

# **Bihar Municipal Empowered Standing Committee Conduct of Business Rules, 2010**

BIHAR

India

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### **Rule**

### **BIHAR-MUNICIPAL-EMPOWERED-STANDING-COMMITTEE-CONDUCT of 2010**

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Bihar Municipal Empowered Standing Committee Conduct of Business Rules, 2010 Published vide Notification No. 4(N) vidhi 12/07-1113/U.D. & H.D., dated 30.7.2010, Bihar Gazette (Extraordinary) No. 517, dated 30 July, 2010 Notification No. 4(N) vidhi 12/07-1113/U.D. & H.D. - In exercise of the power conferred by under Section 22 read with Section 63 and Section 419 of the Bihar Municipal Act, 2007 (Bihar Act, 11 of 2007) the Governor of Bihar is pleased to make the following Rules, Draft of which is previously Published:-

#### **1. Short Title, Extent and Commencement.**

- (i) These Rules may be called the Bihar Municipal Empowered Standing Committee Conduct of Business Rules, 2010.(ii)It shall extend to the whole of the State of Bihar.(iii)It shall come into force at once.

#### **2. In these Rules.**

(a)"The Act" means Bihar Municipal Act, 2007;(b)"Chief Municipal Officer" means the Chief Municipal Officer of the Municipality as per provision of the Act, who shall have overall control over officers and employees of the Municipalities.(c)"Committee" means the Empowered Standing Committee of the Municipality;(d)"Chairman" means the Chairman of the Committee who shall be the Chief Councillor or the person presiding over the meeting of the Committee in absence of the Chief Councillor;

**3.**

The Committee shall meet at the Municipal Office ordinarily twice in a month generally on first and third Monday at such hours as the Committee may from time to time determine :Provided that if the first or third Monday of any month falls on a Gazetted Holiday, or if the Chairman for any other reason considers such day inconvenient, he may, with reasons to be recorded in writing fix another day for the ordinary meetings.

**4.**

The first meeting of the Committee shall be held on such date and at such time as may be fixed by the Chairman of the Committee.

**5.**

The Chairman of the Committee may call a meeting of the Committee at any time, if necessary, and shall do so within forty eight hours of the receipt of a requisition signed by the Chief Municipal Officer or by two members of the Committee and state the business to be transacted.

**6.**

No business shall be transacted in any meeting of the Committee unless there is a quorum of at least-(a)Four members in the case of an ordinary meeting and a quorum of six members in the case of an emergency meeting of Municipal Corporation.(b)Three members in the case of an ordinary meeting and four members in the case of emergency meeting of the Municipal Council.(c)Three members in the case of ordinary meeting and four members in the case of an emergency meetings of Nagar Panchayat.If quorum is not available within half an hour of the time fixed for the meeting, the Chairman may adjourn the meeting to another date and time and no quorum shall be necessary for an adjourned meeting.

**7.**

The notice for the meeting shall be issued by the Chief Municipal Officer with the approval of the Chairman, at least four days before the date of the meeting, but in case of an emergency meeting the notice may be issued at least 48 hours before the meeting. The Chief Municipal Officer shall send to each member of the committee at least 24 hours previous to the meeting; a list of business as approved by the Chairman, except with the assent of the majority of members present, no business other than those included in the list shall be transacted in the meeting.

**8.**

The items of business shall be taken up for consideration by the Committee in the serial order as mentioned in the list, unless the two third majority of members present, consent to alter the order of

business.

## **9.**

(1)The list of business to be transacted at any meeting of the Committee shall be divided into two parts.(a)Items included in the list of Business officially identified by the Chief Municipal Officer, and(b)Items proposed to be brought before the Committee by any other member in his individual capacity.(2)Items included in the list of Business shall not be required to be moved or seconded but items proposed to be brought before the Committee by any other member in his individual capacity shall have to be moved and seconded before being discussed at the Committee.

## **10.**

The Executive Powers of the Municipality shall vest in the Empowered Standing Committee. Executive Powers shall be used collectively:Provided that administrative control on the Staffs of Municipality shall vest in Chief Executive Officer/ Executive Officer. Resolution shall be passed in the light of orders/directions issued time to time by the State Government.Officially brought agenda shall contain the following-(a)Items relating to the establishment as per provisions of the Act, which includes appointments, promotions, benefits, transfers, disciplinary actions etc of the employees of the Municipality.(b)Items relating to the collection of taxes and fees.(c)Items relating to the financial position of the Municipality.(d)Development activities undertaken and to be undertaken by the Municipal body.(e)Items necessary for effective implementation of the provision of the Act:Provided that all items are to be placed before the Committee by the Chief Municipal Officer and shall be in the form of memorandum which will include the subjects, the status and the proposal to be approved by the Committee. A separate sheet is to be attached under the signature of the Chief Municipal Officer specifying the period by which the proposal approved by the Committee shall be implemented.(4)The Empowered Standing Committee shall not discuss and pass a resolution in(a)any matter/issue which is against the Rules, laws and directives of the State Government;(b)any issue which is subjudice in any court of law and which may affect the interest of Municipality adversely.(5)All issues passed by the Committee shall be placed before the Municipality in its next meeting.

## **11.**

A member who desires to move any motion shall give notice of his intention to do so to the Chief Municipal Officer at least four clear days before the day of the meeting in which such motion is to be brought forward:Provided, that if the meeting is requisitioned under Rule 5, the notice shall be given alongwith the requisition.

## **12.**

All motions and amendments except those official motions and amendments put with the approval of the Chairman must be duly proposed and seconded.

**13.**

The Chairman shall have the power to divide into two or more distinct motions any motion or amendment which, in his opinion is so complicated as is likely to lead to confusion or inconvenience by being voted as one motion.

**14.**

All business which may come before the Committee at any meeting shall be decided by the majority of the members present by voting at the meeting and in case of equality of votes, the Chairman shall have a second or casting vote.

**15.**

The minutes of previous meeting shall be taken as read provided they have been already circulated to the members before confirmation and they have not raised any objection against the minutes recorded prior to the date of the meeting.

**16.**

If any member present draws the attention of the Chairman to any portion of the minutes of the previous meeting as being erroneously entered in the Minute Book, such amendment, as the Chairman deems proper, shall be made before the minutes are signed.

**17.**

The minutes of the Meeting of the Empowered Standing Committee shall be recorded in Hindi (in Devnagri Script.)

**18.**

The Chairman shall decide summarily all points of order of procedure.

**19.**

A motion to adjourn the meeting or to postpone the consideration of a particular question shall always take precedence.

**20.**

Voting shall be by show of hands. Every issue shall be put to vote, both for and against.

**21.**

The Empowered Standing Committee shall not alter or cancel its previous resolution within six months except by a resolution supported by at least two thirds of all the numbers of the Municipality.

**22.**

Questions may be asked by any member for the purpose of obtaining information on any matter or fact pertaining to municipal administration. The Chief Municipal Officer shall furnish replies to the questions on behalf of the administration: Provided that a notice to this effect is given to the Chief Municipal Officer at least four clear days before the day of the meeting in which the question is to be replied: Provided further that if the Chief Municipal Officer is of the view that the information asked for requires voluminous effort, time or money or it is against public interest, he may, with the permission of Chairman of the Empowered Standing Committee decline to give the information or seek time to furnish the information.

**23.**

The recommendations or proposals of the Committee which are required to be approved of or sanctioned by the Municipality shall be communicated to the Municipality under the signature of the Chairman.