

# **Bihar Gram Panchayat (Appointment of Secretary, Rights and Duties) Rules, 2011**

BIHAR

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### **Rule**

### **BIHAR-GRAM-PANCHAYAT-APPOINTMENT-OF-SECRETARY-RIGHTS of 2011**

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Bihar Gram Panchayat (Appointment of Secretary, Rights and Duties) Rules, 2011Published vide Notification No. 8P/VI-4-101/2010/P.R./4738, dated 06.07.2011Last Updated 1st February, 2020No. 8P/VI-4-101/2010/P.R./4738. - In exercise of the powers conferred by the Article 146 of the Bihar Panchayat Raj Act, 2006 (The Bihar Act 6, 2006) the Governor of Bihar makes the following Bihar Gram Panchayat (Appointment of Secretary, Rights and Duties) Rules, 2011 : -

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

(1)These Rules may be called the "Bihar Gram Panchayat (Appointment of Secretary, Rights and Duties) Rules, 2011".(2)It shall extend to whole of the State of Bihar.(3)It shall come into force from the date of issue of this notification.

### **2. Definitions.**

- Unless there is anything repugnant in 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)"Gram Panchayat" means the Autonomous Institution constituted under Section 11 of the Act;(e)"Panchayat Samiti" means the Panchayat Samiti constituted under Section 34 of the Act;(f)"Zila Parishad" means Panchayat at the District Level constituted under Section 62 of the Act;(g)"Mukhiya" means the elected Mukhiya of Gram Panchayat under the provisions of the Act;(h)"Members of Gram Panchayat" means the elected members of that Gram Panchayat under clause (b) of sub-section-(l) of Section 12 of the

Act;(i)"Gram Sabha" means the body constituting the persons registered in the electoral roll relating to any village falling within the area of a Panchayat at village level;(j)"Secretary" means the Secretary of any Gram Panchayat appointed by the State Government under Section 32 of the Act;(k)"Executive Officer" means the Executive Officer of the Panchayat Samiti appointed under Section 60 of the Act;(l)"Commission" means the Bihar Staff Selection Commission; and(m)All words and expressions used in these Rules but not defined shall have the same meaning as are respectively assigned for them in the Act.

### **3. Provision of Gram Panchayat Secretary for each Gram Panchayat.**

(1)One employee shall be appointed by the State Government in each Gram Panchayat for proper execution of the works devolved to the Gram Panchayats. This employee shall be designated as Gram Panchayat Secretary.(2)All Panchayat Sewaks so appointed till date shall be appointed as Panchayat Secretary of any Gram Panchayat.(3)Appointment may be made to the remaining vacant posts of Gram Panchayat Secretary under provisions of these Rules, but till such appointment are made, action of appointment to fill up the vacant posts shall be taken in accordance with provisions under sub-rule (4) & (5) of the Rule 3.(4)The State Government may, by a notification, from time to time, also appoint such suitable employees of other departments viz. - Jansewak, Revenue Staff, to work as Gram Panchayat Secretary which will be in addition to their basic duty and issue necessary instructions from time to time. No additional/special allowance shall be payable to such employees for this purpose.(5)The employees appointed to work on the posts of Gram Panchayat Secretary shall continue to draw their salaries from their parent departments/offices as before.

### **4. Appointment to the posts of Gram Panchayat Secretary.**

(1)There shall be cent percent direct appointment to the posts of Gram Panchayat Secretary.(2)Every year as on the 1st April, after assessing vacancies and getting clearance of Roster as per the actual and probable vacancies, a reservation category wise requisition shall be sent to the Commission by the District Magistrate.(3)The District Magistrate shall be competent authority for appointment on the post of Gram Panchayat Secretary. There cadre shall be of district level. The following will be the prescribed qualification to this post for direct recruitment: -(a)Essential Qualification. - Passing Higher Secondary/ Intermediate or equivalent examination from recognized educational institution by Government.(b)Age Limit. - The age limit for candidates for general competitive examination shall not be less than 18 years as on the date fixed by the Commission, and should not exceed the maximum age limit determined by the Government (General Administration Department) from time to time. ^ (4)Desirable Qualification. - Knowledge of computer application (viz. Computer typing and MS-Office) shall be considered as desirable qualification. Such candidates, who do not have knowledge of computer application at the time of participation in the open competitive examination, but possess prescribed qualification, may take part in the examination:Provided that they shall have to attain the desirable qualification as fixed by the Notification no. 1609 dated 24.5.2011 of the General Administration Department during the probation period prescribed under Rule 5, otherwise their services shall not be confirmed and the services shall be terminated.(5)The Commission shall advertise the number of vacant posts of Gram Panchayat Secretary through an open advertisement in the manner which it may deem fit and invite

applications from the eligible candidates for appointment. The Commission shall hold open competitive examination in accordance with the Conduct of Examination Rules as prescribed for by the General Administration Department and recommend the names of successful candidates from amongst the merit list, prepared on the basis of the examination.(6)Such Dalpatis, who possess of requisite qualification, but don't have eligibility to participate in the open competitive examination to be held by the Commission due to expiry of upper age limit, and, if, they attain this eligibility on grant of condonation of age by the Government/Department, then they can be granted age relaxation in accordance with Rules, so that they can take part in the competitive examination, but they will have to succeed in the open competitive examination.They will not get any priority or weightage in the competitive examination on account of being Dalpati.They will have to appear in the competitive examination like other candidates and if they get a place in the merit list then only their names shall be recommended on that basis by the Commission.

## **5. Probation and Period.**

(1)The candidates, recommended by the Commission, as per provisions under Rules 4(5) and 4(6), shall be appointed by the competent authority on the post of Panchayat Secretary on probation for a period of two years. During those two year probation period, it shall be mandatory for the persons appointed on probation that after completing the training course, prepared by the department under Rule 6, to pass in the departmental examination connected with the training course, shall have to attain the desirable qualification as provided for and in the manner as prescribed under the notification of the General Administration Department as per Rule 4(4), and shall have to render satisfactory service during the probation period, after which only their services can be confirmed by the competent appointing authority, otherwise, their services shall be terminated.(2)The competent authority if satisfied that any person appointed on probation could not succeed in meeting the conditions for confirmation due to special circumstances and reasons, for which He/She finds appropriate to grant additional time, the competent appointing authority may extend the probation period of such person appointed on probation for additional one year recording the grounds in a reasoned order. If in the extended period of probation the person still does not pass in the departmental examination, or is not able to attain the desirable qualification as prescribed by Rule 4(4) or does not render satisfactory services, his service shall not be confirmed and service of such person appointed on such probation shall be terminated.

## **6. Training.**

- The person appointed on probation on the post of Gram Panchayat Secretary shall have to complete the training program prescribed by the regulation made by the department under this Rule and have to pass the department examination prescribed under the said Rule.

## **7. Reservation.**

- The provisions of roster/reservation made by the State Government from time to time shall be applicable in appointment to the post of Gram Panchayat Secretary.

## **8. Control over Gram Panchayat Secretary.**

- The employees appointed as Gram Panchayat Secretary shall work under the full control of the Gram Panchayat, but their salary, etc. shall be paid by the Executive Officer, Panchayat Samiti on the basis of the absentee statement given by the Gram Panchayat.

## **9. Service Conditions.**

(1)The Panchayat Sewak (as a Gram Panchayat Secretary) brought under the control of the Gram Panchayat shall be a state employee. The matters related to their services shall be disposed in accordance with the provisions of the relevant service Rules. (2)The pay, allowances etc. sanctioned from time to time by the State Government shall be payable.

## **10. Duties and functions of Gram Panchayat Secretary.**

(1)The Secretary shall be the office-in-charge of the Gram Panchayat and execute all its functions and exercise all powers conferred or delegated under the Act or any Rules or bye-laws made under the Act. (2)The Gram Panchayat Secretary shall remain present in the panchayat office regularly during the office hour and work under the directions of Mukhiya. (3)He/She shall regularly mark his/her signature in the register maintained in the Gram Panchayat for this purpose. (4)In case a Secretary is in the charge of more than one Gram Panchayat the B.D.O./Executive Officer while informing the Mukhiya of concerned Gram Panchayats, shall fix the days of every week on which he/she shall be present in any particular Gram Panchayat and in such cases he/she shall mark his/her signature only for those days only. (5)For the payment of salary of Gram Panchayat Secretary, the Mukhiya shall send the absentee report to the Executive Officer of the Panchayat Committee on 20th of every month. No salary shall be payable for the period of absence unless the leave has been granted for that period. (6)The casual leave of Gram Panchayat Secretary shall be granted by the Mukhiya of concerned Gram Panchayat and such granted leave to be intimated to the Executive Officer, Panchayat Samiti. It shall be the duty of Gram Panchayat Secretary to inform concerned Mukhiya regarding the leave (Granted leave) other than the casual leave granted to him/her by the Executive Officer. He/She shall enter such leave in the attendance register. Such leave shall be granted on the recommendations of Mukhiya of the concerned Gram Panchayat. (7)He/She shall intimate the dates of general and special meetings of Gram Panchayat to be held, as determined by the Mukhiya, to the members and officers as prescribed by the State Government and affix it on the notice board of the Gram Panchayat. If the Mukhiya fails to convene the special meeting provided in subsection (2) of Section 20 of the Act, the Up-Mukhiya or in his/her absence the Secretary of the Gram Panchayat, on written request of one third members of total members, shall issue a notice for convening a special meeting and take such action for convening meeting as may be necessary. (8)He/She shall assist the Mukhiya in constituting the standing committees of Gram Panchayat and organising its meetings and record the proceedings of the meeting of the standing committee. (9)He/She shall cause to convene the meetings of Gram Sabha under the direction of the Mukhiya and record the proceedings of Gram Sabha and place it in the meetings of Gram Panchayat for consideration. (10)He/She shall execute the order of the Gram Panchayat quickly and attend the meetings of Gram Panchayat regularly and timely record the

proceedings correctly and to be the custodian of files, records and registers of Gram Panchayat.(11)He/She shall receive money on behalf of Gram Panchayat, credit it to panchayat fund, maintain books of account in the forms prescribed by the Government, prepare the budget of the Gram Panchayat and shall submit all information and prescribed report and statement to Gram Panchayat/Panchayat Samiti on prescribed dates.(12)Ensure all payments of expenditure sanctioned by the Gram Panchayat and ensure monthly expenditure report and utilisation certificate and compliance and abrogation of audit objections.(13)The drawl of money from Gram Panchayat fund shall be made through cheque issued in the joint signatures of Secretary and Mukhiya of the Gram Panchayat. If the Secretary of the Gram Panchayat is satisfied that any amount is being withdrawn by Mukhiya in contravention of Rules, he/she shall immediately intimate the fact to the Executive Officer of Panchayat Committee in writing and after receiving the clear order from the Executive Officer or other competent authority take further appropriate action.(14)He/She shall prepare the demand of taxes/fees/duties leviable by the Gram Panchayat and recover those and credit to the Panchayat fund.(15)He/She shall cause to be prepared the annual agenda to be placed before the meeting of the Gram Sabha Convened in the last trimester of the financial year and forward it to the Panchayat Committee for approval.(16)He/She shall cause the priority of plans to be decided in the Gram Sabha keeping in mind the possible allotment of funds.(17)He/She shall cause the sanctioned plan executed under the supervision of the committee of members.(18)He/She shall maintain the muster roll and other accounts of ongoing plans in accordance with the terms and conditions of the sanction.(19)He/She shall ensure the maintenance of quality and technical specifications of the plans.(20)He/She shall intimate Junior Engineer of the Panchayat Committee about the completion of plans within one week from the date of completion and obtain the completion certificate within one month.(21)He/She shall maintain a Parivarik Panji(Family Register) in which necessary information related to every member of the Panchayat will be entered.(22)He/She maintain a Kendriya Yojana Panji (Central Scheme Register) in which details of all the schemes, including other departments schemes, executed or to be executed will be entered.(23)He/She shall accompany the members of the Committee to survey the cases of encroachments of cultivable land and pasture land in the month of July and January every year.(24)He/She shall keep a survey register for such encroachment and report such cases to the Panchayat/Circle Officer for necessary action in accordance with the law of Gram Panchayat/revenue.(25)He/She shall make arrangement to purchase articles on competitive price as per prescribed procedure.(26)He/She shall assist the Gram Panchayat/Mukhiya in efficient performance of the functions assigned to the Gram Panchayats.(27)He/She shall maintain the birth and death, marriage registration register and make necessary entries regularly.(28)He/She shall organise the meetings of Vigilance Committees of Gram Sabha and assist the members of the Vigilance Committee.(29)He/She shall coordinate with the employees of concerned departments for appropriate performance of works/responsibilities assigned to Gram Panchayats by different departments and assist in the implementation of all such programmes.(30)He/She shall draw timely attention of Mukhiya towards his duties provided in Section 17 of the Act.(31)He/She shall discharge such other function which may be assigned to him/her by Panchayat/Panchayat Committee/Government from time to time.

## **11. Annual Report regarding the execution of works of Gram Panchayat Secretary.**

- The Mukhiya shall send his/her comments about the performance of duties mentioned above by the Gram Panchayat Secretary to Block Development Officer/Executive Officer who shall enclose such remarks with the annual work evaluation of the said Gram Panchayat Secretary.

## **12. Discipline and Appeal.**

- Disciplinary action against the members of this service shall be taken in accordance with the provisions of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005.

## **13. Power to make regulations.**

- The State Government may make regulations to give effect to the provisions of these Rules.

## **14. Saving.**

- Notwithstanding the repeal of Bihar Panchayat Raj Act, 1947 (Bihar Act 7,1947) the appointments of the Panchayat Sewaks made under Section 77 of the said Act and directions issued in this regard from time to time by the Government shall continue to be valid.

## **15. Miscellaneous.**

- The State Government may explain any provision of the Rules by a notification/instruction and remove the difficulties arising in its implementation.