

Bihar Gram Sabha (Co-ordination of meeting and Procedure for conduct) Rules, 2012

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Rule

BIHAR-GRAM-SABHA-CO-ORDINATION-OF-MEETING-AND-PROCEDURE of 2012

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Bihar Gram Sabha (Co-ordination of meeting and Procedure for conduct) Rules, 2012Published vide Notification No. 8P/Vi-4-1012/2010/P.R./5529, dated 14.09.2012Last Updated 4th February, 2020No. 8P/Vi-4-1012/2010/P.R./5529. - In exercise of the powers conferred by the Section-146 of the Bihar Panchayat Raj Act, 2006 (The Bihar Act 6, 2006), the Governor of Bihar is pleased to make the following rules:-

1. Short title, extent and commencement.

(1)These Rules may be called the "Bihar Gram Sabha (Co-ordination of meeting and Procedure for conduct) Rules, 2012.(2)It shall extend to whole of the State of Bihar.(3)It shall come into force at once.

2. Definitions.

- Unless there is anything repugnant to the subject or context, in these Rules :-(a)"Act" means the Bihar Panchayat Raj Act, 2006;(b)"Section" means the section of the Bihar Panchayat Raj Act, 2006;(c)"Government" means the State Government (Bihar);(d)"Gram Panchayat" means an institution of self-governance constituted for the rural area under Article 243 B of the Constitution of India and under Section 11 of the Act;(e)"Gram" means all revenue villages or group of contiguous revenue villages or a part thereof;(f)"Panchayat Samiti" means the Panchayat Samiti constituted for each Block under section-34 of the Act;(g)"Zila Parishad" means Zila Parishad constituted for a district under Section 62 of the Act;(h)"Mukhiya" means a Mukhiya of the Gram Panchayat elected

under the provisions of the Act;(i)"Members of Gram Panchayat" mean members of the Gram Panchayat elected under clause (b) of sub-section (1) of Section 12 of the Act;(j)"Gram Sabha" means a body constituted consisting of persons registered therein the electoral roll pertaining to any village falling within the territorial area of a Panchayat at village level;(k)"Panchayat Secretary" means Secretary of a Gram Panchayat under Section 32 of the Act;(l)"Executive Officer" means an Executive Officer of the Panchayat Samiti appointed under Section 60 of the Act;(m)"Chief Executive Officer" means Chief Executive Officer of the Zila Parishad appointed under Section 87 of the Act; and(n)All words and expressions used in these Rules but not defined shall have the same meaning which is respectively assigned to them in the Act.

3. Gram Sabha and its meetings.

(1)There shall be a Gram Sabha for each of the Gram Panchayat. All persons registered under the electoral roll of the Gram Panchayat shall be members of the Gram Sabha.(2)Mukhiya of a Gram Panchayat or in his absence, the Up-Mukhiya of the Gram Panchayat shall convene meetings of the Gram Panchayat from time to time for performing the functions specified under the Act, but the time interval for the two consecutive meetings of any Gram Sabha shall not exceed three months.(3)Meeting of the Gram Sabha shall be convened regularly at the place as specified under the Rules. In case the meeting is not convened by the Mukhiya, the Executive Officer of the Panchayat Samiti concerned shall convene the meeting, but shall not preside over the meeting. When both the Mukhiya and the Up- Mukhiya remain absent, the Gram Sabha shall be chaired by such member, who will be elected ,for this purpose, by majority of the members present in the meeting.(4)If a dispute arises as to whether a person is eligible to be present on the meeting, the dispute shall be decided by the person presiding over the meeting, keeping in view the entries in the electoral roll of the Gram Sabha territory and his/her decision shall be final.

4. Place of meeting.

- Meeting of the Gram Sabha shall be held at the Panchayat Bhawan/ Panchayat Sarkar Bhawan or at the otherwise suitable public place. It shall not be held at a private building or place. It shall be kept in mind that the place of meeting shall be open and adequately lighted and be conveniently suited for sitting of people of all classes.

5. Publication of notice of meeting.

(1)A notice containing date, time and place of meeting, giving therein details of agenda shall be published and propagated at least 15 days before in the following manner(a)By fixing at one or more conspicuous visible places of the village.(b)By beating of Drum or Dugdugi or by announcing of such meeting through loudspeaker,(c)By informing children at school during prayer so that they may give message relating to the meeting of Gram Sabha to their parents,(d)By door to door personal contacts by concerned member or the Secretary of the Gram Panchayat, Provided, for the special purpose, an emergency or a special meeting may be convened on at short period interval notice, but notwithstanding such time the period shall not be less than three days.(e)Meeting of the Gram Sabha shall be convened at afternoon on holidays so that women may take part in it after finishing

their domestic works.(2)A copy of the notice shall be served to the concerned Member of Lok Sabha, Member of Rajya Sabha, Member of Legislative Assembly, Member of Legislative Council, Pramukh of the concerned Panchayat Samiti, and elected members of the concerned Zila Parishad along with the Executive Officer of the Panchayat Samiti/Block Development Officer as well.(3)Panchayat Samiti may suggest suitable dates in advance for convening such Gram Sabha of concerned Panchayat at least one month before the prescribed dates so as to ensure participation of all the concerned officials in the Gram Sabha. Mukhiya of Gram Panchayat, in his absence generally, Up-Mukhiya will issue notice of the meeting of Gram Sabha according to the dates suggested by the Panchayat Samiti.(4)The notice of meeting of the Gram Sabha shall be sent to all other officers at the Block level viz. Circle Officer, Medical Officer-in-Charge, Animal Husbandry Officer, Block Junior Engineer, Junior Engineer/Assistant Engineer of Public Health Engineering Department, Block Education Extension Officer, Cooperative Extension Officer, Block Agriculture Officer, Block Welfare Officer, Junior Engineer/Assistant Engineer of Minor Irrigation Department, etc with request to participate in the meeting.(5)The Block Development Officer shall depute his supervisor level officer as Observer who shall reach in the village one day before the fixed date of the meeting. The Observer shall ensure that adequate publicity has been done for the meeting and the prescribed quorum is present with twentieth part of the total member of the Gram Sabha for the meeting.

6. Quorum and postponement of the meeting of the Gram Sabha in absence of the Quorum.

- Quorum shall be present with twentieth part of the total members of the Gram Sabha. If the quorum is not present on the fixed time of the meeting or if the meeting has started and attention is drawn towards fall in quorum, then the presiding officer shall wait for one hour and if the quorum is not present even within it, the presiding officer shall postpone the meeting for the same day and for the same time for the next week. The venue for the meeting to be held for the next week shall, generally be the same which was fixed for the postponed meeting. If the venue is not available for any reason, then Mukhiya of the Gram Panchayat, as per provisions under rule 4, may take a decision, on his own discretion, to conduct the meeting at any other place. Information regarding fixed venue, place and time of the meeting to be held in the next week shall be given again to all the members of the Gram Sabha as per rule. Quorum for the meeting after the postponed meeting for want of quorum shall be the fortieth part of the total members of the Gram Sabha and the same agenda shall be considered and disposed of which were to be tabled before the postponed meeting.

7. Presiding over the meeting.

- Each of the meetings of the Gram Panchayat shall be presided over by the Mukhiya and, in his absence, by Up- Mukhiya of the Gram Panchayat. If the Mukhiya / Up-Mukhiya both remain absent from the meeting then meeting of the Gram Sabha shall be presided over by such member who may be elected, for the purpose, by majority of votes of the members present in the meeting.

8. Resolution.

- Any resolution concerned with any of the subject, conferred under the Act to the Gram Sabha shall be passed by the majority of members present and voting in the meeting of the Gram Sabha.

9. Agenda for the meetings of Gram Sabha.

(1) In addition to the subjects under consideration in the meeting under Section 7 and Section 9 of the Act, following subjects may also be included in the agenda of the meeting:-(a) Compliance of the proposals considered/passed in the last meeting of the Gram Sabha;(b) Proposal for action to be taken by Panchayat for the rights and responsibilities as assigned to the Panchayat by the different departments of the government for formulation, implementation and supervision of different schemes/programmes;(c) Measures for increasing income of Gram Panchayat;(d) Asking explanation related with any specific activities, plan income and expenditure from Mukhiya or members of the Gram Panchayat;(e) Receipt and expenditure of Gram Panchayat Fund;(f) Serious Audit Objections;(g) Comments on Vigilance Committee;(h) Re-organization of Vigilance Committees;(2) Following subjects shall also be discussed in the meeting of Gram Sabha:-(a) Social Audit. - It shall be an important responsibility of the Gram Sabha to conduct a social Audit of all the developmental works so far implemented in the village. Secretary of the Gram Panchayat shall read out in the Gram Sabha details of all the works and work-wise expenditure, etc, carried out in village during last year. Besides, discussion shall also be held on quality of the work executed and physical verification shall also be caused to be made. If any objection is raised by the members present in the discussion, then Secretary of the Panchayat shall enter the same in the register and shall inform the BDO and the Mukhiya. Action on all of such objections shall be ensured by the BDO and the Mukhiya in accordance with Rules. A compliance report shall also be tabled in the next meeting of the Gram Sabha.(b) Social Harmony.- In meetings of the Gram Sabha, discussion shall be held on maintaining the Social Cohesion and Communal Harmony.

10. Remarks of Mukhiya/Members of Gram Panchayat.

(1) Mukhiya/Up-Mukhiya or member of Gram Panchayat or Secretary, as the case may be, shall put their remarks before the Gram Sabha for consideration.(2) Such remarks may also be recorded in proceeding of the Gram Sabha.

11. Records of the Proceedings.

(1) The register of proceedings shall be maintained by the Panchayat Secretary. The Panchayat Secretary shall obtain the signatures or thumb impression of the members present at the meeting. He shall maintain the register in Hindi in Dev-Nagari script. The proceedings shall be signed by the persons presiding over the meeting.(2) It shall be the duty of the Block Development Officer or the Supervisor, appearing on his behalf, in the Gram Sabha to ensure that the secretary of the Gram Panchayat is recording the proceedings of the Gram Sabha in the prescribed manner on the same date of the meeting.(3) The BDO shall also ensure that discussion on all subjects mentioned in rule 9

of this Rules and section 7 and 9 of the Act are fully discussed in the Gram Sabha and the proceeding is recorded, accordingly. The BDO or the Supervisor attending the meeting shall sign the proceedings before his departure.(4)Copies of such proceedings shall be forwarded to the concerned Gram Panchayat and the Panchayat Samiti within 15 days and if such meeting is convened on the request of the Zila Parishad or the State Government, copies of the proceedings shall also be sent to such authorities.(5)There shall be Photography/Videography of the meetings of the Gram Sabha, which shall be placed meeting wise alongwith records of proceedings in the next meeting.

12. Confirmation of proceedings.

- Proceedings of the last meeting of the Gram Sabha shall be read out at the subsequent meeting and confirmed.

13. Transaction of business.

- The order of the business to be transacted at every general or special meeting shall be decided by the person presiding over the meeting.

14. Continuance of meeting.

- If it is not possible to complete discussion on all the items on the date fixed for the Gram Sabha meeting, the meeting may be continued on any subsequent day within a fortnight. The decision of next date of such meeting shall be taken at that meeting.

15. Regulation of conduct of business.

- The person presiding over the Gram Sabha meeting shall regulate the conduct of business at the Gram Sabha meeting and maintain order. If any member disregards the authority of the presiding person, or is guilty of obstruction or offensive conduct during the meeting, the presiding person may ask him to behave properly and on his failure to do so direct him to withdraw from the meeting.

16. Compliance of proposals/Resolutions of the Gram Sabha.

(1)The Gram Sabha, fixing priorities shall send the proposals, passed in the meeting to the Gram Panchayat and secretary of the Gram Panchayat shall table the same in the very next meeting of the Gram Panchayat.(2)The Gram Panchayat shall consider on the priorities fixed by the Gram Sabha.The Gram Panchayat shall consider the priorities of the proposals passed by the Gram Sabha while finalizing the selection of developmental schemes of the Gram Panchayat.(3)It shall be the duty of the Panchayat Samiti concerned alongwith the Gram Panchayat, to ensure compliance of resolutions taken by the Gram Sabha.(4)Compliance report, if any, shall be tabled before the next meeting of the Gram Sabha.(5)Executive Officer of the panchayat Samiti concerned shall maintain Panchayat wise Control-register as well, mentioning therein important resolutions of the Gram Sabha.(6)The Block Development Officer, The Block Panchayat Raj Officer and other officers during

their inspection of the Panchayat shall review progress of the compliance.

17. Monitoring of meeting of the Gram Sabha.

- The Executive officer, after each three months shall table the progress report concerned with the meetings of the Gram Sabha in the meetings of the Panchayat Samiti. He shall forward such report to the Chief Executive Officer of the Zila Parishad as well for taking further necessary action.

18.

(1) Constitution of Vigilance Committees. (a) The Mukhiya shall keep in one subject for Vigilance Committee/ constitution of Vigilance Committee in the agenda for the meeting scheduled to be held in the first quarter of each financial year. Every Gram Sabha, within its jurisdiction, may constitute territorial constituency wise vigilance Committee(s). (b) The Vigilance Committee shall function keeping in close co-ordination with the Panchayat. (c) Secretary of the Gram Panchayat shall also work as secretary for the meetings of the Vigilance Committees and shall record its proceedings. (2) Members of Vigilance Committee. - (a) A Vigilance Committee shall be constituted in each territorial constituency of a Gram Panchayat. (b) In Vigilance Committee, there shall be eleven such members of the related territorial constituency who are of unspotted image. (c) Elected members of the Gram Panchayat shall not be member of the Vigilance Committee. (d) Members belonging to Scheduled Caste and scheduled Tribe shall be selected in the Vigilance Committee in the ratio of territorial constituency's population, thereafter members of the backward classes shall be selected as nearly as far as possible, 20 % of the total number of the members of the Vigilance Committee, but the total number of such members shall be within the maximum limit of 50%. Besides, as far as possible 50% women shall be selected from each category. (e) Members of the Vigilance Committee may decide to form a group for supervision of various developmental works, schemes and other activities. (f) Members may nominate one member amongst them as Chairperson for the purposes of determining date for convening and presiding over the meeting. (3) Role of Vigilance committee. - (a) Role of the vigilance committee shall not only be to point out demerits and criticise the Gram panchayat. (b) Seeking clarifications from the Mukhia, Up-Mukhia and Members of the Gram Panchayat about any particular activity, scheme, income and expenditure. (c) Role of the vigilance committee is, though supervisory, it shall be constructive, co-operative and advisory. Its main objective shall be quick implementation of developmental schemes, up keeping quality of schemes and objective assessment of complaints received from public. (4) Meetings of Vigilance Committee. - (a) For convening first meeting of the vigilance committee, a suitable date convenient for the members shall be fixed by the secretary just after constitution of the committee. (b) Subsequent dates for meetings shall be fixed by the Chairperson of the committee. Notice of the meeting shall be caused to be served by the secretary. (c) Meeting of the vigilance committee must be held at least once in a month. (d) Secretary of the Gram Panchayat shall be present in all such meetings. (5) Function of Vigilance Committee. - The Vigilance Committee shall discuss on following subjects: - (i) Complaint received from public in respect of rights and responsibilities as assigned by the different departments of the Government for formulations, implementation and supervision of different schemes/programmes; (ii) Quality of the schemes and execution within time limit; (iii) Notice board displaying sanctioned amount and expenditure,

execution of the schemes or other arrangements for making it transparent;(iv)Utilization of Panchayat funds;(6)Report of Vigilance Committees be a part of Gram Sabha. It shall be the responsibility of Mukhiya or in his absence , the Up-Mukhiya to have discussion on reports of Vigilance Committee in the meeting of the Gram Sabha. The reports shall be an integral part of the Gram Sabha.(7)Re-organization of Vigilance Committee. - The Gram Sabha may retain the previous committee or may reconstitute it every year in the meeting scheduled to be held in the first quarter of the financial year.

19.

The State Government may clarify any provision of the Rules by way of Notification/Order and may remove difficulties arising out of its implementation.