

The Constitution of Bihar District Planning Committee and Conduct of Business Rules, 2006

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The Constitution of Bihar District Planning Committee and Conduct of Business Rules, 2006 Published vide Government of Bihar, Panchayati Raj Department, Notification No. 4458, dated 29.8.2008 Government of Bihar, Panchayati Raj Department, Notification No. 4458, dated 29.8.2008. - In exercise of the powers conferred by the Section 146 of the Bihar Panchayat Raj Act, 2006 (Bihar Act 6, 2006) subject to the Section 167 (as amended) of the Bihar Panchayat Raj Act, 2006 the Governor of Bihar makes the following Rules for consolidating the plans made by three tier Panchayats and Municipal Corporations/Municipal Councils/Municipal Panchayats and to constitute the District Planning Committee at district level for drafting the development plan for whole district and to make arrangement for matters related to it or ancillary subjects:-

1. Short title, extent and commencement.

- (i) These Rules may be called "The Constitution of Bihar District Planning Committee and Conduct of Business Rules, 2006".(ii)It shall extend to the whole of the State of Bihar.(iii)It shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- Unless otherwise required in the context, in these Rules:-(a)"Act" means the Bihar Panchayat Raj Act, 2006 (Bihar Act 6 of 2006);(b)"Chairman" means a Chairman of elected District Council under the provisions of the Act;(c)"Chief Executive Officer" means a Chief Executive Officer of the District Council appointed under the provisions of the Act;(d)"District" means a district notified as such by the State Government;(e)"District Magistrate" means a District Magistrate of any district appointed by the State Government and includes such other officers who have specially been appointed by the State Government to execute all or any of the functions of the District Magistrate under the Act;(f)"Prescribed" means prescribed by the Act or rules made under it;(g)"Population" means and includes the population as ascertained on the basis of last census;(h)"District Board" means a

District Board of any district constituted under the Act;(i)"Municipal Bodies" means a body constituted under the Bihar Municipality Act, 1922; Patna Municipal Corporation Act, 1951 and Bihar Municipality Act, 1978, as amended;(j)"Rural Area" means any area which is different from the Municipal Area;(k)"Municipal Area" means the territorial area of a Municipal Corporation, Municipal Council or Municipal Panchayat, as the case may be;(l)"Committee" means the District Planning Committee constituted under Section 167 (as amended) of the Act;(m)"Metropolitan Planning Committee" means the Metropolitan Planning Committee constituted under the provisions of Article 243ZE of the Constitution;(n)All other words and terms used but not defined in these Rules shall have the same meaning as assigned to them in the Act.

3. [Numbers of Members of the Committee. [Substituted by Bihar Notification No. 8P/VI-05-111/2016/8970, dated 23.10.2017 (w.e.f. 29.8.2008).]

(1)The total number of members of each District Planning Committee shall be specified by the Government (Panchayati Raj Department) on the basis of total population of the district as per the latest census.(2)At least 4/5 of such specified total number of the members of a District Planning Committee shall be elected from amongst the members of Zila Parishad and Municipalities in the district, in proportion to the population of the rural areas and of the urban areas in the district under the direction, control and supervision of the State Election Commission.(3)Fifty percent of the seats, as far as may be, out of the members to be elected from Zila Parishad and urban local bodies for each District Planning Committee shall remain reserved for women representatives. Where the number of the members to be elected from a local body will be only one, that seat shall be kept open, this is to say that both male and female representatives may present their candidature for being elected from such seat.(4)If no member of Scheduled Castes, Scheduled Tribes or Backward Classes categories from Zila Parishad or urban local bodies is elected as member to the District Planning Committee of a district, the Government shall nominate such number of members from Scheduled Castes, Scheduled Tribes or Backward Classes categories as it deems fit from amongst the members of the Panchayats and Municipalities in the district.(5)The Adhyaksha of Zila Parishad and the Mayor or President of Municipal Corporation or Municipal Council or Nagar Panchayat, as the case may be, having jurisdiction over the headquarters of the districts, shall be ex-officio members of the District Planning Committee.(6)If the number of total elected members of Zila Parishad of the said District for the District Planning Committee is less than the total elected members of Zila Parishad (excluding the Adhyaksha) in the said district, on the basis of percentage of rural population then the number of total elected members of the Zila Parishad shall be treated as the numbers of the members to be elected from that Zila Parishad in the said District Planning Committee:Provided that if number of members specified to be elected from any local body is less than one, one member from that body must be elected for the concerned District Planning Committee.]

4. The following shall be invited permanently in the Committee.

(a)(i)The member of the Lok Sabha representing wholly or partially the territory of the district,(ii)The member of the Rajya Sabha registered as a voter in the district,(ii)All such members of the State Legislative Assembly whose constituencies fall under that district,(iv)The members of

the State Legislative Council registered as a voter in that district,(v)The Chairman of the District Co-operative Bank/District Land Development Bank,(vi)The District Magistrate,(b)(i)Any member of the Committee shall not nominate any person as his/her representative to be present in the meeting of the Committee, on his/her behalf.(ii)If any elected member of the Committee ceases to be a member of Municipal Corporation/Municipal Council/Municipal Panchayat or District Board, as the case may be, he/she will not remain a member of the Committee.(iii)If a post of any elected member of the Committee falls vacant due to his/her death, resignation or by other reason, such vacancy will be filled up for his/her remaining tenure in the manner provided under Rule 6.

5. Chairman of the Committee.

- The Chairman of the District Council shall be the Chairman of the Committee.

6. Election of the members.

- (i) The State Election Commission shall have the right to prepare electoral roll for the election of members of the District Planning Committee and to direct, control and supervise that election, in such manner as it deems fit.(ii)The joint meeting of the elected members of the District Council and all Municipal Bodies shall be convened for Constitution of the District Planning Committee. In the direction, control and supervision of the State Election Commission under Section 167 (as amended) of the Act.(iii)In the direction, control and supervision of the State Election Commission the at least 4/5th members of the total number of members of the Committee specified by the Government shall be elected in prescribed manner from amongst members of the District Council, Councillors of Municipal Panchayat and Municipal Corporation and Municipal Council of the district in the ratio of the population of rural and municipal areas of the district.

7. Vacancies etc. shall not invalidate the proceedings of the Committee.

- Any work or the proceeding of the Committee shall not be invalidated only on the basis of any existing vacancy or fault in the Constitution of the Committee.

8. Meeting of the Committee and Quorum.

- (i) The meeting of the Committee at district headquarter shall be convened on such date and time as may be fixed by the Chairman.(ii)The Committee may invite specialists of the subject matter to be present in its meeting on such conditions as may be prescribed.(iii)In the absence of the Chairman the meeting of the Committee shall be presided over by such member as may be selected by the members of the Committee present in the meeting.(iv)The presence of more than half of the members mentioned in Rule 3 shall make the quorum of the meeting of the District Planning Committee.(v)The Chief Executive Officer of the District Council will be the Secretary of the District Planning Committee and record the proceedings of the Committee.(vi)The District Planning Officer will give advice and extend Co-operation, as desired, to the District Planning Committee in the matter of preparing plan subject to sub-section (6) of Section 88 of the Act.(vii)The District

Magistrate, the Chief Executive Officer and the District Planning Officer shall compulsorily be present in the meetings of the District Planning Committee.

9. Powers and functions of the Committee.

(1) To consolidate the plans prepared by District Board, Panchayat Committees, Gram Panchayat, Municipal Panchayats, Municipal Councils and Municipal Corporations of the district and to make draft of development plan for whole of the district. (2) To identify the local needs and objects within the framework of the National and the State Plan. (3) To collect, compile and update the information regarding the natural and human resources of the district for making solid data-base for decentralised planning and preparing details of the resources of district, town and block. (4) Enlisting the facilities of village, block, town and district level and its mapping. (5) To recommend the policies, programmes and priorities for the development of the district with a view to ensure maximum and justifiable use and exploitation of available natural and human resources. (6) To modify or amend and consolidate five year or Annual Development Plan prepared for rural and municipal areas, keeping in view the overall objectives and strategies of the plan. (7) To present the development plan to the State Government in such manner as may be prescribed. (8) To prepare employment scheme for the district. (9) To prepare estimates of financial resources for financing the district plan. (10) To recommend the regional and sub-regional outlay within the overall framework of the District Development Plan. (11) To identify such plans and programmes for which Institutional Finance is needed and to recommend, keeping in view the forward and backward linkage with the plan. (12) To recommend for ensuring the cooperation of voluntary organisations in the overall development process. (13) To suggest and recommend the State Government regarding such State Regional Plans which have an important relation with the process of the development of the district. (14) To recommend about the site selection for different work and plans. (15) Any such function which may be assigned by the State Government. (16) The issues of mutual general interest of the District Board, Panchayat Committees, Gram Panchayats, Municipal Panchayats, Municipal Corporations and Councils as mentioned in sub-section (7)(a)(i) of Section 167 of the Act as well as the local plan, water and other physical and natural resources, infrastructure, integrated development and environment conservation. (17) Every District Planning Committee shall keep in mind the following points at the time of preparing the draft of the development plan:-(i) Limitation and type of available resources, whether financial or otherwise. (ii) Consultation with the institutions and organisations as specified by the Government.

10. Right to summon other officers in the meeting.

- The District Planning Committee may summon technical officers working in the District for necessary cooperation in the formulation of plan, as the need be the Committee may invite Deputy Chairman of the Regional Development Authority concerned with the district, Chief Executive or Executive Officer of Municipal Corporation/Municipal Council/Municipal Panchayat, as the case may be, having jurisdiction over the District Headquarter, District Planning Officer, District Panchayat Raj Officer or any other District level officers for taking part in the meeting and give necessary advice in the formulation of the Plan.

11. Reconstitution of the Committee.

- After the reconstitution of Metropolitan Planning Committee, the Government may reconstitute the District Planning Committee of the District concerned.

12. Scope of District Plan.

(1)Such subject shall be included in district plan which may be enumerated in the Bihar Panchayat Raj Act, 2006 for rural areas and Bihar Municipality Act, 1922; Bihar Regional Development Authority Act, 1981, Bihar Town Planning and Improvement Trust Act, 1951 and Patna Municipal Corporation Act, 1951 for municipal areas as the case may be.(2)Such matters may also be included in the district plan which are deemed fit or the State Government may direct by order.

13. Finalization of the District Plan.

- The Committee will finalize the draft development plan for the district.

14. Settlement of dispute.

- If any dispute or question arises with respect to the functions of the Committee, its power or jurisdiction or any other matter, that dispute or question will be referred to the State Government and its decision on that shall be final.

15. Power of State Government to assign function to the Committee.

- The State Government by order may assign such functions relating to the coordination and monitoring of district plan to the Committee which cover activities of different departments of the State Government and which it may deem fit.

16. The Committee shall regulate their procedure.

- Subject to the Rules framed by the State Government, the Committee shall regulate their own procedure.

17. Power to remove difficulties.

- If any difficulty arises to give effect to the provisions of these Rules, the State Government may, by order published in the Official Gazette, do any such thing, as per the requirement of the occasion, which may appear necessary and fit for removing the difficulties.

18. Protection of action taken in good faith.

- No suit prosecution or other legal action shall lie against any person for anything done or intended to be done in good faith in pursuant to the Rules made under the Act.