

HARYANA GOVERNMENT**LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 10th October, 2008

No. Leg. 37/2008.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 25th September, 2008, and is hereby published for general information:—

HARYANA ACT NO. 35 OF 2008
THE HARYANA MUNICIPAL CITIZENS' PARTICIPATION ACT, 2008

AN**ACT**

relating to the municipalities in the State of Haryana to institutionalize citizens' participation in municipal functions, by setting up of area sabha and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Fifty-ninth Year of the Republic of India as follows:—

Short title and extent

1. (1) This Act may be called the Haryana Municipal Citizens' Participation Act, 2008.

(2) It extends to all the municipalities in the State of Haryana.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "area" means an area as determined under section 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 that area of the municipality;

(c) "budget year" means the period for which the Government lays down the annual financial statement;

(d) "chairperson" means the chairperson of the ward committee who shall be the councilor of each ward;

(e) "Government" means the Government of the State of Haryana;

(f) "member" means the area sabha representative of the ward committee nominated under this Act;

(g) "municipality" means an institution of self-government constituted under the Haryana Municipal Act, 1973 (Haryana Act No. 24 of 1973);

- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "Schedule" means Schedule appended to this Act;
- (j) "ward committee" means a committee constituted under section 11;
- (k) "ward infrastructure index" means a composite index generated by taking into account the condition of all public infrastructure elements in that ward.

3. The territorial extent of area of each area sabha shall be coterminous with the geographical area of the ward of the municipality. However, in a municipality, where population of a ward is more than ten thousand, the ward shall be sub-divided into a number of areas with a population of ten thousand or a part thereof (less than 50% being ignored and more than 50% of the same being counted as one unit). Determination of area.

4. The area sabha representative nominated in the manner as provided under section 6 of this Act, shall be a member of the ward committee. Area sabha representative.

5. The general body meeting of an area sabha shall be held in the area, at a public place, at least twice a year, one during the period commencing from the 15th day of May and ending with the 15th day of June and the other during the period commencing from the 15th day of November and ending with the 15th day of December. At least ten percent of the registered voters of the area shall be present in such meetings. General body meeting.

6. Within a period of eight weeks from the date of announcement of constitution of the municipality, representatives for each area sabha shall be nominated in such manner, as may be prescribed. Nomination of area sabha representative.

7. An area sabha representative shall ordinarily hold office for a duration that is coterminous with that of the municipality concerned : Term of office.

Provided that no person shall continue to hold office as an area sabha representative, if, at any time, during his tenure, he incurs any of the disqualifications specified by or under any law for the time being in force for the purpose of elections to the municipality concerned:

Provided further that no person shall be entitled or continue to be entitled to hold office as area sabha representative of an area in which he is not an ordinarily resident.

8. An area sabha may, having regard to its managerial, technical, financial and organizational capacity and the actual conditions prevailing in the municipal area, perform and discharge the following functions and duties, namely:— Functions and duties of area sabha.

- (a) to generate proposals and determine the priority of schemes and development programmes to be implemented in the area and

forward the same to the ward committee, or in its absence, the municipality, for inclusion in the development plans of the ward committee or municipality, as the case may be;

- (b) to verify the most eligible persons from the area for beneficiary oriented schemes on the basis of criteria fixed by the Government and prepare a list of eligible beneficiaries in order of priority and forward the same for inclusion in the development plans of the ward or municipality;
- (c) to suggest the location of streetlights, streets, community water taps, public wells, public sanitation units and such other civic amenity schemes within the area;
- (d) to identify the deficiencies in the civic amenities in the area and suggest remedial measures;
- (e) to assist the activities of public health centres in the area, especially in disease prevention and family welfare and create arrangements to report on the incidence of epidemics and natural calamities;
- (f) to provide and mobilize voluntary labour and contributions in cash and kind for development programmes and to supervise such development works through volunteer teams;
- (g) to undertake and support tax mapping and to remind people of the locality of their obligations to pay municipal taxes and user charges.

Rights and
powers of area
sabha

9. An area sabha may, subject to the procedures that may be prescribed in this regard, exercise the following rights and powers, namely:—

- (i) to get information from the officials concerned as to the services to be rendered and the works proposed to be done in the succeeding period of three months after the meeting;
- (ii) to be informed by the ward committee about every decision concerning the area and the rationale of such decisions made by the ward committee or the Government;
- (iii) to be informed by the ward committee of the follow up action taken on the decisions concerning the area;
- (iv) to impart awareness on matters of public interest such as cleanliness, preservation of environment and prevention of pollution;
- (v) to promote harmony and unity and arrange cultural festivals and sports meets to give expression to the talents of the people of the locality; and

(vi) to co-operate with the ward committee in the provisions of sanitation arrangements in the area.

10. The area sabha representative of an area shall be an ex-officio member of the ward committee constituted for the ward within which area is situated.

Area sabha
representative to
be ex-officio
member of ward
committee

Ward committee.

11. (1) There shall be a ward committee for each ward in a municipality to be constituted within six months of the constitution of the municipality.

(2) Each ward committee shall consist of –

- (a) the member of the municipality representing the ward, who shall be the chairperson of the ward committee;
- (b) not less than three and not more than ten persons representing the civic society as area sabha representatives, from the ward, to be nominated by the municipality :

Provided that if the population of the ward is not more than ten thousand, the number of nominated members shall be four, and thereafter, there shall be one additional member for every four thousand population or part thereof:

Provided further that in reckoning the number of additional members of the ward committee exceeding four, any part of less than two thousand population may be ignored :

Provided further that at least one-third of the members shall be women and the number of members representing Scheduled Caste and Backward Class shall be in proportion to their population in that ward.

Explanation.— For the purposes of this section, 'civic society' means any non-government organization or association of persons established, constituted or registered under any law for the time being in force and working for social welfare and includes any community-based organization, professional institution and civic, health, educational, social or cultural body or any trade or industrial organization and such other association or body as the municipality may decide.

(3) A person shall be disqualified for being nominated as a member of the ward committee under clause (b) of sub-section (2) or to continue as such member, if under the provisions of any law for the time being in force, he is disqualified for being elected as a member of a municipality.

(4) The Commissioner, Executive Officer or Secretary of the municipality, as the case may be, or his representative shall be entitled to take part in the meetings and deliberations of the ward committee. The chairperson of the ward committee may request the representatives of concerned departments to be special invitees to participate in the meetings whenever problems pertaining to their departments are to be discussed.

(5) The Sanitary Inspector or any other official, as may be nominated by the municipality, shall be the Secretary of the ward committee. 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 meeting of the ward committee shall be held at least once in each quarter of the year and at least two-third members shall be present in each meeting.

(7) The following procedure shall be adhered to while conducting meetings of the ward committee:—

- (a) reasonable notice of meeting shall be given at least one week in advance and placed on the notice board of the offices of the ward committee;
- (b) minutes of the meeting shall be maintained and kept at its office and shall be made available to the general public for perusal;
- (c) the action taken report on the minutes shall be presented at the next meeting and this information shall be made use of by the appropriate sub-committees in their functions.

(8) The term of office of the ward committee shall be coterminous with the term of office of the municipality.

Functions of ward committee

12. The ward committee shall discharge the following functions, namely:—

- (a) to provide assistance in solid waste management and conduct supervision of sanitation work in the ward;
- (b) to provide assistance for the preparation, implementation and monitoring of the development scheme for the ward and encourage local level alternatives, initiatives or public private partnership for its implementation;
- (c) to encourage harmony and unity among various groups of people in the ward;
- (d) to mobilize voluntary labour and donation by way of goods or money for social welfare programs and ensure people's participation in the voluntary activities necessary for successful implementation of the developmental activities of the municipality;
- (e) to provide assistance for identification of beneficiaries for the implementation of development and welfare schemes;
- (f) to encourage art and cultural activities and sports and games;

- (g) to assist in the timely collection of taxes, fees and other sums due to the municipality and ensure optimal collection of all revenue sources;
- (h) to ensure maintenance of parks, play grounds, streets and street lights;
- (i) to assist the activities of public health centres in the area, especially in disease prevention and family welfare and create arrangements to report on the incidence of epidemics and natural calamities;
- (j) to assist in preparation of the ward plans in a manner consistent with the district plans and complete the exercise within the time specified by the Government;
- (k) to assist in preparation of the ward budget in accordance with the ward plans and complete the exercise within the time specified by the Government;
- (l) to map the ward infrastructure index for that ward;
- (m) to make periodical reports to the municipality in respect of the administration of the Act;
- (n) to perform such other functions as may be assigned to it by the municipality.

13. The ward committee shall have the right to –

Rights of ward committee.

- (a) obtain information about the district and municipal plans;
- (b) obtain the municipal budget within reasonable time to verify, seek clarifications and suggest changes that need to be incorporated;
- (c) obtain information about provision of basic services to urban poor including security of tenure at affordable prices, improved housing, water supply, sanitation, education, health and social security;
- (d) be consulted in the development of land and change of land use and zoning regulations;
- (e) obtain details on all revenue matters including taxes and budgetary allocations to be presented in a simplified and manageable manner;
- (f) seek information from the Commissioner, Executive Officer or Secretary of the municipality, as the case may be, regarding any matter relating to the ward.

Activities of ward committee.

14. The ward committee shall perform the following activities, namely: -

- (a) it shall decide upon agenda at its first meeting for each budget year and for each of the monthly meetings:

Provided that the chairperson may add additional agenda for any meeting or any other member may, at a meeting, move a resolution to add to the agenda, to be decided upon in the meeting in question or any subsequent meeting;

- (b) it shall prepare the annual ward plan and forward the same to the concerned municipality for its integration with the annual municipal plan.

Budget of ward committee.

15. (1) A ward committee meeting shall compulsorily be held at least three weeks before the preparation of the ward budget to facilitate its proper preparation.

(2) A ward level annual budget calendar shall be prepared strictly in accordance with the Schedule 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.

Budget of municipality.

16. The municipality budget shall be the aggregate of all the ward budgets which have been prepared in accordance with section 15 and shall have additional account heads for specific receipts and expenditures at its level.

Responsibility of municipality.

17. The municipality shall take up the responsibility of providing administrative and infrastructure support to the ward committee for its proper functioning and shall create mechanisms for checks and balances over the Government personnel in their ward and shall have the power to recommend to the competent authority for imposition of penalties for misconduct and negligence of duties.

Ward information and statistics committee.

18. (1) There shall be a ward information and statistics committee consisting of three members, to be nominated by the chairperson within one month of the constitution of the ward committee in each ward, for various developmental and planning works. It shall also appoint from amongst themselves, one person as the presiding member, who shall preside over the meetings.

(2) 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 such format, as may be specified by the concerned municipality for this purpose, namely: -

- (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 to public spaces and civic amenity sites, traffic patterns and public transportation hubs and preservation and restoration of environment, natural resources and heritage sites;
- (c) infrastructure index including the extent of infrastructural development, current and pending projects and the infrastructural requirements of the ward.

19. (1) The State Government may, by notification in the Official Gazette, Power to make rules. make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of State Legislature, while it is in session.

ANNUAL BUDGET CALENDAR

{Sections 2 (i) and 15 (2)}

| Month | Primary Activity | Secondary Activity |
|-----------|-----------------------|--------------------|
| 1 | 2 | 3 |
| APRIL | area plan | |
| MAY | ward plan | |
| JUNE | ward plan | |
| JULY | area budget | |
| AUGUST | area budget | |
| SEPTEMBER | ward budget | |
| OCTOBER | ward budget | |
| NOVEMBER | municipality's budget | |
| DECEMBER | municipality's budget | |
| JANUARY | works review | |
| FEBRUARY | works review | |
| MARCH | works review | |

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