOARD  
(MEETING, PROCEDURE AND DISPOSAL  
OF BUSINESS) REGULATIONS, 1980.**

No. 1/Reg 5 HDB/1979

Dated: October. 10, 1980.

In exercise of the Powers conferred by Section 35 of the Sikkim Housing and Development Board Act (No. 4 of 1979) and with the previous sanction of the State Government conveyed vide their letter no. 18(2)7572/LSGHD dated 16.8.80 the Sikkim Housing and Development Board, hereby makes the following regulations, for the conduct of the meetings of the board and regulating its procedure and the disposal of its business—

1. These regulations shall be called the 'Sikkim **Short Title** Housing and Development Board (Meetings, Procedure and Disposal of Business) Regulations, 1979 and shall **and Com-** come into force at once. **mencement.**

2. (i) In these regulations, unless there is any **Definitions.** thing repugnant in the subject or context:—

(a) 'adjournment' means the postponing or deferring of the proceedings of a meeting generally to another day or to another hour of the same day;

(b) 'agenda' means the items of business proposed to be transacted at a meeting;

(c) 'amendment' means an alteration or modification in the terms of a motion or a resolution;

(d) 'meeting' means a meeting of the Board whether ordinary or special held in accordance with the provisions of Section 9 of the Act;

(e) 'minutes' means the record of the proceedings of a meeting of the Board;

(f) 'motion' means a proposal moved at a meeting;

(g) 'presiding authority' means the Chairman, or in his absence, the member chosen by the members present at the meeting;

(h) 'quorum' means the minimum number of members of the Board whose presence is essential for the proper or valid transaction of business at a meeting;

(i) 'requisition' means a written demand made by the specified number of members for calling a meeting;

(j) 'resolution' means a motion initiated by the Chairman or any member of the Board which has been carried at a meeting or by circulation among the members without convening a meeting;

(k) 'secretary' means the Secretary of the Board appointed by Government under sub-section (2) of section 6 of the Act;

(l) 'schedule' means the Schedule appended to these regulations;

(m) 'special meeting' means a meeting specially called to transact a specific or prescribed business and at which no other business shall be transacted;

(ii) Other terms and expressions used in these regulations shall have the meaning, respectively assigned to them under the Sikkim Housing & Development Board Act, 1979 and the rules framed thereunder.

## CONDUCT OF MEETINGS

### Holding of Meetings.

3. (1) The Board may hold a meeting, either ordinary or special, for the transaction of business, adjourn and/or otherwise regulate it and its proceedings, as deemed fit.

(2) The Chairman may, at any time, and shall on receipt of the requisition of two-thirds of the number of members actually serving for the time being, convene a meeting of the Board, provided that a special meeting shall be called by the Chairman alone, whenever there is a matter for consideration in such a meeting.

4. The meetings of the Board shall normally be held at the office of the Board during office hours. The exact date, time and place of each meeting shall be fixed by the Secretary, with the prior approval of the Chairman. **Date, time & place of Meetings.**

5. The quorum for every meeting shall be as laid down in section 9 (c) of the Act. **Quorum.**

6. (1) If within fifteen minutes from the time appointed for the meeting it is found that there is no quorum, the meeting, if convened upon a requisition of members as laid down under regulation No. 3(2) shall be dissolved, but in any other case shall stand adjourned to any future day or to any hour of the same day, as the Presiding Authority may determine and announce at the time of adjournment. If at such adjourned meeting, a quorum is again not present within fifteen minutes from the time appointed, those members who are present, shall constitute a quorum and may transact the business, for which the meeting was originally called. **When no Quorum, meeting to be dissolved or adjourned.**

(2) When a quorum has once been constituted and the business of the meeting properly started, it shall continue, unless some member objects and calls the attention of the Presiding Authority to the absence of a quorum. In such circumstances, the Presiding Authority would make a count and if there is no quorum within the next fifteen minutes, he shall adjourn the meeting to any future day or any

hour of the same day, as he may determine. The procedure thereafter will be as laid down in para (1) of this regulation.

**Power to adjourn meetings.**

7. The Presiding Authority may, if he thinks it necessary or expedient, adjourn the meeting from time to time and from place to place but no business shall be transacted at the adjourned meeting, other than the business left unfinished at the meeting which had been adjourned. When an adjourned meeting is to be held within 48 hours, it shall not be necessary to give a fresh notice. A notice shall be sent to all members in the case of a longer adjournment.

**Presiding Authority's Duties for conducting the meetings.**

8. It shall be the duty of the Presiding Authority to conduct the meetings in accordance with the provisions of the Act and these regulations and in particular:—

(1) to ensure that the meeting is properly convened and constituted, that is, a proper notice is served on the members and there is a quorum;

(2) to see that all the statutory requirements are duly observed at the meeting;

(3) to give due and sufficient opportunity to those members who wish to speak on the subject under debate or discussion;

(4) to allow no discussion, unless there is some motion before the meeting and to prevent irrelevant discussions;

(5) to give his ruling (s) on points of procedure and to decide all points of order and priority of speakers;

(6) to take the sense of the meeting by putting the motions and amendments to vote, where necessary; and

(7) generally to so conduct the meeting that the business thereof is facilitated and the result and decisions are well-defined.

9. (1) The agenda for each meeting of the Board shall be prepared by the Secretary on the basis of the proposals received from the Chairman and the members. Before any item is included in the agenda, the Secretary must ensure that the item has been scrutinised by the office of the Board and that it is complete in all respects. After this is done, a brief note on each item of the agenda will be prepared by the Secretary who will obtain the approval of the Chairman to the proposed agenda. **Agenda for meetings.**

(2) Any member who desires to move any proposal shall send a notice of such proposal together with a brief explanatory note to the Secretary, at least three days before the scheduled date of the meeting so as to enable the Secretary to include that item in the Agenda with the approval of the Chairman.

Provided that the Chairman may, in his discretion, allow such proposal to be moved in the meeting despite non-receipt of timely notice of the proposal for inclusion in the Agenda.

Provided further, that the Chairman may also allow any item to be taken up in a meeting, which was not previously included in the Agenda.

10. The items or business to be transacted or taken up for consideration at any meeting will be in the order as set out in the agenda papers, as far as possible, provided that the Presiding Authority shall have the right to change the order, as he deems fit. **Order of transacting business.**

11. At least 7 days notice in writing for a meeting shall be given to each member by the Secretary. A copy of the agenda for the meeting and a brief note, if any, on each item of the agenda shall also be **Notice for the Meeting.**

sent to the members, either with the notice or as soon thereafter as possible, but at least three days before the meeting.

Provided that—

(i) the period of such notice may be reduced upto one day when a meeting is convened for transacting any emergent business;

(ii) the day of the meeting shall be counted in reckoning the period of notice, but not the day of issue of notice;

(iii) if any member is not in a position to attend the meeting, the service of notice on such a member may be dispensed with by the Secretary with the prior approval of the Chairman;

Provided further, that if all the members are present without issue of notice and desire to consider a particular motion or resolution forthwith the required notice and agenda shall be waived and the proceedings of such meeting shall not afterwards be challenged on that ground.

**Non-Deli  
very of notice  
or agenda.**

12. (1) No proceedings of the Board shall be challenged merely by reason of non-receipt of the agenda or the notice by any member or members.

(2) A notice shall be deemed to be duly served if it is sent within the prescribed time-limit to the member personally by hand or by post at the registered address communicated by the member in writing to the Board.

(3) Where a notice is sent by post, service of the notice shall be deemed to have been effected by properly addressing, prepaying and posting a letter containing the notice. Such service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

13. (1) Any member may after receipt of a notice of a meeting under regulation no. 11 intimate to the Secretary suggesting another date or time therefore, if the date and/or time fixed be not convenient to him but such intimation should reach the office of the Secretary at least four clear days before the date already fixed for the meeting. **Changes in the time and date of Meeting.**

(2) The Secretary shall place such communication forthwith for orders before the Chairman who may, in consultation with the other members, if possible, fix another suitable date and time for the meeting.

14. A resolution shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted, if the motion is circulated in draft, together with the necessary papers, if any, to all the members, not being less in number than the quorum fixed for a meeting and has been approved by a majority of such members. **Circulatory resolution.**

Provided that such motions shall be circulated with the express prior approval of the Chairman.

15. The Board shall consider and decide :— **Matters to be decided by the Board.**

- (a) any matter required to be considered by the Board under any specific provision of the Act and the rules framed thereunder or under any other law or any general or special direction of Government or of the Board;
- (b) any matter required to be considered by the Board under service regulations or other regulations or subsidiary regulations, where powers are not delegated; and
- (c) any other matter specially required by the Chairman to be laid before the Board in view of its importance.



**Participation of non-members in the deliberations of the Board.** 16. The Chairman shall have power to invite any person (s) whose assistance or advice is considered necessary for a specific purpose. Such person (s) shall have the right to attend the meeting (s) of the Board and to take part in the deliberations of the meeting. The person (s) so invited may participate in the discussions on the item (s) concerning him but shall not have the right to vote.

**Aggrieved persons to be heard in person.** 17. The Board may hear at its discretion representation or appeals from aggrieved persons or parties in person, provided such representations and appeals are made in accordance with the prescribed procedure of the Board. The persons and parties so called for hearing may address the meeting and answer any questions arising therefrom, but shall withdraw from the meeting as and when directed by the Presiding Authority.

**Recording and confirmation of minutes.** 18. (1) The Board shall cause minutes of the meeting and of the resolutions passed by circulation, to be duly entered in the book provided for the purpose, which shall be kept under the superintendence of the Secretary, and in his absence by any other officer nominated by the Chairman to deputise for him. Every such minute/resolution shall be signed and any entry from the minute book shall be received as evidence in all courts and before all judges, Justice and other Authorities-Judicial, Quasi-Judicial or Executive, and such minutes/resolutions or entries therefrom shall be taken as conclusive proof of their having been duly passed by the Board and shall be proved either on the production of the original minute book or copy thereof duly attested by the Secretary of the Board.

(2) The minutes shall be recorded either during the meeting or as soon thereafter as possible and shall contain:

- (i) the names of all the members present at each meeting of the Board, including persons present by special invitation;
- (ii) names of members voting for or against each resolution, where a division is called; and
- (iii) the minutes of the meeting, giving briefly the decisions taken against each item of the agenda.

(3) The minutes shall be so recorded as to leave no blank space between one recorded decision and the other, so that no scope is left for any interpolation at a later stage. The Presiding Authority shall sign the Minutes Book as soon as possible, after the meeting and attest the interpolations, erasures and substitutions, if any.

(4) The minutes of each meeting shall be prepared by the Secretary and approved by the Presiding Authority. However, the minutes of the meeting will be shown to the members before obtaining the approval of the Presiding Authority. After approval and signature of the Presiding Authority the minutes shall be duly kept by the Secretary or any other officer authorised by the Board.

(5) A copy of the minutes of each meeting shall be supplied to the Chairman and all members whether present at the meeting or not, and got confirmed in the next meeting. The minutes of the proceedings shall also be forwarded to the Government.

(6) The Minutes Book shall be carefully indexed and, when not in actual use, shall be kept in fireproof safe.

(7) All acts done by any member of the Board or by any person acting as a member shall, notwithstanding that it may be afterwards discovered that there was some defect in the appointment of any one or more members acting as aforesaid on that day or any of them were disqualified, be as valid as if every such member had been duly appointed and was qualified, to be a member of the Board.

Provided that nothing in this regulation shall be deemed to give validity to acts done by a member acting as aforesaid after his appointment has been declared to be invalid.

**Right of  
Vote.**

19. (1) All the members, including Chairman, shall have a right to vote and decisions taken by the majority of the members present at the meeting shall be deemed to be the decisions of the Board, provided that in case of equality of votes, the Presiding Authority shall, in addition to his own vote as a Member, have a second or casting vote.

(2) Any proposal/resolution/amendment duly put up in the meeting and pressed to a division shall first be reduced to writing in the final form, in which it is decided to put it for vote. It shall be recorded in full in the proceedings, together with number and names of the members voting for and against it as laid down under regulation 18 (2).

**PROCEDURE AND DISPOSAL OF BUSINESS**

20. Subject to any delegation made by the Board under section 7 (2) of the Act all cases referred to in the first Schedule shall be brought before the Board and all cases referred to in the second Schedule may be disposed of by the Chairman of the Board on its behalf.

21. All orders or instruments made or executed by or on behalf of the Board shall be expressed to be made or executed in the name of the Board.

22. Every order or decision of the Board shall be authenticated by the signatures of the Chairman and all other instruments issued or executed by or on behalf of the Board shall be authenticated by the signatures of Secretary or such other officer as may be specially empowered by the Board in this behalf. The orders or decisions of the Board after due authentication by the Chairman/Secretary as above may be communicated by the Secretary or such other officer as may be specially empowered by the Chairman in this behalf.

23. The Secretary will put up all cases in the meetings of the Board.

24. All cases referred to in the first Schedule shall be submitted to the Chairman with a view to obtaining his order for circulation of the case under regulation No. 25 or for bringing it up for consideration at a meeting of the Board.

25. The Chairman may direct that any case referred to in the first Schedule may instead of being brought up for discussion at a meeting of the Board, be circulated to all the members for opinion and if the Chairman thinks that a discussion at a meeting of the Board is unnecessary, the case shall be decided in accordance with the opinion of the majority of the members without such discussion. If, however, the Chairman thinks that a discussion at a meeting is necessary the case shall be discussed at a meeting of the Board notwithstanding the opinion of the majority of the members and decided finally at such a meeting.

26. In cases which are circulated for opinion under regulation No. 25 the Chairman may direct, if

the matter be urgent, that if any member fails to communicate his opinion to the Secretary by a date to be specified by him in the memorandum for circulation, it shall be assumed that he has accepted the recommendations contained therein.

27. Cases brought before the Board shall, unless the Chairman otherwise directs, be accompanied by a memorandum indicating with sufficient precision the salient facts of the case and the points for decision. Such memorandum and such other relevant papers as may be necessary to enable the case to be disposed of, shall be circulated to the members.

28. (1) When a case has been decided by the Board after discussion at a meeting, the Secretary shall take action to give effect to the decision.

(2) The decision of the Board relating to each case shall be separately recorded.

29. Except as otherwise provided, cases shall ordinarily be disposed of by or under the authority of the Chairman, who may, by means of standing orders, give such directions as he thinks fit, for the disposal of cases.

30. The Chairman shall by means of standing orders arrange what cases or classes of cases are to be brought to his personal notice besides those already mentioned in Schedule II.

31. All communications received from the State Government and the Government of India (including those from the Governor, the Chief Minister and other Ministers of the State), other than those of a routine nature, shall as soon as possible after receipt, be submitted by the Secretary to the Chairman for information. Such communications may also be circulated amongst other members of the Board for information under the orders of the Chairman.

32. Any matter likely to bring the Board into controversy with the Government shall, as soon as the possibility of such controversy is envisaged, be brought to the notice of the Chairman of the Board.

33. The Accounts Officer of the Board shall be consulted before the issue of orders relating to all proposals which affect the funds of the Board and in particular—

- (a) subject to financial delegation made in favour of the Secretary and other officers of the Board, proposals to add any post or abolish any post from the Board's service or to vary the emoluments of any post;
- (b) proposals to sanction an allowance or special or personal pay for any post or class of posts or to any servant of the Board;
- (c) proposals involving abandonment of revenue or involving an expenditure for which no provision has been made in the budget.

34. The view of the Accounts Officer shall be brought on to the permanent record of the case and shall form part of the case.

35. The Board may issue instructions to govern the financial procedure in general.

36. The Secretary of the Board shall exercise the financial powers given in the third Schedule and these powers shall be deemed to have been delegated to him under section 7(2) of the Act.

37. The accounts shall be maintained on the commercial pattern.

38. The Public Works accounts shall be maintained according to the procedure followed by the Sikkim Public Works Department and the Financial Handbooks of the State Government.

39. All works up to rupees one lakh shall be considered as minor works for purpose of maintaining work abstracts and submission of accounts.

40. The monthly accounts shall be compiled and consolidated by the Accounts Officer.

41. The Secretary shall be responsible for the careful observance of these regulations and when he considers that there has been any material departure from them, shall personally bring the matter to the notice of the Chairman.

42. (1) The business of the Board shall be transacted in English or such other language, or languages as the Board may decide from time to time.

(2) If any doubt arises as to the interpretation of these regulations, the decision of the Chairman thereon in consultation with the Government shall be final and binding on all concerned.

## FIRST SCHEDULE

The following cases shall be referred to the Board for decision:—

1. Annual financial statement and demand for supplementary, additional and excess grants.
2. Unbudgeted expenditure required to be incurred by the Board.
3. Consideration of the annual audit report on the accounts of the Board.
4. Consideration of the annual report, required to be submitted to the State Government.
5. Proposal relating to regulations and bye-laws to be made by the Board under the Act including any proposals for amendment of such regulations and bye-laws.
6. Recommendations to the State Government regarding any draft rules or amendment thereto required to be made by the State Government under the Act.
7. Any dispute arising between the Board and the State Government in respect of any direction given by the State Government.
8. Loans and borrowings investment and reserves.
9. Sanction of project estimates.
10. Sanction of budget estimates.
11. Contributions to Associations or Societies.
12. Delegation and modification in the financial powers of the officers of the Board.
13. All important audit objections and inspection reports, etc. involving a loss/recovery of Rs. 1,000 and above, in which conduct of officers/officials involved and responsibility for lapse/losses is to be determined.
14. Fixation of pay scales.



15. All proposals for the creation of posts.
16. Direct recruitment to the posts in Class II and above.
17. Appointment of consulting engineers.
18. Cases of pay fixation and advance increments in relaxation of rules.
19. The cases of the following categories relating to subordinate staff shall also be referred to the Board for orders:—
  - (a) All appeals and representations of staff against punishment or dismissal, removal or reduction in rank.
  - (b) Grant of special/additional or personal pay/allowances for staff.

**SECOND SCHEDULE**

The following cases shall be referred to the Chairman for decision:

**SERVICE MATTERS**

- (i) Appointments on deputation, re-employment and promotions.
- (ii) Posting and transfer of the officers and staff.
- (iii) Grant of honorarium for holding dual charge.
- (iv) Proposals for retention of officers beyond the age of retirement.
- (v) Appointments to Class III and Class IV employees.
- (vi) Grant of leave where a substitute is to be appointed.
- (vii) Grant of extension in service.
- (viii) All cases regarding disciplinary action against the employees of the Board.

**MISCELLANEOUS CASES**

- (i) Banking arrangements.
- (ii) Grant of permission to perform journeys by the officers and staff.
- (iii) To permit employees to travel on duty by air.

**SANCTION OF LOANS/ADVANCES**

- (i) To declare that the possession of a conveyance by an employee of the Board is in the interest of the Board as per policy of the Board.
- (ii) To sanction any other advance in accordance with the policy of the Board.
- (iii) To sanction conveyance allowance.
- (iv) Sanctioning the taking of work by an employee for which a fee is offered.
- (v) Granting or permitting an employee to receive honorarium.
- (vi) To sanction advances for officers up to Rs. 2,000.
- (vii) Re-appropriation of funds within the same budget head.
- (viii) To institute, conduct and defend any legal proceedings by or against the Board or its officers in connection with the affairs of the Board.

## THIRD SCHEDULE

Items of expenditure	Financial powers to be exercised by the Secretary
1. WAGES	
Staff paid from contingencies —	Full powers (on a daily wage not exceeding the limit fixed by State Government).
2. OFFICE EXPENSES	
(a) Electric & water charges —	Full Power
(b) Repairs & Maintenance (including expenditure on POL on staff cars) —	(i) Full power in respect of POL subject to restriction, if any, placed by the Board. (ii) Repairs upto Rs. 5,000/- per vehicle per annum and not exceeding Rs. 1,000/- at a time on the basis of sealed quotation.
(c) Repairs and Maintenance of office furniture. —	Rs 250/- at a time.
(d) Purchase of furniture, fixtures and fittings. —	Rs. 1,000/- at a time and not exceeding Rs. 5,000/- per annum.
(e) Repairs & maintenance of type-writer, duplicator and other office machines. —	Full Power.
(f) Postage & Telegrams —	Full Power.
(g) Telephone charges —	Full power (excluding cost of installation of new connection).

- (h) Purchase of typewriters, duplicators & other office machines. — Full power subject to budget provision for the purpose.
- (i) Refreshments served in meetings, Conferences etc. — Upto Rs. 50/- on any one occasion and not exceeding Rs. 1,000/- per annum.
- (j) Crockery & Cutlery — Full power upto Rs. 1,000/- per annum.
- (k) Printing work done at Government Press. — Full Power.
- (l) Purchase of stationery locally. — Full Power.
- (m) Liveries & umbrellas to peons. — Full Power.
3. PAYMENT FOR PROFESSIONAL & SPECIAL SERVICES
- (a) Charges for experts & fees to advocates. — Full power subject to rates prescribed by the Board.
4. RENTS, RATES & TAXES
- (a) Rent for private building for office accommodation. — (a) Upto Rs. 500/- per month per building subject to rent assessment by S.P.W.D.
- (b) Municipal rates & Taxes on non-residential buildings. — (b) Full Power.
5. ADVERTISING, SALES & PUBLICITY EXPENSES
- (a) Exhibition & Fairs. — Full Power.

(b) Advertisement charges.	—	Full Power.
6. MACHINERY/EQUIPMENT		
Scientific/Mathematical & Survey instruments.	—	Full power upto Rs. 2,000/- per annum subject to budget provision for the purpose.
7. OTHER CONTINGENT EXPENDITURE OF THE BOARD NOT COVERED BY THE ABOVE ITEMS		
Recurring.	—	Rs. 1,500/- only in each case.
Non-recurring.	—	Upto Rs. 7,000/- only in each case.

S.C. KHANNA  
Secretary,  
Sikkim Housing & Development Board.