बिहार गजट
असाधारण अंक
बिहार सरकार द्वारा प्रकाशित

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नगर विकास एवं आवास विभाग

अविस्थापन
5 मार्च 2010

बिहार नगरपालिका संस्थान स्वरूप समिति कार्य संचालन नियमावली, 2010
सं. 4 (य) विधि-12/07-1112/नोटिएशन-आलोचना—बिहार नगरपालिका अधिनियम, 2007 की धारा-22
cे साथ धारा-63 एवं धारा-419 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए बिहार—राज्यपाल नियमावलिक
नियमावली, जिसका प्रारूप पूर्व प्रकाशित है, बनाते हैं—
1. संक्षिप्त नाम, वित्तार एवं आवस—(i) यह नियमावली बिहार नगरपालिका संस्थान स्वरूप समिति कार्य
संचालन नियमावली, 2010 के प्रकाश में होगा।
(ii) इसका विस्तार संपूर्ण बिहार राज्य में होगा।
(iii) यह तुरंत प्रकाश में होगी।
2. इस नियमावली में—
(क) "अधिनियम" से अभिवित्र है बिहार नगरपालिका अधिनियम, 2007
(ख) "मुख्य नगरपालिका पदवधिकारी" से अभिवित्र है अधिनियम के प्रकाशानुसार नगरपालिका के मुख्य
नगरपालिका पदवधिकारी, जो नगरपालिका के पदवधिकारी एवं केंद्रीय स्वरूप समिति के प्रथमानुसार
रखेंगे।
(ग) "समिति" से अभिवित्र है नगरपालिका का संस्थान स्वरूप समिति।
(घ) "अध्यक्ष" से अभिवित्र है समिति का अध्यक्ष, जो नगरपालिका का मुख्य पार्वत रहता है या मुख्य
पार्वत की अनुपस्थिति में समिति के अध्यक्ष करने वाला व्यक्ति।
3. समिति साधारणतया महीने में दो बार समान्यत: पहले और दूसरे समयको बैठक के लिए समिति
साधारण समय—समय पर निर्धारित करें, नगरपालिका के कार्यालय में बैठक करें।
परंपुर यदि किसी महीने के पहले या दूसरे समयको राज्यपाल नहीं देते, या अध्यक्ष के बिहार में
किसी अन्य कारण से अनुपस्थितजनक होते, तो वे कारणों को लिखित रूप में अभिवित्र करते हुए साधारण बैठकों के
लिए दूसरा दिन तय करें।
4. समिति की पहली बैठक वैसे तत्व और वैसे समय पर होगी जैसा उक्त समिति का अध्यक्ष द्वारा निर्धारित
किया जाय।
5. समिति का अध्यक्ष, यदि आवश्यक हो, किसी समय समिति की बैठक बुला सकेगा, और ऐसा अद्वितीय घटने के मीट कर सकेगा और बैठक के समन्वय में कार्यवाही में उल्लिखित करेगा।

6. किसी बैठक की कोई कार्यवाही नहीं होगी जब तक की गणपूर्ति कम—से—कम—
(क) नागर निन्म के लिए साधारण बैठक के लिए चार सदस्य और आपातकालीन बैठक के लिए गणपूर्ति 4. सदस्य की;
(ख) नागर सरकार के लिए साधारण बैठक के लिए तीन सदस्य और आपातकालीन बैठक के लिए गणपूर्ति चार सदस्य की;
(ग) नागर पंचायत के लिए साधारण बैठक के लिए तीन सदस्य और आपातकालीन बैठक के लिए गणपूर्ति चार सदस्य की होगी।

7. अध्यक्ष के अनुमोदन से मुख्य कार्यालयिक पदाधिकारी द्वारा बैठक के लिए सूचना कम—से—कम चार दिन पूर्व निर्मित किया जायेगा, लेकिन कम अड्डालिस पृष्ठों के लिए बैठक से कम—से—कम अद्वितीय घटने पूर्व सूचना निर्मित कर सकेगा। कार्यक्रम की सूची जैसा हो, कार्यालयिक अनुमोदित के साथ मुख्य नगरपालिका पदाधिकारी बैठक की सूचना प्रदेश सदस्य को मौलिक पृष्ठों पते में भुजार देगा। सिवाय बैठक में उपस्थित बहुत सदस्यों की सहभागीता से सम्बन्धित विषयों के अधिकारिक सियासे पर बैठक में विचार नहीं होगा।

8. समिति द्वारा कार्य सूची में बहुत बहुत सदस्य के क्रम के अनुसार ही वित्त दिन के लिए नियुक्त जाएगा, जब तक की बैठक में उपस्थित सदस्यों का दो तिहाई सदस्यों द्वारा अनुकूल बनाने पर सहमत नहीं होगी।

9. (1) समिति की बैठक में विचार किये जाने वाले कार्य—सूची दो भागों में विभाजित होगा।

10. नगरपालिका की कार्यालय शासित संवाद नये समय समितित में निहित होगी। शासन का अध्यक्ष का प्रयोग सामान्यक के लिए किया जाएगा।

पर्युत नगरपालिका के कर्मचारियों पर प्रशासनिक नियंत्रण मुख्य कार्यालय पदाधिकारी/नगरपालिका कार्यालय पदाधिकारी का होगा। सरकार द्वारा समन्वय—समय पर निर्देश देने।

11. एक सदस्य जो प्रस्ताव लाना चाहता है, जिस बैठक में वह प्रस्ताव लाना चाहता है उससे चार सप्त दिन पहले ऐसे करने के लिए अवधि दी जाती है उसका मुख्य नगरपालिका पदाधिकारी को देनी।
The 5th March 2010

No. 4 (N) Vidhi-12/07-1112/U.D.&H.D.—In exercise of the power conferred by under section 22 read with section 63 and section 419 of the Bihar Municipal Act, 2007 (Bihar Act, 11 of 2007) the Governor of Bihar is pleased to make the following rules, Draft of which is previously Published:

1. Short Title, Extent and Commencement:—(i) These rules may be called the Bihar Municipal Empowered Standing Committee Conduct of Business Rules, 2010.

(ii) It shall extend to the whole of the State of Bihar.

(iii) It shall come into force at once.
2. In these rules:—
   (a) "The Act" means Bihar Municipal Act, 2007;
   (b) "Chief Municipal Officer" means the Chief Municipal Officer of the
       Municipality as per provision of the Act, who shall have overall control
       over officers and employees of the Municipalities.
   (c) "Committee" means the Empowered Standing Committee of the
       Municipality;
   (d) "Chairman" means the Chairman of the Committee who shall be the Chief
       Councilor or the person presiding over the meeting of the Committee in
       absence of the chief councilor;

3. The Committee shall meet at the Municipal Office ordinarily twice in a month
   generally on first and third Monday at such hours as the Committee may from time to
time determine.

   Provided that if the first or third Monday of any month falls on a gazetted
   Holiday, or if the Chairman for any other reason considers such day inconvenient, he
   may, with reasons to be recorded in writing fix another day for the ordinary meetings.

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

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

6. No business shall be transacted in any meeting of the Committee unless there is
   a quorum of at least—
   (a) four members in the case of an ordinary meeting and a quorum of six
       members in the case of an emergency meeting of Municipal Corporation.
   (b) Three members in the case of an ordinary meeting and four members in the
       case of emergency meeting of the Municipal Council.
   (c) three members in the case of ordinary meeting and four members in the case
       of an emergency meetings of Nagar Panchayat.

   If quorum is not available within half an hour of the time fixed for the meeting,
   the chairman may adjourn the meeting to another date and time and no quorum shall be
   necessary for an adjourned meeting.

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

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

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

10. The Executive Powers of the Municipality shall vest in the Empowered Standing Committee. Executive Powers shall be used collectively.

Provided that administrative control on the Staffs of Municipality shall vest in Chief Executive Officer/ Executive Officer. Resolution shall be passed in the light of orders/directions issued time to time by State Government.

Officially brought agenda shall contain the following-

(a) items relating to the establishment as per provision of the Act, which includes appointments promotions, benefits, transfers, disciplinary actions etc of the employees of the Municipality.

(b) items relating to the collection of taxes and fees.

(c) items relating to the financial position of the Municipality.

(d) development activities undertaken and to be undertaken by the Municipal body.

(e) items necessary for effective implementation of the provision of the Act. Provided that all items are to be placed before the committee by the Chief Municipal officer and shall be in the form of memorandum which will include the subjects, the status and the proposal to be approved by the committee. A separate sheet is to be attached under the signature of the chief Municipal officer specifying the period by which the proposal approved by the committee shall be implemented.

(4) The Empowered Standing Committee shall not discuss and pass a resolution in—

(a) any matter/ issue which is against the rules, laws and directives of the State Government,

(b) any issue which is sub-judice in any court of law and which may affect the interest of Municipality adversely.

(5) All issues passed by the committee shall be placed before the Municipality in its next meeting.

11. A member who desires to move any motion shall give notice of his intention to do so to the Chief Municipal Officer at least four clear days before the day of the meeting in which such motion is to be brought forward.

provided, that if the meeting is requisitioned under rule 5, the notice shall be given along with the requisition.

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

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

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

15. The minutes of previous meeting shall be taken as read provided they have been already circulated to the members before confirmation and they have not raised any objection against the minutes recorded prior to the date of the meeting.
16. If any member present draws the attention of the Chairman to any portion of the minutes of the previous meeting as being erroneously entered in the Minute Book, such amendment, as the Chairman deems proper, shall be made before the minutes are signed.

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

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

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

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

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

22. Questions may be asked by any member for the purpose of obtaining information on any matter of fact pertaining to municipal administration. The Chief Municipal Officer shall furnish replies to the questions on behalf of the administration.

Provided that a notice to this effect is given to the Chief Municipal Officer at least four clear days before the day of the meeting in which the question is to be replied.

Provided further that if the chief Municipal officer is of the view that the information asked for requires voluminous effort, time or money or it is against public interest, he may, with the permission of Chairman of the Empowered Standing Committee decline to give the information or seek time to furnish the information.

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

By order of the Governor of Bihar,

ARVIND KUMAR SINGH,
Deputy Secretary.

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ARVIND KUMAR SINGH,
Deputy Secretary.

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।

बिहार गजट (असाधारण) 517-571+200-डीडीटीपी01

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