

THE HIMACHAL PRADESH MUNICIPALITY DISCLOSURE BILL, 2009

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to provide for transparency and accountability in the functioning of municipalities in the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixtieth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Himachal Pradesh Municipality Disclosure Act, 2009.

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

Definitions.

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

(a) “assets” means all immovable properties vested in a municipality;

(b) “municipality” shall have the meaning assigned to it under clause (33) of section 2 of the Himachal Pradesh Municipal Corporation Act, 1994;

12 of 1994

(c) “prescribed” means prescribed by rules made under this Act; and

(d) “Schedule” means Schedule appended to this Act.

Obligation
of the
municipality.

3. (1) Every municipality shall maintain and publish its records duly catalogued and indexed in such manner and in such form as may be prescribed.

(2) It shall be the duty of every municipality to disclose the required information as specified in the Schedule after the end of each quarter.

4. The required information shall be disclosed in such manner as may be prescribed which may include,— Manner of disclosure of information.

- (i) regional news paper in Hindi and English which has *wide* circulation in the area;
- (ii) internet;
- (iii) notice boards of the municipality; and
- (iv) any other mode as may be prescribed.

5. (1) The State Government may, by notification, make rules to carry out the purposes of this Act. Power to make rules.

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

SCHEDULE

[*See section 3 (2)*]

PART—A

- (i) Particulars of the municipality;
- (ii) A Statement of the boards, councils, committees and other bodies consisting of two or more person constituted as its part for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public or the minutes of such meetings are accessible for public;
- (iii) A directory of its officers and employees; and
- (iv) The particulars of officers who grant concessions, permits or authorizations for each activity;

PART—B

- (i) Audited financial statements of Balance Sheet, Receipt and Expenditure, and Cash Flow on a quarterly basis, within two months of the end of each quarter; and statutorily audited financial statements for the full financial year, within three months of the end of the financial year;
- (ii) The service levels being provided for each of the services being undertaken by the municipality;
- (iii) Particulars of all plans, proposed expenditure, actual expenditure on major services provided or activities performed and reports on disbursements made;
- (iv) Details of subsidy programmes on major services provided or activities performed by the municipality, and manner and criteria of identification of beneficiaries for such programmes;
- (v) Particulars of the Master plan, City Development Plan or any other Plan concerning the development of the municipal area;

- (vi) The particulars of major works, as may be prescribed, together with information on the value of works, time of completion, and details of contract;
- (vii) The details of the municipal funds *i.e.*, income generated in the previous year which includes,—
 - (a) taxes, duties, cess and surcharge, rent from the properties, fees from licenses and permissions;
 - (b) taxes, duties cess and surcharge, rent from the properties, fees from licenses and permissions that remain uncollected and the reasons thereof;
 - (c) share of taxes levied by the State Government and transferred to municipality and the grants released to the municipality;
 - (d) Grants released by the State Government for implementation of the schemes, projects and plans assigned or entrusted to the municipality and the nature and extent of utilization; and
 - (e) Money raised through donation or contribution from public or non governmental agencies;
- (viii) Annual budget allocated to each ward; and
- (ix) Such other information as may be prescribed.

STATEMENT OF OBJECTS AND REASONS

In order to improve local governance including accountability and transparency in municipal administration, it is considered essential to bring a law which may provide for transparency and accountability in the functioning of the municipalities. Further, it is also requirement of Jawaharlal Nehru National Urban Renewal Mission (JNNURM) that the State Government and Urban Local Bodies should undertake certain reforms as a precondition to access funds under the mission. The proposed legislation broadly provides for accountability of municipalities and the manner of disclosure of information to the general public and other stake holders. Thus, keeping in view the above facts, it has been decided to bring the proposed Himachal Pradesh Municipality Disclosure Bill, 2009, which may provides for disclosure of information to the general public.

This Bill seeks to achieve the aforesaid objectives.

(KISHAN KAPOOR)
Minister-in-Charge.

SHIMLA :

The _____, 2009.

FINANCIAL MEMORANDUM

—Nil—

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill seeks to empower the State Government to make rules for carrying into effect the purposes of this Act. The proposed delegation of powers is essential and normal in character.