

Bihar Municipality Disclosure Act, 2008

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India

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Act 25 of 2008

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Bihar Municipality Disclosure Act, 2008 Bihar Act 25 of 2008 Published in Bihar Gazette (Extraordinary) dated 11.8.2008. Preamble. - An Act to provide for transparency and accountability in the functioning of municipalities. Be it enacted by the Legislature of State of Bihar in the Fifty Ninth year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Bihar Municipality Disclosure Act, 2008. (2) It shall extend to such municipalities as may be notified by the State Government from time to time; (3) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Definition.

- In this Act unless there is anything repugnant in the subject or context: (1) "Assets" means all immovable assets vested in the municipality; (2) "Municipality" means an institution of self-government constituted under Bihar Municipal Act, 2007 read with Article 243-Q of the Constitution of India.

3. Obligation of Municipality.

- Every municipality shall maintain and publish all its records duly catalogued and indexed, in a manner and form which enables the municipality under this Act to disclose the required information as specified in Part-A and Part-B of Appendix to this Act at quarterly intervals;

4. Manner of Disclosure.

- Manner of Disclosure shall include-(a) Newspapers in regional, Hindi and English language; (b) Website; (c) Notice board of the municipality; (d) Ward Offices; (e) Any other mode, as

may be prescribed, by the State Government under this Act, Rules or Notification issued from time to time.

5. Liability of the Municipality.

- Any Municipality, which does not make the disclosure as prescribed under Section 3 of this Act shall be liable to be proceeded against in accordance with sub-section (5) of Section 25 of the Bihar Municipal Act, 2007. Appendix Part-A

1. Particulars of the Municipality;

2. A statement of the boards, councils, committees and other bodies consisting of two or more person constituted as its part or the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible for public;

3. A directory of its officers and employees;

4. The particulars of officers who grant concession, permits or authorisation for each activity.

Part-B

1. Audited financial statements of Balance Sheet, Receipts and Expenditures, and Cash Flow on a quarterly basis, within two months of end of each quarter, and statutorily audited financial statements for the full financial year, within three months of the end of the financial year;

2. The service levels being provided for each of the services being undertaken by the municipality;

3. Particulars of all plans, proposed expenditures, actual expenditures on major service provided or activities performed and reports on disbursements made;

4. Details of subsidy programmes on major services provided or activities performed by the municipality and manner and criteria of identification of beneficiaries for such programmes;

5. Particulars of the Master plan, City Development Plan or any other plan concerning the Development of the municipal area;

6. The Particulars of major works as may be defined in the Rules to be made under this Act, together within information on the value of works, time of completion and details of contract;

7. The details of the municipal funds i.e., income generated in the previous year by the following:-

(a) Taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission; (b) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permission that remain uncollected and reasons thereof; (c) Share of taxes levied by the state Government and transferred to municipality and the grants released to the municipality; (d) Grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the municipality the nature and extent of utilisation; (e) Money raised through donation or contribution from public or non Governmental Agencies;

8. Annual budget allocated to each ward.

9. Such other information as may be prescribed by the State Government under Part-A or Part-B.