

PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB
NOTIFICATION

The 16th April, 2013

No. 34-Leg./2013.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 10th Day of April, 2013, is hereby published for general information:-

THE PUNJAB COMMUNITY PARTICIPATION IN
MUNICIPALITIES ACT, 2013
(Punjab Act No. 34 of 2013)

AN

ACT

to provide for community participation for performing and discharging certain functions and duties of the Municipalities and for setting up of Area Sabhas and Wards Committees and matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Community Participation in Municipalities Act, 2013.

Short title,
application and
commencement

(2) It shall apply to all the Municipalities in the State of Punjab.

(3) It shall come into force on and with effect from the date of its publication in the Official Gazette.

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

Definitions.

(a) "Area" means an Area as determined under section 3 of this Act;

(b) "Area Sabha" means in relation to an Area, the body of all the persons registered in the electoral rolls pertaining to every polling station in that Area;

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

- (d) "chairperson" means the chairperson of the Wards Committee;
- (e) "Government" means the Government of the State of Punjab in Department of Local Government;
- (f) "Municipal area" means a Municipal area as defined in clause (8-C) of section 3 of the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911) and clause (25-b) of section 2 of the Punjab Municipal Corporation Act, 1976 (Punjab Act 42 of 1976);
- (g) "Municipality" means an institution of self-Government constituted under article 243Q of the Constitution of India;
- (h) "Representative" means a Representative of the Area Sabha nominated under section 4 of this Act;
- (i) "ward" means the territorial constituency of a Municipal area divided for the purposes of persons to be chosen by direct election; and
- (j) "Wards Committee" means a Wards Committee constituted by the State Government under section 10 of this Act.

Determination
of Area.

3. (1) Within a period of eight weeks either from the date of the commencement of this Act or from the date of the constitution of a Municipality, as the case may be, the Government shall, by order, determine the number of Areas into which each ward may be divided, which shall not be less than three, but not exceeding ten in any case.

(2) Immediately the determination of Areas under sub-section (1), a Municipality shall classify the territorial extent of each Area, which shall necessarily include the entire geographical territory in which all persons, who are ordinarily resident of that Area mentioned in the electoral roll of any polling station in such territory, or, if the Municipality so decides, two or more contiguous polling stations, not exceeding five in such territory.

Nomination of
Representative.

4. Within a period of thirty days from the date of classification of the territorial extent of an Area under sub-section (2) of section 3 of this Act, a Representative for each Area shall be nominated by the Government:

Provided that no person shall be nominated as a Representative, if he is

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disqualified for being chosen as, and for being a member of a Municipality under section 11 of the Punjab State Election Commission Act, 1994 (Punjab Act 19 of 1994).

5. Every Representative shall hold office for a duration coterminous with the term of the Municipality:

Term of Office
of the
Representative.

Provided that no person shall continue to hold office as such, if, at any time, during his tenure, he incurs any of the disqualifications specified under proviso to section 4 of this Act:

Provided further that no person shall be entitled to continue as such, if, at any time, his name does not figure in the electoral roll of any of the polling station of the Area concerned.

6. An officer nominated by the Municipality shall be the Secretary of the Area Sabha.

Secretary of the
Area Sabha.

7. The meeting of an Area Sabha shall be held 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 persons registered in the electoral rolls of the Area shall form quorum for such meetings.

Meeting of the
Area Sabha.

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 the
Area Sabha.

- (a) to generate proposals and determine the priority of schemes and development programmes to be implemented in the Area and to forward the same to the Wards Committee;
- (b) to verify the eligible persons from the Area for beneficiary oriented schemes on the basis of criteria fixed by the State Government and prepare a list of eligible beneficiaries in order of priority and to forward the same to the Wards Committee;
- (c) to verify the eligibility of persons getting various kinds of welfare assistance from the State Government or the Government of India;

- (d) to suggest the location of streets, streetlights, community water taps, public wells, public sanitation units and such other civic amenity schemes within the Area;
- (e) to identify the deficiencies in the civic amenities in the Area and suggest remedial measures;
- (f) to assist the activities of public health centres in the Area, especially in disease prevention and family welfare and to report on the incidence of epidemics and natural calamities;
- (g) to provide and mobilize voluntary labour and contributions in cash and kind for development programmes and to supervise such development works through volunteer teams;
- (h) to undertake and support tax mapping and to remind people of the Area of their obligations to pay taxes and user charges;
- (i) to impart awareness on matters of public interest, such as cleanliness, preservation of environment and prevention of pollution;
- (j) to promote harmony and unity and to arrange cultural festivals and sports meets to give expression to the talents of the people of the Area; and
- (k) to co-operate with the Wards Committee for sanitation arrangements in the Area.

Rights and
powers of the
Area Sabha.

9. An Area Sabha shall have the following rights, namely,-

- (i) to get information from the officers/officials of the Municipality as to the services to be rendered and the works proposed to be done in the Area;
- (ii) to be informed by the Wards Committee about every decision concerning the jurisdiction of the Area Sabha and the rationale of such decision made by the Wards Committee; and
- (iii) to be informed by the Wards Committee of the follow up action taken on the decisions concerning the Area.

Constitution of
Wards
Committee.

10. (1) Within thirty days of the nomination of Representatives under section 4 of this Act, the Commissioner in the case of Corporation, and the Deputy Commissioner of the District in the case of other Municipalities, by order, in writing, shall determine in respect of the territorial area of a Municipality such number of Wards Committees consisting of such number of wards, not exceeding five, as he may deem fit.

(2) In constituting the Wards Committee under sub-section (1), geographical contiguity, as far as possible, shall be maintained.

(3) Each Wards Committee shall consist of,-

- (i) the Councillor(s) as described in section 5 of the Punjab Municipal Corporation Act, 1976 or the member(s) as described in section 12 of the Municipal Act, 1911, elected from the ward(s) for which the Wards Committee is constituted;
- (ii) all Representatives of the Areas;
- (iii) the Commissioner in the case of Corporation and the Executive Officer in the case of other Municipalities, [*ex-officio* member];
- (iv) any other officers nominated by the Municipality to be *ex-officio* members and one of them shall be the Secretary of the Wards Committee.

(4) The chairperson of the Wards Committee shall be elected Councillor or the elected member, as the case may be:

Provided that where there are more Councillors or elected members, as the case may be, they shall elect the chairperson from amongst themselves:

Provided further that in case of equality of votes of elected Councillors or the members, as the case may be, the older in age shall be the chairperson.

(5) The chairperson may require the departments of the State Government or the autonomous bodies under its control or the Municipality to depute its representatives as special invitees to participate in the meetings, whenever problems pertaining to their wings are to be discussed.

(6) The Commissioner, the Executive Officer or the Secretary of the Municipality or his representative shall be entitled to take part in the meetings and deliberations of the Wards Committee.

(7) All minutes of the meetings of the Wards Committee shall be recorded by the Secretary and a copy of minutes of each meeting shall be forwarded by him to the Municipality.

(8) The meeting of the Wards Committee shall be held at least once in each quarter of the year and at least two-third members shall form the quorum.

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Term of the
Area Sabha and
the Wards
Committee.

11. The term of office of the Area Sabha and the Wards Committee shall be coterminous with the term of the Municipality.

Functions and
duties of the
Wards
Committee.

12. The Wards Committee shall discharge and perform the following functions and duties, namely:-

- (a) to provide assistance in solid waste management in the Area;
- (b) to make supervision of sanitation work in the Area;
- (c) to provide assistance for the preparation, implementation and encouragement of the development scheme for the Area;
- (d) to encourage harmony and unity among various groups of people in the Area;
- (e) to mobilize voluntary labour and donation by way of goods or money for social welfare programmes;
- (f) to provide assistance for identification of beneficiaries for the implementation of development and welfare schemes;
- (g) to encourage art and cultural activities and activities of sports and games;
- (h) to ensure people's participation in the voluntary activities necessary for successful implementation of the development activities of the Municipality;
- (i) to assist in the timely collection of taxes, fees and other sums due to the Municipality;
- (j) to ensure maintenance of street lights and parks in the Area;
- (k) to compile, maintain and update annually the information about the Area in such format, as may be specified by the Municipality relating to economic information including the number and nature of commercial establishment in the Area, employment data and information relating to land use, public spaces, civic amenity sites, traffic patterns, public transportation hubs, preservation and restoration of environment natural resources, heritage sites and infrastructure index including the extent of infrastructural Development, current and pending projects and the infrastructural requirements of the Area.; and

- (l) to perform such other functions as may be assigned to it by the Municipality.

13. The Wards Committee shall have the right to,-

Rights of the
Wards
Committee.

- (a) seek information from any officer/official of the Municipality regarding any matter relating to the Area;
- (b) obtain information about the plans of the Municipality;
- (c) obtain information of the budget of the Municipality and all revenue items including tax; and
- (e) be consulted in the development of land use and zoning regulations.

14. The following procedure shall be adhered to while conducting meetings of the Area Sabha and Wards Committee,-

Procedure for
conducting
meetings of
Area Sabha
and Wards
Committee.

- (a) notice of meeting shall be given at least one week in advance and placed on the notice board of the office of the Municipality;
- (b) minutes of the meeting shall be maintained and kept in the office of the Secretary of the Area Sabha, and the Wards Committee, as the case may be, and shall be available to the general public for perusal; and
- (c) the action taken report on the minutes shall be presented at the next meeting.

15. (1) The Wards Committee shall prepare the annual Area plan and forward the same to the Municipality concerned for its integration with the Municipal Plan.

Preparation of
budget of the
Wards
Committee.

(2) An annual budget calendar of the Wards Committee shall be prepared strictly in accordance with the Schedule appended to this Act six weeks before the Municipal budget. The Municipality may suggest changes that may be effected in the annual budget prepared by the Wards Committee after discussion with it.

16. The Municipality budget shall be the aggregate of all the budgets of the Wards Committees prepared in accordance with section 15 of this Act and shall have additional account heads for specific receipts and expenditures at the Municipality level.

Budget of
Municipality.

Providing of infrastructure to the Area Sabha and the Wards Committee.

17. The Municipality shall be responsible for providing administrative and infrastructural support to the Area Sabha and the Wards Committee for its proper functioning and shall create mechanisms for checks and balances over the officials and shall have the power to recommend to the competent authority for imposition of penalties for misconduct and negligence of duties of such officials.

Additional duties relating to statistics of the Wards Committee.

18. In addition to the functions and duties assigned to the Wards Committee under section 12 of this Act, it shall be the duty of the Wards Committee to compile, maintain and update annually the following information, namely:-

- (a) economic information including the number and nature of commercial establishment in the Area and employment data;
- (b) information relating to land use, public spaces, civic amenity sites, traffic patterns, public transportation hubs, preservation and restoration of environment, natural resources and heritage sites; and
- (c) infrastructure index including the extent of infrastructural development, current and pending projects and the infrastructural requirements of the area.

Provisions of this Act not to be derogatory.

19. The provisions of this Act shall be in addition to the provisions of the Punjab Municipal Act, 1911 (Punjab Act 3 of 1911) and the Punjab Municipal Corporation Act, 1976 (Punjab Act 42 of 1976) and shall not be derogatory to the provisions contained therein.

Power to remove difficulties.

20. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section, shall be laid, as soon as may be, after it is made, before the Legislative Assembly.

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SCHEDULE

[See sub-section (2) of section 15]

<i>Month</i>	<i>Primary Activity</i>
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

H.P.S. MAHAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.