

Bihar Ward Sabha & Ward Implementation and Management Committee Conduct of Business Rules, 2017

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Rule

BIHAR-WARD-SABHA-WARD-IMPLEMENTATION-AND-MANAGEMENT of 2017

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Bihar Ward Sabha & Ward Implementation and Management Committee Conduct of Business Rules, 2017 Published vide Notification No. 8Pa/6-04-01/2016/5685/P.R., dated 28.6.2017 No. 8Pa/Vi-04-01/2016/5685/P.R. - In exercise of the powers conferred by the Section-146 read with Section 170A, Section 170B and Section 170C of the Bihar Panchayat Raj Act, 2006 (The Bihar Act 6, 2006), as amended from time to time, the Governor of Bihar is pleased to make the following rules:-

1. Short title, extent and commencement.

(1) These Rules may be called the "The Bihar Ward Sabha & Ward Implementation and Management Committee Conduct of Business Rules, 2017. (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 of Bihar;(d)"Mukhiya" means a Mukhiya of the Gram Panchayat elected under the provisions of the Act;(e)"Member of Gram Panchayat or Ward Member" mean member of the Gram Panchayat elected under clause (b) of sub-section (1) of Section 12 of the Act;(f)"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;(g)"Ward Sabha" means a Ward Sabha constituted under sub-section (1) of section 170 A;(h)"Ward Sabha Secretary" means the Secretary of the Ward Sabha selected under sub-rule (4) of rule 3 of these rules;(i)"Ward Implementation and Management Committee" means the Ward Implementation and Management Committee constituted under Section 170B of the Act;(j)"Member Secretary" means Secretary of the Ward Implementation and Management Committee;(k)"Executive Officer" means an Executive Officer of the Panchayat Samiti appointed under Section 60 of the Act;(l)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. Ward Sabha and its meetings.

(1)There shall be a Ward Sabha for each ward or territorial electoral constituency of Gram Panchayat. All persons registered under the electoral roll of the ward shall be members of the concerned Ward Sabha.(2)The Gram Panchayat Member elected from the ward (Ward Member) shall convene meetings of the Ward Sabha from time to time for performing functions specified under the Act, but the time interval between two consecutive meetings of any Ward Sabha shall not exceed three months.(3)Meeting of the Ward Sabha shall be convened regularly at the place as specified under Rule 4. In case the meeting is not convened by the Ward Member, the Mukhiya or Up- Mukhiya of the Gram Panchayat, if authorized by the Mukhiya, shall convene the meeting and will preside over the meeting. If the Mukhiya or Up-Mukhiya also fails to convene the meeting of Ward Sabha, the matter will be brought to the notice of the Executive Officer of the concerned Panchayat Samiti, who shall be competent to direct the Mukhiya/Ward Member to convene meeting of such Ward Sabha at the earliest.(4)The Ward Sabha shall select one member from amongst its members to function as Ward Sabha Secretary, whose minimum educational qualification will be tenth Class pass. No person from the family of chairman or any office bearer of Panchayati Raj Institutions(PRIs)/Gram Katchahry shall be selected as Ward Sabha Secretary. The main responsibility of Ward Sabha Secretary will be to convene meetings of Ward Sabha under the direction of the Ward Member, to record proceedings of meetings and to carry out other responsibilities assigned from time to time by the Ward Sabha.

4. Place of meeting.

- Meeting of the Ward Sabha shall be held at the Panchayat Bhawan/Panchayat Sarkar Bhawan or any community building or at any other convenient public place within the Ward. 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 members of Ward Sabha.

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 7 days before in the following manner :-(a)By fixing at one or more conspicuous visible places of the ward, and(b)By beating of Drum or Dugdugi or by announcing of such meeting through loudspeaker in the ward area, or(c)By informing children at

school during prayer time so that they may give message relating to the meeting of Ward Sabha to their parents, or(d)By door to door personal contact by the Ward Member or the Secretary of the ward,Provided that for special or emergency requirements, a special meeting may be convened at shorter notice, but which shall not be less than three days.(e)Meeting of Ward Sabha will generally be convened at a convenient time on any day of the week so that women folk also may easily take part in the meeting after finishing their domestic chores.(2)A copy of the notice shall be served to the concerned Mukhiya and concerned elected members of the PRIs residing within the Ward.(3)Gram Panchayat may suggest suitable dates in advance for convening meetings of Ward Sabhas at least one month before the scheduled date for meeting of Gram Sabha, so that all Ward Sabha meetings would have been convened before the meeting of Gram Sabha. The notice for meetings of Ward Sabha will generally be issued according to the dates suggested by the Gram Panchayat.

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

- Quorum shall be present with one tenth of the total members of the Ward Sabha or fifty members. 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 to such time and day for the next week as he may fix. 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 that venue is not available for any reason, then the Ward Member, as per provisions under rule 4, may take a decision, on his own discretion, to conduct the meeting at any other place. Information regarding venue, place and time of the meeting to be held in the next week shall be given again to all the members of the Ward Sabha in accordance with rule 5. Quorum for the meeting after the postponed meeting for want of quorum also shall be one tenth of the total member of the Ward Sabha or fifty members 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 Ward Sabha shall be presided over by the Ward Member. If the Ward Member fails to come in the meeting due to some reason, the meeting shall be presided over by such member of Ward Sabha 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 subjects, conferred under the Act to the Ward Sabha shall be passed by the majority of members present and voting in the meeting of the Ward Sabha .

9. Agenda for the meetings of Ward Sabha.

(1) In addition to the subjects under consideration in the meeting under sub section (4) of section 170 A of the Act, the following subjects may also be included in the agenda of the meeting:-(a) Confirmation of the proceedings of the preceding meeting of Ward Sabha; (b) Compliance of the proposals considered/passed in the last meeting of the Ward Sabha; (c) Proposal for action to be taken by Ward Sabha in discharge of its rights and responsibilities with regard to formulation, implementation and supervision of different schemes/programmes assigned to the Ward Sabha by different departments of the Government; (d) Information regarding subsequent action taken by Gram Panchayat on the decisions of Ward Sabha; (e) To arrange cultural festivals and sports meet to give expression to talents of the people of the locality; (f) Measures for increasing income of Gram Panchayat; (g) Seeking report from Mukhiya of the Gram Panchayat regarding any specific activity, plan or income and expenditure concerning the ward; (h) Audit observations; (i) Comments on Vigilance Committee Reports; (j) Activities and schemes executed by the Ward Implementation and Management Committee. (2) Following subjects may also be discussed in the meeting of Ward Sabha:-(a) Social Audit. - It shall be an important responsibility of the Ward Sabha to conduct a social audit of all the developmental works so far implemented in the ward. Secretary of the Ward Sabha shall read out in the Ward Sabha details of all the works and work-wise expenditure, etc, carried out in the ward during last quarter. 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 Ward Sabha shall enter the same in the register and shall inform the Executive Officer of Panchayat Samiti and the Mukhiya. Action on such objections shall be ensured by the Executive Officer of Panchayat Samiti and the Mukhiya in accordance with law. A compliance report shall also be tabled in the next meeting of the Ward Sabha. (b) Social Harmony. - In meetings of the Ward Sabha, discussion shall be held regularly on maintaining social cohesion and communal harmony.

10. Records of the Proceedings.

(1) The proceeding of meeting of Ward Sabha shall be recorded by the Ward Sabha Secretary on the same day. The Ward Sabha Secretary shall obtain the signatures or thumb impression of the members present at the meeting in a register maintained for this purpose. The register shall be maintained in Hindi in Devnagari script. The proceedings shall be signed by the person presiding over the meeting. All papers/documents related to Ward Sabha shall be kept in the custody of the Ward Member and he shall be solely responsible for its security. Records etc. shall in no case be kept with the Ward Sabha Secretary or any other member of the Ward Sabha. (2) Copies of such proceedings shall be forwarded to the concerned Gram Panchayat within 15 days. (3) It shall be responsibility of the Mukhiya and the Panchayat Secretary of the Gram Panchayat to place proceedings of Ward Sabha meetings received from the wards situated in the Gram Panchayat in the next meeting of Gram Sabha. Gram Sabha shall deliberate upon the recommendations made in the proceedings of each ward and make recommendations to the Gram Panchayat for taking appropriate and necessary action in this regard. (4) The proceedings of Ward Sabha shall be an integral part of the proceeding of Gram Sabha. (5) Gram Sabha generally will not deliberate upon the

points concerned with those wards of the Gram Panchayat who have failed either in conducting the meeting of Ward Sabha on scheduled date or delayed in sending their proceedings within stipulated period to the Gram Panchayat. But if the Gram Sabha is of the opinion that discussion upon some points/schemes related to a specific Ward Sabha is necessary, then the Gram Sabha may deliberate upon such point/scheme even if no proceeding of the specific Ward Sabha is available or no mention of such point/scheme is made in the proceeding available, and make its recommendation to the Gram Panchayat for taking appropriate action.

11. 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.

12. Continuance of meeting.

- If it is not possible to complete discussion on all the items on the date fixed for the Ward 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 very meeting.

13. Regulation of conduct of business.

- The person presiding over the Ward Sabha meeting shall regulate the conduct of business at the 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.

14. Compliance of proposals/Resolutions of the Ward Sabha.

(1)The Ward Sabha, after fixing priorities, shall send the proposals, passed in the meeting to the Gram Panchayat and the Secretary of the Gram Panchayat shall table the same in the very next meeting of the Gram Sabha.(2)The Gram Sabha shall consider on the priorities fixed by the Ward 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)Compliance report, if any, shall be tabled before the next meeting of the Ward Sabha.(4)The Executive Officer of Panchayat Samiti, the Block Panchayat Raj Officer and other officers during their inspection of the Gram Panchayat shall review progress of the compliance.

15. Placement of Vigilance Committee Report before Ward Sabha.

- The report of Vigilance Committee of the concerned ward constituted under rule 18 of the Bihar Gram Sabha (Coordination of Meeting and Procedure for Conduct) Rules, 2012, whenever available, shall be placed in the meeting of Ward Sabha and the members will be apprised of the points mentioned in the Vigilance Committee Report. The Ward Sabha may request the Gram Panchayat

and concerned authorities for taking follow-up action on the report of the Vigilance Committee concerned with the ward.

16. Ward Implementation and Management Committee.

(1) A Ward Implementation and Management Committee shall be constituted by Ward Sabha from amongst its members for discharge and implementation of general and financial functions/responsibilities enshrined in the Act. (2) Ward Implementation and Management Committee shall consist of 7 (seven) members including the chairman. The Gram Panchayat Member (Ward Member) shall be ex-officio member and chairman of the Committee. The Panch of Gram Katchahry elected from the Ward and the Ward Sabha Secretary shall be ex-officio members of the Committee. Provided that in case of the post of Ward Member being vacant, the Mukhiya or Up- Mukhiya if authorised by Mukhiya shall convene the meeting of Ward Sabha. The Ward Sabha shall select one member from among its members to function as chairman of the Ward Implementation and Management Committee under purely temporary working arrangement. The authority of the person chosen as chairman under working arrangement shall automatically cease after regular election to the post of Ward Member, and the Ward Member so elected shall immediately start functioning as chairman of the Ward Implementation and Management Committee. (3) The remaining members of the Committee shall be selected on the following basis:-(i) If Scheduled Castes or Scheduled Tribes families reside in the Ward, at least one member from such families shall be selected as member of the Committee. (ii) If any village organisation or self help group of "Jeevika" is working in the Ward, then one of its representatives shall be selected as a member of the Committee. (iii) The Committee shall consist of at least three women members. (iv) Not more than one member from a family shall be selected as member of the Committee. (4) The Ward Sabha Secretary selected under sub-rule (4) of Rule-3 shall function as Member Secretary of the Committee. (5) The tenure of a Ward Implementation and Management Committee shall be for two years. Members not showing interest in roles/responsibilities of the Committee or absents from its three consecutive meetings may be removed from their membership by a resolution passed by the Ward Sabha. The vacancy caused by such removal from membership or vacancy caused by resignation or death of any member shall be filled up by the Ward Sabha by selecting new members for remaining tenure of the Committee. (6) All receipts of the Committee shall be deposited or cause to be deposited by opening in its name a Savings Bank Account at the nearest nationalized bank branch, regional rural bank or any scheduled commercial bank. (7) After completion of the tenure of two years, the Ward Sabha shall make fresh selection of members mentioned in sub-rule (3). (8) The accounts of Ward Sabha shall be jointly operated by the Chairman (Ward Member) and Member Secretary. The records pertaining to the schemes executed by the Committee and the Pass Books along with Cheque Books of the Bank shall be kept in custody of the chairman (Ward Member). (9) Ward Implementation and Management Committee shall mainly discharge the following functions:-(a) To generate proposals and determine the priority of schemes and development programmes for consideration of the Ward Sabha. (b) To assist the Ward Sabha in generating awareness on issues like literacy, public sanitation, health, environment, pollution control etc. (c) To select appropriate locations on behalf of Ward Sabha for water supply, public sanitation units and other public amenity schemes. (d) To work under general control of Ward Sabha/Gram Panchayat for prevention of epidemics and natural calamities. (e) Execution of

schemes/programmes/responsibilities given from time to time by Ward Sabha/Gram Panchayat/Government.(f)To place before the Ward Sabha updated progress report related to functions of the committee.(10)The first meeting of the Ward Implementation and Management Committee shall be held immediately after its constitution, and the date, time and place of subsequent meeting shall be decided in each preceding meeting. The Committee shall generally meet once in a week, but convening two meeting in a month will be mandatory. The Chairman shall, upon the written request of one third members of the Committee containing therein the issues for consideration along with proposed date of meeting, call a special meeting on that date. The quorum for meeting shall be completed by presence of four members out of total members of the Committee.(11)The Committee may, subject to the provisions made in the departmental guidelines, adopt regulation to carry out its duties and conduct of its meetings.(12)In execution of Public Works Schemes, the Committee shall function under the general guidance of the Public Works Committee constituted under Section 25(1)(vi) of the Act and will also submit reports and returns as required by that Committee (Public Works Committee) from time to time.

17. Miscellaneous.

- The State Government may clarify any provision of the Rules by way of notification/order and may remove difficulties arising out in its implementation,.