

# **Bihar Urban Local Body (Community Participation) Rules, 2013**

BIHAR

India

## **Bihar Urban Local Body (Community Participation) Rules, 2013**

### **Rule**

### **BIHAR-URBAN-LOCAL-BODY-COMMUNITY-PARTICIPATION-RULES-2013**

- Published on 12 April 2013
- Commenced on 12 April 2013
- [This is the version of this document from 12 April 2013.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Urban Local Body (Community Participation) Rules, 2013Published vide Notification No. 977, dated 12.4.2013No. 977. - In exercise of the powers conferred by section 419 of Bihar Municipal Act, 2007 the Governor of Bihar is pleased to make the Bihar Urban Local Body (Community Participation) Rules, 2013, the draft of which is previously published and objections disposed off as required by sub -section (1) of section 419 of the said Act namely:-Preamble: - To frame rules under the Bihar Municipal Act, 2007 for establishment of Ward Committee and Area Sabha with the purpose of ensuring community participation in setting development priorities, framing of schemes and delineating development goals, etc. and to provide for matters connected therewith or incidental thereto-Part-I Preliminary

### **1. Short title, extent and commencement.**

(1)These Rules may be called the Bihar Urban Local Body (Community Participation) Rules, 2013.(2)It shall extend to the whole of the State of Bihar excluding cantonment areas therein(3)It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

### **2. Definition.**

- In these rules unless otherwise requires in the context-(a)"Area" - means an Area as determined in the manner prescribed in sub rule (b) of rule 3(b)"Area Sabha" - means, in relation to an Area, the body of all the persons registered in the electoral rolls pertaining to every polling booth in the Area, in a Municipality;(c)"Budget year" -means the period for which the State government lays down the annual financial statement"(d)"Chairperson" - means the councilor of each Ward who shall be the

chairperson of that Ward committee.(e)"Members" - means and refers to the member of the Ward Committee, elected or nominated as provided under the rules.(f)"Ward Infrastructure Index" - Ward Infrastructure Index means a composite index generated by taking into account the condition of all public infrastructure elements in that Ward.(g)"Ward Committee" -Means the committee constituted under rule 16 of this Rules.(h)"Municipality" - Municipality means an institution -of self-government constituted under section-16 of Bihar Municipal Act, 2007 read with Article 243 Q of the Constitution of India, and includes a Municipal Corporation a Municipal Council and a Nagar Panchayat, referred to in section-13.

### **3. Determination of Areas.**

- The State Government shall by order,(a)determine that municipalities with population of one Lakh fifty thousand and above shall have Area Sabha in each Ward;(b)determine the number of areas in each ward where Area Sabha are to be constituted and the persons who shall be members of an Area Sabha.

### **4. Area Sabha Representative.**

(1)An Area Sabha representative shall be elected from every area with as nearly as possible but not exceeding fifty percent of the total number of Area Sabha Representatives shall be reserved for women by rotation as prescribed by the State Election Commission.(2)The Area Sabha Representative shall convene and conduct the meeting of the Area Sabha and chair its meetings.

### **5. Disqualifications for being an Area Sabha Representative.**

- Any registered voter in an Area of which he is a resident may file his nomination for the office of Area Sabha Representative,(a)unless he is disqualified for being elected as an Area Sabha Representative or is disqualified for the purpose of elections to the Legislature of the State, or elections to the Municipality under any law for the time being in force. Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of eighteen years; or(b)if he is an elected representative under either the Representation of the People Act, 1951, or Bihar Municipal Act, 2007.

### **6. Election of Area Sabha Representative.**

- Election of Area Sabha Representative shall vest in the State Election Commission. Accordingly the superintendence, direction and control of electoral rolls and conduct of election of Area Sabha Representative shall be vested in the State Election Commission.

### **7. Reservation of Seats of Area Sabha Representative.**

(1)The Seats of Area Sabha Representative in the Ward, shall be filled up by persons chosen by direct election from the territory constituencies in Ward and for this purpose, each Ward shall be

divided on the basis of Booth or Booths into territorial constituencies known as Area Sabha according to provisions under Rule-3.(2)In every Ward as nearly as possible but not exceeding fifty percent of the total seats of the Area Sabha Representative shall be reserved for-(a)Scheduled Castes,(b)Scheduled Tribes, and(c)Backward Classes.(3)The number of seats so reserved for Scheduled Castes and Scheduled Tribes shall be as nearly as possible the same proportion to the total number of seats to be filled up by direct election in that Ward as the population of the Scheduled Castes and Schedule Tribes bears to the total population of the area and such seats shall be allotted by rotation to different constituencies in a Municipality under the direction, control and supervision of the State Election Commission in the manner specified by it.(4)After reservation of seats for the Scheduled Castes and the Scheduled Tribes, the number of seats to be reserved for the Backward Classes shall be within the overall limit of fifty percent reservation for the Scheduled Castes, the Scheduled Tribes and the Backward Classes and shall be allotted to the remaining constituencies in the manner specified. Such seats shall be allotted by rotation to different constituencies in the Ward during subsequent elections under the direction, control and supervision of the State Election Commission in the manner specified by it.(5)As nearly as possible but not exceeding fifty percent of the total number of seats reserved under Sub-Rule (2) shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes, as the case may be.(6)As nearly as possible but not exceeding fifty percent of the total number of the seats not reserved for Scheduled Castes, Scheduled Tribes and Backward Classes shall be reserved for women.(7)Such total number of seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes, the Backward Classes and unreserved category may be allotted by rotation under the direction, control and supervision of the State Election Commission, to different constituencies, in a Ward in such manner as may be specified by it.Explanation. - For the removal of doubts it is hereby declared that the principle of rotation for the purposes of reservation of offices for the Scheduled Castes and Scheduled Tribes under this Rule shall commence from the first election held after the commencement of the Bihar Municipal Act, 2007.

## **8. Term of office.**

- An area Sabha Representative shall ordinarily hold office for a duration that is coterminous with that of the Municipality concerned, unless -(a)he resigns his office by notice in writing, under his hand addressed to the Chief Councilor and there upon his office shall become vacant from the date of the notice or(b)his election is void or is deemed to be void, under the provision of any law relating to municipal elections in the state;(c)he incurs any other disqualifications prescribed by or under any law for the time being in force for the purpose of election to the legislature of the State concerned;(d)the entire area of the ward in which his Area is situated, is withdrawn from the operation of this Act under clause (a)(b) of Section - 8, or(e)is recalled under Rule-9 of these Rules.

## **9. Recall of Area Sabha Representative.**

- An Area Sabha Representative may be recalled in the manner prescribed for the recall of Council under Section 17 of the Bihar Municipal Act, 2007

## **10. Functions and Duties of the Area Sabha.**

- An Area Sabha may, having regard to its managerial, technical, financial and organizational capacity, and the actual conditions obtaining in the municipal area, perform and discharge the following functions and duties; namely -(a)to generate proposals and determine the priority of schemes and development programmes to be implemented in the jurisdiction of the Area Sabha and forward the same to the Ward Committee, or in its absence, the Municipality, for inclusion in the developmental plans of the Ward Committee or Municipality as the case may be;(b)to identify the most eligible persons from the jurisdiction of the Area Sabha for beneficiary-oriented schemes such as housing, training, economic development, etc on the basis of criteria fixed by the Government and prepare list of eligible beneficiaries in order of priority and forward the same for inclusion in the developmental plans of the Ward or Municipality;(c)to certify the eligibility of person for various welfare schemes run by Government such as pensions and other economic assistance.(d)to suggest the location of streetlights, street or community water taps, public wells, public sanitation units, community halls and such other public amenity schemes within the area of the Area Sabha;(e)Suggest renovation, upgradation and construction of public parks and their maintenance.(f)to point out the paucity of water supply, road or lighting arrangements in the territory of the Area Sabha and suggest remedial measures for it.(g)to address and monitor issues of public health in the area, especially prevention of diseases, out break of epidemics and incidents of natural calamity and to make arrangements to inform competent authorities about them.(h)To provide and mobilize voluntary labour and contributions in cash and kind for development programmes and to supervise such development works through volunteer teams;(i)to sensitized the members of the Area Sabha towards their duty to pay property tax, service charges and other charges and help in collection of the same.(j)to ensure realisation of yearly tax and non-tax revenue collection targets set by the Ward committee;(k)to impart awareness on matters of public interest such as cleanliness, preservation of the environment and prevention of pollution;(l)to encourage friendship and social harmony between various communities in the Area Sabha and organize cultural and sports activities(m)help the Ward Committee in maintaining cleanliness in the Area.(n)Area Sabha will prepare minutes of the meeting. A copy of minutes shall be sent to Ward Committee & the respective Municipalities

## **11. Rights and Powers of the Area Sabha.**

- An Area Sabha may, subject to the procedures that may be prescribed in this regard, by the government exercise the following rights and powers, namely -(a)to get information from the officials concerned as to the services they will render and the works they propose to do in the succeeding period of three months after the meeting;(b)to be informed by the Ward Committee about every decision concerning the jurisdiction of the Area Sabha, and the rationale of such decisions made by the Ward Committee or the Government,(c)to be informed by the Ward Committee of the follow up action taken on the decisions concerning the jurisdiction of the Area Sabha(d)To receive initial grant from the Urban Local Body for holding of meeting and maintenance of record and accounts.(e)Receive funds from the Urban Local Body for performance of its duties and fulfillments of its goals.

## **12. Capacity Building Orientation.**

- Training and capacity building of the Chairperson and Members of the Area Sabha would be taken up on priority, and adequate provision will be made in the budgets at various levels for this purpose. Assistance of credible NGOS may be enlisted for organising orientation/ training programmes

## **13. Role of ULB.**

- (i) Guide and monitor formation/ functioning of the Area Sabha(ii)Budgetary Provision(iii)Inclusion of Suggestions/ proposals received from the Area Sabha/Ward Committee(iv)Selection of Suitable NGOS(v)Training/capacity building with the help of NGOS

## **14. Complaints.**

- Complaints against the Chairman/Members of Area Sabha and the Ward Committee will be dealt with as per Procedure Prescribed under section 25 (5) of the Bihar Municipal Act, 2007.

## **Part III – Constitution and Governance of Ward Committees**

### **15. Area Sabha Representative to be ex-officio member of Ward Committee.**

- The Area Sabha Representative of any Area shall be a member of the Ward Committee constituted for the Ward within which that Area is situated.

### **16. Constitution of Ward Committee.**

(1)There shall be a Ward Committee for each Ward in a Municipality to be constituted within 6 months of the constitution of the Municipality.(2)Each Ward Committee shall consist of-(a)the Councilor elected from a Ward of the municipality shall be the Chairperson of the Ward Committee of the ward;(b)All elected representatives of the Area Sabhas falling under that Ward, where such Area Sabhas are constituted;(3)A person shall be disqualified for being as a member of the Ward Committee under clause (b) of sub- rule (2) if under the provisions of these rules or any other law for the time being in force, he would be disqualified for being elected as a member of a municipality.(4)The Chief Municipal Officer or the Zonal Officer having jurisdiction of the Ward shall be entitled to take part in the meetings and deliberations of the Ward Committee. The Chairman of the Ward Committee may request the representatives of concerned departments as special invitees to participate in the meetings whenever problem relating to their departments are to be discussed.(5)The Sanitary Inspector, or the Zonal Officer wherever available, or any other official, as notified by the Chief Municipal Officer, shall be the secretary of the Ward Committee. Secretary shall call the meeting of the Ward Committee on date fixed by the Chairperson. All minutes of the proceedings of the meeting of the Ward Committee shall be recorded by the secretary and a copy of minutes of the proceedings of each meeting shall be forwarded by him to the municipality.(6)The term of office of the Member of Ward Committee shall be co-terminus with the term of office of the

municipality. Part-IV Rights and Duties of Ward Committees

## **17. Functions of the Ward Committee.**

- The Ward Committee shall discharge the following functions, namely:-(a)provide assistance in solid waste management in the Ward;(b)supervision of sanitation work in the Ward;(c)provide assistance for the preparation of the development scheme for the Ward;(d)encourage harmony and unity among various groups of people in the Ward;(e)mobilize voluntary labour and donation by way of goods or money for social welfare programs;(f)provide assistance in the implementation of development schemes relating to the Ward;(g)provide assistance for identification of beneficiaries for the Implementation of development and welfare schemes;(h)encourage art and cultural activities and activities of sports and games;(i)ensure people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the municipality;(j)assist in the timely collection of taxes, fees and other sums due to the municipality;(k)maintenance of parks in the Ward;(l)maintenance of street lighting in the Ward;(m)assist the Municipality in realising the yearly collection targets set by municipality for each Ward;(n)perform such other functions as may be assigned to it by the municipality.

## **18. Right of the Ward Committee.**

(1)The chairman and the members of the Ward Committee shall have the right to seek information from the Municipal Officer regarding any matter relating to the Ward.(2)The committee shall make periodical reports to the municipality in respect of the matters specified.(3)Every Ward Committee shall have the right to:(a)Obtain the full Municipal Budget, within such time as may be reasonable, to verify, seek clarifications and suggest changes that need to be incorporated;(b)Obtain the requisite financial and administrative support from the Municipality in managing Bank accounts;(c)Be consulted in the development of land use and zoning regulations within its jurisdiction;(d)Obtain full details on all revenue items including taxes and budgetary allocations which should be presented in a simplified manner which is manageable by the Ward Committee;(e)Get allocation of funds from the Municipality for its functioning and submit accounts of funds used;(f)Have a proportionate claim on Municipal Development expenditures, based on the Ward Infrastructure Index of that Ward compared to the other Wards in the Municipality.

## **19. Duties of the Ward Committee.**

- Every Ward Committee shall have the duty to:(a)Prepare the Ward Plans in a manner consistent with the ULB Plans and complete this exercise within the time specified in Schedule 1 of these Rules;(b)Prepare the Ward budget in accordance with the Ward Plans and complete this exercise within the time specified in Schedule 1 of these Rules;(c)Encourage local-level alternatives for implementation in all the areas that the Ward Committee has responsibility for;(d)Ensure optimal collection of all revenue sources as specified in the Act;(e)Assist in preparing the Ward Infrastructure Index for that Ward.

## Part V – Activities of the Ward Committee

### 20. Activities of the Ward Committee.

- The activities the Ward Committees shall be: (1) Preparation of a Calendar. - At the first meeting of the Ward Committee for each budget year, the Ward Committee shall decide upon specific obligatory agenda for each of the monthly meetings of the Ward Committee, for the remaining months in that year, in addition to the specific obligatory agenda for the first meeting of the following budget year. Nothing in sub rule (1) shall prevent: (i) the convener of a Ward Committee from adding additional agenda for any meeting of the Ward Committee with the approval of the Chairperson. (ii) any other member of the Ward Committee, at a meeting of the Ward Committee, from moving a resolution to add to the specific obligatory agenda decided upon for the meeting in question or any subsequent meeting. (2) Preparation and compilation of plans - The Ward Committee shall prepare the Annual Ward Plan and forward the same to the concerned Municipality for its integration with the Annual Municipal Plan. (3) Preparation of Ward budget - (i) A Ward level budget calendar shall be prepared annually in accordance with, Schedule I. The Ward Committee shall ensure that the budget calendar is strictly adhered to and prepare the budget for their Ward six weeks before the Municipal budget. The Municipality may suggest changes that may be effected into the Ward level Budget after discussion with the Ward Committee. (ii) The Municipality budget shall (a) aggregate all the Ward budgets which have been prepared in accordance with Rule (i) of this Rule. (b) have additional account heads for specific receipts and expenditures at the municipality level. (4) Maintenance of Accounts and Constitution of the Ward Finance Committee. - (i) A committee of three persons shall be constituted in every Ward as the Ward Finance Committee. (ii) The constitution of the Ward Finance Committee shall be through nomination held within one month of the constitution of the Ward Committee. The chairperson shall nominate the members of Ward finance committee. (iii) The Ward Finance Committee shall also appoint from amongst themselves, one person as the Chairperson who shall be the authorized signatory for maintenance and use of accounts. (5) Functions and Duties of the Ward Finance Committee. - (i) The Ward Finance Committee shall prepare the annual budget for the Ward and place it before the meeting of the Ward Committee which will deliberate upon, and approve the budget. The Budget shall be presented by the Ward Finance Committee within seven months from the closure of the previous financial year. (ii) The Ward Finance Committee shall also maintain Ward-level bank accounts for all the receipts and expenditure on activities of the Ward. (iii) The Ward Finance Committee shall ensure that all funds transfers from this account shall be made out to appropriate account heads of the municipality. (iv) The Ward Finance Committee shall present accounts every 3 months at the meeting of the Ward Committee. (v) The Ward Finance Committee shall prepare a quarterly report of the financial transactions of the Ward Committee, which shall include details of its receipts and expenditures and also its projections and suggestions for the next quarter. This report shall be made available to every member of the Ward Committee one week prior to the designated meeting for discussion of the report. (vi) The report of the Ward Finance Committee shall be made available for public scrutiny. (6) Penalties. - (i) Non-compliance of the provisions of (2) (i)-(iv) above would incur penalty for the concerned member in default. (ii) The Chairperson of the Ward Committee shall take appropriate action, including penalty to the Ward Committee member after giving adequate notice in writing and reasonable opportunity to be heard to the

nominee; Provided that if the Chairperson of the Ward Committee deems it necessary to impose a fine or other such penalty, the decision shall come into force only upon it being approved by a majority vote at the meeting of the Ward Committee; Provided further that the power to impose penalty shall not extend to the dismissal of the concerned Ward Committee member. (7) Perusal of Bills. - (i) For every expenditure, the members of the Ward Committee shall make requisition for the required amount from the Chairperson and will present bills for the expenditure incurred. (ii) The Chairperson shall make available the sum so requisitioned having regard to the budgetary allocation. (8) Accounts of the Area Sabha and Ward Committee should be audited annually and reports presented in the annual general meeting of each of such unit, besides internal audit by municipality and quarterly simple reports.

## **21. Supervisory Mechanism.**

(1) The municipality shall take up the responsibility of providing administrative and infrastructure support to the Ward Committee for its proper functioning. (2) The Ward Committee shall create mechanisms for checks and balances over the government personnel in their Ward. Ward Committees shall have the power to recommend to the competent authority for imposition of penalties in respect of a municipal employee for misconduct and negligence of duties

## **22. Ward Development.**

- In every ward a Ward Information and Statistics Committee shall be formed for various developmental and planning works. The constitution and functions of the Committee shall be as given below. (1) Constitution of the Ward Information and Statistics Committee (i) A committee of 3 persons shall be constituted in every Ward as the Ward Information and Statistics Committee. (ii) The constitution of the Ward Information and Statistics Committee shall be through nominations by the Chairperson within one month of the constitution of the Ward Committee. Provided that members of the Ward Finance Committee shall not be members of the Ward Information and Statistics Committee. (iii) The Ward Information and Statistics Committee shall also appoint from amongst themselves, one person as the presiding member who will preside over the meetings of the Ward Information and Statistics Committee. (2) Duties of the Ward Information and Statistics Committee (i) It shall be the duty of the Ward Information and Statistics Committee to compile, maintain and update annually the following information about the Ward in the format prescribed by the concerned Municipality for this purpose. Such information shall include: (a) Economic Information including the number and nature of commercial establishments in the Ward and employment data in these establishments; (b) Information relating to Land Use including the changes in patterns of land use data relating public spaces and civic amenity sites traffic patterns and public transportation hubs and preservation and restoration of environment, natural resources and heritage sites; and (c) Infrastructure Index including the extent of infrastructural development, current and pending projects, and the infrastructural requirements of the Ward. (ii) The report prepared in accordance with sub rule 22(2)(i)(b) shall be used by the Ward Committee for suggesting ideas for consideration in making of the Zoning provisions. It shall be made available on a quarterly basis to the meetings of the Ward Committee, reflecting changes since the presentation of the previous report. (iii) The report prepared in accordance with 22(2)(i)(b) above



shall be used by the Ward Committee in allocation of development expenditure by the Ward Finance Committee. It shall be made available on a quarterly basis to the meeting of the Ward Committee reflecting changes since the presentation of the previous report.(iv)Spatial Planning: The Ward Committee shall:(a)participate in all development plans of the city(b)enforce zoning and land use regulations(c)participate in the creation and enforcement of new instruments like transferable development rights, etc.

### **23. Comprehensive intervention for urban poor activities.**

- The Ward Committee shall be responsible for(i)integrating all existing activities undertaken by the Municipality.(ii)preparing and maintaining beneficiary list for all the programmes and schemes undertaken by the municipality in co ordination with the relevant government agencies(iii)preparing a report on the housing and public distribution system in each Ward.

### **24. Alternative Options.**

- Without prejudice to the generality of the foregoing provision,(a)Ward Committee shall be responsible for decentralized management of the following functions:(i)primary collection of Solid Waste and decentralized management of solid waste;(ii)de-silting of drains;(iii)maintenance of street-lights;(iv)maintenance of parks,(v)de-weeding of ponds(vi)Road works including construction, maintenance and restoration of ; and(vii)General beautification of the locality.(b)the Ward Committee shall be specifically empowered to examine various alternative implementation options in the above mentioned areas(c)the proposal with respect to the alternative implementation option by the local committees shall be submitted to the Ward Committee and shall be taken up for discussion at the next meeting of the Ward Committee.Part-VI Functioning of Ward Committees

### **25. Additional Meetings of Ward Committee.**

- It shall be the duty of the Ward Committee Chairperson to conduct Ward Committee meetings at least annually for consultation on, the following subjects:-(i)Preparation of Ward Plan;(ii)Preparation of Ward Budget;(iii)Preparation of Ward maps, Ward infrastructure index and other alternate functions.

### **26. Agenda.**

- The Chairperson shall set the agenda for each Ward committee meeting.

### **27. Preparation of Ward Budget.**

- To facilitate the proper preparation of the budget, a Ward Committee meeting shall compulsorily be held at least three weeks before the preparation of the Ward Budget. All reports presented by the Ward Finance Committee shall be discussed.

## 28. Procedure for Conducting Ward Committee meetings.

- Following procedure shall be followed while conducting meetings of the Ward Committee: (i) Reasonable notice of the Ward Committee meetings should be given at least one week in advance and placed in the notice boards of all municipality offices in the Ward. (ii) All residents of the Ward shall be entitled to participate in the Ward Committee meeting. The media will be encouraged to actively participate in the proceedings. (iii) Minutes of the Ward Committee meetings shall be maintained. These minutes shall be made available to the general public for perusal. They shall be kept at the office of the Ward Committee. (iv) These minutes shall be presented at the next meeting of the Ward Committee and this information shall be made use of by the appropriate sub-committees in their functions. (v) Grievances : Grievances for not holding or improperly conducting the affairs of the Ward Committee shall be addressed to the Chairperson of the Ward Committee. The Chairperson shall take appropriate action, including penalty to the Ward Committee member after giving adequate notice in writing and reasonable opportunity to be heard to the nominee; Provided that, if the Chairperson deems it necessary to impose a fine or other such penalty, the decision shall come into force only upon it being approved by a majority vote at the meeting of the Ward Committee;

## 29. Removal of difficulty.

- If any difficulty arises in giving effect to the provisions of the Rules the State Government may, to remove the difficulty by an order which is inconsistent with the provision of these Rules.

I

### Budget Calendar

Month	Activity
April	Area Plan
May	Ward Plan
June	Ward Pan
July	Area Budget
August	Area Budget
September	Ward Budget
October	Ward Budget Municipalities
November	Budget Municipalities
December	Budget
January	Works Review