

# **Jharkhand Area Autonomous Council Rules, 1996**

JHARKHAND

India

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### **Rule**

### **JHARKHAND-AREA-AUTONOMOUS-COUNCIL-RULES-1996 of 1996**

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Jharkhand Area Autonomous Council Rules, 1996Published vide Notification No. G. S. R. 3, Bihar Gazette (Extraordinary) dated 4.2.1997G. S. R. 3, dated the 4th February, 1997 [Published in Bihar Gazette (Extraordinary) dated 4.2.1997. - In exercise of the powers conferred by Section 43 of the Jharkhand Area Autonomous Council Act, 1994 (Bihar Act 13 of 1994), the Governor of Bihar is pleased to make the following Rules:-

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

(1)These rules may be called the Jharkhand Area Autonomous Council Rules, 1996.(2)It shall come into force with immediate effect.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires-(a)"Act" means the Jharkhand Area Autonomous Council Act, 1994 (Bihar Act, 13 of 1994);(b)"Vacancy" means vacancy caused in terms of Section 9 of the Act;(c)"Chairman" means the Chairman of the Council;(d)"Vice-Chairman" means the Vice-Chairman of the Council;(e)"Chief Executive Officer" means the Chief Executive Officer appointed under Section 32 of the Act;(f)"Motion" means a proposal relating to any matter which may be discussed by the Council and made by a member for the consideration of the Council and includes resolutions or an amendment to a motion;(g)"Department" means department specified in Schedule A of these rules.

### **3. Constitution of the Council and the Executive Council.**

(1)The State Government shall establish by publishing a notification in the official gazette of the State, the Jharkhand Area Autonomous Council in accordance with the provisions of Sections 3, 15 and 16 of the Act as follows:-(a)A Chairman who shall be a member of the Scheduled Tribes and selected by the elected members of the Council from amongst themselves.(b)A Vice-Chairman who shall be nominated by the Chairman from amongst the members.(c)Directly elected members not exceeding one hundred and sixty.(d)Nominated members not exceeding eighteen.(2)The notification shall also prescribe the headquarters of the Council.(3)The State Government shall similarly constitute the Jharkhand Area Autonomous Executive Council in accordance with the provision of Section 21 of the Act as follows:-(a)The Chairman of the Council shall be ex-officio Chief Executive-Councillor.(b)The Vice-Chairman of the Council shall be the ex-officio Vice-Chief Executive Councillor.(c)Members of the Executive Council, not exceeding nineteen in number, shall be nominated by the Chief Executive Councillor from amongst the members of the Council.(d)In nominating the members of the Executive Council the Chief Executive Councillor shall give, as far as possible, proper representation to the Scheduled Castes, Scheduled Tribes, Backward Classes, Minorities and Women.

### **4. Constitution of Interim Council and Interim Executive Council.**

(1)The State Government may constitute by publishing a notification in the official gazette of the State an Interim Jharkhand Area Autonomous Council in accordance with the provision of Section 23 of the Act as follows:-(a)A Chairman who shall be a member of the Scheduled Tribes nominated by the State Government.(b)A Vice-Chairman who shall be nominated by the State Government.(c)Not more than one hundred and eighty members (including the Chairman and Vice-Chairman) nominated by the State Government of whom fifty per cent shall be from the members of the Lok Sabha and Legislative Assembly representing the constituency which lies wholly or mostly in the area specified in sub-section (2) of Section 1 of the Act, and from the members of the Rajya Sabha and Legislative Council who are inhabitants of the aforesaid area, and the remaining fifty per cent members nominated by the State Government from amongst the persons who are inhabitants of the area and have interest in its development.(2)The State government may similarly constitute an Interim Jharkhand Area Autonomous Executive Council in accordance with the provisions of Section 21, 23 and 36 of the Act as follows :-(a)The Chairman of the Interim Council shall be the ex-officio Chief Executive Councillor.(b)The Vice-Chairman of the Interim Council shall be the ex-officio Vice-Chief Executive Councillor.(c)Members of the Interim Executive Council, not exceeding nineteen in number, shall be nominated by the State Government from amongst the members, of the Interim Council.(d)In nominating the members of the Interim Executive Council the State Government shall give as far as possible proper representation to the Scheduled Castes, Scheduled Tribes, Backward Classes Minorities and Women.

### **5. Nomination of Presiding Officer.**

- The State Government shall nominate a Presiding Officer from amongst the elected members for conducting the election of the Chairman of the Council. The Presiding Officer shall determine the

procedure for election of the Chairman.

## **6. Election of the Chairman.**

(1)The election of the Chairman shall be held on such date, time and place as the Presiding Officer may fix, and the Secretary shall send to every elected member notice of this date, time and place.(2)At any time before noon on the day preceding the date so fixed, any member may give notice in writing addressed to the Secretary of a motion that another member be chosen as the Chairman of the Council and this notice shall be seconded by a third member and shall be accompanied by a statement by the member whose name is proposed, in the notice that he is willing to serve Chairman, if elected, provided that a member shall not propose his own name or second a motion proposing his own name, or propose or second more than one motion.(3)A member in whose name a motion, stands on the list of business may, when called, move the motion or withdraw the motion and shall confine himself to a mere statement to that effect, provided that a candidate may also withdraw his candidature any time before the motion is put to vote.(4)The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided, if necessary, by division. If any motion is carried, the person presiding shall without putting later motions, declare that the member proposed in the motion which has been carried, has been chosen as the Chairman (of the Council).

## **7. Vacancy of seats in the Council.**

(1)Before making a declaration under sub-section (2) of Section 9 of the Act or a reference under sub-section (3) of Section 9 of the Act, the Council shall give a reasonable opportunity to the member, in regard to whom such declaration or reference is sought to be made, to explain his conduct.(2)The State Election Commission shall give its decision under sub-section (3) of Section 9 of the Act after giving the member concerned reasonable opportunity of being heard and after holding such inquiry as the Commission may deem fit.(3)A penalty under sub-section (4) of Section 9 of the Act may be imposed after giving to the person concerned reasonable opportunity of being heard.

## **8. Casual vacancy.**

(1)Any casual vacancy caused in the Council shall be filled by nomination or election as the case may be, of another person who shall fill such vacancy for the unexpired period of the term for which the member in whose place such person is nominated or elected would otherwise have continued in office.(2)The Secretary shall inform about such vacancy to the State Election Commission of Bihar Legislative Assembly or the State Government as the case may be.

## **9. Honorarium and allowances of Chairman, Vice-Chairman, Members.**

(1)Record of payments of all honorariums and allowances under Section 26 of the Act shall be maintained in a separate register in the office of the Council under the charge of an officer

authorized by the Chief Executive Officer for such purpose.(2)Daily allowances to the members of the Council shall be paid after verification by the Chief Executive Officer or any other officer authorized in this behalf from the register kept in the office of the Council for signature of the members attending the meetings of the Council.(3)All travelling allowance bills for reimbursement of the fare actually paid under Section 26 of the Act shall be submitted in the forms prescribed for gazetted government servants to the Chief Executive Officer or any other officer authorized by him in this behalf and such bills shall be processed in accordance with the rules of the State Government.(4)The payment of all honorariums and allowances shall be in such mode as may be decided from time to time by the Chief Executive Officer.

## **10. Meeting of the Council.**

(1)All the meetings of the Council shall be held in accordance with provisions of Section 27 of the Act.(2)The Chairman shall appoint the date, time and place for a meeting of the Council and the Secretary shall issue call letter to each member specifying the date, time and place so appointed, provided that when a meeting is called at short notice of emergently for the disposal of indispensable works, an announcement of the date, time and place of the meeting may be published in press and members may be informed by telegrams or any other means of communications.(3)The business of the Council shall be transacted in Hindi in Devnagri script.

## **11. Termination of meeting.**

(1)On the termination of meeting all pending matters except those consideration of which has been adjourned to the next meeting under these rules, shall lapse.

## **12. Dissolution of the Council.**

- On the dissolution of the Council, all pending matters shall lapse.

## **13. Presiding Members.**

(1)As soon as may be after commencement of every meeting the Chairman shall nominate not more than three members of the Council to constitute a panel of Presiding Members, any one of whom may preside over the meeting in the absence of the Chairman and the Vice-Chairman in this behalf.(2)Any member at the request of the Chairman or the Vice-Chairman or the Presiding Members, who ever may be presiding at the time, may take the Chair temporarily as acting Presiding Member when the other Presiding Members are absent or otherwise unavailable for presiding.(3)Power of persons (other than Chairman) presiding:-The Vice-Chairman or any Presiding Member of the Council or any other member of the Council shall, when presiding over a meeting of the Council, have all the powers of the Chairman when so presiding and all references to the Chairman under these rules shall, in these circumstances, be deemed to be references to any person so presiding.

#### **14. Roll of Members.**

- There shall be a Roll of Members of the Council which shall be signed by every member in the presence of the Chairman before taking his seat for the first time.

#### **15. Time of Meeting.**

- The meetings of the Council shall, subject to the direction of the Chairman, ordinarily commence at 11 A.M. and ordinarily terminate at 4 P.M.

#### **16. Adjournment of Meeting.**

- The Chairman may, without discussion or vote, adjourn any meeting sine die or to any part of the same day or to any future day and hour to be named by him: Provided that the Chairman may, if he thinks fit, call a sitting of the Council before the date or time to which it has been adjourned or at any times of the meeting has been adjourned sine die.

#### **17. Quorum.**

- If at any time after the commencement of the business of the day any member draws the attention of the Chairman to the fact that in accordance with Section 28 of the Act, there is not a quorum of members present, the Secretary by the direction of the Chairman shall ring the bell for five minutes and if at the end of five minutes, there be not a quorum present the Chairman shall adjourn the meeting to some later hour of the same day or the next sitting day.

#### **18. Programme of a meeting and List of Business.**

(1) A provisional programme for a meeting or a part of a meeting shall be dispatched by the Secretary to each member ordinarily at least seven days before the commencement of the meeting. (2) A list of business for the day shall be prepared by the Secretary and a copy thereof shall be made available for the use of every member: Provided that the Secretary may prepare a combined list of business for more than one day. (3) Save as otherwise provided in these rules, no business not included in the list of business for the days shall be transacted at any meeting without the leave of the Chairman. (4) No business shall be transacted except in the order in which it appears in the list of Business save with the leave of the Chairman.

#### **19. Business outstanding at end of day.**

- All business appointed for any day and not disposed of on that day shall stand over until the next day of the meeting.

## **20. Time for question.**

- Unless the Chairman otherwise directs the first hour of every meeting shall be available for the asking and answering of questions.

## **21. Giving of notice by members.**

(1) Every notice required by these rules shall be given in writing addressed to the Secretary at the Council office which shall be open for this purpose between the hours of 10-30 A.M. and 3 P.M. on all days except Sundays and public holidays. (2) The period of every notice shall be computed from the date on which it is received in the Council office. (3) No notice of a question or a motion shall contain any offensive or unparliamentary word or expression.

## **22. New members to make oath and take their seats.**

(1) At the beginning of each meeting the Secretary shall call the name of any new member who is present and who desires to take his seat. Such member shall then take the oath or make the affirmation in the manner prescribed in section 14 of the Act. (2) The members shall sit in the meeting hall in such order as the Chairman may appoint.

## **23. Rules to be observed by Member while present in the Meeting Hall.**

- While at the meeting is going on a member- (1) Shall enter, sit and leave the meeting hall with decorum and shall take and leave his seat after bowing to the chair. (2) Shall not come in between the Chairman and the member who is speaking and shall not cross the floor of the meeting hall irregularly. (3) Shall not read any book, newspaper or letter except in connection with the business of the meeting. (4) Shall maintain silence. (5) Shall not interrupt any member while speaking disorderly expression or noises or in any other disorderly manner. (6) Shall not smoke, eat or drink. (7) Shall keep to his usual seat while addressing the meeting.

## **24. Member to rise when speaking and to resume his seat when Chairman rises or a point of order is raised.**

(1) Any member desiring to move any motion or make any observation on any matter before the Council shall rise from his seat and, if called upon he shall resume his seat. If more members than one rise at the same time the member whose name is called upon by Chairman shall be entitled to speak. (2) At any time if the Chairman rises or makes an observation or if a member rises on a point of order, any member speaking shall resume his seat. (3) Where the Chairman rises he shall be heard in silence and no member shall leave his seat or the Council while he is addressing the Council.

## **25. Interruption while a Member is speaking.**

- If, while a member is speaking, another member desires to offer a personal explanation or asks for an information or explanation from the member speaking, he shall rise in his seat and if called upon by the Chairman, shall make the explanation or ask for the information or explanation, and if not so called upon, he shall resume his seat.

## **26. Personal explanation.**

- A member may, with the permission of the Chairman make a personal explanation at any time, but in doing so he shall not bring forward any debatable matter, nor shall any debate be allowed on such explanation.

## **27. Limitation of Debates.**

(1)Every speech must be strictly relevant to the matter before the Council.(2)A member while speaking or putting or answering a question shall not:-(i)use the President or Governor's name for the purpose of influencing the debate;(ii)refer to any matter or fact on which a judicial decision is pending;(iii)make a personal charge or use an unparliamentary expression against, or impute motives to a member;(iv)use offensive expression regarding the conduct or proceedings of the Parliament or the State Legislature;(v)reflect upon the conduct of the President or the Governor or any Court of Law;(vi)utter treasonable, seditious or defamatory words;(vii)use his right of speech for the purpose of wilfully and persistently obstructing the business of the meeting;(viii)reflect upon any decision of the Council except on a fresh motion relating to such decision;(ix)discuss or question any ruling or direction of the Chairman or any order of the chairman disallowing a question, resolution or motion.(3)No discussion can take place in the Council with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

## **28. Period of Notice of Motion or Amendment.**

(1)A member who wishes to move a motion (other than a motion for the notice of which a specified period is prescribed) shall give notice thereof at least 3 days in, the case of a motion of an amendment and 10 days in the case of any other motion, before the meeting at which he intends to move the motion.(2)The Chairman, in his discretion may, at any time, admit any motion at shorter notice than that prescribed by this rule or any other rule of these rules.

## **29. Withdrawal of Motion.**

- A motion, which has been moved shall not be withdrawn save with the leave of the Chairman.

### **30. Motions without Notice.**

(1)The following motions may be made without notice, namely:-(i)a motion for the adjournment of a sitting;(ii)a motion for closure of debate;(iii)a motion for the congratulation or condolence (with the consent of the Chairman);(iv)a motion for the postponement of any business included in the list of business (with the consent of the Chairman);(v)a motion in regard to which notice is dispersed with the concurrence of the Council;(2)The Chairman may give precedence to a motion of condolence.

### **31. Power to preserve order.**

(1)The Chairman shall preserve order and shall have all powers necessary for the purpose of enforcing his decisions on all points of order.(2)The Chairman may direct any member who refuses to obey his order or whose conduct, in his opinion, is otherwise disorderly to withdraw immediately from the meeting for a period to be named by him.(3)A member ordered to withdraw under this rule shall forthwith quit the precincts of the Council.(4)If the member who has been ordered to withdraw under this rule refuses to withdraw, the Chairman may order his removal by force.(5)A member withdrawn under this rule shall not be deemed to be absent for the purpose of sub-section (2) of Section 9 of the Act.

### **32. Adjournment or suspension of sitting in case of grave disorder.**

- The Chairman may in case of grave disorder arising in the meeting adjourn or suspend any sitting for a time to be named by him.

### **33. Form for resigning seat in the Council.**

(1)A member who desires to resign his seat in the Council shall intimate, in writing, under his hand addressed to the Chairman, his intention to resign his seat in the Council in the following form and shall not give reason for his resignation.Place :Date :ToThe Chairman of Jharkhand Area Autonomous Council, Ranchi.Sir,I hereby tender my resignation of my seat in the Council with effect from.....Yours faithfully,Member of the Council,(2)Where any member gives any reason for such resignation the same shall not be read out in the meeting.

### **34. Resignation of seats in the Council.**

(1)As soon as may be, the Chairman shall after he has received an intimation in writing from a member under his hand resigning his seat in the Council provided that when the Council is not in meeting, the Chairman shall inform the Council immediately after the Council reassembles that such and such member has resigned his seat in the Council during the intervening period.(2)The Secretary shall as soon as may be, after the Chairman has received such intimation from a member resigning his seat in the Council cause the information to be published in the Gazette and take steps in accordance with Rule 9 (2) to fill the vacancy thus caused.



### **35. Permission to remain absent from the meeting.**

(1) If a member finds that at any time he is unable to attend the meetings of the Council continuously for 45 days or more he shall apply for the permission of the Council to be so absent. (2) Such application shall, as soon as may be after receipt, be read out by the Chairman to the Council. On this being done the Chairman shall ask "Is it the pleasure of the Council that permission be granted to such a member for remaining absent from all meetings of the Council for such and such a period." If no one dissents the Chairman shall say: "Permission to remain absent is granted". But if any dissentient voice is heard, the Chairman shall take the sense of the Council and thereupon declare the determination on the Council. (3) No discussion shall take place on any question before the Council under this rule. (4) The Secretary shall inform the members as soon as may be, of the decision of the Council on this application. (5) Any member having leave of absence shall forfeit the same by attending the service of the Council before the expiration of such leave.

### **36. Absence from meeting without permission.**

(1) If a member is absent without permission from meetings of the Council continuously for 45 days or more, the Chairman shall bring that fact to the notice of the Council and thereupon the seat of the member may be declared vacant. (2) The Secretary shall cause the information of vacancy to be published in Gazette and take steps in accordance with Rule 9(2) to fill the vacancy thus caused.

### **37. Maintenance of Attendance Register.**

- There shall be a register of attendance containing the names of the members in which the members shall sign their attendance at every sitting. The register shall be available for the inspection of the members.

### **38. Admission to galleries.**

(1) The admission to the meeting hall of - (a) Visitors of the Chairman's Gallery; (b) Visitors to the Visitor's Galleries; (c) Representatives of the press to the Press Gallery; and (d) Officers to the official Galleries; during the meetings of the Council shall be regulated in accordance with the orders of the Chairman. (2) The Chairman whenever he thinks fit may order all or any of the galleries to be cleared.

### **39. Notice of Questions.**

- A member who desires to ask a question shall give seven days clear notice thereof in writing to the Secretary before the meeting at which he desires to put the question: Provided that questions relating to any specific matter of urgent public importance may be admitted by Chairman on a shorter notice.

#### **40. Form and contents of questions.**

- In order that a question may be admissible, it must satisfy the following conditions, namely:- (1) It shall specify the official designation of the councillor to whom it is addressed or if the question is addressed to a non-official member the name of such member. (2) It shall not bring in any name or statement not strictly necessary to make the question intelligible. (3) If it contains a statement the member shall make himself responsible for the accuracy of the statement. (4) It shall not contain arguments, inferences, imputations, insinuations, ironical expressions or defamatory statements. (5) It shall not ask for an expression of opinion or the solution of a hypothetical proposition. (6) It shall not be asked as to the character or conduct of any person except in his official or public capacity. (7) It shall not be of excessive length and in no case shall a question consist of more than five clauses. (8) It shall not deal with several subjects having no connection with one another. (9) It shall not relate to matters within the jurisdiction of the Chairman. (10) It shall not contain references to newspapers by name nor ask whether certain statements made in a newspaper are true, but attention may be drawn to such statements if the member who puts the question complies with the requirements of the aforesaid condition (3) and makes the question self-contained. (11) It shall not see information set forth in documents easily accessible to the members. (12) It shall not in substance be a suggestion or request for any particular action in a matter raised by the member asking the question. (13) Except when a matter of principal is involved it should not relate to an individual case. (14) It shall not raise question of policy too large to be dealt with within the limits of an answer to question. (15) It shall not repeat in substance questions already answered or of which answer has been refused. (16) It shall not ask for information on trivial matters. (17) It shall not relate to a matter which is primarily the concern of a local authority unless there had been some intervention or there is a reasonable ground for intervention of the Council. (18) It shall not ask for information on a matter which is under adjudication by a Court of law having jurisdiction in any part of India; and, further it shall not ordinarily ask about matters pending before any statutory tribunal or statutory authority performing any judicial or quasi-judicial function or any commission of Court of enquiry appointed to enquire into or investigate any matter but may refer to matters concerned with procedure or subject or stage of enquiry if it is not likely to prejudice the consideration of the matter by the tribunal or commission or Court of enquiry. (19) A question may not refer to any debate that has occurred or answer that has been given in the current meeting.

#### **41. Chairman to decide admissibility of questions.**

- The Chairman shall decide on the admissibility of a question with reference to the provisions of the relevant rules and may disallow any question when he is of opinion that it is in contravention of those provisions or is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Council provided that he may in his discretion amend a question to bring it into harmony with the rules.

## **42. Questions how put.**

(1) During the time made available for questions and answers question shall be put in the order in which they stand on the list. (2) Subject to sub-rule (1) questions shall be put and answers given in such manner as the Chairman may in his discretion determine.

## **43. Answers to questions in absence of questioners.**

(1) If at the time when a question is called the member in whose name it stands is absent any other member authorized by him, or without being so authorized if the Chairman permits, may put it.

## **44. Withdrawal of questions.**

- A member may, by notice given at any time before the sitting for which his question has been placed on the list, withdraw his question, or postpone it to a later day to be specified in the notice and on such later day the question shall be placed on the list after all questions which have not been so postponed: Provided that a postponed question shall not be placed on the list until two clear days have expired from the day when the notice of postponement has been received by the Secretary.

## **45. Discussion on a matter of public importance arising out of answers to questions.**

(1) If during the time available for the asking and answering of questions a matter of sufficient public importance has been the subject of a question answered orally or of which a written answer has been given the Chairman may allow debate thereon on such notice being given as he may determine on two days in the week namely Wednesday and Friday and the Chairman shall allot half an hour from 4 p.m. to 4.30 p.m. for such discussion: Provided that if other business set down for the day is concluded before 4 p.m. the period of half an hour shall commence from the time such business is concluded: Provided further that the Chairman may allot any other day instead of Wednesday or Friday for purpose if such course in his opinion, is necessary or convenient. (2) A member wishing to raise a matter shall give notice in writing to the Secretary three days in advance of the day on which it is desired to be raised specifying the point or points he wishes to raise it being optional with the Chairman to waive the requirement concerning the period of notice. (3) The Chairman shall decide whether the matter is of sufficient public importance to be put down for discussion and may not admit a notice which may in his opinion, seek to revise the present policy of Council. (4) There shall be no formal notice before the Council nor voting. No speech shall exceed five minutes in duration except in the case of the member who has given notice and the Councillor concerned who each may be allowed ten minutes. The discussion shall end with the final remarks of the Councillor concerned. (5) If two or more such notices are received for a single day, they shall be put down by the Secretary in the order in which they were received in point of time and the one that was received first of all shall, if it is otherwise in order, be taken up in preference to the remaining notice or notices but if such notices are received at one and the same time the Secretary shall hold a ballot with a view to determining which notice shall have preference for the day.

#### **46. Prohibition of discussion on question or answers.**

(1) Save as provided in rule 44 no discussion shall be permitted in respect of any question or of any answer given to a question.

#### **47. Resolution for removal of the Chairman.**

- Any resolution to remove the Chairman from office of which notice of 14 days as required under the proviso to Section 17 of the Act has been given by a member, shall be read to the Council by the person presiding and the same shall be considered in accordance with the provision of Sections 17, 19 and 20 of the Act.

#### **48. Committees.**

(1) A committee may be appointed by the Chairman for any purpose connected with the business of the Council. (2) A committee appointed under sub-rule (1) shall work under the direction of the Chairman and submit its reports to him.

#### **49. Allocation and Disposal of Business.**

(1) The business of the Council shall be performed by the departments mentioned in Schedule-A. Each department shall be allotted subjects/works as shown in Schedule-B. (2) The Chairman may distribute the departments among the Vice-Chairman and other Executive Councillors and retain such of the departments in his charge as he may like. More than one department may be allotted to one Executive Councillor but more than one Executives Councillor shall not be made incharge of one and the same department. (3) The Chairman/the Vice-Chairman/the Executive Councillors shall be assisted by the Chief Executive Officer and other Officers under him in the establishment of the Council. (4) The Executive Council shall be collectively responsible to the Council for all decisions taken, all recommendations submitted to the State Government and all executive orders issued under these rules notwithstanding the fact that such decisions, recommendations or orders have been issued by an individual department. (5) All matters enlisted in Schedule-C of these rules shall be placed before the Executive Council, provided that no case in regard to which the Finance Department is required to be consulted shall be discussed by the Executive Council without previous consultation with the Finance Department. (6) Without prejudice to the provisions of sub-rule (4) the Executive Councillor incharge of a department shall be primarily responsible for the disposal of the business appertaining to the department. (7) No department shall, without previous consultation with the Finance Department, authorise any order (other than orders pursuant to any general or special delegation made by the Finance Department) which-(a) either immediately or by their repercussion, will affect the finance of the Council or which involve relinquishment of any Revenue, or (b) relate to the number or grading or cadre of posts or the emolument or other conditions of service or posts. (8) No proposal which requires previous consultation with the Finance Department under the rule but in which the Finance Department has not concurred may be proceeded with unless a decision to that effect has been taken by the Executive Council. (9) No re-appropriation shall

be made by any Department other than the Finance Department except in accordance with such general or special delegation as the Finance Department may have made and except in accordance with the guidelines and procedures determined from time to time by the State Government.(10)Except to the extent that power may have been delegated to the departments under rules approved by the Finance Department every order of an administrative department conveying a sanction to be enforced in audit shall be communicated to the audit authority through the Finance Department.(11)Nothing in these rules can authorize any department including Finance Department to make re-appropriation from one grant specified in the Appropriation Act to another grant.(12)In all other matters in the disposal of which the consultation with Finance Department or its concurrence is necessary the procedure followed by any department of the State Government shall be followed by the Council.

## **50. Procedure of the Executive Council.**

(1)All cases referred to in Schedule-C of these rules shall be put up before the Executive Council for consideration. Before putting up any case before the Executive Council the Secretary of the Executive Council shall submit it before the Chairman so that the latter can take a decision as to whether the case shall be put up before the Executive Council or in case of extreme urgency he may authorise action in anticipation of the approval of the Executive Council. Where the approval of the Executive Council is anticipated, the concerned department shall send a memorandum for consideration of the Executive Council within four weeks.(2)(i)Under special circumstances, the Chairman may direct that any case referred to in the Schedule-C may instead of being brought up for decision at a Meeting of the Executive Council be circulated to the Executive Councillors and if the Executive Councillor are unanimous and the Chairman thinks that a discussion in the meeting of the Executive Council is unnecessary, the case shall be decided without such discussion. If there is no unanimity, the case shall be put up in the meeting of the Executive Council.(ii)If it is decided to circulate any case; copies of all papers relating to such case along with the memorandum shall be sent to the Executive Councillors.(3)(i)In cases which are circulated for opinion under sub-rule (2) clause (i) the Chairman may direct, if the matter be urgent, that if any Executive Councillor fails to communicate his opinion to the Secretary by a date to be specified by him in the memorandum for circulation, it shall be assumed that he has accepted the recommendation contained therein.(ii)If the Executive Councillors have accepted the recommendations contained in the memorandum for circulation of the date by which they were required to communicate their opinion has expired the Secretary shall submit the case to the Chairman and if the Chairman accepts the recommendations he shall return the case to the Secretary who will pass it on to the concerned department for taking steps to issue necessary orders.(4)(i)Where it has been decided to bring a case before the Executive Council, the department to which the case belongs shall unless the Chairman otherwise directs, place a memorandum before the Council indicating with a sufficient precision the salient facts of the case and the points for decision stating, except in simple and non controversial cases, the main arguments for and against the particular course advocated without overstressing the advantages or under stressing the disadvantages to suit the view finally recommended.(ii)If the subject matter also concerns a department or departments other than that submitting the memorandum, it should be stated whether the department or departments concerned has agreed to the action being taken on the lines indicated in the memorandum. If the department or departments has raised any objection,

it should be stated clearly in the memorandum and the draft memorandum shown to the department or departments concerned. An objecting department may put up a supplementary memorandum which shall be attached to the main memorandum and shall form part of it.(iii)If so directed by the Chairman, any other papers and copies of notes and minutes shall form part of the memorandum.(5)(i)The Executive Council shall meet at such place and time as the Chairman may direct.(ii)After an agenda paper showing the case to be discussed at a meeting of the Executive Council has been approved by the Chairman, copies thereof together with copies of such memorandum as have not been circulated under the rule shall be sent by the Secretary to the Chairman and other Executive Councillor so as to reach them two clear days before the date of such meeting. The Chairman may in case of emergency curtail the said period of two days.(iii)Except with the permission of the Chairman no case shall be placed on the agenda of a meeting unless papers relating thereto have been circulated as required by sub-rule (4).(iv)If any-Executive Councillor is on tour, the agenda papers shall be sent to the concerned department which if it considers that discussion of any case should await the return of the Executive Councillor may request the Secretary of the Executive Council to take the orders of the Chairman for postponement of the discussion of the case until the return of the Executive Councillor.(v)The Chairman shall preside over the meeting of the Executive Council.(vi)A representative of the department concerned with the case shall be available to be called upon to attend the meeting.(vii)The Secretary of the Executive Council shall attend all meetings of the Executive Council and shall prepare record of the decision taken in each case with the approval of the Chairman. He shall then forward a copy of such record to the Chairman, Vice-Chairman and each of the Executive Councillor. He shall also forward a copy of the proceeding to the department concerned for follow up action. He shall also forward a verified copy of the minutes of every meeting of the Executive Council to the Secretary to Government in the Planning and Development Department as required under Section 25 (3) or the Act.

## **51. Departmental disposal of business.**

(1)Except as otherwise provided by any other rule, cases shall ordinarily be disposed of by or under the authority of the Executive Councillor incharge who may by means of standing order give such direction as he thinks fit for the disposal of the cases in the department. Copies of such standing orders shall be sent to the Chairman.(2)The Executive Councillor incharge of the department in consultation with the officer-in-charge of the department shall so arrange that in the departmental disposal of business, ordinarily no matter/cases is processed at more than two levels of officers from under Secretary upward before the case reaches the highest level of disposal in the department.(3)The Executive Councillor incharge shall endeavour that in the department disposal of business wherever feasible concrete targets are laid down for all levels/administrative divisions of the department. The actual fulfillment of targets should be reviewed by the officer-in-charge of the department at intervals of not more than three months for the year as a whole or part thereof and any slippage from targets should be brought to the notice of the Executive Councillor incharge by the officer incharge of the department together with proposal for disciplinary action against those who might be responsible for such slippages at different levels. The Executive Councillor incharge shall in turn get a report made to the Executive Council of all notable slippages.(4)Each Executive Councillor shall by means of standing orders arrange with the officer incharge of the department concerned what matters or classes of matters are to be brought to his personal notice. Copies of such

standing orders shall be sent to the Chairman.(5)The service matter and disciplinary cases of the gazetted officers posted in the establishment of the Council and in the area of the Council in Government departments concerned with the subjects specified in Schedule 3 of the Act shall be put up to the Executive Councillor incharge by the officer in charge of the department and the Executive Councillor through the Chief Executive Officer shall put up the matter to the Chairman for making necessary recommendation to the State Government.(6)The establishment and disciplinary matter in respect of Class III and Class IV employees of the Council shall be disposed of at the level of the Chief Executive Officer.(7)The allotment of work among the officers of the department shall be made by the officer incharge of the department after obtaining order of the Executive Councillor incharge.(8)Each department shall prepare monthly table or cases disposed of by each gazetted officer and submit to the Executive Councillor incharge through the officer incharge of the department. After perused by the Executive Councillor incharge, it will be submitted to the Chairman through the Chief Executive Officer.(9)When the subject of a case concerns more than one department, no orders shall be passed nor shall the case be laid before the Executive Council unless it has been considered by all the department concerned.(10)If the departments concerned are not in agreement regarding the case dealt with under sub-rule (9) the Executive Councillor incharge of the department may, if he wishes to proceed with the case, direct that the case be submitted to the Chairman for orders for laying the case before the Executive Council.(11)The Chairman may send for any file or paper from any department through the Secretary of the Council which shall be submitted to him through the Chief Executive Officer with as little delay as possible under intimation to the Executive Councillor incharge of the Department.(12)No Executive Councillor shall call for any file or paper from any department of which he is not incharge. He may however, required to be apprised about facts and in such cases the department will send him a concise note with the prior approval of the Executive Councillor incharge of the department to which the case belongs. If he is of opinion that any further action should be taken in the matter he shall communicate his views confidentially to the Executive Councillor incharge of the department concerned for consideration and in case of disagreement may submit the case to the Chairman with a request that the matter be laid before the Council. The Chairman may, if he so likes, order that the matter be laid before the Executive Council.(13)If a questions arises as to the department to which a case properly belongs, the matters shall be referred for the decision of Secretary of the Council who will if necessary, obtain the orders of the Chairman.(14)On relinquishment of office by the Executive Councillor, it will be the responsibility of the officer incharge or permanent officer of personal staff, if any of the Executive Councillor to ensure that all the pending and disposed of files at the residence or office of the Executive Councillor are returned to the departments concerned. If any such file is not returned the officer incharge of the department shall inform the Chief Executive Officer about the situation immediately.(15)All important official communications received from the State Government shall immediately on receipt, be put up by the officer incharge of the department to the Executive Councillor incharge and the Chairman for their perusal and orders, if any.(16)All communications to the Government of India, any other State Government or any other agency outside the State will be made through the State Government.(17)The following matters shall be submitted to the Chairman through the Chief Executive Officer by the officer incharge of the department concerned after consideration by the Executive Councillor but before the issue of orders:-(i)Cases raising question of Policy and cases of Administrative importance.(ii)Cases which affect or are likely to affect the peace and tranquility of the Council area.(iii)Cases which affect the relations of the Council with the State

Government, Government of India, any other State Government, the Supreme Court or the High Court.(iv)Cases which affect or are likely to affect the interests of Scheduled Castes, Scheduled Tribes and Backward classes.(v)All cases of defalcation, misappropriation or embezzlement of public funds involving more than Rs. 5,000 (Rupees Five thousand) cases involving lesser amount shall be placed before the Executive Councillor incharge of the department.(vi)Cases of disciplinary action against officers of Bihar State Services.(vii)Cases relating to State Government Trust Corporation and Boards.(viii)Any relaxation or department from these rules.(ix)Question whether any matter involve policy or whether it is of administrative importance.

## **52. Supervisory Powers and functions.**

- In respect of non-developmental and regulatory subjects specified in schedule-3 of the Act Council may review and call for periodical reports from Heads of concerned departments/Divisional Level Officers posted in the Jharkhand area and issue necessary directions. Provided that no such directions shall be inconsistent with any special or general guidelines issued by the State Government.

## **53. Personnel and Administrative powers of the Council.**

(1)The Chief Executive Officer shall be the appointing authority in respect of class III and class IV posts created by the Council. The policy and procedure of appointment will be the same as prescribed by the State Government.(2)In case of gazetted posts created for the establishment of the Council under section 32(1)(e) of the Act appointment will be made by the State Government as per its prescribed policy and procedure.(3)The Chairman shall be the appropriate authority to initiate the evaluation report in respect of the Chief Executive Officer.(4)The Chief Executive Officer shall be the appropriate authority to initiate the evaluation report with respect to the officers subordinate to him in the establishment of the Council as well as the heads of the Department/Additional Heads of the Department Officers incharge of the department connected wholly with specified subjects of the area.(5)The employees of the Council belonging to class III and class IV shall be governed by the Bihar and Orissa Sub-ordinate Services (Discipline and Appeal) Rules, 1935 for the purposes of disciplinary proceedings.(6)The Chief Executive Officer shall be the disciplinary authority for class III and IV employees in the establishment of the Council. The Chairman will be the appellate authority.(7)Services of the Gazetted Officers under section 32(2)(a) of the Act shall be placed by the State Government at the disposal of the Jharkhand Area Autonomous Council ordinarily for a period of three years. This period however, may be extended by the State Government in specified cases on recommendation of the Council.

## **A**

[See Rule-49(1)]



- 1. Department of Co-ordination and Council Activities**
- 2. Department of Personnel**
- 3. Department of Finance**
- 4. Department of Planning**
- 5. Department of Rural Roads**
- 6. Department of Rural Development**
- 7. Department of Urban Development**
- 8. Department of Welfare**
- 9. Department of Health**
- 10. Department of Education (Primary, Secondary and Vocational)**
- 11. Department of Industries**
- 12. Department of Mines**
- 13. Department of Forest**
- 14. Department of Agriculture**
- 15. Department of Animal Husbandry**
- 16. Department of Irrigation**
- 17. Department of Public Health Engineering**
- 18. Department of Tourism and Local Transport**
- 19. Department of Feud and Civil Supplies**

## 20. Department of Land and Buildings

## 21. Department of Art, Culture, Sports and Youth Welfare

### B

[See Rule 49(1)]

SI. No.	Name of the Department	Subject Allotted
1.	Department of Co-ordination and Council Activities.	1. Works related to the Council meetings. 2. Inter Department Co-ordination Works. 3. Personnel and Administrative matters of Councillor. 4. Protocol and Ceremonial functions. 5. Any other matter that is not allotted to any other Department.
2.	Personnel.	All Personnel and Administrative and legal matters related to the Council
3.	Finance	All Financial matters related to the Council.
4.	Planning	(i) Formulation, Implementation, Supervisions, Co-ordination and Review of Regional Plan. (ii) Implementation of centrally sponsored scheme and central sector schemes fully related to the subject allotted to the Council. (iii) Tribal Sub-Plan.
5.	Rural Roads	Construction and maintenance of Rural Roads.
6.	Rural Development	Rural Development; District Board and other Local Self Government and Village Administration, Panchayat.
7.	Urban Development	All Programmes relating to Urban Development, Municipality, Corporation, Improvement Trust, Notified Area Committee.
8.	Welfare	All Programmes of Welfare Department, Tribal Welfare.
9.	Health	Public Health, Hospitals, Dispensaries and Nurses Training (except Medical Education, Training other than Nurses Training and Research Institutions).
10.	Education (Primary, Secondary and Vocational).	Vocational Education, Primary and Secondary upto Plus Two Education.
11.	Industries	Bee Keeping, Sericulture, Small and Cottage Industry, Recommendation to State Government with regard to

	Electricity.
12. Mines	Minor Minerals.
13. Forest	Forest (except Forest Settlement).
14. Agriculture	Agriculture, Hat, Market and Fair, Weight and Measures.
15. Animals Husbandry	Dairy Development, Fisheries, Cattle Pound, Animal Husbandry.
16. Irrigation	Minor Irrigation, Repair, Renovation and maintenance of Medium and Major Irrigation Project. The use of Canal Water for Irrigation purposes, excluding the canals which pertain to medium and major projects, Flood Control for village protection.
17. Public Health Engineering	Public Health Engineering and Sanitation.
18. Tourism and Local Transport	Tourism, Local Transport.
19. Food and Civil Supply	Food and Civil Supply.
20. Land and Building	Crematorium and burial grounds, Management of land and building under the ownership of the Council, Recommendation for the settlement of Available Government lands for Agriculture, Animal, High and Plus Two Schools, Government Hospitals, and Small and Cottage Industry, Public works.
21. Art, Culture, Sports and Youth Welfare	Cultural affairs including Theatre and Drama, Sports, Youth Welfare.

## C

[See Rule 49(5)/50(1)]

**1. Proposal to refer a question arising as to whether a member of the Council suffers from any disqualification mentioned under Section-6 of the Act or not.**

**2. Proposal for framing or amending service rule relating to the posts to which appointments are made by the Council.**

**3. Annual/Supplementary Budget and re-appropriation proposal.**

**4. Any proposal which affects the finance of the Council and which has not the consent of the Executive Councillor Incharge Finance.**

- 5. Proposals for imposition or revision of any tax or fee, under Section 38 of the Act.**
- 6. Annual Audit report of the accounts of the Council.**
- 7. Proposals involving any important change of policy or practice.**
- 8. Proposal to seek the approval of the State Government for the institution or withdrawal of prosecution against legal advice.**
- 9. Proposals for the creation or abolition of any post of Class III and IV.**
- 10. Proposals to make recommendation to State Government for creation of Gazetted post for its establishment.**
- 11. Cases required by the Chairman to be brought before the Executive Council.**
- 12. All cases relating to allocation of fund for development programmes including grant under Section 34 of the Act.**
- 13. Annual report under Section 40 of the Act.**
- 14. Seal to be adopted by the Council.**
- 15. Proposal to make recommendation for legislation and to make regulation and By-laws under Section 31 of the Act.**