

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF PANCHAYATS & RURAL DEVELOPMENT
Jessop Building (1st Floor), 63, N. S. Road
KOLKATA – 700 001

NOTIFICATION

No. 4716/PN/O/I/3R-6/04 dated the 25th November, 2008.- WHEREAS the draft rules namely the West Bengal *Panchayat (Panchayat Samiti Administration) Rules, 2008* (hereinafter referred to as the said rules), was published as required under sub-section (1) of section 224 of the West Bengal *Panchayat Act, 1973* (West Ben. Act XLI of 1973) (hereinafter referred to as the said Act) vide Notification No. 694/PN/O/I/3R-6/04 dated the 14th February, 2008, in the *Kolkata Gazette, Extraordinary*, dated the 14th February, 2008, inviting objections or suggestions from all persons likely to be affected thereby, within thirty days from the date of its publication;

AND WHEREAS the objections and suggestions received in this regard have been duly considered by the State Government;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1) of section 224 of the said Act, the Governor is pleased hereby to make the following rules:-

Rules

Part – I

Chapter I

Preliminary

1. Short title and commencement. – (1) These rules may be called the West Bengal *Panchayat (Panchayat Samiti Administration) Rules, 2008*.

(2) They shall come into force on the date of their final publication in the *Official Gazette* and shall apply to all *Panchayat Samitis* in the State.

2. Definitions. – (1) In these rules, unless the context requires otherwise,-

(a) "Act" means the West Bengal *Panchayat Act, 1973* (West Ben. Act XLI 1973);

- (b) “employee” means a member of any category of officers or employees of a *Panchayat Samiti*;
- (c) "Form" means a Form appended to these rules and includes a translation thereof in Bengali, Nepali or Urdu;
- (d) “requisitioned meeting” means a meeting convened or held in terms of the second proviso to sub-section (1) of section 105;
- (e) "section" means a section of the Act.

(2) Words and expressions used, but not defined in these rules, shall have the same meanings respectively assigned to them in the Act.

Part - II

Panchayat Samiti Administration

Chapter – II

Powers, functions and duties of *Sabhapati*, *Sahakari Sabhapati* and *Karmadhakshya* of *Panchayat Samiti*.

3. Powers, functions and duties of *Sabhapati*. - (1) The *Sabhapati* shall exercise the powers, perform the functions and discharge the responsibilities conferred on him by or under the Act through the Executive Officer of the *Panchayat Samiti* and in doing so he shall ensure-

- (a) proper maintenance of records, registers and returns of the *Panchayat Samiti* and in this regard shall follow such system and procedures as are generally applicable to the State Government offices and shall also be subject to such orders and directions of the State Government as may be issued from time to time,
- (b) performance review of works of the *Panchayat Samiti* and the employees thereof ,
- (c) proper and timely preparation of budget of estimated receipts and payments of the *Panchayat Samiti* for the following year and preparation of supplementary and revised estimate of budget of the *Panchayat Samiti* for the current year,

- (d) framing and bringing into force bye-laws of the *Panchayat Samiti* for realisation of rates, fees, tolls, fines and such other charges subject to the provisions of section 223 as may be decided to be imposed by the *Panchayat Samiti*,
- (e) preparation, circulation and timely submission of the accounts of the *Panchayat Samiti*,
- (f) taking corrective measures on the basis of audit reports, preparation of replies to audit queries and placing them before the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* and the *Panchayat Samiti* for decisions and final preparation and submission of replies to the appropriate authorities,
- (g) preparation of annual administrative report of the *Panchayat Samiti*,
- (h) monitoring of timely holding of the meetings of *Sthayee Samitis* and review of progress of works and schemes assigned to the *Sthayee Samitis*,
- (i) proper functioning of *Sthayee Samitis* relating to the activities devolved upon or assigned to them in conformity with the provisions of the Act and rules,
- (j) maintenance of register of assets, properties and land vested in the *Panchayat Samiti*,
- (k) timely holding of half yearly and annual meetings of *Block Sansad*, recording of proceedings thereof and taking follow-up actions,
- (l) that no dangerous and offensive trade or business as may be notified by the Government from time to time is carried on within the area of the *Panchayat Samiti* without any license or permission of the *Panchayat Samiti*,
- (m) that no *hat* or market is run without any licence of the *Panchayat Samiti* in its area,
- (n) improvement of education, health, nutrition, and livelihood opportunities in the area of the *Panchayat Samiti* with special emphasis on improving the quality of life of the weaker sections of the society,
- (o) monitoring and supervision of all development works undertaken by the *Panchayat Samiti*,
- (p) preparation of perspective plan of the *Panchayat Samiti* for the five-year term and an annual plan of the *Panchayat Samiti* for every year in pursuance thereof with the object of achieving economic development and ensuring social justice for all and revise and update the perspective plan as

and when necessary on taking into account the resources available for development of livelihood opportunities, infrastructure and civic amenities in the area,

(q) close liaison among the members and the officers of the *Panchayat Samiti*, the officers of different departments of the State Government and different non-government and other community based organisations working in the area within the territorial jurisdiction of the *Panchayat Samiti* in order to achieve a co-ordinated approach and convergence of diverse activities in their efforts in different fields of economic and social development.

(2) The *Sabhapati* may delegate in writing to the *Sahakari Sabhapati* any of his powers and functions mentioned in sub-rule (1).

4. Powers, functions and duties of *Sahakari Sabhapati*. – (1) The *Sahakari Sabhapati* shall exercise such powers and perform such functions as may be delegated to him by the *Sabhapati* by order in writing or by the *Panchayat Samiti* by resolution or by the State Government by order:

Provided that the *Sabhapati* or the *Panchayat Samiti* or the State Government may at any time withdraw in writing or by resolution or by order all or any of such powers and functions delegated by the respective authority to the *Sahakari Sabhapati* :

Provided further that any power or function conferred or entrusted upon by virtue of any provision of the Act or any rule, shall not be withdrawn save and except by amendment of such provision.

(2) In absence of the *Sabhapati* within the meaning of sub-rule (4) of rule 6, the *Sahakari Sabhapati* shall exercise all the powers and perform all the functions and discharge all the duties of the *Sabhapati*.

5. Powers, functions and duties of the *Karmadhyaksha* of a *Sthayee Samiti*. – (1) *Karmadhyaksha* of a *Sthayee Samiti* shall take steps for preparation of perspective plan of the *Sthayee Samiti* for five years and annual plan of the *Sthayee Samiti* for every year as well as annual budget of the *Sthayee Samiti* for the following financial year. For preparation of such plans, the *Sthayee Samiti* shall duly consider the proposals received from the Gram Panchayats within its area. For preparation of such budget a lump sum amount shall be

earmarked for each of the *Sthayee Samitis* in the meeting of *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti*.

(2) *Karmadhyaksha* shall take steps for holding of a meeting of the *Sthayee Samiti* at least once in a month.

(3) *Karmadhyaksha* shall be generally responsible for implementation and monitoring of the decisions of the *Sthayee Samiti*.

(4) *Karmadhyaksha* with the assistance of the Secretary or any other officer made available in this behalf shall prepare a quarterly report on the progress of work or schemes dealt with by the *Sthayee Samiti* in Form 7 and place it before the *Sabhapati* at the end of each quarter for discussion in the next meeting of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*. Such report with the views and recommendations of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* shall also be placed in the next meeting of the *Panchayat Samiti*.

(5) *Karmadhyaksha* shall apprise the *Panchayat Samiti* in its meeting as to the progress of works or activities assigned to or devolved upon the *Sthayee Samiti*.

(6) *Karmadhyaksha* may seek advice and assistance of the members appointed under clause (c) of sub-section (2) of section 124 for execution of a scheme in addition to their roles in the meetings of the *Sthayee Samiti*.

(7) *Karmadhyaksha* shall have regular interaction with the officers of the concerned Government departments through organised meetings of the *Sthayee Samiti* or otherwise and ensure that the programmes and schemes implemented by the *Sthayee Samiti* and those implemented by such departmental officers do not have any mismatch and generate a unified impact on socio-economic development.

Chapter III

Leave of *Sabhapati, Sahakari Sabhapati, Karmadhyaksha* and member of *Panchayat Samiti*

6. Leave of *Sabhapati, Sahakari Sabhapati, Karmadhyaksha* and a member. – (1) A *Panchayat Samiti* in a general meeting, on the basis of a written or verbal communication may adopt a resolution granting leave of absence to its *Sabhapati, Sahakari Sabhapati, Karmadhyaksha* or a member for any day or days within a total period not exceeding three months in a year reckoned according to the English calendar.

(2) During the period of such leave the *Sabhapati, Sahakari Sabhapati, Karmadhyaksha* or any member shall be entitled to remuneration or honorarium and other allowances as may be admissible under other provisions of these rules or any order issued in this behalf.

(3) A *Panchayat Samiti* may, as a special case if it considers that the situation is beyond the control of the *Sabhapati, Sahakari Sabhapati, Karmadhyaksha* or a member, as the case may be, grant leave at a stretch or on occasions for a total period of 365 days including any leave availed of in terms of sub-rule (1) within his entire term of office:

Provided that for any such additional leave beyond three months in a calendar year, no remuneration or honorarium and other allowances shall be admissible to the *Sabhapati, Sahakari Sabhapati, Karmadhyaksha* or a member, as the case may be.

(4) Without any prejudice to other provisions in this rule, absence of the *Sabhapati, Sahakari Sabhapati* or a *Karmadhyaksha* for not more than five consecutive days from his duties without intimation shall be treated as his temporary inability to act and shall not be construed to mean his absence with or without leave.

Chapter – IV

Remuneration of *Sabhapati, Sahakari Sabhapati* and Honorarium of *Karmadhyaksha* and Travelling Allowance of *Sabhapati, Sahakari Sabhapati* and other members of *Panchayat Samiti*

7. Remuneration of *Sabhapati* and *Sahakari Sabhapati*. – The *Sabhapati* and the *Sahakari Sabhapati* of a *Panchayat Samiti* shall be paid out of the *Panchayat Samiti* fund such remuneration and allowances as may be determined, by order, by the State Government from time to time:

Provided that the *Sabhapati* or the *Sahakari Sabhapati* shall draw his remuneration and allowances as admissible in a bill to be presented in Form 9, containing his declaration to the effect that the period for which the claim of remuneration is being made includes a period of absence within the meaning of rule 6 or does not include any period of absence, as the case may be:

Provided further that such remuneration or allowance shall be admissible with effect from the date of election of the *Sabhapati* or the *Sahakari Sabhapati* in the first meeting after a general election or from the date of assuming office of the *Sabhapati* or *Sahakari Sabhapati* in case of filling of casual vacancy and may continue up to the date prior to the next first meeting after the general election or the date upto which the *Sabhapati* or the *Sahakari Sabhapati* holds office whichever is earlier.

8. Honorarium of *Karmadhyaksha*. – A *Karmadhyaksha* shall be paid out of the *Panchayat Samiti* fund such honorarium as may be determined, by order, by the State Government from time to time:

Provided that such honorarium shall be admissible with effect from the date of election of a *Karmadhyaksha* after a general election or from the date of assuming office in case of filling of casual vacancy and may continue up to the date prior to the date of election of the *Sabhapati* or *Sahakari Sabhapati* after the next general election or the date upto which the *Karmadhyaksha* holds office whichever is earlier:

Provided further that a *Karmadhyaksha* shall not be entitled to any allowance during the period of absence not authorised under any provision of law:

Provided also that a claim for such honorarium shall be presented by the *Karmadhyaksha* in Form 9 and shall be countersigned by the *Sabhapati* before such claim is settled.

9. Entitlement of remuneration or honorarium while holding simultaneous charge. – The *Sabhapati*, the *Sahakari Sabhapati* or a *Karmadhyaksha* shall not be entitled to draw remuneration or honorarium in more than one capacity for the same period even when he holds charge of two or more offices simultaneously during the said period:

Provided that a member of a *Panchayat Samiti* on being elected to the office of the *Karmadhyaksha* in more than one Sthayee Samiti of a *Panchayat Samiti*, shall be entitled to the honorarium admissible for that office of the *Karmadhyaksha* to which he is first elected

and officiating and no honorarium shall be admissible for any such office to which he is subsequently elected.

10. Travelling Allowance of *Sabhapati*, *Sahakari Sabhapati*, and member of *Panchayat Samiti*. – (1) Notwithstanding anything contained in rule 7 and rule 8, the members of a *Panchayat Samiti* shall be paid out of the *Panchayat Samiti* fund such fixed travelling allowance for attending the meetings of the *Panchayat Samiti* subject to such terms and conditions as may be determined, by order, by the State Government from time to time.

(2) Fixed travelling allowance referred to in sub-rule (1), shall not be admissible to a member of a *Panchayat Samiti* unless he attends, during the month under consideration, at least one meeting of the *Panchayat Samiti* or of any of its *Sthayee Samitis* or of any other formally constituted body or committee of which he is a member by virtue of his being a member of the *Panchayat Samiti*:

Provided that he shall not be entitled to any fixed travelling allowance during the period of absence not authorised under any provision of law.

(3) Notwithstanding anything contained in sub-rule (1) or sub-rule (2), for journeys beyond a radius of eight km. in connection with any work of the *Panchayat Samiti*, the *Sabhapati*, the *Sahakari Sabhapati* and the members of a *Panchayat Samiti* shall be entitled to travelling allowance and daily allowance at the rates as may be determined by the State Government from time to time and such allowances shall be paid out of the *Panchayat Samiti* fund:

Provided that such allowances shall be admissible when such journeys are performed in pursuance of a resolution of the *Panchayat Samiti* or a *Sthayee Samiti* as the case may be.

(4) Every bill for travelling allowance and daily allowance of the *Sabhapati*, *Sahakari Sabhapati* and members of a *Panchayat Samiti* shall be accompanied by a tour diary duly approved by the controlling authority on his satisfaction.

(5) The controlling authority referred to in sub-rule (4) shall be the Sub-Divisional Officer having jurisdiction with respect to the *Sabhapati* and the *Sabhapati* with respect to the *Sahakari Sabhapati*, *Karmadhyaksha* and other members.

(6) When a *Sabhapati*, *Sahakari Sabhapati*, *Karmadhyaksha* or a member is required unavoidably to incur expenditure in course of a tour for which no travelling allowance or daily allowance is admissible, he may submit a contingent bill covering actual expenses of the journey containing a certificate to the effect that he has actually incurred the expenditure in connection with the official work of the *Panchayat Samiti* and such claim, on examination, shall be paid out of the office expenses fund or own fund of the *Panchayat Samiti* as may be available.

(7) For the purpose of payment of travelling allowance and daily allowance and the cost of travelling, claim of a member shall be determined presuming that all journeys have commenced and terminated from and to their places of residence or the office of the *Panchayat Samiti* as may be deemed reasonable.

Chapter V

Reporting and Planning for the works of *Panchayat Samiti*

11. Report on the work of the previous year and plan for the works of the following year. – (1) The *Panchayat Samiti* shall prepare a report in Form 4 in the month of April every year showing the work done during the previous year and publish the same in the office of the *Panchayat Samiti* along with a list of beneficiaries for information of the public in general.

(2) The report under Form 27 as referred to in West Bengal *Panchayat (Zilla Parishad and Panchayat Samiti) Accounts and Financial Rules, 2003* alongwith report under sub-rule (1) shall be placed in a meeting of the *Panchayat Samiti* by the month of May every year and also in the annual meeting of *Block Sansad*.

(3) The *Panchayat Samiti* shall submit copy of the report as referred to in sub-rule (2) to the Executive Officer of *Zilla Parishad*.

(4) As soon as possible after the first meeting following the general elections to the *Panchayat*, it shall prepare a perspective plan for five years or for such unexpired term of the

office of the existing members as may be available. Such perspective plan shall be prepared with the object to address the need-based demands raised or perceived in the area under its jurisdiction for integrated socio-economic development by way of implementation of programmes and schemes envisaged in it in successive annual phases generating a sustaining effect and for such preparation and also for prioritisation of different sectoral activities, views and suggestions of the *Gram Panchayats* within its jurisdiction shall be obtained and taken into consideration.

(5) The *Panchayat Samiti* shall prepare an annual plan, in the month of January of the preceding year. For this purpose the *Panchayat Samiti* shall request the *Gram Panchayat* within its jurisdiction to forward the works and schemes, which they consider necessary for their area but are unable to undertake due to financial or technical constraint. The draft annual plan shall also be placed in the half-yearly meeting of *Block Sansad*.

(6) After taking into consideration the proposals received from the *Gram Panchayats* alongwith proposals worked out at the level of *Panchayat Samiti*, the *Panchayat Samiti* shall prepare the annual plan and circulate it to all *Gram Panchayats* for their views and suggestions and display it in the office notice board and at three other prominent places within its area.

(7) The *Panchayat Samiti* shall consider the recommendations and suggestions, if any, of the *Gram Panchayats*, public in general and of the *Block Sansad* and revise the plan accordingly for final adoption.

(8) The *Panchayat Samiti* shall adopt the revised plan by a resolution in a meeting, specially convened for this purpose and forward a copy to the Executive Officer of the *Zilla Parishad* by the 15th day of February every year for information. On the basis of the revised plan, the *Panchayat Samiti* may also revise the budget estimate for the year in question either at the initial stage if the budget is not approved or otherwise by preparation of supplementary and revised budget estimate.

Chapter – VI

Meetings of *Panchayat Samiti*

12. Place of meeting. – All meetings of *Panchayat Samiti* shall be held in the office of the *Panchayat Samiti*.

13. Preparation of list of business. – The list of business to be transacted at every meeting of the *Panchayat Samiti*, except at an adjourned meeting, shall be prepared by the Secretary in consultation with the Executive Officer and the *Sabhapati*, or in his absence the *Sahakari Sabhapati* and shall be entered in the book of agenda to be maintained for the purpose and shall be countersigned by the *Sabhapati* or the *Sahakari Sabhapati* as the case may be.

14. Notice of meeting. - (1) (a) At least seven days' notice with the list of business to be transacted at every meeting, except an emergent meeting or a requisitioned meeting of the *Panchayat Samiti*, shall be sent to all members in Form 1.

(b) An emergent meeting may be called after giving at least three days' notice to the members in Form 1A.

(c) A requisitioned meeting may be called by the *Sabhapati* in Form 1B or by the requisitionist members in Form 1C, as the case may be, by giving clear seven days' notice in either case.

(2) A copy of the outline budget or the draft budget, as the case may be, of the *Panchayat Samiti*, when required to be considered at a meeting of the *Panchayat Samiti* specially convened for the purpose, shall be enclosed with the notice for such meeting.

(3) When the *Sabhapati* is required to convene a requisitioned meeting in terms of the second proviso to sub section (1) of section 105 the *Sabhapati* may do so, by issuing notices under his signature or, with his written consent, under the signature of the Secretary when the *Sabhapati* shall remain responsible for the notices or any defect therein. Such notices shall be issued at least seven days before the date of the meeting, which shall be held within fifteen days from the date of receipt of such requisition by the *Sabhapati*.

(4) There shall be no meeting with agenda for removal of more than one office bearer in a *Panchayat Samiti* and any such notice issued in this behalf shall be void *ab-initio*.

(5) In a *Panchayat Samiti* not more than one general body meeting shall be held on a single calendar day. Any notice convening more than one general body meeting on a single calendar day shall be void *ab-initio*. If more than one notice is issued for convening separate meetings on the same day, only the notice, which is issued first, shall be valid.

15. Manner of service of Notice. – (1) The notice for a general meeting, an emergent meeting and an adjourned meeting shall be signed and sent by the Secretary to all the members of the *Panchayat Samiti*. The notice for an ordinary meeting or an adjourned meeting or a meeting for the consideration of the budget or a meeting for the consideration of the audit reports may be sent by post under certificate of posting or by special messenger and that of an emergent meeting shall be sent by special messenger only. The notice for a requisitioned meeting shall be sent by registered post with acknowledgement due by the *Sabhapati* or, with his written consent, by the Secretary or by the requisitioner members, as the case may be:

Provided that the messenger, as and when required, shall deliver the notice to the member to whom it is addressed normally at his residence. In the absence of the member, the notice may be delivered to an adult member of his family residing with him. The messenger shall obtain the signature of the member or the adult member of his family residing with him as the case may be, in the office copy of the notice as a token of receipt thereof. If the member is absent and there is no other adult member of his family to whom the notice may be delivered, it shall be served by affixing on the outer door or some other conspicuous part of the house of the member in the presence of not less than two witnesses. The service return containing the signature of witnesses during such service shall be attached to the office copy of the notice along with a brief note of the entire procedure by the Secretary or in his absence by any other employee authorised by the *Sabhapati*:

Provided further that in absence of Secretary the notices shall be signed by any other officer of the *Panchayat Samiti* as may be authorised by the *Sabhapati* in consultation with the Executive Officer of the *Panchayat Samiti* or when no officer is present or is capable to act as such for any reason whatsoever, by the *Sabhapati* himself.

(2) One copy of the notice for every meeting shall be displayed on the notice board of the *Panchayat Samiti* as soon as the process referred to for service begins.

(3) When notices convening any meeting have been put to service, such meeting shall not be cancelled by the *Sabhapati* or any other authority for any reason or under any circumstances except under the direction of a competent Court of law.

16. Verification of service return of the notice of meeting. - On the date of meeting the *Sabhapati*, or the *Sahakari Sabhapati* or the presiding member, as the case may be, shall verify the service returns of the notice of the meeting and on being satisfied that the notice has been duly served on all members, the business of the meeting shall be taken up by him. If the notice is not served on any of the members following the provisions of rule 14 and 15, the meeting shall be discontinued forthwith on the ground that it is not validly convened and shall be held afresh on another date to be fixed by the *Sabhapati* and for such meeting a fresh notice of seven days shall be served on all members in Form 3 when the list of business for the meeting may or may not be changed.

17. Attendance Register cum Minutes Book of meeting. – (1) An Attendance Register cum Minutes Book in Form 2 shall be maintained by the Secretary of the *Panchayat Samiti* wherein every member shall sign his name or put his left thumb impression in presence of the presiding member who shall thereafter attest the same.

(2) Minutes of the meeting shall be entered in the same Attendance Register cum Minutes Book and shall be read out before the meeting is concluded. The person who presides over the meeting shall thereafter put his signature below the minutes recorded.

(3) In case of a requisitioned meeting every member attending the meeting shall sign his name or put his thumb impression either in the Attendance Register - cum – Minutes Book or when the Attendance Register cum Minutes Book is not available, on a plain sheet of paper. In the latter case, proceedings of the meeting shall also be recorded on sheets of plain paper.

18. Adjournment of meeting for want of quorum. - If within one hour from the time appointed for holding a meeting of a *Panchayat Samiti* quorum is not formed, the meeting shall be adjourned and shall be held on the seventh day thereafter at the same place and the same hour when unless provided otherwise in any law for the time being in force, no quorum shall be necessary. The members shall, however, be additionally informed of the

date, place and time of the adjourned meeting by a fresh notice in Form 3. The list of business for transaction at the original meeting shall remain unchanged for the adjourned meeting:

Provided that when quorum is needed for a meeting, such quorum shall be ascertained at the commencement of the meeting and once quorum is reached it shall be valid for the entire meeting.

19. Note to be kept for want of quorum. - When a meeting of a *Panchayat Samiti* is not held for want of a quorum, the *Sabhapati* and in his absence the *Sahakari Sabhapati* and in absence of both, the Secretary of the *Panchayat Samiti* shall make a note to the effect in the Attendance Register cum Minutes Book referred to in rule 17.

20. Resolutions pressed for division. – If there is difference of opinion on any resolution, it shall be put to vote. Every resolution supported by the majority members shall be recorded clearly in the Attendance Register cum Minutes Book together with the names of members voting for or against the resolution. Dissenting opinion, if any, shall also be recorded therein along with the name of the member.

21. Manner of voting. – When any issue is put to vote, the presiding member shall decide the manner in which the members shall cast their votes:

Provided that for all resolutions including any resolution for removal of an office bearer, the vote shall be cast by the members without any secrecy so that the members may know on which side a vote is cast.

22. Voting by Proxy Prohibited. – No vote shall be given by proxy and no member shall vote if he is absent in person at the time of voting.

23. Decision by majority of votes. – All questions at any meeting shall be determined by a majority of votes of the members present and voting. The presiding member shall have a second or casting vote in case of an equality of votes:

Provided that in case of any proposal for removal of a *Sabhapati* or *Sahakari Sabhapati* in a meeting including a requisitioned meeting, the presiding member shall have no casting vote.

24. Language in which minutes are to be recorded. – The minutes of the proceedings of a meeting shall be recorded either in Bengali or in Nepali or in English or in Urdu as may be decided by the majority members.

25. Person responsible to record the minutes. - The proceedings of a meeting shall be recorded by the Secretary or in his absence, by such other employee as may be authorised by the presiding member in this behalf :

Provided that in case of a requisitioned meeting, proceedings of the meeting shall be recorded by a member as may be selected by the member presiding over such meeting if the Secretary or any other employee is not available for the purpose.

26. Rules of business. – (1) Every general meeting of the *Panchayat Samiti* shall commence with a statement of actions taken on the proceedings of last general meeting by the person presiding over the meeting or any other person authorised by him.

(2) Proceedings of the meetings of the *Sthayee Samitis* held after the last general meeting shall be ratified in the next meeting of the *Panchayat Samiti*. For this purpose *Karmadhyaksha* of the *Sthayee Samiti* or in his absence any member of that *Sthayee Samiti* shall present a statement of actions taken on the proceedings of meetings of *Sthayee Samitis* held after last general meeting, with explanation, if necessary. Such statement shall be prepared, in consultation with the *Karmadhyaksha*, by the Secretary of the *Sthayee Samiti* or, if he is unable to do so for any reason whatsoever, by any other member of the *Sthayee Samiti* or any employee of the *Panchayat Samiti* as may be authorised by the *Sthayee Samiti* in a meeting.

(3) A meeting shall generally be conducted in pursuance of the list of business appearing in the notice for the meeting:

Provided that if a member puts up in writing at least two days before such meeting, a proposal for discussion on an issue and if the Sabhapati considers such discussion necessary and expedient in the interest of the Panchayat Samiti, he may allow such issue to be raised for discussion in the meeting:

Provided further that if during the meeting, any member proposes to raise an issue for discussion and majority of the members present support the proposal, the Sabhapati or in

his absence, the member presiding over the meeting, shall allow discussions to be held on such issue.

(4) A copy of the minutes of the meeting shall be supplied by the Executive Officer to any member who may apply for it.

Chapter – VII

Powers, functions and duties of *Sthayee Samiti*

27. Powers of *Sthayee Samiti*. – (1) Subject to such direction, general or special, as may be issued by the State Government from time to time, every *Sthayee Samiti* shall exercise such powers and perform such functions of the *Panchayat Samiti* in relation to the subjects assigned to it under rule 31 within the limits of its financial authority as may be decided by the *Panchayat Samiti* in a meeting convened with specific agenda for this purpose. The *Sthayee Samiti* shall also be responsible for the implementation of the programmes and schemes of the *Panchayat Samiti* and also those assigned to or devolved upon it by different departments of the State Government relating to the subjects enumerated in rule 31.

(2) In order to achieve a co-ordinated approach, a *Sthayee Samiti* shall perform its functions on maintaining close liaison with the *Upa-Samiti* concerned of the *Gram Panchayat* and, when necessary, with the *Gram Unnayan Samiti* having interest in such functions, and for this purpose, may invite Sanchalak of such *Upa-Samiti* and any other person to attend any of its meeting.

(3) When an item of expenditure required to be incurred for implementation of a programme or scheme, exceeds the maximum limits of the financial authority of a *Sthayee Samiti*, it shall deliberate upon the issue and place it with its proposed plan of action and the fund required to the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* for a decision and it shall implement the said programme or scheme in conformity with the decision of the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti*.

(4) If the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* considers that the proposal of the *Sthayee Samiti* referred to in sub-rule (3) is not acceptable or implementable

under the provision of the Act or any rule, order or direction framed thereunder or the item of expenditure exceeds the maximum limit of its authority, the matter shall be referred to the *Panchayat Samiti* for a decision in its next meeting. The decision of the *Panchayat Samiti* in that case shall be final.

(5) Notwithstanding the provisions contained in rule 77 of the West Bengal Panchayat (*Zilla Parishad* and *Panchayat Samiti*) Accounts and Finance Rules 2003 or in sub-rule (3), when actual expenditure for a project scheme exceeds ten per cent of the approved budget estimate, the *Sthayee Samiti* concerned may complete the project or scheme under intimation to *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* when the latter shall in due course take steps to incorporate the same in the revised and supplementary budget thereof.

(6) In case of any doubt as to whether a particular scheme or work comes within the ambit of the subjects assigned to a *Sthayee Samiti* or in case of difference of opinion on this point between two or more *Sthayee Samitis*, the matter shall be referred to the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* for decision in a meeting.

(7) Every *Sthayee Samiti* shall prepare a quarterly report on physical and financial progress of work relating to the projects or schemes dealt with by the *Sthayee Samiti* in Form 7. Such report shall be placed as early as possible in the meeting of the *Panchayat Samiti* through the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* with such additional date or information as may be deemed necessary in view of the specific nature of a scheme.

(8) The Secretary of the *Sthayee Samiti* shall forward the copy of the proceedings of every meeting of the *Sthayee Samiti* to the Executive Officer who shall bring it to the notice of the *Sabhapati* and place it in the next meeting of the *Panchayat Samiti* for ratification.

28. Function of *Sthayee Samiti* in respect of subject or scheme devolved or assigned to *Panchayat Samiti* for execution by the State Government. – (1) As soon as any subject or scheme is devolved upon or assigned to a *Panchayat Samiti* by any Department of the State Government or by any other authority, the *Panchayat Samiti* shall identify the appropriate *Sthayee Samiti* and advise it to draw detailed plan for appropriate

measures on the subject or for execution of the scheme. While forwarding the scheme the *Panchayat Samiti* may issue suitable direction to the *Sthayee Samiti* about the manner in which the plan for its execution shall be drawn up. The *Sthayee Samiti* shall cause the requisite plan and estimate of the scheme prepared by the appropriate Block level officer for deliberation, modification, if necessary, and approval.

(2) The *Sthayee Samiti* shall then proceed to execute the scheme on the basis of the accepted plan and estimate following the provisions under rule 27.

29. Function of *Sthayee Samiti* in respect of execution of schemes out of own resources of the *Panchayat Samiti*. – On approval of any scheme by the *Panchayat Samiti* for its execution out of the fund mobilized through its own resources, the *Sthayee Samiti* concerned, subject to the provisions of rule 27, shall, in conformity with the direction of the *Panchayat Samiti*, if any, deliberate upon it and cause the plan and estimate of the same prepared by the appropriate Block level officer. The *Sthayee Samiti* shall then consider, modify, if necessary, and approve the scheme and cause execution thereof with the help of the concerned Block level officer.

30. Annual action Plan and Budget of *Sthayee Samiti*. – With the object of achieving economic development and ensuring social justice for all and keeping in view the major thrust of action projected by a *Panchayat Samiti* in consonance with the demands and suggestions of the *Block Sansad* as also the *Gram Panchayats* within its jurisdiction, every *Sthayee Samiti* shall assess the felt-need of the people of the area together with availability of the local resources both physical and financial and thereafter dovetail and integrate them with the schemes, programmes and grants sponsored or made by different authorities and prepare an annual action plan encompassing its functional areas. Such annual action plan of all the *Sthayee Samitis* for the following year prepared in the aforesaid manner shall be the basis of the annual action plan of the *Panchayat Samiti*.

31. Subjects and functions assigned to different *Sthayee Samitis*. – The *Sthayee Samiti* specified in the entries in column (1) of the Table hereunder shall deal with and formulate and execute schemes relating to, the subjects specified in the corresponding entries in column (2) of the Table.

The Table

| (1) | (2) |
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| <i>Artha Sanstha Unnayan O Parikalpana Sthayee Samiti</i> | (i) Finance, (ii) Budget, (iii) Accounts, (iv) Audit, (v) Levying of rates, fees, duties and toll charges, (vi) Mobilisation of resources, (vii) Administration and establishment, (viii) Co-ordination and monetary supervision of activities of different <i>Sthayee Samitis</i> including the schemes assigned by different departments of Government. (ix) Preparation and implementation, monitoring and evaluation of <i>Panchayat Samiti</i> plans, (x) Employment generating programmes, (xi) Small savings, (xii) Preparation of resource inventory and data base of <i>Panchayat Samiti</i> planning, (xiii) Management of hat, bazaar, ferry assigned by Government to <i>Panchayat Samiti</i> , (xiv) Issue of licences on behalf of the <i>Panchayat Samiti</i> , (xv) Preparation of socio economic database in a decentralised manner, (xvi) Organising and managing training of members & functionaries of <i>Gram Panchayat</i> and <i>Panchayat Samiti</i> , (xvii) Any other function not specified for any other <i>Sthayee Samiti</i> , (xviii) Any other matter as may be assigned from time to time, (xix) Implementation of Right to Information Act. |
| <i>Janaswastha O Paribesh Sthayee Samiti</i> | (i) Public health, (ii) Sanitation, (iii) Rural water supply, (iv) Community health care management, (v) Community oriented programme for control of infectious diseases including AIDS, (vi) Community based vector control, (vii) Rural health centres, clinics and dispensaries, (viii) Family Welfare, (ix) Nutrition, (x) Protection of environment and preservation of aesthetic values, (xi) Control of pollution including industrial pollution. |

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| <i>Purta Karya O Paribahan Sthayee Samiti</i> | (i) Roads including bridges, culverts and drains for connecting all villages with all-weather roads, (ii) Public buildings, (iii) Rural housing, (iv) different civil works and maintenance thereof, (v) Public transport system, waterways and other means of communication, (vi) Drainage system for domestic waste water and high rain water, (vii) Removal of encroachment on public roads and places under the control of the <i>Panchayat Samiti</i> . |
| <i>Krishi Sech O Samabay Sthayee Samiti</i> | (i) Agriculture with introduction of new crops, new agronomic practices and crop variations, (ii) Agro industries, (iii) Horticulture, (iv) Floriculture, (v) Vermiculture, (vi) Organising marketing of agricultural products and processed and semi-processed farm produces, (vii) Irrigation including small irrigation, (viii) Soil conservation, (ix) Water management and watershed development and harvesting of rain water, (x) Co-operative movement, (xi) Crop loan, (xii) Co-operative farming, (xiii) Expansion of coverage of PROFLAL Scheme. |
| <i>Siksha Sanskriti Tathaya O Krira Sthayee Samiti</i> | (i) Elementary education upto class VIII for all, (ii) Adult and non-formal education, (iii) Mass education, (iv) Facilitation for SSK and MSK, (v) Supervision of Mid-day Meal Programme, (vi) Rural library, (vii) Technical training and vocational education, (viii) Cultural activities and recreation, (ix) Information and mass communication, (x) Promotion and monitoring of activities relating to Common Service Centres, (xi) Games and sports, (xii) Youth Welfare services. |
| <i>Sishu O Nari Unnayan Janakalyan O Tran Sthayee</i> | Development of women and children, (ii) Prevention of child labour, (iii) Mobilisation of public opinion against |

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| <i>Samiti</i> | child marriage, dowry system and premature motherhood (iv) Building up public resistance to atrocities against women and children, (v) ICDS programme – support, improvement of infrastructure and facilitation for access to its services by all, especially weaker section of the community, (vi) Social welfare - (a) Welfare of handicapped persons, (b) Welfare of SC and ST people, (c) Welfare of old and infirm persons, (d) Welfare of minority community, (e) Facilitation for implementation of NOAPS and implementation of NFBS, (f) Welfare of other weaker sections, (vii) Social security, (viii) Unemployment assistance and pension (ix) Facilitation to Self-help Groups, their sub-clusters and clusters, (x) Relief and rehabilitation, (xi) Assistance for access to Legal Aid for marginalized groups. |
| <i>Bon O Bhumi Sanskar Sthayee Samiti</i> | (i) Distribution of vested land, (ii) <u>Land reforms programmes</u> , (iii) Assistance to Self-help Groups for cultivating Khas & vested agricultural land, (iv) Social forestry, (v) Farm forestry, (vi) Increased production and economic use of fuel and fodder, (vii) Protection of forest resources including flora and fauna and promotion of joint forest management, (viii) Maintenance of ecological balance, (ix) Eco-Tourism development. |
| <i>Matsya O Prani Sampad Sthayee Samiti</i> | (i) Pisciculture, (ii) Animal resource development by promotion of dairy, poultry and such other unit, (iii) Artificial insemination (iv) Control of diseases and arrangement for treatment of livestock. |
| <i>Khadya O Sarbaraha</i> | (i) Public distribution system, (ii) Distribution of BPL cards including cards for Antyodaya Anna Yojana & Annapurna Yojana, (iii) Food security programmes including promotion |

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| | of graingola, (iv) consumer grivances |
| <i>Khudra Shilpa Bidyut O Achiracharit Shakti Sthayee Samiti</i> | (i) Cottage and small scale industries, (ii) Handloom, (iii) Khadi and village industries, (iv) Sericulture, (v) Self employment programmes, (vi) Rural electrification, (vii) Non-conventional energy growth. |

32. Co-ordination between Panchayat Samiti, its Sthayee Samitis and Block Level Officers for execution of schemes. – (1) There shall be proper co-ordination between the *Panchayat Samiti*, its *Sthayee Samitis* and Block level officers of line Departments of the State Government in all matters relating to planning, execution and administration of development work and the *Sabhapati*, *Sahakari Sabhapati*, Executive Officer and other functionaries, officers and employees shall endeavour to maintain, and also desist from disrupting, such co-ordination so as to ensure unhindered progress of development programme.

(2) Without any prejudice to the generality of the modality of distribution of functions under rule 31, the *Panchayat Samiti* may, by a resolution recording the reasons thereof, assign any specified work, project or scheme to any other *Sthayee Samiti* for execution when such assignment is considered necessary and expedient in order to interlink it with one or more other schemes for the purpose of bringing greater benefit to the people.

(3) Notwithstanding the provisions under rule 31, if it appears to a *Panchayat Samiti* that a *Sthayee Samiti* is not performing its functions at all or not performing in accordance with the provisions of this Act and rules thereunder, the *Panchayat Samiti* may resolve in a meeting to either take over the powers, functions and duties of the said *Sthayee Samiti* or transfer them for a specified period to the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* when the *Panchayat Samiti* or the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* as the case may be, shall exercise powers, perform the functions and discharge the duties of the said *Sthayee Samiti* until it becomes functional.

(4) When a *Panchayat Samiti* acts in terms of sub-rule (3), it shall also take such appropriate steps, as may be deemed necessary, for making the *Sthayee Samiti* functional.

Chapter – VIII

Meeting of *Sthayee Samiti*

33. Meeting of *Sthayee Samiti*. – Every *Sthayee Samiti* shall hold a meeting in the office of the *Panchayat Samiti* at least once in a month on such date and at such time as may be fixed in the earlier meeting of the *Sthayee Samiti* or, if no such meeting has been fixed or if the meeting could not be held on the date and time so fixed, the date and time of the meeting shall be fixed by the *Karmadhyaksha*:

Provided that if the *Karmadhyaksha* fails to convene the meeting in time, the *Sabhapati* shall convene the meeting of the concerned *Sthayee Samiti* on such date and at such time as may be fixed by him:

Provided further that the *Sabhapati* shall not convene more than three consecutive meetings of a *Sthayee Samiti*.

34. Preparation of list of business. – (1) A list of business to be transacted at a meeting, except an adjourned meeting, of the *Sthayee Samiti* shall be prepared by the Secretary of the *Sthayee Samiti* in consultation with the *Karmadhyaksha* and it shall be entered in the Attendance Register cum Minutes Book in Form 2 to be maintained for the purpose and countersigned by the *Karmadhyaksha*.

(2) The first item of the agenda for each meeting shall be to make a report on the actions taken on the resolution passed in the previous meeting.

35. Notice of meeting. – At least seven days' notice of all meetings except an emergent or a requisitioned meeting shall be served upon all members in Form 1. At least three days' notice for emergent meeting shall be served upon all members of the *Sthayee Samiti* in Form 1A. Seven days' clear notice for a requisitioned meeting shall be given by the *Karmadhyaksha* or by the requisitioner members in Form 1B or in Form 1C, as the case may be:

Provided that not more than one item shall be discussed in an emergent meeting or in a requisitioned meeting.

36. Manner of service of notice. – (1) (a) Notice for a meeting other than a requisitioned meeting shall be signed and sent by the Secretary of the *Sthayee Samiti* to all the members. The notice for an ordinary meeting shall be sent by post under certificate of posting and that for an emergent meeting shall be sent by special messenger.

(b) The notice for a requisitioned meeting shall be sent by registered post with acknowledgement due by the *Karmadhyaksha* of the *Sthayee Samiti* or by the members requisitioning the meeting as the case may be.

(2) A copy of the notice for all meetings except a requisitioned meeting called by the members themselves shall be displayed on the notice board of the *Panchayat Samiti* on the same date on which such notice is issued.

37. Quorum. – Except for the members appointed under clause (c) of sub-section (2) of section 124, at least half of the existing members of a *Sthayee Samiti* subject to minimum three, shall form quorum for a meeting of the *Sthayee Samiti* and once quorum is reached, it shall remain valid for the entire meeting.

38. Absence of official members from the meeting. – If any official member appointed under clause (c) of sub-section (2) of section 124 does not attend two consecutive meetings of the *Sthayee Samiti*, the matter shall be brought to the notice of the concerned department of the State Government by the Executive Officer of the *Panchayat Samiti* if so desired by the *Karmadhyaksha* and the *Sabhapati* of the *Panchayat Samiti* and, if necessary, the matter may be referred to the Department of *Panchayats* and Rural Development.

39. Officers, though not members of the *Sthayee Samiti*, to attend the meetings. – Any officer or employee of the *Panchayat Samiti*, who has been given responsibility in any manner in relation to any function of the *Sthayee Samiti* and has a role in implementation of the decisions of the *Sthayee Samiti*, may be invited by the *Karmadhyaksha*, when authorised by the *Sthayee Samiti* in an earlier meeting, to attend such meeting or meetings.

40. Attendance Register of Members. – (1) An Attendance Register cum Minutes Book in Form 2 shall be maintained by the Secretary of the *Sthayee Samiti* wherein every member shall sign his name or put his left thumb impression in presence of the presiding member who shall thereafter attest the same.

(2) Minutes of the meeting shall be entered in the same Attendance Register cum Minutes Book and shall be read out before the meeting is concluded. The person presiding over the meeting shall thereafter put his signature.

(3) In case of a requisitioned meeting every member attending the meeting shall sign his name or put his thumb impression in the appropriate place in the aforesaid Attendance Register cum Minutes Book or, if it is not available, on a plain sheet of paper. Proceedings of the meeting shall be recorded in the manner laid down in the proviso to rule 25, in the said Book or sheets of plain paper as the case may be.

41. Adjournment of meeting. – (1) If within an hour from the time appointed for the meeting quorum is not formed, the meeting shall stand adjourned and the adjourned meeting shall be held on the seventh day thereafter at the same place and time with the same agenda.

(2) No notice is mandatorily necessary for the adjourned meeting although the *Karmadhyaksha* may additionally cause service of such notices.

(3) Quorum as required under rule 37 shall also be necessary in an adjourned meeting.

(4). In case of adjournment of meeting if quorum is not formed , the process of convening the meeting will start *de-novo*.

42. Presiding over the meeting of *Sthayee Samiti*. – All meetings of the *Sthayee Samiti* shall be presided over by the *Karmadhyaksha*. In absence of the *Karmadhyaksha*, the members of the *Sthayee Samiti* shall elect one of the members present to preside over the meeting.

43. Requisitioned meeting for discussion on works or programmes. – (1) The *Karmadhyaksha* when required in writing to call a meeting of the *Sthayee Samiti* by not less than one-fourth of the total members of the *Sthayee Samiti* including the members appointed under clause (c) of sub-section (2) of section 124, shall issue notices within three days from

the date of receipt of the requisition, for a meeting to be held within fifteen days from the . date of such receipt of the requisition on giving clear seven days' notice to all the members of the *Sthayee Samiti*, failing which the members aforesaid may call the meeting on giving intimation to the Executive Officer of the *Panchayat Samiti* and seven days' notice to the members of the *Sthayee Samiti*:

Provided that if any proposal is put to vote, the members appointed under clause (c) of sub-section (2) of section 124 shall have no right to vote although they may participate in the discussions and put forward their views on the issue under consideration.

(2) The item of discussion in a meeting in terms of sub-rule (1) shall relate only to works or programmes of the *Sthayee Samiti*.

44. Mode of arriving at decisions in the meeting. – All motions and questions which may come before a meeting of the *Sthayee Samiti* shall be decided by the majority of the members present and voting at the meeting and in case of equality of votes the person presiding over such meeting shall have a casting or second vote:

Provided that in case of a requisitioned meeting the presiding member shall have no second or casting vote:

Provided further that every member shall exercise his vote in an open manner following the procedure to be decided by the presiding member.

Chapter – IX

Meeting of *Block Sansad*

45. Meeting of Block Sansad. – Every *Panchayat Samiti* shall hold within the local limits of the *Block* an annual meeting to be held ordinarily in the month of June and a half yearly meeting to be held ordinarily in the month of January, of the *Block Sansad* as referred to in section 115A at such place, on such date and at such hour as may be fixed by the *Panchayat Samiti*.

46. Preparation of list of business. – (1) A list of business to be transacted at every meeting of the *Block Sansad* commensurate with the provisions of sub-section (5) of section

115A shall be prepared by the Secretary of the *Panchayat Samiti* in consultation with the *Sabhapati* and the Executive Officer of the *Panchayat Samiti* and the same shall be entered in the Book of Agenda of meetings to be maintained for the purpose and countersigned by the *Sabhapati*.

(2) The first item of the agenda for each meeting shall be to place a report on the actions taken on the resolutions passed in the previous meeting.

47. Notice for meeting. – (1) At least clear seven days' notice shall be given by the Secretary of the *Panchayat Samiti* to all members in Form 1 after making suitable modifications under Certificate of Posting or through special messenger.

(2) A copy of the notice shall also be displayed on the notice board of the *Panchayat Samiti* by the Secretary on the same day as the notices to the members are put to service.

48. Officers to attend the meetings. – The Executive Officer, Joint Executive Officer, Secretary of the *Panchayat Samiti*, Secretaries of all *Sthayee Samitis* and such other officers as may be deemed necessary by the *Panchayat Samiti*, shall attend the meeting of *Block Sansad*.

49. Attendance Register. – An Attendance Register for the meetings of *Block Sansad* shall be maintained in Form 2. It shall be kept in the meeting place, at the time fixed for each meeting. Every member shall sign his name or put his left thumb impression in the Register as soon as he enters the meeting venue. In case, left thumb impression is put, it shall be attested by another member attending the meeting.

50. Minutes Book. – Proceedings of the meeting shall be recorded in the Minutes Book by the Secretary of the *Panchayat Samiti* or in his absence by any other person as may be authorised by the presiding member.

Chapter X

Licence for hat or market, dangerous and offensive trades by *Panchayat Samiti*

51. Application for licence. – (1) The owner or the lessee of an existing hat or market or an owner or a lessee of land intending to establish a hat or market thereon shall make an application in Form 5 to the *Panchayat Samiti* for licence. The owner or the lessee of an existing hat or market shall make such an application for licence within the period specified by the *Panchayat Samiti* in conformity with the terms of the bye-law framed for the purpose under section 223.

(2) If the hat or market, existing or intended to be established, consists of shops or stalls exceeding thirty in number for sale of goods, the application for licence for such hat or market shall be accompanied by a layout plan showing the following particulars:-

- (a) the number and location of shops or stalls, the roads and pathways;
- (b) the number and location of sources of drinking water;
- (c) the number and location of latrines and urinals;
- (d) the place for dumping of refuse, rubbish or sewage;
- (e) the lighting arrangement made or envisaged;
- (f) the arrangement for prevention and control of fire hazard;
- (g) the parking place for vehicles;
- (h) the drainage system for waste water and other accumulated water;
- (i) the venue where enquiries may be made and complaints may be lodged.

52. Grant of licence for hat or market. – (1) Before a licence is granted for such a hat or market, the layout plan where applicable, shall require inspection and vetting by the Block Sanitary Inspector or Sub-Assistant Engineer posted at the Block or any other authorised officer of the *Panchayat Samiti* hereinafter collectively referred to as the authorised officer. If any alteration or improvement in the layout plan is suggested, no licence shall be granted until and unless the said layout plan is revised so as to include such alteration and improvement.

(2) If the licence applied for is for an existing hat or market consisting of shops or stalls exceeding thirty, a time-limit shall be fixed by the *Panchayat Samiti* for the applicant to give effect to the alterations or improvements suggested by the authorised officer of the *Panchayat Samiti* and the licence shall not be granted until such alteration and improvements are effected within the time-limit.

53. Terms and conditions of licence for hat or market. – (1) The licensee of a hat or market shall be required to make proper arrangements for-

- (a) clearance and drainage of water or rain water from the site;
- (b) supply, where necessary, of water suitable for drinking and cooking purposes in sufficient quantities for the need of the persons attending the hat or market;
- (c) adequate disinfections of such water-supply with such disinfectant as may be necessary at regular interval, especially when any contamination is suspected or detected;
- (d) construction and maintenance, where necessary, of sufficient number of sanitary latrines and urinals for use of the persons attending the hat or market with such separate accommodation for each sex as may be directed by the authorised officer referred to in sub-rule (1) of rule 52 ;
- (e) collection, removal and disposal of refuse, rubbish, sewage or night soil at such intervals as the authorised officer referred to in sub-rule (1) of rule 52, may direct;
- (f) bringing to the notice of the Sanitary Inspector or such other officer as may be authorised by the Sub-divisional Health Officer or by the *Panchayat Samiti* in this behalf, of any case of cholera, smallpox or any other infectious or contagious disease occurring within the precincts of a hat or market;
- (g) providing sufficient lighting arrangement for every part of the hat or market at night;
- (h) providing sufficient water and other materials and equipments as may be advised for prevention and control, when necessary, of fire hazard.

(2) No person shall display or sell in a hat or market any article of food such as milk or milk products, edible oil, butter, ghee, molasses, sugar, sweetmeats, except in covered receptacles and free from contamination by dust and flies.

(3) No person suffering from any contagious disease shall prepare or help in the preparation of or handle for sale of any food article in a hat or market;

(4) No sanitary latrine or urinal shall be constructed or allowed to stand within a radius of twenty metres from any place in a hat or market where articles of food are stored or displayed for sale or where any source of water supply exists or is envisaged.

(5) No person shall store or sell or display for sale in a hat or market any meat, fish, vegetable, fruit or other articles of food or drink which is in a state of decomposition or which is adulterated or contaminated and unfit for human consumption.

(6) Adequate safeguards shall be provided for and good practices should be enforced by the licensee against an outbreak of fire in a hat or market.

54. Penalty for establishing or holding hat or market without licence or for violation of conditions for licence. – Where a hat or a market is established or run without a licence or in violation of any condition of licence, the owner or the lessee of such hat or market shall be liable for such fine as the *Panchayat Samiti* may provide under the bye-laws adopted under section 223 subject to the maximum amount of fine fixed by the State Government.

55. Form of licence for hat or market. – The licence granted by a *Panchayat Samiti* for a hat or market shall be in Form 5A.

56. Fees for licence for hat or market. – The owner or the lessee of a hat or market shall pay for the licence or for its renewal to the *Panchayat Samiti* such fee, not exceeding the

amount as the *Panchayat Samiti* may, upon considering the extent of area and nature and volume of business transacted or likely to be transacted in the hat or market, prescribe in the bye-laws adopted under section 223.

57. Application for Licence of dangerous and offensive trade. – The owner of an existing business or a person intending to establish a business declared by notification to be dangerous or offensive by the State Government shall make an application in Form 6 to the *Panchayat Samiti* for licence within the period specified by the *Panchayat Samiti* in terms of the bye-laws adopted under section 223. After expiry of such period as mentioned in the licence an application for its renewal shall be made in Form 6A.

58. Grant of licence for dangerous and offensive trade. – (1) The grant of licence for dangerous and offensive trade by the *Panchayat Samiti* relating to or dealing with Kerosene, Petroleum, Naphtha or any other inflammable oil or spirit shall be in consistence with the provisions of the Petroleum Act, 1934 and no such licence shall be granted by the *Panchayat Samiti* unless the said provisions have been complied with by the applicant for licence.

(2) The grant of licence by the *Panchayat Samiti* connected with the burning or baking of bricks or tiles shall be in conformity with the provisions of the West Bengal Land and Land Reforms Manual, 1991 and no such licence shall be granted by the *Panchayat Samiti* unless the said provisions have been complied with by the applicant for licence and until the permit referred to in the said Manual has been obtained:

Provided that prior to granting of any licence for running dangerous and offensive trade, the *Panchayat Samiti* shall cause an enquiry into the matter by an officer not below the rank of an Extension Officer.

59. Terms and conditions of licence. - The licence issued for a dangerous or offensive trade shall be subject to the following terms and conditions: -

(i) the place may be inspected at any reasonable hour of any working day by the *Sabhapati* or the *Sahakari Sabhapati* of the *Panchayat Samiti*, *Karmadhyaksha* of

Janaswastha O Paribesh Sthayee Samiti and *Khudra Shilpa, Bidyut O Achiracharit Sthayee Samiti*, Executive Officer of the *Panchayat Samiti* or any other authorised officer, not below the rank of an Extension Officer;

(ii) manufacturing, processing or any other work carried on under the licence in the specified premises shall be maintained in such a manner so as not to cause any injury, danger, annoyance or offence to the sense of sight, smell or hearing of persons residing in the neighbourhood;

(iii) the licence shall relate only to such trade or business as is specified in it;

(iv) the licence shall relate only to such place as is specified in it;

(v) there shall be satisfactory arrangement for drainage of waste water and effluents, disposal of solid wastes and control of gaseous emissions to prevent nuisance in the place and its neighbourhood;

(vi) the licence shall be liable to be cancelled in the event of contravention of any of the conditions laid down in clauses (i) to (v).

60. Fees for licence for dangerous or offensive trade. - The licensee shall pay for the licence or for the renewal of licence, to the *Panchayat Samiti* such fee, not exceeding the amount prescribed in rule 63, as the *Panchayat Samiti* may upon considering the volume and environmental impact of the business, provide in the bye-laws adopted under section 223.

61. Form of Licence for dangerous or offensive trade. – The licence granted by a *Panchayat Samiti* for a dangerous or offensive trade shall be in form 6B.

62. Penalty for running any dangerous or offensive trade without licence or in violation of conditions for licence. – Where a dangerous or offensive trade is running without a licence or in violation of any condition of licence, the owner or the licensee of such trade shall be liable to such penalty as the *Panchayat Samiti* may impose under the bye-laws framed by it under section 223.

63. Maximum rate of tolls, fees and rates to be levied by a Panchayat Samiti. –

(1) A *Panchayat Samiti* may, after framing bye-laws in this behalf, levy tolls, rates and fees at such rates as it may consider appropriate within the maximum limits of the corresponding rates prescribed in this rule.

(2) At a toll bar established by a *Panchayat Samiti* on any road other than a kutch road or on any bridge vested in it or placed under its management for movement of vehicles, tolls may be collected at the rates not exceeding, -

- (i) for each partially or fully loaded lorry or truck or tanker - Rs.25.00 for each trip
- (ii) for each partially or fully loaded matador van or delivery van carrying goods for sale or any other commercial purpose - Rs.10.00 for each trip

(3) In respect of any ferry established by a *Panchayat Samiti* or vested in it or placed under its management, tolls may be collected at the rates not exceeding ,-

- (i) for each person above the age of eight years with a load not exceeding 20kg. or with a bicycle or hand cart or cycle- rickshaw - Rs. 3.00 for each trip
- (ii) for each person above the age of eight years with a load exceeding 20kg. - Rs. 5.00 for each trip
- (iii) for each cattle or power driven two wheeler or auto-rickshaw - Rs. 5.00 for each trip
- (iv) for each animal driven cart with goods or an auto-rickshaw or tractor without trailer or power-tiller - Rs.10.00 for each trip
- (v) for each motor car or trekker or matador van or tractor with trailer - Rs.15.00 for each trip
- (vi) for each minibus or bus or truck or lorry or tanker - Rs.25.00 for each trip

(4) Fees may be levied and collected for providing sanitary arrangement at places of worship or pilgrimage or fairs and melas within the jurisdiction of the *Panchayat Samiti* at the rates not exceeding, -

- (i) for visitors above the age of twelve - Re. 0.50 per head
- (ii) for vendors and tradesmen plying trade without stall - Rs. 5.00 per head
- (iii) for vendors and tradesmen plying trade in stalls - Rs. 10.00 per head

(5) Annual fee for licence for carrying on any trade or business declared offensive or dangerous, by notification, by the State Government under sub-section (1) of section 116, may be charged by the *Panchayat Samiti* at the rates provided by it in the bye-laws framed in this behalf within the maximum limits of the corresponding rates as follows: -

- (i) lime manufacturing - Rs. 100.00
- (ii) storing for any commercial purpose as distinguished from domestic purpose or trading in, hay, straw, wood, thatching grass, jute or other quickly inflammable materials - Rs. 100.00
- (iii) cashew nut processing - Rs. 250.00
- (iv) baking & burning of tiles or pottery - Rs. 250.00
- (v) acid lead batteries including lead plate casting and acid slurry (sulphonation), dry cell battery - Rs. 500.00
- (vi) basic drug and pharmaceutical products manufacturing - Rs. 500.00
- (vii) coke making, coal liquefaction, coal tar distillation processing, fuel gas making, coke briquette making, storing or trading in kerosene, coal and similar other incendiary commodities - Rs. 500.00
- (viii) slaughter houses and meat processing units, storing of hides, fish, horns or skins - Rs. 500.00
- (ix) boiling or storing offal, blood, bones or rags, melting tallow, tanning for the manufacture of leather or leather goods - Rs. 500.00
- (x) jute processing and dyeing - Rs. 500.00
- (xi) tyres and tubes vulcanisation, retreading, moulding - Rs. 500.00
- (xii) cement grinding - Rs. 500.00

| | |
|--|---------------|
| (xiii) distillery including fermentation industry | - Rs. 1000.00 |
| (xiv) pulp and paper manufacturing or processing | - Rs. 1000.00 |
| (xv) stone crushing | - Rs. 1000.00 |
| (xvi) synthetic detergent and soap making | - Rs. 1000.00 |
| (xvii) brick field, burning of bricks, | - Rs. 1000.00 |
| (xviii) vegetable oil and edible oil including solvent extracted oil or hydrogenated oil production unit | - Rs. 1000.00 |
| (xix) chilling plant, cold storage, Ice making and Ice-cream making | - Rs. 1000.00 |
| (xx) husking mill, rice mill, saw mill | - Rs. 1000.00 |
| (xxi) any other manufacturing or processing business from which offensive or unwholesome smell or offensive noise arises | - Rs. 1000.00 |
| (xxii) storing or trading in petroleum, naphtha or any other inflammable oil or spirit | - Rs. 1500.00 |

(6) Annual fee, for a licence or for the renewal of such licence for a hat or a stall in a market referred to in section 117, may be charged from the owner or the lessee at such rate not exceeding Rs. 2000.00 as may be provided in the bye-laws framed by the *Panchayat Samiti* in this behalf.

(7) Where arrangement for supply of water for drinking, irrigation or any other purpose is made or managed by the *Panchayat Samiti* within its jurisdiction, a water rate may be levied by the *Panchayat Samiti* in accordance with the provisions of the bye-laws framed by it in this behalf within the limits of the following rates:-

- | | |
|--|-----------------------|
| (i) for supply of water for the dwelling house, office or any institution through piped water scheme or any other scheme | - Rs. 30.00 per month |
| (ii) for supply of irrigated water from deep tube well, mini deep tube well, shallow tube well or from river lift irrigation scheme for each quarter or crop season, as may be appropriate | - Rs. 350.00 per acre |

- (iii) for supply of water for the purpose of extinguishing fire, for combating scarcity of water during dry season or flood or for the control of pollution to prevent spreading of water borne diseases - actual cost will be borne by the *Panchayat Samiti*
- (iv) for granting permission to a manufacturing company or processing unit to utilise underground water or ground water or surface water from any source or water body within its jurisdiction - Re. 0.10 per litre per month

Note. – If supply is made by some other local authority, *Panchayat Samiti* shall not impose or collect any rate.

(8) Where arrangement for lighting of public streets or places is made by the *Panchayat Samiti* within its jurisdiction, on framing bye-laws in this behalf, an amount not exceeding twenty percent of the annual tax of the land or building or both likely to enjoy regular benefit of such holding, may be levied as lighting rate.

Note. - If arrangement for lighting is made by some other local authority, *Panchayat Samiti* shall not impose or collect any rate.

Chapter – XII

Control of building operations in *Panchayat* area under Development Authority

64. Construction of building or structure in *Panchayat* area under Development Authority. - (1) Notwithstanding anything contained in the foregoing rules or in the West Bengal *Panchayat* (Gram Panchayat Administration) Rules, 2004, when any area of a *Panchayat Samiti* comprises, wholly or in part, the area under the Kolkata Metropolitan Development Authority or under any other Development Authority in terms of the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) (hereinafter in this chapter collectively referred to as the Development Authority) or an area for which a Development Plan (referred to as the Development Plan hereinafter in this Chapter) has been published and is in force under the provisions of section 114A, such area shall be deemed to be an area of a Development Authority and erection or

construction of any structure or building within such area shall be governed by the related Act as aforesaid and any rule framed thereunder or any order or direction of a competent authority in terms of the related Act and without prejudice to the generality of the aforesaid provision, shall be regulated by the rules contained in this chapter.

65. Permission for construction of building or structure. - (1) Any person intending to erect a new structure or building or to make any addition to any existing structure or building pertaining to the area of any Development Authority, shall make an application in triplicate in Form 4A to the *Panchayat Samiti* or any authority, person or persons as may be empowered by the *Panchayat Samiti* in this behalf (collectively referred to as the *Panchayat Samiti* hereinafter in this Chapter) and deliver it to any of its employee as may be authorised in this behalf who shall receive the application in triplicate, retain two copies and return the other copy noting thereon the date of receipt under his signature and the seal of the *Panchayat Samiti* or of the Development Authority.

(2) An application referred to in sub-rule (1), shall be accompanied by a plan of the proposed structure or building in triplicate and a site plan in triplicate prepared and authenticated by a competent technical person as referred to in sub-rule (3), copy of records of right and copy of such other records showing title and interest of the applicant in respect of the land as also character of the land as may be necessary:

Provided that one copy of the building plan and the site plan shall be blue-printed.

(3) A building plan or a site plan referred to in sub-rule (2), shall be prepared and authenticated by a Licensed Building Surveyor having a degree or a diploma in Civil Engineering or Architecture or by an Architect:

Provided that the eligibility of a Licensed Building Surveyor or an Architect to authenticate a site plan or a building plan shall be determined in the manner as follows:-

| <u>Qualification</u> | <u>Nature of building</u> |
|--|---|
| (a) Draughtsman (Civil) | Residential building upto the height of four metres |
| (b) Licensed Building Surveyor having Diploma in Civil Engineering | Residential building upto the height of eleven metres |

- | | | |
|-----|------------------------------------|--|
| (c) | Degree holder on Civil Engineering | Residential building upto the height of fifteen metres |
| (d) | Architect | All buildings, residential, commercial or institutional: |

Provided that on such occasions as the *Panchayat Samiti* may deem fit, authentication additionally by a Structural Engineer or a Geo-technical Engineer or both may be required for planning, design and construction of building:

Provided further that such a technically qualified person shall either be empanelled or registered with any Municipality or Municipal Corporation within West Bengal:

Provided also that any such technical officer authenticating the plans shall certify to the effect that the site has been personally inspected while planning the building and planning the structural members and that the building plan and the site plan do not infringe any provision of the Development plan published for the area and has taken into account the stability analysis as also soil tests performed and shall then tender his signature quoting his licence or empanelment number or registration number.

(4) Copies of Form 4A shall be supplied on demand by the *Panchayat Samiti* to any intending applicant at a non-profit making price to be fixed by the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* of the *Panchayat Samiti* concerned:

Provided that any correct copy of Form 4A in manuscript, typewritten or otherwise mechanically prepared, shall be accepted by the *Panchayat Samiti* for the purpose of sub-rule (1).

66. Payment of fees. - (1) No application shall be considered by a *Panchayat Samiti* unless such application is accompanied by a receipt of the fees paid to the *Panchayat Samiti* by the applicant at such rate as may be commensurate with the rates shown in the Table under these rules. An employee of the *Panchayat Samiti* as may be authorised in this behalf, shall receive the fee to be tendered in cash and shall immediately grant a formal receipt thereof.

(2) The fee so received from the applicant under sub-rule (1) are not be refundable under any circumstances.

67. Exemption from payment of fee. - (1) For the purpose of obtaining permission of the *Panchayat Samiti* for erection of any thatched structure, tin shed or tile shed, without

brick wall, covering an area not exceeding eighteen square metres, where such structure or shed does not cover more than three-fourth of the total area of the land including the land appurtenant thereto, it shall not be necessary for the applicant to pay any fee referred to in rule 66 and a hand-drawn sketch-map in duplicate instead of the plan and the site-plan referred to in sub-rule (2) of rule 65, along with the copy of records of right and other requisite documents may be submitted along with the application in Form 4A.

Provided that no permission shall be required for construction of house for the persons belonging to the economically weaker section under any poverty alleviation programme sponsored by the Government of India or the State Government:

Provided further that the implementing agency for the aforesaid construction shall intimate the Panchayat Samiti of such construction mentioning its site.

(2) Permission of the *Panchayat Samiti* shall not be necessary for repair of an existing structure or building unless -

- (a) any structural change is involved, or
- (ii) such repair brings any change in the existing covered area, or
- (iii) such repair includes any addition of a projection from the existing structure or building at ground level or upper level .

(3) Permission of a *Panchayat Samiti* shall not be necessary for erection of a boundary wall not exceeding the height of one and one-half metres unless it is made of brick and cement or unless the bounded area is not kept as vacant land but is used or likely to be used as stack yard or for any commercial or institutional purpose either as an open space or by erecting temporary shed.

68. Construction proposal to pre-suppose civic amenities. - (1) A plan for new structure or building within the jurisdiction of a *Panchayat Samiti* shall have reasonable provision for, -

- (i) adequate drainage facility by means of access and passage leading to existing public drains or drainage channels or by means of soak-pit having adequate capacity,
- (j) sanitary facilities including garbage disposal facility, and

(k) access road or passage to the plot as referred to in rule 69.

(2) If a *Panchayat Samiti* is of the opinion that for the purpose of proper sanitation in a locality, any premises should have its drainage facility through a private drain owned by another plot-holder, the *Panchayat Samiti* may, by a written notice to such plot-holder as also other users of such private drain, require -

- (i) the owner of the plot-holder to allow the owner of the premises to connect his house drain with such private drain, and
- (ii) the owner of such private drain to permit the waste water of the house drain to empty in the private drain.

(3) When a connection is made under sub-rule (2), maintenance, repair and clearing of the private drain from the point of such connection up to the public drain shall be the joint responsibility of the owners of such premises and the users of the private drain and the related expenditure may be borne by such owners and the users in such proportion as may be mutually agreed upon. If any dispute arises between the owners and the users in the discharge of the joint responsibilities or in bearing share of such expenditure, it shall be referred to the *Panchayat Samiti* and its decision in this respect shall be final and binding.

Explanation. - For the purpose of this rule, “public drain” means a drain maintained by the Central Government, the State Government or any local authority where the owner or the occupier of a building or land may cause his drains to empty.

69. Approach road or passage for building. – (1) Every structure or building shall have an approach road or passage for ingress or egress from or to a public road and the minimum width of such passage or road shall be one metre and eighty centimetres.

(2) If an existing passage or road over which the public have a right of way, is less than one metre and eighty centimetres wide, the plot-holders on either side of such passage or road shall keep a front set-back in such manner as to allow a clear front set-back of ninety centimetres for the buildings on either side of the road after leaving in the middle a clear passage of one metre and eighty centimetres:

Provided that if a *Panchayat Samiti* is of the opinion that an existing building or part thereof should have set-back to allow a regular passage or road of not less than one metre and

eighty centimetres in pursuance of a Development Plan, the *Panchayat Samiti*, after giving the owner of such building an opportunity of being heard, may refer a proposal through the District *Panchayat* and Rural Development Officer to the Land Acquisition Collector for acquisition of the land in question:

Provided further that when the plot-holders on either side of an approach passage or road allow front set-back in such manner that on leaving a front set-back of ninety centimetres in front of each house along the passage, a continuous width of five metres for the passage or road is obtained, such passage or road may be taken over and maintained by the *Panchayat Samiti*:

Provided also that every structure or building shall have a rear set-back of one metre and eighty centimetres with a set-back of at least ninety centimetres from each side of the plot.

(3) Whenever there is a service road or approach passage available, no direct access from a building shall be permitted to a public road.

Explanation - For the purpose of this rule, 'public road' means a National Highway referred to in the National Highway Act, 1956 (48 of 1956) or a Highway within the meaning of the West Bengal Highway Act, 1964 (West Ben. Act XXVIII of 1964) or a road maintained by the *Zilla Parishad* or any other road normally used for vehicular traffic.

70. Restriction on construction over tank and water body. – (1) A *Panchayat Samiti* shall not give permission to any erection or construction by filling up any tank, pond, or other water body, marshy land or abandoned brickfield or sand quarry, coal mine, mineral quarry or any other water area and shall take such steps as may be considered appropriate-

- (a) for use of public water body for community benefit, or
- (b) for improved drainage facility in the locality, or
- (c) for fire fighting purposes, or
- (d) from environmental and ecological point of view, or
- (e) for promotion of pisciculture, or
- (f) for any other use of public interest, or
- (g) for recreational purpose, or
- (h) for growth of micro and macro organism, or
- (i) for production of aquatic flora and fauna, or
- (j) for any two or more of any such purposes:

Provided that in pursuance of any direction or order issued by any Court or a competent authority, a *Panchayat Samiti* may, for reasons to be recorded in a resolution adopted in this behalf, give permission, under special circumstances for erection or construction on any such water body.

(2) In case of illegal filling of any tank, pond or other water body, marshy land or abandoned brick field or sandy quarry, coal mine, mineral quarry or any other water area, the *Panchayat Samiti* shall immediately report the matter to the Sub-divisional Officer having jurisdiction and to the concerned Police Station for taking appropriate action.

71. Maximum coverage of residential building. - The maximum building coverage of an individual plot solely for residential purposes, shall be two-third of the total area for a residential building. One-third of the total plot area that shall be kept vacant shall include front, side and rear setback spaces. The *Panchayat Samiti* shall refuse all such applications for permission of any addition to an existing structure or building if the existing coverage added with the proposed addition exceeds two-third of the total plot area:

Provided that the *Panchayat Samiti* may, in pursuance of the Development Plan, limit, by an order, the maximum building coverage upto one-half of the total area of the plot.

72. Construction of residential building. - (1) Subject to the Development Plan published by a Development Authority, any structure or a building within the jurisdiction of a *Panchayat Samiti* shall be erected or constructed with a set-back of at least ninety centimetres from each side of the plot. In doing so, there shall be a minimum perpendicular distance of one metre and eighty centimetres from the side of any proposed new building to the side of an existing building.

(2) The plinth or any part of a building or any accessory building shall be located with respect to the level of the crest of the road or passage in such a manner as to facilitate easy drainage and in all cases it shall be at a height of not less than sixty centimetres.

(3) Subject to the maximum height of fifteen metres, the height of a new or existing structure shall be one and half times the width of the approach road added with the width of the front set-back of that building. But no set-back in the building itself shall be taken into account for computing the height admissible:

Provided that the maximum height of the building shall be measured upto the highest point of the building whether flat roof or sloped roof:

Provided further that such measurement shall not include (i) roof tanks and their supports, (ii) chimneys, (iii) parapet walls not exceeding one and one-half metres in height and (iv) ventilating, air-conditioning and other service equipments:

Provided also that the maximum height of a building may be allowed to exceed fifteen metres if the Development Plan permits such higher height.

(4) The height of a new building or any other structure or any addition to an existing building or structure in the vicinity of an airport or any other prohibited area or any microwave tower erected for telecommunication purpose, shall be regulated in such manner as may be laid down, by order, by a competent authority in this behalf.

(5) The area of a habitable room shall be not less than six square metres with a minimum width of two and one-fifth metres.

(6) The area of kitchen shall be not less than three square metres with a minimum width of one and half metres.

(7) The area of an independent water-closet or any independent bathroom shall be not less than eight-tenth square metre with a minimum width of seventeen-twentieth metre; if a water-closet is combined with bathroom, its floor area shall not be less than one and a half square metres with a minimum width of nine-tenth metre.

Provided that every bathroom or water-closet shall be so situated that at least one of its wall shall be open to external air and shall have an opening in the form of window or ventilator not less than thirty-seven-hundredth square meter in area.

(8) The height of all habitable and multipurpose rooms shall not be less than two and three-fourth metres from the surface of the floor to the lowest point of the ceiling; the height of the kitchen, water-closet, bathroom, corridor or passage shall not be less than two and one-tenth metres from the surface of the floor to the lowest point of the ceiling.

(9) A loft may be allowed in a building which may cover not more than twenty-five per cent of the area of the floor of a room other than a habitable room; eighty per cent of the area of any corridor may be covered by a loft. Maximum height between the floor of any loft and ceiling shall be one and one-fifth metres and the clear height below the loft shall be not less than two and one-tenth meters.

(10) A *Panchayat Samiti* shall not accord permission for erection or construction of a dry latrine either in an existing building or as a part of a new construction and shall not

accord such permission if there does not exist or there is no provision for, as the case may be, sanitary latrine of any classification.

(11) Outer wall of a building shall have a thickness of not less than twenty centimetres and load bearing wall shall have a thickness of not less than twenty-five centimetres.

(12) Boundary wall of a residential building shall have a height of not more than one and one-half metres and subject to such direction as may be issued by the *Panchayat Samiti* in pursuance of the Development Plan or any other law for the time being in force in this behalf, in case of an institutional or commercial building, such height shall be not more than three metres.

(13)(a) In a building having more than one storey, there shall be a staircase having a width of not less than one metre in every flight and shall have treads not less than twenty five centimetres in width and not more than eighteen centimetres in rise without winders with landings of width not less than that of the staircase. The tread and rise of each flight of stairs in such staircase shall be of uniform width and height.

(b) Minimum clear head room in each staircase shall be two metres and twenty-five centimetres as measured from the top of the rise to the lowest position of the ceiling or beam perpendicularly above it.

(c) Every staircase shall be adequately lighted and ventilated by windows of not less than one square metre in area per storey.

(d) No wooden stair case is allowed.

(2) Notwithstanding the aforesaid provisions, the *Panchayat Samiti* may issue any direction regulating width of the staircase, landing and rise of the tread and other matters relating to the staircase without prejudice to the general principles laid down in these rules.

Explanation – In this rule, “habitable room” means a room meant for human habitation other than a kitchen, bath, water-closet or storeroom.

73. Classification of land for construction. - If any structure or building is proposed to be erected or constructed on any land recorded otherwise than as homestead land, the *Panchayat Samiti* shall withhold permission for such erection or construction until the applicant produces an order allowing change of classification of the said land by the Collector or any other competent authority having jurisdiction under any law for the time being in force.

74. Manner of processing applications. - (1) On presentation of an application under sub-rule (1) of rule 65, subject to the provision under sub-rule (2), the Executive Officer or any other competent officer being so authorised in this behalf, shall examine the right, title and interest of the applicant in respect of the land on which the structure or the building is proposed to be erected along with the building plan and the site plan, and, after such enquiry as may be considered necessary, shall within a period of thirty days from the date of receipt of the application, place it before the *Panchayat Samiti* for granting or, as the case may be, refusing permission for the erection or construction applied for.

(2) When an application for construction of a new structure or building or making an addition to the existing structure or building having a plinth area of more than 300 sq. meter with brick or concrete footing or with a height of more than 6.5 meter is received at the office of the *Panchayat Samiti*, the Executive Officer shall send such application alongwith such observation as may be deemed fit, within a period of fifteen days from the date of such receipt along with the building plan and site plan to the *Zilla Parishad* having jurisdiction for necessary vetting or technical opinion as the case may be.

(3) In case of a proposal for construction of building within the height of 15 meter the *Zilla Parishad* shall, after examining or causing the examination of the building plan and site plan of the application, return it either with its vetting or objections to the *Panchayat Samiti* within a period of thirty days from the date of its receipt. The Executive Officer of the *Panchayat Samiti* shall thereafter place the application before the *Panchayat Samiti* for granting or, as the case may be, refusing permission for the erection or construction of structure or building or making addition to the existing structure or building as applied for.

(4) A *Panchayat Samiti* shall, when granting permission under sub-rule (1) or (3) specify a reasonable period which shall not be less than two years, within which the structure or the building is to be completed and if the erection or construction is not completed within the period so specified, such permission shall lapse when the *Panchayat Samiti* may allow an extension of such period on the basis of a prayer of the applicant. The *Panchayat Samiti* may, if it considers necessary in view of the changed circumstances, require a modification of the building plan for reasons to be recorded in writing at the time of extension of such period.

- (5) When a *Panchayat Samiti* refuses permission under sub-rule (1) or (3),
- (i) the applicant shall be given an opportunity of being heard;
 - (ii) the grounds for refusal shall be recorded in writing and communicated to the applicant;
 - (iii) the applicant may be allowed to submit modified proposal removing the grounds for refusal in a fresh application form or in a plain paper, as may be appropriate, with three copies of the modified building plan and other records as may be relevant, within a period of one year from the date of communication of such refusal; such proposal shall not be taken as a new proposal and the applicant shall not be required to deposit any further fee as referred to in rule 66.

(6) As soon as may be, after the *Panchayat Samiti* grants or refuses permission under sub-rule (1) or (3), the Executive Officer of the *Panchayat Samiti* or any other officer, so authorised in this behalf, shall communicate in writing to the applicant of the permission granted for the construction sought for or the refusal in this behalf, as the case may be. In case of permission, one approved copy of the building plan and of the site plan shall be returned to the applicant, and the date within which the erection or construction is to be completed, shall be communicated. In case of refusal, the applicant shall be informed of the grounds of refusal for further actions that may be taken by him in this regard.

(7) Subject to the provisions of sub-rule (3), any communication to the applicant either according approval or refusing permission to the proposal of new construction or addition shall be made by the *Panchayat Samiti* within a period of ninety days from the date of receipt of the application under sub-rule (1) of rule 65.

75. Right of applicant if the permission or refusal is not communicated within time-limit. – (1) If permission or refusal under sub-rule (1) or (3) of rule 74, is not communicated by the *Panchayat Samiti* within the prescribed time limit it shall be presumed that the *Panchayat Samiti* has accorded such permission and it shall be lawful for the applicant to erect any structure or building conforming to the building plan and the site plan furnished by him along with the application :

Provided that before commencement of such work, the applicant shall give an intimation in this behalf to the *Panchayat Samiti*

76. Permission for construction of building for commercial or institutional purposes. – (1) The *Panchayat Samiti* shall not accord permission for erection of a structure or construction of a building for commercial or institutional purposes or for establishing a factory or workshop or warehouse or godown , -

- (a) in a predominantly residential area
- (b) on a road or an approach passage having a width measuring less than five metres.

(2) There shall be a front set-back of not less than one and one-fifth metres for a structure or building referred to in sub-rule (1).

(3) The maximum building coverage of a structure or building referred to in sub-rule (1) shall be one-half of the total plot area:

Provided that the *Panchayat Samiti* may accord permission for higher building coverage not exceeding three-fifth of the total plot area if it is not repugnant to the Development Plan or any law for the time being in force in this behalf.

(4) In the case of a proposed building on total land measuring between four thousand square metres, and twenty-five thousand square metres, the *Panchayat Samiti* shall be handed over management and control of not less than one-sixteenth of the total land as far as practicable on the front side of the building for accommodating public facilities like power sub-station, public transport terminal, garbage vat and such other facilities; for plots measuring more than twenty-five thousand square metres, the *Panchayat Samiti* shall be handed over one-tenth of the total land for such purposes.

(5) Subject to the provision of this rule, erection or construction of a building for commercial or institutional purposes, shall be governed by the rules applicable for construction of a building for residential purposes.

77. Grounds for withholding or refusing permission. – (1) A *Panchayat Samiti* may withhold or refuse permission under sub-rule (1) or (3) of rule 74, if, -

- (a) the site plan, building plan, elevation, section or specification contravenes any provision of the Act or any rule framed thereunder or any other law for the time being in force;
- (b) the application for permission does not contain required particulars or has not been prepared commensurate with the manner laid down in these rules;
- (c) any information or document required by the *Panchayat Samiti* under the Act or the rules thereunder has not been duly furnished;
- (d) the proposed structure or building or the activities for which such construction is proposed, shall or is likely to, disturb environmental sanitation of the locality;
- (e) the proposed structure or building is an encroachment on the Government land or any land vested with the *Panchayat Samiti* or any other local authority;
- (f) the proposed construction violates any provision or condition of the Development Plan.

(2) When a *Panchayat Samiti* takes a decision under sub-rule (1), the procedure laid down in sub-rules (5) of rule 74 shall, in so far as they are applicable, be followed.

78. Inspection of structure or building under construction. – (1) The *Sabhapati*, the *Sahakari Sabhapati*, the Executive Officer of *Panchayat Samiti* or any other person authorised by the *Panchayat Samiti* in this behalf, may, at any time and without notice, inspect any structure or building in respect of which permission under sub-rule (1) or (3) of rule 74 has been given, while the work is in progress.

(2) If, on making an inspection under sub-rule (1), the *Sabhapati*, the *Sahakari Sabhapati*, the Executive Officer of *Panchayat Samiti* or any other person so authorised is satisfied that the structure or building is being erected, -

- (a) otherwise than in accordance with the building plan as approved; or
- (b) in such way as to contravene any of the provisions of the Act or any rule framed thereunder or any provision of the Development Plan, the Executive Officer of *Panchayat Samiti* may, after giving the owner of such structure or building an opportunity of being heard, make an order directing the owner to make such alterations within such time as may

be specified in the order, with the object of bringing the structure or building in conformity with the approved plan or the provisions of law or the Development Plan as the case may be.

(3) Without prejudice to the provisions of section 23 or any other law for the time being in force, the Executive Officer of *Panchayat Samiti*, in all cases where the erection or construction of any structure or building or any other work connected therewith has been commenced or is being carried on unlawfully, may, seek the assistance of the police or with the assistance of any employee of the *Panchayat Samiti*, if necessary, take such steps as he may deem fit to stop the continuance of such unlawful erection or construction. The expenditure incurred for deployment of police or employee of the *Panchayat Samiti* to keep a watch on the premises, shall be realized from the person undertaking the unlawful erection or construction on serving a notice of demand upon the owner of the plot or the person in charge of the construction, or if necessary, through the Bengal Public Demands Recovery Act, 1913.

79. Completion of work and occupancy certificate therefor – (1) On completion of construction of a building or execution of a work, the applicant referred to in rule 65, shall furnish a notice of completion to the *Panchayat Samiti*. In case of deviation from the approved building plan or site plan, the notice shall be accompanied by three sets of building plan or site plan or both as the case may be, marked ‘Completion Plan’ showing all deviations and modifications. Such plans shall be duly signed by the applicant and the technical persons authenticating the original plans along with explanatory notes if considered appropriate.

(2) Within fifteen days of receipt of the notice of completion of building of work, any inspecting authority referred to in rule 78, shall inspect the building or work and shall satisfy himself that construction of the building or execution of this work has been in accordance with the approved plan or plans or the deviations and modifications made were necessary, are not of major nature and do not infringe any provision of the relevant laws and directions thereunder.

(3) Within fifteen days from the date of such inspection, the *Panchayat Samiti* shall, if it is satisfied that the building or the work has been completed in accordance with the approved plan or the deviations and modifications made are acceptable in terms of sub-rule (2), issue an occupancy certificate-in Form 4B :

Provided that the occupancy certificate shall be issued only after all the extra materials like sand, boulders, stone, cement, steel rods, bamboo, timber or any other such materials lying on the public road or place have been removed and the damages, if any, to the public property or properties have been made good by the applicant at his own cost to the entire satisfaction of the *Panchayat Samiti*.

(4) In case the occupancy certificate is refused, the *Panchayat Samiti* shall communicate the reasons therefor in writing to the applicant within thirty days from the date of receipt of the notice of completion of the work; the communication may also mention the remedial additions and alterations which should be undertaken to render it possible to issue the occupancy certificate. Such communication may also specify, if deemed appropriate, the date or dates by which the additions and alterations shall be made.

(5) If the applicant fails to take satisfactory action in pursuance of the communication referred to in sub-rule(4), the *Panchayat Samiti* may exercise such authority and take such action as may be considered appropriate under the Act and the rules, notifications and order thereunder.

80. Construction of park and garden. – A *Panchayat Samiti* shall endeavour to construct at least one park and garden in a vested land in every *Gram Panchayat* and, for the said purpose, the *Panchayat Samiti* shall submit proposal to the competent authority for earmarking a particular vested land in every *Gram Panchayat* for park and garden.

81. Construction of public drain. – A *Panchayat Samiti* shall construct and maintain, where it considers necessary, a system of drainage within its predominantly residential area with sufficient outfall in or outside such residential area and, for this purpose, the *Panchayat Samiti* may make use of any vacant land either under its own management or as a result of set-back of any structure or building:

Provided that the *Panchayat Samiti* shall not build any super-structure on any vacant land available as a result of set-back of any structure or building:

Provided further that for building a system of drainage, a *Panchayat Samiti* shall ensure unhindered use of any approach passage or road and shall also ensure environmental sanitation in the locality.

82. Collection and disposal of solid waste. - (1) A *Panchayat Samiti* shall endeavour to build and maintain, where it considers necessary, a system of collection, removal and disposal of solid wastes from residential, commercial or institutional buildings.

(2) The *Panchayat Samiti* may provide or appoint in convenient situations, including the situation arising out of any vacant land as a result of set-back of any structure or building, public receptacles, depots or places for the temporary deposit of -

- (a) rubbish,
- (b) offensive matters,
- (c) domestic and trade refuse,
- (d) carcasses, and
- (e) excrementitious and polluted matters.

(3) It shall be the duty of the owners or the occupiers, as the case may be, of all premises to cause all matters referred to in clauses (a) to (e) of sub-rule (2) to be collected from their respective premises and to be deposited in public receptacles, depots or places, provided or appointed under sub-rule (2), at such time and in such manner as the *Panchayat Samiti* may, on giving adequate publicity, specify.

(4) The *Panchayat Samiti* shall remove at regular intervals the deposited matters as referred to in sub-rule (3) and shall make adequate provision for preventing receptacles, depots or places from becoming sources of nuisance.

(5) All matters deposited in public receptacles, depots or places as aforesaid and all solid wastes collected, shall be the property of the *Panchayat Samiti*.

(6) For the purpose of disposal of solid wastes, the *Panchayat Samiti* may take assistance of a neighbouring *Gram Panchayat* in such manner and under such conditions as may be mutually agreed upon.

83. Appeal against the decision of the *Panchayat Samiti*.- (1) If, on receipt of an application under sub-rule (1) of rule (65), a *Panchayat Samiti* refuses to grant permission to the erection of any structure or building, an aggrieved person may prefer an appeal to the

Executive Officer of the *Zilla Parishad*, having jurisdiction, within ninety days from the date of communication of such order of refusal. The Executive Officer of the *Zilla Parishad* or any other officer of the *Zilla Parishad*, on being authorised by him in this behalf, shall decide the matter after giving notice to the parties concerned and his decision in the matter shall be final.

(2) If, on receipt of an application under sub-rule (1) of rule 65, such application is referred to the *Zilla Parishad* under sub-rule (2) of rule 74 and the *Zilla Parishad* refuses to grant permission for the erection or construction of any structure or building, an aggrieved person may prefer an appeal to the Divisional Commissioner having jurisdiction within ninety days from the date of communication of such order of refusal. The Divisional Commissioner or any other officer in his establishment, on being authorised by him in this behalf, shall decide the matter after giving notice to the parties concerned and his decision in the matter shall be final.

Chapter XIII

Powers, functions and duties of officials of *Panchayat Samiti*.

84. Powers, functions and duties of the Executive Officer of *Panchayat Samiti*. – (1) The Executive Officer of the *Panchayat Samiti* (hereinafter in this chapter referred to as the Executive Officer) shall be responsible for taking necessary action on the decisions arrived at in the meetings of the *Panchayat Samiti* and shall keep the *Sabhapati* posted with the progress of various development activities in the *Panchayat Samiti* as also with the problems and difficulties, if any, experienced in the functioning of the *Panchayat Samiti* from time to time.

(2) The Executive Officer shall submit a monthly statement of accounts to the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* and such statement of accounts shall, after being examined by such Sthayee Samiti, be laid in the next meeting of the *Panchayat Samiti* for considering measures for speedy and proper utilisation of the available fund under different heads of account.

(3) Unless otherwise stipulated in the Act or the rules or orders made thereunder, correspondence of the *Panchayat Samiti* shall be carried on by the Executive Officer or, on his behalf, by the Joint Executive officer or any other Officer as may be authorised by him.

4) The Executive Officer shall attend, as far as practicable, all meetings of the *Panchayat Samiti*, its *Sthayee Samitis* and *Block Sansad* and take part in the deliberations.

(5) The Executive Officer shall be responsible for implementation of all programmes and schemes assigned to the *Panchayat Samiti* by the *Panchayats* and Rural Development Department or devolved upon the *Panchayat Samiti* by any other Department of the State Government.

(6) The Executive Officer shall be responsible for supervision and monitoring of the progress of different development works taken up by the *Panchayat Samiti*.

(7) Subject to the general control and supervision of the *Panchayat Samiti*, the Executive Officer shall be responsible for –

- (a) preparation of development plan for five year term and an annual action plan for each year for achieving economic development and ensuring social justice;
- (b) preparation of budget of estimated receipts and payments for the following financial year and revised and supplementary budget estimates for the current financial year;
- (c) exercising administrative control and supervision over the establishment of the *Panchayat Samiti*, the employees borne in the establishment of the *Panchayat Samiti* and such officers or other employees as the State Government may place under the functional control of the *Panchayat Samiti*;
- (d) receipt of contributions and grants released by the Central or the State Government or by any local authority;
- (e) custody of the *Panchayat Samiti* fund in Treasury and Bank;
- (f) all actions relating to realisation of tolls, rates and fees as may be levied by the *Panchayat Samiti* and all other fund as may be received by or on behalf of the *Panchayat Samiti*;
- (g) preparation of bye-laws;

- (h) realisation of fines and penalties as may be imposed by the *Panchayat Samiti*;
- (i) maintaining and keeping in proper custody all the records including all books of accounts of the *Panchayat Samiti*;
- (j) signing the cash book and examining and, if necessary, reconciling the *Panchayat Samiti* Pass Book issued by the Treasury or Bank from time to time;
- (k) maintaining the accounts of *Panchayat Samiti* and preparation of its monthly receipt-payment accounts;
- (l) acting as the Accepting Officer with respect to Annual Proforma Reports of all employees of the *Panchayat Samiti*;
- (m) maintaining co-ordination among the Block level officers in all matters relating to the execution of schemes and works approved by the *Panchayat Samiti* and its *Sthayee Samitis*;
- (n) issuing necessary directions to the Block level officers for the execution of the schemes and works according to the decisions taken by the *Panchayat Samiti* and, its *Sthayee Samitis* in the meeting;
- (o) obtaining progress reports from the Block level officers about the execution of such schemes and works and submitting the same to the *Panchayat Samiti* and its *Sthayee Samitis* with his comments;
- (p) maintaining liaison among the members and the officers of the *Panchayat Samiti*, the officers of different departments of the State Government and different non-government and other community-based organisations working in the area under its jurisdiction in order to achieve a co-ordinated approach and convergence of diverse activities in their efforts in different fields of economic and social development in the area and assisting the *Sabhapati* in maintaining such liaison.

(8) The Executive Officer shall inspect or cause to be inspected the institutions under the management of the *Panchayat Samiti* and any work undertaken by the *Panchayat Samiti* or a *Sthayee Samiti* thereof. He shall also inspect or cause to be inspected the office and works of the *Gram Panchayats* and the institutions managed by them. The Executive officer shall submit reports of such inspections to the *Panchayat Samiti* through the *Sabhapati*.

(9) The Executive Officer shall take effective steps to maintain linkage with the plans and programmes of the *Panchayat Samiti* and those of the *Gram Panchayats* within its jurisdiction so that such programmes do not have any conflicting outcome and are mutually supportive and complimentary for achieving the common goal of integrated development and for this purpose, he shall monitor such programmes and inspect the offices of the *Gram Panchayats* as also programmes and schemes implemented by them.

85. Delegation of powers, functions and duties of the Executive Officer. -

Notwithstanding anything contained in rule 84, the Executive Officer subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* may, by an order in writing, delegate powers, functions and responsibilities depending on existing situations, to the Joint Executive Officer, Secretary, Deputy Secretary, Block Informatics Officer, Samiti Education Officer, Cashier-cum-Store Keeper, Upper Division Assistant, Accounts Clerk, Data Entry Operator, Clerk-cum-Typist of the *Panchayat Samiti* (a reference hereinafter in this chapter to any such officer or employee to be construed as a reference to such officer or employee of the *Panchayat Samiti*) as also any function supplemental, incidental or consequential to the powers, functions and duties stated in the clauses A to I of this rule.

A. Joint Executive Officer. - (1) Subject to the general control of the *Artha, Sanstha Unnayan O Parikalpana Sthayee Samitti*, the Joint Executive Officer shall work under the direction and control of the Executive Officer and shall be responsible through him to the *Panchayat Samiti* for his work. When more than one Joint Executive Officer is posted in a *Panchayat Samiti*, the responsibilities shall be apportioned among them by the Executive Officer to the best interest of the *Panchayat Samiti*.

(2) Without prejudice to the generality of the provisions under sub-rule (1), the Joint Executive Officer shall—

- (a) exercise the powers, perform the functions and discharge the duties of the Executive Officer when the post of the Executive Officer falls vacant on account of leave, transfer or otherwise;
- (b) act as Drawing and Disbursing Officer for the fund of the *Panchayat Samiti* in such manner as may be determined by the Executive Officer;
- (c) be responsible for (i) checking of all bills and muster rolls prior to placement before the Executive Officer for according sanction before payment, (ii)

- preparation of bank and treasury reconciliation statement, (iii) preparation of receipt-payment accounts at the close of every month, and (iv) maintenance of books of accounts and production of books of accounts and other records before the auditor of accounts or any inspecting officer;
- (d) look after the administration and maintenance of income generating and other assets of the *Panchayat Samiti* and after the process of realisation of tolls, rates and fees as may be levied by the *Panchayat Samiti*;
 - (e) inspect the institutions or works under the management or control of the *Panchayat Samiti* and submit report to the *Panchayat Samiti* through the Executive Officer;
 - (f) initiate Annual Performance Report of the Block Informatics Officer, Cashier-cum-Store Keeper and Data Entry Operator;
 - (g) attend the meetings of the *Panchayat Samiti*, *Block Sansad* and such *Sthayee Samitis* of which he is a member;
 - (h) attend the meeting of any other *Sthayee Samiti*, if so invited by the *Karmadhyaksha* of the concerned *Sthayee Samiti*;
 - (i) inspect the offices of the *Gram Panchayats* within the jurisdiction and programmes and schemes implemented by them and make efforts to establish functional linkage between the *Panchayat Samiti* and *Gram Panchayats* in their development processes;
 - (j) assist the Executive Officer in discharge of all or any of his functions and duties as may be determined by the Executive Officer;
 - (k) exercise such other powers, perform such functions and discharge such of the duties of the Executive Officer as may be delegated by the Executive Officer or as may be directed by the State Government, by order, from time to time;
 - (l) perform any other function or duty as may be assigned to him by the Executive officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order
- (3) The Joint Executive Officer may –
- (a) carry on routine correspondence of the *Panchayat Samiti*, if so entrusted by the Executive Officer;

(b) be delegated responsibility for maintenance of such records of the *Panchayat Samiti* as may be determined by the Executive Officer.

B. Secretary. – (1) Subject to the general control of the *Artha Sanstha Unnayan O Parikalpana Sthayee Samit*, the Secretary shall work under the direction and control of the Executive Officer of the *Panchayat Samiti* and be responsible through him to the *Panchayat Samiti* for his work.

(2) Subject to the provisions under sub-rule (1), he shall –

- (a) in the capacity of the Secretary of the *Panchayat Samiti* and also of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, generally issue notices for meetings of the *Panchayat Samiti, Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* and *Block Sansad* after preparing the list of business, to be transacted at such meetings under the guidance of the Executive Officer and with the approval of the *Sabhapati*;
- (b) record the proceedings of the aforesaid meetings and place them before the *Sabhapati*, or in the event of his absence, before the *Sahakari Sabhapati* or any other member presiding over the meeting, through the Executive Officer;
- (c) maintain in his custody the copies of the proceedings of the meetings of different *Sthayee Samitis* forwarded by the Secretaries of the respective *Sthayee Samitis* under sub-rule (8) of rule 27, for their placement, under the guidance of the *Sabhapati* and the Executive Officer, in the next meeting of the *Panchayat Samiti*;
- (d) be responsible for placement of the quarterly review report of every *Sthayee Samiti* in Form 7 in the next meeting of the *Panchayat Samiti*;
- (e) assist the Executive Officer in preparing the Annual Budget of the *Panchayat Samiti* on collating and integrating the budget and other information as may be required from other *Sthayee Samitis* and from the *Gram Panchayats* within the jurisdiction;
- (f) assist the Executive Officer and the Joint Executive Officer in preparation of the replies to the audit queries or observations in respect of the accounts of the *Panchayat Samiti*;

- (g) assist the Joint Executive Officer in relation to the functions referred to in item (d) of sub-clause (2) of clause A;
- (h) maintain service records of employees of *Gram Panchayat*, on being so authorized by the Executive Officer in terms of sub-rule (4) of rule 52 of the *West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004*;
- (i) initiate Annual Performance Report of the employees of *Gram Panchayat*, having jurisdiction and of the Upper Division Assistant, Accounts Clerk, Clerk-cum-Typist and the Peon at the end of every financial year in terms of sub-rule (12) of rule 56 of the *West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004*;
- (j) attend the meetings of the *Panchayat Samiti, Block Sansad and Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* of the *Panchayat Samiti* and such other *Sthayee Samitis* of which he is a member or is acting as the Secretary for the time being;
- (k) attend the meeting of any other *Sthayee Samiti*, if so invited by the *Karmadhyaksha* of the concerned *Sthayee Samiti*;
- (l) act as the Secretary to a *Sthayee Samiti* pending the selection of Secretary to such *Sthayee Samiti* or during the casual vacancy in the post of Secretary to such *Sthayee Samiti*;
- (m) assist the Executive Officer in discharge of such functions and duties as may be determined by the Executive Officer, such apportionment of functions being co-related with the functions of the Panchayat Development Officer, as may be entrusted upon him by the Block Development Officer or assigned to him under any rule for the time being in force;
- (n) carry out any other duty as may be assigned to him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

C. Deputy Secretary. - (1) Subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, the Deputy Secretary shall work under the direction and control of the Executive Officer through the Secretary of the *Panchayat Samiti* and be responsible through them to the *Panchayat Samiti* for his work.

(2) The Deputy Secretary shall generally assist the Secretary and share his responsibilities referred to in items (b), (c) and (d) of sub-clause (2) of clause B.

(3) Subject to the provisions under sub-rule (1), he shall assist the Executive Officer –

(a) in discharging the statutory and obligatory responsibilities of the *Panchayat Samiti* which are not specifically entrusted to any other officer;

(b) in monitoring institutional functioning of the *Panchayat Samiti* and the *Gram Panchayats* within its jurisdiction;

(c) in any or all functions relating to implementation of the National Rural Employment Guarantee Scheme or any other such employment generating scheme for which the *Panchayat Samiti* is or shall be the Project Implementing Agency (PIA);

(d) in any or all functions relating to implementation of the Social Security Schemes like National Old Age Pension Scheme (NOAPS), National Family Benefit Scheme (NFBS) and Provident Fund for Landless Agricultural Labourer (PROFLAL) etc.

(e) attend meetings of such *Sthayee Samitis* of which he is a member and attend the meeting of any other *Sthayee Samiti*, if so invited by the *Karmadhyaksha* of the concerned *Sthayee Samiti*;

(f) perform any other function / duty as may be assigned to him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* of the *Panchayat Samiti*.

D. Block Informatics Officer. – (1) Subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, the Block Informatics Officer shall work under the direction and control of the Executive Officer and be responsible through him to the *Panchayat Samiti* for his work.

(2) Subject to the provisions under sub-rule (1), he shall be responsible for –

(a) proper use of Information and Communication Technology (ICT) for improvement of governance including financial management of the *Panchayat Samiti* and the *Gram Panchayats* within the jurisdiction;

(b) sharing information with the public as per provisions of the Right to Information Act as Assistant Public Information Officer of the *Panchayat Samiti*;

- (c) collection and compilation of all reports and returns received from the *Gram Panchayats*, preparation of reports of *Panchayat Samiti* and submitting the same, under the supervision of the Executive Officer of the *Panchayat Samiti*, to the *Zilla Parishad*, District Rural Development Cell of the *Zilla Parishad*, the District *Panchayat* and Rural Development Officer or any other authority as the case may be. He will remain responsible for proper functioning of the Management Information System Cell for this purpose;
- (d) capacity building for application of ICT at the level of *Gram Panchayats* and *Panchayat Samiti*;
- (e) maintaining computer and communication network system of the *Panchayat Samiti* and the *Gram Panchayats* within the jurisdiction;
- (f) guiding the Data Entry Operator in implementing ICT initiatives;
- (g) attending meetings of such *Sthayee Samitis* of which he is a member and attend the meeting of any other *Sthayee Samiti*, if so invited by the *Karmadhyaksha* of the concerned *Sthayee Samiti*;
- (h) performing any other function or duty as may be assigned to him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

E. Samiti Education Officer. – (1) Subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, the Samiti Education Officer shall work under the direction and control of the Executive Officer and the Joint Executive Officer of the *Panchayat Samiti* and shall be responsible through them to the *Panchayat Samiti* for his work.

- (2) Subject to the provisions under sub-rule (1), he shall be responsible for –
 - (a) maintaining all information about various education programmes being carried out within the jurisdiction of the *Panchayat Samiti*;
 - (b) co-ordinating, supervising and monitoring the activities of Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi and the functions of Academic Supervisors at the *Panchayat Samiti* level;
 - (c) developing, updating and maintaining computerised data bank relating to Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi within the *Panchayat Samiti*;

- (d) acting as Master Trainer for all *Panchayat Samiti* level trainings related to Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi;
- (e) convening meetings of *Shiksha, Sanskriti, Tathya O Krira Sthayee Samiti* as Secretary as may be directed by the Executive Officer of the *Panchayat Samiti*;
- (f) visiting Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi and reporting upon their functioning to the Executive Officer of the *Panchayat Samiti*;
- (g) liaison with the district level/ZP level functionaries engaged in implementation of Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi as may be directed by the Executive Officer, *Panchayat Samiti*;
- (h) performing such other duties as may be assigned to him / her in connection with Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi by the Executive Officer, *Panchayat Samiti*.

F. Cashier-cum-Store Keeper. – (1) Subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, the Cashier-cum-Store Keeper shall work under the direction and control of the Executive Officer and the Joint Executive Officer of the *Panchayat Samiti* and shall be responsible through them to the *Panchayat Samiti* for his work.

- (2) Subject to the provisions under sub-rule (1), he shall –
 - (a) maintain the Cash Book of the *Panchayat Samiti* and the subsidiary Cash Books for all schemes;
 - (b) prepare monthly reconciliation statement and detailed cash balance;
 - (c) encash cheques of the *Panchayat Samiti*;
 - (d) receive all kinds of money, cheque, drafts, banker's cheques in favour of the *Panchayat Samiti* and deposit those to the appropriate Savings Account of the *Panchayat Samiti*;
 - (e) prepare credit vouchers and debit vouchers and preserve all payment vouchers for audit;
 - (f) operate and make use of IFMS software as and when installed;

- (g) maintain such registers as may be directed by the Executive Officer or the Joint Executive Officer in terms of the West Bengal *Panchayat (Zilla Parishad and Panchayat Samiti) Accounts and Finance Rules, 2003*;
- (h) remain in charge of the store of the *Panchayat Samiti*, maintain store accounts and be responsible for issue of materials under the order of the Executive Officer or the Joint Executive Officer of the *Panchayat Samiti*;
- (i) any other function or duty as may be assigned to him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

G. Upper Division Assistant. – (1) Subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* and the control and directions of the Executive Officer, the Upper Division Assistant shall work under the functional control of the Joint Executive Officer and the Secretary and shall be responsible through them to the *Panchayat Samiti* for his work.

(2) Subject to the provisions under sub-rule (1), he shall -

- (a) maintain records of *Panchayat Samiti*;
- (b) provide general assistance to the *Karmadhyakshas* and other members of the *Panchayat Samiti*;
- (c) assist the Secretary in writing the proceedings of the meetings or resolutions taken in the meetings of the *Panchayat Samiti, Sthayee Samitis* and *Block Sansad* ;
- (d) keep in proper custody resolution books of the meetings of the *Panchayat Samiti, Sthayee Samitis* and *Block Sansad*;
- (e) prepare drafts of correspondences of the *Panchayat Samiti* as may be entrusted upon him;
- (f) attend meetings of the *Sthayee Samitis* for recording proceedings of such meetings when the Secretary or the Deputy Secretary are not available;
- (g) assist the Secretary in discharging his functions and duties in such manner as may be determined by the Executive Officer;

- (h) perform the duties of Cashier of the *Panchayat Samiti*, if such function is entrusted to him by the Executive Officer of the *Panchayat Samiti* when the post of Cashier-cum-Storekeeper lies vacant;
- (i) perform such other functions as may be entrusted upon him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

H. Accounts Clerk. – (1) Subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* and the control and directions of the Executive Officer, the Accounts Clerk shall work under the functional control of the Joint Executive Officer and shall be responsible through them to the *Panchayat Samiti* for his work.

- (2) Subject to the provisions under sub-rule (1), he shall –
 - (a) prepare the pay bills for the employees of the *Panchayat Samiti*, remuneration bills for the *Sabhapati* and the *Sahakari Sabhapati* of the *Panchayat Samiti*, honorarium bills for the *Karmadhyakshas* of the *Panchayat Samiti* and fixed T.A. bills for the members of the *Panchayat Samiti*;
 - (b) prepare bills relating to Grant-in-aid of *Panchayat Samiti* and place such bills to the Executive Officer or the Joint Executive Officer, as the case may be;
 - (c) assist the Cashier-cum-Store Keeper in operation and use of IFMS software as and when required;
 - (d) maintain such registers as may be directed by the Executive Officer or the Joint Executive Officer in terms of the West Bengal *Panchayat (Zilla Parishad and Panchayat Samiti) Accounts and Financial Rules, 2003*;
 - (e) assist the Cashier-cum-Store Keeper as and when required;
 - (f) perform any other function or duty as may be assigned to him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

I. Data Entry Operator. – (1) Subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* and the control and directions of the Executive Officer, the Data Entry Operator shall work under the functional control of the Block

Informatics Officer and shall be responsible through them to the *Panchayat Samiti* for his work.

- (2) Subject to the provisions under sub-rule (1), he shall –
- (a) assist Block Informatics Officer in implementing the ICT initiatives under over all guidance of the Executive Officer;
 - (b) enter data under supervision of the Block Informatics Officer for generating all computerized reports and returns of the *Panchayat Samiti*;
 - (c) develop electronic database of the *Panchayat Samiti* for planning and implementation of various schemes and proper functioning of the *Panchayat Samiti*;
 - (d) perform any other function or duty as may be assigned to him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

J. Clerk-cum-Typist. - (1) Subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, the Clerk-Cum-Typist shall work under overall control of the Executive Officer through the secretary and the Joint Executive Officer of the *Panchayat Samiti* and be responsible through them to the *Panchayat Samiti* for his work.

- (2) Subject to the provisions under sub-rule (1), he shall be responsible for -
- (a) drafting and typing of letters of the *Panchayat Samiti*;
 - (b) receipt, issue and despatch of letters of the *Panchayat Samiti*;
 - (c) maintenance of such records of *Panchayat Samiti* as would be entrusted to him from time to time;
 - (d) performing such other duties as may be entrusted upon him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

K. Peon. - Subject to the general control of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, the Peon shall work under overall control of the Executive Officer through the Secretary and the Joint Executive Officer of the *Panchayat Samiti* and be responsible through them to the *Panchayat Samiti* for his work.

- (2) Subject to the provisions under sub-rule (1), he shall -
- (a) discharge the duties pertaining to the functions of Messenger Peon, Office Peon and Helper;
 - (b) perform such other duties as may be assigned to him from time to time by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

Chapter XIV

Conditions of service and rights, duties and obligations of employees of *Panchayat Samiti*

86. Creation or abolition of any post in a *Panchayat Samiti*. – (1) Except for with the prior approval of the State Government, a *Panchayat Samiti* shall neither create nor abolish any post, nor revise the scale of pay of any of its employees or any cadre or group of employees.

(2) If in violation of the provisions of the first proviso to sub-section (2) of section 119 and of sub-rule (1), a *Panchayat Samiti*, on any occasion, creates or abolishes any post or revises the scale of pay of any of its employees, such creation or abolition of post or such revision of scale of pay shall be void *ab initio* and no liability, financial or otherwise, on account of any such decision shall devolve upon the State Government.

(3) In the event of any *Panchayat Samiti* violating these provisions, the State Government may discontinue disbursement of grant towards establishment costs to such *Panchayat Samiti* and take action in terms of section 213 or section 214, as may be deemed appropriate.

87. Employees of *Panchayat Samiti*. – (1) Subject to such general or special order as may be issued by the State Government from time to time, the establishment of the

Panchayat Samiti shall consist of the following categories of employees with such number of posts in each such category as correspondingly shown hereunder:

- (i) Deputy Secretary - one
- (ii) Block Informatics Officer - one
- (iii) Samiti Education Officer – one

[Powers, functions and duties of the Samiti Education Officer shall be prescribed later.]

- (iv) Cashier-cum-Storekeeper – one
- (v) Upper Division Assistant – one
- (vi) Accounts Clerk – one
- (vii) Data Entry Operator - one
- (viii) Clerk-Cum-Typist- one
- (ix) Peon – one:

Provided that the State Government may, by order, abolish any such post or create any other post in the *Panchayat Samiti* or place at the disposal of the *Panchayat Samiti* the services of such officers and employees for serving under it on such terms and conditions as it may think fit.

88. Appointment on compassionate Ground. – Appointment on compassionate ground to the dependents of the employees of a *Panchayat Samiti*, who has died in harness or who has retired prematurely on being declared permanently incapacitated, shall be governed by such orders as may be issued in this behalf by the State Government from time to time.

89. Service condition of employees of *Panchayat Samiti*. – (1) Every candidate selected for appointment shall submit to the appointing authority along with his joining report a declaration stating the year, month and date of his birth and produce documentary evidence in support of such declaration. The appointing authority shall, after examining the declaration and the evidence produced in support thereof, pass an order accepting the date of birth. The date of birth so declared and accepted shall be binding on the candidate and he shall have no right to revise it subsequently for any reason whatsoever. The declaration shall be in Form 8.

(2) The appointing authority may at any time review the order accepting the date of birth under sub rule (1) and modify the same; but it shall not be modified to the disadvantage of the employee unless he has been given an opportunity for making a representation.

(3) An employee of a *Panchayat Samiti* shall be deemed to be on probation on completion of continuous temporary service of two years after his initial appointment in a post and shall be confirmed and made permanent by the appointing authority on satisfactory completion of the period of such probation for one year:

Provided that the appointing authority may extend the period of probation by one year at a time if the service of an employee has not been found satisfactory or who has not passed the training course as may be specified for any group of employees during the period of probation:

Provided further that for confirmation of an employee of the *Panchayat Samiti*, in such matter and in manner as are not expressly provided in these rules or the Act, the provisions of the West Bengal Services (Appointment, Probation and confirmation) Rules, 1979 shall apply *mutatis mutandis*.

Provided also that an employee of a *Panchayat Samiti* who is on substantive appointment to a permanent post under Central or State Government or any local authority, shall acquire a lien on such permanent post and shall cease to hold such lien in the manner as applicable to a State Government employee under the West Bengal Service Rules, Part – 1.

(4) All employees of the *Panchayat Samiti* shall be required to record their daily attendance in a register, which may be verified and endorsed by the Executive Officer or by the Joint Executive Officer or by the Secretary, if so authorised by the Executive Officer of the *Panchayat Samiti*.

(5) Casual leave not exceeding fourteen days in every English calendar year may be granted to the employees of the *Panchayat Samiti* by the Executive Officer. Casual leave shall not ordinarily be granted to an employee in the manner that may entail absence from

office for more than seven days at a time including Sundays or holidays. The employees of the *Panchayat Samiti* may also enjoy the benefit of earned leave, half-pay leave, commuted leave, extra-ordinary leave, leave not due, quarantine leave and maternity leave to such extent and in such manner as are admissible to a State Government employee on an identical or comparable scale of pay under the West Bengal Service Rules and subject to the general supervision and direction of the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti*, any such leave shall be sanctioned by the Executive Officer and the leave so granted shall be kept recorded in the Service Book of the employee concerned:

Provided that no leave of any kind shall, however, be claimed by an employee as a matter of right and the sanctioning authority may refuse any prayer for leave at any time in the interest of public service. At the time of retirement on superannuation, or termination of service in any other manner, encashment of earned leave of an employee for the admissible period as may be determined by order from time to time, may be sanctioned by the Executive Officer in such manner as may be laid down, by order, by the State Government, on obtaining the approval of the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti*.

(6) Service Books and other records of all employees of the *Panchayat Samiti* shall be maintained, authenticated and kept in the custody of the Executive Officer or the Joint Executive Officer or the Secretary in such manner and to such extent as may be decided by the Executive Officer.

(7) The employees of a *Panchayat Samiti* may be transferred within the district by the Executive Officer of the *Zilla Parishad* or, subject to any direction given by him, by the District *Panchayat* and Rural Development Officer and shall be allowed joining time not exceeding seven days as may be specified in the order of transfer:

Provided that an employee of a *Panchayat Samiti* may seek transfer outside the district only once during the service period and for such transfer, the concerned employee shall submit a petition to the Executive Officer of the *Panchayat Samiti* for placing the same in the meeting of the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* for discussion and recommendation. The Executive Officer shall then send the proposal along with the resolution of the said *Sthayee Samiti*, to the Executive Officer of the *Zilla Parishad* who after examining the proposal may forward it to the Commissioner of *Panchayats* and Rural

Development for consideration. The Commissioner may, thereafter, issue transfer order either against a vacant post or by interlinking it with another such proposal:

Provided further that in case of transfer of an employee of a *Panchayat Samiti* outside the district, his seniority relating to past service shall be forfeited and name of the employee shall be entered in the gradation list of the new district on his joining thereto, against a new serial number after the last existing entries in the said list.

(8) An employee of a *Panchayat Samiti* shall attend training course in any institution or any training camp whenever he is called upon to do so by the competent authority. The *Panchayat Samiti* concerned shall allow the selected employees to attend such training and such employees shall be deemed to be on duty during the period of training including the period of journey to and from the place of training.

90. Discipline and control over employees. – (1) (i) The Executive Officer may, subject to ratification by the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* in its next meeting, place an employee of the *Panchayat Samiti* under suspension when -

- (a) a disciplinary proceeding or departmental enquiry against him is contemplated or is pending;
- (b) he has been detained in a custody for a period exceeding forty-eight hours under any law providing for preventive detention or as a result of a proceeding either on a criminal charge or otherwise; or
- (c) he has been implicated in a proceeding initiated against him in charge of a criminal offence involving moral turpitude or involving any other cognizable offence, punishable with imprisonment for a period of more than six months.

(ii) During the period of suspension, such employee shall be entitled to subsistence allowance and to pay and allowance on reinstatement subject to such penalty as may be imposed upon him under sub-rule (2), in respect of the period of suspension at such rate as is admissible to a Government servant on an identical or comparable scale of pay under rule 71 and 72 of the West Bengal Service Rules, Part I:

Provided that in a case where an employee is detained in custody under any law providing for preventive detention, the subsistence allowance admissible under the said rule

shall be reduced by the amount of allowance, if any, paid to the detainee under the relevant laws or rules for the time being in force.

(2) Subject to the provisions under section 121 and also subject to any general or special direction issued by the State Government *on* the procedure to be followed in this behalf, the Executive Officer may start proceedings at any time against an employee of *Panchayat Samiti* for imposition of the following penalties:-

- (a) censure;
- (b) withholding of increments or promotion;
- (c) recovery from pay of the whole or part of any pecuniary loss caused to the *Panchayat Samiti* by negligence, dereliction of duty, wrongful act or breach of orders;
- (d) reduction to a lower stage in the time scale of pay for a specified period;
- (e) reduction in rank and service which shall ordinarily be a bar to the promotion to the higher post or cadre for a specified period;
- (f) compulsory retirement;
- (g) removal from service; and
- (h) dismissal from service which shall ordinarily be a disqualification for future employment:

Provided that for the purpose of initiating a proceeding, the Executive Officer shall serve a notice to the employee to show cause as to why he shall not be proceeded against for negligence, dereliction of duty, wrongful act or any other commission or omission or violation of duties or obligations as referred to in rule 93 and shall also be served with appropriate articles of charge framed against him with a statement of imputation of misconduct, if necessary:

Provided further that the Executive Officer shall place a report in the next meeting of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* on the charges framed and misconduct alleged against such an employee:

Provided also that the employee shall, before imposition of any penalty after conclusion of the proceeding, be given an opportunity of being heard by serving a notice to show-cause as to why the action proposed shall not be taken against him:

Provided also that for the purpose of initiating and concluding the disciplinary proceedings against an employee of the *Panchayat Samiti*, in matters and in manners not expressly provided in these rules or the Act, the provisions of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, shall apply *mutatis mutandis*.

Note – An officer, who has conducted the preliminary enquiry or investigation of a case, shall not be appointed to act as the Presenting Officer in the subsequent disciplinary proceedings

(3) In conclusion of the proceedings against an employee, the Executive officer of the *Panchayat Samiti* may –

- (i) impose any of the penalties as mentioned in item No. (a) to (c) of sub-rule (2) after giving the concerned employee an opportunity of being heard and shall send a copy of the order to the District Panchayat and Rural Development Officer and the Executive Officer of *Zilla Parishad* or to the Principal Secretary of the Darjeeling Gorkha Hill Council, as the case may be;
- (ii) recommend for any of the penalties as mentioned in item No. (d) to (h) of sub-rule (2) after giving the concerned employee an opportunity of being heard and shall send his recommendation to the Executive Officer of *Zilla Parishad* or to the Principal Secretary of the Darjeeling Gorkha Hill Council, as the case may be.

(4) The Executive Officer of the *Zilla Parishad* or the Principal Secretary of the Darjeeling Gorkha Hill Council, as the case may be, if he is satisfied with the recommendation of the Executive Officer of *Panchayat Samiti*, may, after giving the concerned employee an opportunity to show cause why the penalty proposed shall not be imposed upon him and on giving due consideration to his reply, if any, impose any of the penalties as mentioned in items (d) to (h) of sub-rule (2) on the employee concerned and shall send a copy of the order to the concerned Executive Officer of *Panchayat Samiti* and to the District *Panchayat* and Rural Development Officer.

(5) An appeal shall lie to the Executive Officer of *Zilla Parishad* or to the Principal Secretary of the Darjeeling Gorkha Hill Council, as the case may be, against an order of punishment awarded by the Executive Officer of *Panchayat Samiti* under clause (i) of sub-rule (3) within one month from the date of that order. On receipt of the appeal the Executive Officer of *Zilla Parishad* or Principal Secretary of Darjeeling Gorkha Hill Council, as the case may be, shall examine the merit of the case and give the employee concerned an opportunity of being heard. His decision shall be final and a copy of such decision shall be sent to the Executive Officer of *Panchayat Samiti* for taking next course of action.

(6) An appeal shall lie to the Divisional Commissioner against an order of punishment awarded by the Executive Officer of *Zilla Parishad* or by the Principal Secretary of Darjeeling Gorkha Hill Council, as the case may be, under sub-rule (4) within one month from the date of that order. On receipt of the appeal the Divisional Commissioner shall examine the merit of the case and give the employee concerned an opportunity of being heard. His decision shall be final and a copy of such decision shall be sent to the Executive Officer of *Zilla Parishad* or the Principal Secretary of Darjeeling Gorkha Hills Council, as the case may be, as well as to the Executive Officer of the concerned *Panchayat Samiti* for taking suitable action.

(7) Notwithstanding the provisions in sub-rule (2) the Executive Officer of *Zilla Parishad* or the Principal Secretary of Darjeeling Gorkha Hill Council, as the case may be, may at any time, *suo moto*, initiate proceedings against an employee of *Panchayat Samiti* when the provisions of this rule shall apply *mutatis mutandis*.

91. Pay and allowances. – The pay and allowances including travelling allowances of the employees of a *Panchayat Samiti* shall be such as may be determined from time to time, by order, by the State Government:

Provided that when an employee of a *Panchayat Samiti* holding a substantive post in temporary or officiating capacity, is promoted or appointed to another post in temporary or officiating capacity carrying duties and responsibilities of greater importance and higher scale of pay than those attached to the post held by him, the pay of such employee of *Panchayat*

Samiti in such higher scale of pay shall be fixed by the appointing authority for the higher post in such manner as may be generally applicable for the State Government employees of similar category in terms of the West Bengal Service Rules, Part – 1

92. Superannuation. – (1) The date of compulsory retirement of an employee of the *Panchayat Samiti* is the last day of the month in which he attains the age of 60 years, or such age, as may be determined from time to time, by order, by the State Government.

(2) The employee of a *Panchayat Samiti* may retire prematurely, on the ground of personal reason or deteriorated health, from service by giving written notice of not less than three months to the appointing authority through the Executive Officer and he shall be deemed to retire with effect from the date on which such notice is accepted by the appointing authority.

93. Duties, rights and obligations of the employees of *Panchayat Samiti*. – (1) If an employee of a *Panchayat Samiti*, in the discharge of his official duties is called upon to deal with or decide upon a matter in which he or any of his relatives is financially interested, he shall, at the earliest possible opportunity, bring the facts to the notice of the *Sabhapati* through the Executive Officer when any direction issued in this behalf shall be binding upon him.

(2) An employee shall not, without the previous sanction of the *Panchayat Samiti*, accept either directly or indirectly on his own behalf or on behalf of any other person, any gift of more than trifling value:

Provided that gifts in conformity with religious or social customs shall not come within the purview of this sub-rule.

(3) An employee shall not take part in the collection of subscription from among the general public in pursuance of any object whatsoever.

(4) An employee is prohibited from entering into any pecuniary transaction with any supplier or any other person in any way connected with any transaction of the *Panchayat Samiti* or any *Gram Panchayat* within the jurisdiction of that *Panchayat Samiti* or any other *Panchayat Samiti* within the district.

(5) An employee shall not, except with the previous sanction of the *Panchayat Samiti*, be engaged in any trade or undertake any employment other than his assigned duties under the Act or any rule or order made thereunder. An employee may undertake, with intimation to the *Panchayat Samiti*, honorary work of a social or charitable nature or work of a literary or artistic or scientific character or may participate in a radio or television programme on ensuring that his official responsibilities do not suffer thereby:

Provided that in pursuance of such honorary or occasional work or by such participation in a programme, an employee shall not do anything that may promote on grounds of religion, race, caste, community or language, feelings of enmity, hatred or disaffection between different classes of citizens or goes against the unity and integrity of the country or is capable of embarrassing the relations between the State Government and the Central Government or the Government of any other State or among the *Zilla Parishad*, the *Panchayat Samiti* and the *Gram Panchayat*:

Provided further that the *Panchayat Samiti* or any other competent authority may, at any time, for reasons to be recorded in writing, forbid an employee to undertake any such honorary or occasional work or to participate in any such programme.

(6) An employee shall not contest as a candidate, or interfere or canvass or use his influence in any way or do anything in aid or in obstruction of any candidate in any election nor shall he take part in, or subscribe in aid of, any electioneering party organization:

Provided that an employee, who is qualified to cast vote at such an election, may exercise his voting right but where he does so, shall avoid giving any indication of the manner in which he proposes to vote or has voted.

(7) No employee shall bring or attempt to bring any political or other outside influence to bear upon any superior authority for the furtherance of his interest in respect of matters pertaining to his service under the *Panchayat Samiti*.

(8) No employee shall, except with the prior sanction of the *Panchayat Samiti*, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family, where such transaction is conducted otherwise than through a regular or reputed dealer; the same condition shall apply in the case of sale or purchase of movable property exceeding ten thousand rupees in value:

Provided that the movable or immovable properties owned by the members of the family of the employee, either acquired by them from out of their own fund or inherited by them, shall not come under the provisions of this sub-rule.

(9) An employee shall have the right to form an association or federative body of employees unless the objects of activities of such association or federative body are prejudicial to the interest of the sovereignty of India or public order or morality.

(10) An employee shall not be a member of any political party or political organization.

(11) An employee of the *Panchayat Samiti* other than a peon, shall submit to the Executive Officer of the *Panchayat Samiti*, a declaration in respect of his assets as they stood on 1st January of each year within 30th April of that year in the format as given in *Annexure I*.

(12) The services of all employees of a *Panchayat Samiti* shall be guided by an open performance report and a report on attendance, performance and efficiency, accountability and integrity which shall be collectively termed as Annual Performance Report. The Secretary shall initiate Annual Performance Report of the *Panchayat Samiti* employees at the end of a financial year not later than 30th April of the following year in the format as given in

Annexure II for Group B, C and D employees classified in the same manner as applicable to the employees of the State Government and place the same to the Executive Officer for countersignature which shall be finally accepted by the *Sabhapati*. Appraisal on attendance, performance and efficiency, accountability and integrity of the employees shall be done in such manner as may be directed by the State Government, by any general or special order, from time to time.

Chapter XV

Inspections

94. Inspection of *Panchayat Samiti* under section 205. – (1) The Commissioner of *Panchayats & Rural Development* and any other prescribed authority under section 205 may inspect or cause to be inspected a *Panchayat Samiti* for the purpose of superintending and assessing the functions as well as physical and financial performances of the *Panchayat Samiti* in pursuance of the provisions of the Act and the rules and orders thereunder. For this purpose the State Government may develop a format for preparing such inspection report to capture the important functional areas of the *Panchayat Samiti*. Such format shall focus on its performance in the field of institutional capacity building, preparation of development plan and implementation of programmes and schemes for economic development and social justice in participatory mode, mobilization of its own resources, effective and timely utilization of fund, maintenance of accounts including taking of remedial measures relating to audit reports and building up social and human capital bases in its area.

(2) The State Government may, by general or special order, designate officers under its establishment at the appropriate level to inspect the *Panchayat Samiti* and may introduce a suitable format for preparing inspection report.

(3) At the time of inspection the Commissioner or the prescribed authority may direct a *Panchayat Samiti* to produce any book including books of accounts, register, record, and inspection and audit reports and physically verify the cash in hand. He may seek clarification on any related issue. He may also make field inspection and physically verify progress of any programme, scheme or other work.

(4) The inspecting authority as stated in sub-rule (2) shall submit a report of such inspection to the State Government in the specified format as early as possible within one month from the date of inspection focusing on the performance level of the *Panchayat Samiti* as also their strengths and weaknesses in different areas of activity so that suitable measures may be taken for improvement of functions of the *Panchayat Samiti*.

95. Inspection of *Panchayat Samiti* under section 163. – (1) A *Zilla Parishad* may inspect or cause to be inspected any immovable property or any work in progress, owned or controlled by a *Panchayat Samiti* within its jurisdiction or any department of the *Panchayat Samiti* or any service or work provided by the *Panchayat Samiti* and the manner of utilization of any fund in respect of schemes or programmes assigned to the *Panchayat Samiti* by any higher authority.

(2) The *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* of the *Zilla Parishad* may authorize any member or members or any officer of the *Zilla Parishad* or of any *Sthayee Samiti* to make inspection under sub-rule (1).

(3) The inspecting authority under sub-rule (2) may require a *Panchayat Samiti* to produce any book including books of accounts, register, record, and inspection and audit reports. He may seek clarification on any related issue. He may also make field inspection and physically verify progress of any programme, scheme or other works.

(4) On completion of inspection, the inspecting authority shall submit a report to the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* of the *Zilla Parishad* covering the issues on which the inspection was caused. In addition to clearly specifying the status of the matter inspected, the inspecting authority shall record his suggestions for improvement as may be required. The said *Sthayee Samiti* or any other *Sthayee Samiti* as may be requested by it in this behalf, may either suitably advise the *Panchayat Samiti* in the matter or place the inspection report with its views in the meeting of the *Zilla Parishad* for taking decision regarding the next course of action. If deemed necessary, the *Zilla Parishad* may refer the matter to the State Government for appropriate action.

96. Inspection of Panchayat Samiti under section 214A. – (1) The *Adhyaksha* or any member or members, as may be authorized by the District Council for *Panchayats*, may inspect a *Panchayat Samiti* for examination of the accounts of its fund in relation to the budget approved by the *Panchayat Samiti* for the expenditure to be incurred by it, and other books of accounts as may be deemed necessary.

(2) For the purpose of inspection under sub-rule (1), the inspecting authority may require the *Panchayat Samiti* to produce, *inter alia*, – (i) the annual report of the *Panchayat Samiti* in Form 27 of the West Bengal *Panchayat (Zilla Parishad and Panchayat Samiti) Accounts and Financial Rules, 2003*, (ii) annual report in Form 8 under these rules, (iii) monthly or annual reports relating to any programme or scheme assigned to it, (iv) the inspection reports on the annual audit of accounts conducted by the auditors appointed under section 186 and also the replies thereto furnished by the *Panchayat Samiti* and (v) the accounts of stores and stocks maintained by the *Panchayat Samiti*.

(3) In course of inspection, the inspecting authority shall satisfy himself, *inter alia*, that (i) the fund shown in the accounts have been properly applied for the purposes for which it was meant and budgeted for, (ii) the moneys have been spent in conformity with the rules and procedure applicable for the purpose and in all cases financial norms and propriety have been observed and (iii) every reappropriation has been made following the rules as may be applicable.

(4) The District Council on the basis of the inspection report shall recommend steps for improvement of maintenance of accounts and for effective utilization of the available fund. It may also suggest ways and means to remove the difficulties if any experienced by the *Panchayat Samitis* in its functions according to the provisions of the Act or rules made thereunder.

(5) The *Panchayat Samiti* shall consider the recommendations of the District Council and take remedial measures for improving maintenance of their accounts and shall furnish a report of compliance to the District Council within one month following the month in which the recommendations are received. In case the *Panchayat Samiti* does not agree with any recommendation, it shall furnish the reasons for such disagreeability along with the compliance report.

(6) If the *Panchayat Samiti* does not take any action or any action taken or proposed is not deemed satisfactory, the District Council shall refer the matter to the Executive Officer of the *Zilla Parishad* and also to the District Magistrate for issuing suitable direction to the defaulting *Panchayat Samiti*. If necessary the District magistrate may refer the matter to the Commissioner, *Panchayat* and Rural Development for appropriate action under sections 213 or 214 as may be deemed appropriate.

97. Inspection of *Panchayat Samiti* under section 186. – (1) The Auditor appointed under section 186 shall examine and audit the accounts of the fund of the *Panchayat Samiti* every year in pursuance of the provisions of chapter XVIII of the Act and relevant provisions of the West Bengal *Panchayat (Zilla Parishad and Panchayat Samiti) Accounts and Financial Rules, 2003*.

(2) The *Panchayat Samiti* shall be required to produce all books of accounts and other records for the purpose of audit as may be called for. It shall also take remedial actions and furnish its replies as prescribed under the rules referred to in sub-rule (1).

98. Inspection of *Gram Panchayat* by *Panchayat Samiti* under section 115. – (1) A *Panchayat Samiti* may inspect or cause to be inspected any immovable property or any work in progress, owned or controlled by a *Gram Panchayat* or any service provided by the *Gram Panchayat* and the manner of utilization of any fund in respect of schemes or programmes assigned to the *Gram Panchayat* by any higher authority, within its jurisdiction.

(2) The *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* of the *Panchayat Samiti* may authorize any member or members or any officer of the *Panchayat Samiti* or of any *Sthayee Samiti* to make inspection under sub-rule (1).

(3) The inspecting authority under sub-rule (2) may require a *Gram Panchayat* to produce any book including books of accounts, register, record, and inspection and audit reports. He may seek clarification on any related issue. He may also make field inspection and physically verify progress of any programme, scheme or other works.

(4) On completion of inspection, the inspecting authority shall submit a report to the the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* of the *Panchayat Samiti* covering the issues on which the inspection was caused. In addition to clearly specifying the status of the matter inspected, the inspecting authority shall record his suggestions for improvement as may be required. The said *Sthayee Samiti* or any other *Sthayee Samiti* as may be requested by it in this behalf, may either suitably advise the *Gram Panchayat* in the matter or place the inspection report with its views in the meeting of the *Panchayat Samiti* for taking decision regarding the next course of action. If deemed necessary, the *Panchayat Samiti* may refer the matter to the *Zilla Parishad* or to the State Government for appropriate action.

Chapter XVI

Repeal and Savings

99. Repeal and Savings. – (1) On the coming into force of these rules, the West Bengal *Panchayat* (Powers, Functions and Duties of the Executive Officer and the Secretary of the *Panchayat Samiti*) Rules, 1979, the West Bengal *Panchayat* (*Panchayat Samiti* Administration) Rules, 1984 and the provisions of the West Bengal *Zilla Parishads* (Election, Constitution and Administration) Rules, 1964 in so far as they relate to the Anchalik Parishad or the *Panchayat Samiti*, shall stand repealed:

Provided that such repeal shall not affect the previous operation of the said rules in respect of things done or omitted to be done thereunder before such repeal takes effect.

FORM 1

[see rule 14(1)]

Form of notice of ordinary meetings of the *Panchayat Samiti/Sthayee Samiti*

.....*Panchayat Samiti*

.....*Sthayee Samiti*

To:

Sri / Smt.

.....

Notice is hereby given that to transact the following business the next meeting of the *Panchayat Samiti/Sthayee Samiti* shall be held at(place) at.....A.M./ P.M. on the..... day of.....

He is requested to make it convenient to attend the said meeting.

List of business :

1.
2.
3.
4.

Dated, this.....day of.....

Secretary

Panchayat Samiti / Sthayee Samiti

FORM 1A

[see rule 14(1)]

Form of notice of emergent meeting of the *Panchayat Samiti or Sthayee Samiti or Block Sansad*

.....*Panchayat Samiti*

.....*Sthayee Samiti*

To:

Sri / Smt

.....

Notice is hereby given that an emergent meeting of the *Panchayat Samiti/Sthayee Samiti* will be held at(place) at.....A.M./P.M. on the.....day of..... to transact the following business.

He is requested to make it convenient to attend the said meeting.

Item of business:

Dated, this.....day of

Secretary

Panchayat Samiti / Sthayee Samiti

FORM 1B

[see Rule 14(1)]

**Form of notice of requisitioned meeting of the *Panchayat Samiti/Sthayee Samiti*
by the *Sabhapati / Karmadhyaksha***

.....*Panchayat Samiti*

.....*Sthayee Samiti*

To:

Sri / Smt.....

.....

Notice is hereby given that a requisitioned meeting of the *Panchayat Samiti/Sthayee Samiti* will be held at(place) at.....A.M./P.M. on the.....day of.....to transact the following business.

He is requested to make it convenient to attend the said meeting.

List of business:

1).....

2).....

3).....

Dated, this.....day of.....

*Sabhapati / Karmadhyaksha
Panchayat Samiti / Sthayee Samiti*

FORM 1C

[see rule 14(1)]

Form of notice of requisitioned meeting of the *Panchayat Samiti / Sthayee Samiti* by the requisitionist members

.....*Panchayat Samiti*

.....*Sthayee Samiti*

To:

Sri / Smt

.....

Notice is hereby given that since the *Sabhapati / Karmadhyaksha* has failed to convene a meeting in accordance with law as required by us, the undersigned members, by a letter served on the *Sabhapati / Karmadhyaksha* on(date), a requisitioned meeting shall be held at the office of the *Panchayat Samiti* at(place) atA.M. / P.M. on the..... to transact the following business.

He is requested to make it convenient to attend the meeting.

Business:

Requisitionist members -

1.

1.

2.

3.

4.

Dated:(Place)

This.....day of.....

Copy forwarded to the –

1. *Sabhapati / Karmadhyaksha* of

2. Sub-divisional Officer (Prescribed Authority)

FORM 2

[see rule 17(1)]

Form of Attendance Register cum Minutes Book for the meeting of *Panchayat Samiti* or *Sthayee Samiti* or *Block Sansad*

.....*Panchayat Samiti*

.....*Sthayee Samiti*

Date of meeting:

Place of meeting:.....

Time of meeting:..... .

Nature of meeting: Ordinary/Emergent

| Sl. No. | Name of the member | Signature or *LTI of the member | Time of arrival | Attested by (in case of *LTI only) |
|---------|--------------------|---------------------------------|-----------------|------------------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

*Left thumb impression

Minutes of the meeting :

FORM 3

[see rule 18]

Form of notice of adjourned meeting of *Panchayat Samiti / Sthayee Samiti*

.....*Panchayat Samiti*

.....*Sthayee Samiti*

To:

Sri / Smt

.....

Notice is hereby given that the meeting of the *Panchayat Samiti / Sthayee Samiti* which was adjourned on the.....day of.....(month) 20..... will be held at (Place) atA.M. / P.M. on the day ofto transact the items of business which were on the agenda of the meeting, dated

He is requested to make it convenient to attend the said meeting.

Dated, thisday of

Secretary

Panchayat Samiti /Sthayee Samiti

FORM 4

[see rule 11(1)]

**Report on the work of*Panchayat Samiti*
for the year**

A – Work done by the *Panchayat Samiti*:

| Nature of scheme | Physical achievement of the work done | Money value of the work done | Sources of fund |
|------------------|---------------------------------------|------------------------------|-----------------|
| 1 | 2 | 3 | 4 |
| | | | |

B– Promotional activities of the *Panchayat Samiti*:

| Nature of activity | No. of beneficiaries / groups | Percentage of achievement | Remarks |
|--------------------|-------------------------------|---------------------------|---------|
| 1 | 2 | 3 | 4 |

C – Flow of fund to the Gram Panchayats through the Panchayat Samiti for execution of different assigned schemes:

| Nature of scheme | Name of Dept. devolving fund | Amount received | Amount utilised |
|------------------|------------------------------|-----------------|-----------------|
| 1 | 2 | 3 | 4 |

In part “A” of the report –

under the column “Nature of scheme”, the schemes, if any, relating to “Irrigation and “Minor Irrigation”, “Road”, “Bridge”, “Culvert”, “Construction of dwelling house”, “Sinking of tube well”, “Resinking / Repair of tube well”, etc., shall be shown separately.

under the columns “physical achievement” the length of road in kilometre, the number in respect of “Irrigation and Minor Irrigation Scheme”, “Bridge”, “Culvert”, “Dwelling house”, “Tubewell” , etc., shall be shown.

(ii) In part “B” of the report under the column “Nature of activity” the work regarding “Barga Finance”, “Distribution of land”, “Distribution of Mini kits”, etc., done under the advice of the Panchayat Samiti and which are of promotional nature and does not involve any expenditure on the part of the Panchayat Samiti shall be shown.

(iii) In part “C” of the report under the column “Nature of scheme”, the names of various schemes assigned to Gram Panchayats, for execution such as “Food-for-Work”, “Rural Works Programme”, “Rural Restoration Programme”

FORM 4A
[see rule 65]

Form of application for permission to erect structure / building or to make an addition / alteration to an existing structure / building in a *Gram Panchayat* under Development Authority

(to be submitted in triplicate)

.....*Gram Panchayat*
.....*Panchayat Samiti*

To
The Executive Officer
..... *Panchayat Samiti*

I hereby apply for permission to erect a new structure / building / to make addition / alteration to an existing structure / building on a land covered by C.S. / R.S. plot Nos. and premises No.....(if any) of mouza of jurisdiction list No of Police Station the boundaries of which are shown below, on payment of the fee of Rs. as deposited by me.

Boundaries -

East -

West -

North -

South -

2. I hereby declare that I have unencumbered right, title and interest in the land on which the structure / building is proposed to be constructed / on which the existing building / structure stands to which additions / alterations are proposed to be made. I am enclosing copies of documents in support of the claim.

3. I hereby undertake to raise the walls of the proposed structure / building in such manner as to allow a front set-back of ninety centimetres for the building after leaving in the middle a clear passage of one metre and eighty centimetres on either side of the road and at least ninety centimetres set-back on other sides of the building.

4. I am enclosing three copies of site plan and building plan for the proposed construction.

5. I further undertake hereby to make construction strictly following the building plan submitted with such modifications as may be directed by the *Panchayat Samiti* or any other development authority so empowered.

6. I also hereby declare that the proposed structure / building within area or near or in the vicinity of any aerodrome will not tend to create any hazard or violate the provisions of any other prohibited area.

7. I also hereby undertake that I shall not start the construction work before receipt of permission with the approved copy of the building plan from the competent authority or before the expiry of the statutory period for according such approval.

8. I also hereby undertake to make payment of further fee as may be directed by the competent authority in accordance with the rules and procedure.
(Strike out the words not applicable).

Signature.....

Name in Block letters.....

Address.....

Date.....

FORM 4B
[see rule 79(3)]

Form of Granting/Occupancy Certificate

From : The Executive Officer

..... Panchayat Samiti

To :

.....
.....
(Name and address of the applicant)

Subject : Grant of Occupancy Certificate under sub-rule (3) of rule 79.

Building Particulars :
Plot No.....
J.L. No.....
Name of Mouza.....
Gram Panchayat.....

Sir,

With reference to your notice of completion dated.....I hereby certify that the building as per description below on.....*Gram Panchayat* in respect of which plans were sanctioned vide Building Permit No.....dated..... has been inspected with reference to the provision of the Building Rules under Chapter XII of the West Bengal *Panchayat (Panchayat Samiti Administration) Rules, 2008* and is certified to be fit for occupation.

DESCRIPTION OF CONSTRUCTION, USE AND CONDITIONS, IF ANY.

One set of building plans with endorsement “Approved Completion Plan” is returned herewith (where required).

Yours faithfully,

Executive Officer
.....*Panchayat Samiti*

Official Stamp :

Date :

FORM 5

[see Rule 51(1)]

Application for licence for holding hat or market

To

The Executive Officer

_____ *Panchayat Samiti*

_____ District

I hereby apply for licence for use of the place covered by Plot No./Nos.....of.....mauza.....J.L. No.under police station in the district ofthe boundaries of which are given below for the purpose of holding of a hat or market for the period from.....to.....The proposed hat/market shall be held on.....(mention the day or days of the week) every week/fortnight/month.

I shall be bound to deposit the prescribed licence fee and observe the conditions of the licence, if granted.

*The land described above is under my possession as owner / as lessee and I have obtained written consent of other owners / lease-holders.

**A layout plan in respect of the hat/market is enclosed as the hat/market consists of shops or stalls exceeding thirty in number/for sale of goods.

Boundaries:

East:

West:

North:

South:

Signature.....

Name in Block letters.....

Address.....

Date.....

*Strike out if not applicable.

** Strike out if not applicable under the rule.

FORM 5A

[see rule 55]

Licence for holding hat or market

Name of *Panchayat Samiti*

Name of District.....

License No...../200.....(Year) Date.....

Name of Licensee.....

Address of Licensee.....

License issued for the period of.....

Name of hat or market.....

Day or days of the week/tonight/month when such hat or market shall be held.....

.....

Boundaries of the place of hat or market:

East –

West –

North –

South –

Comprising:

Plot No.(S)

Mouza..... J.L. No.....

It is hereby laid down that the owner/lessee of the hat/market shall abide by the terms and conditions laid down in this regard and violation of any such term/condition shall make this licence liable to be cancelled.

The *Panchayat Samiti* acknowledges a sum of Rs.....(in words.....) only from Sri/Smt.....vide Receipt No.....dated.....

Signature with date of

Cashier/Accounts Clerk of.....*Panchayat Samiti*

Signature with date of

Executive Officer / Jt. Executive Officer of*Panchayat Samiti*

Seal:

Terms and conditions for licence on holding hat/market:

1. The licence of every hat or market shall make proper arrangements for –
 - (i) the clearing and drainage of the site;
 - (ii) the supply, where necessary, of water suitable for drinking and cooking purpose in sufficient quantities for the needs of persons attending the hat/market;
 - (iii)adequate disinfections of such water supply with bleaching powder or such other disinfectant as may be directed by the *Panchayat Samiti*, when any contamination is suspected or discovered;
 - (iv) the construction and maintenance, where necessary, of sufficient number of privies and urinals for the use of persons attending the hat/market with such separate accommodation for each sex as may be directed by the *Panchayat Samiti*;
 - (v) the collection, removal and disposal of refuse, rubbish, solid or liquid sewage at such intervals as the *Panchayat Samiti* may direct;
 - (vi) bringing to the notice of the Sanitary Inspector or such other officer as may be authorised by the Chief Medical Officer of Health or by the *Panchayat Samiti* in this behalf, of any case of cholera, small pox or any other infectious or contagious disease occurring within the precincts of a hat/market;
 - (vii) the supply of light for every part of the hat or market at night; and
 - (viii) the supply by suitable persons of wholesome food at reasonable prices and in sufficient quantities.
2. No person shall expose for sale in a hat or market any article of food such as milk or milk products, edible oil, ghee, butter, molasses, sugar, sweetmeats, except in covered receptacles and free from contamination by dust and flies.
3. No person suffering from leprosy or any other contagious disease shall prepare or help in the preparation of or expose any article for sale in hat or market.
4. No privy or urinal shall be constructed or allowed to stand within a radius of twenty metres from any place in a hat or market where articles of food are stored or exposed for sale or from any source of water supply.
5. No person shall store or sell or expose for sale in a hat or market any meat, fish, vegetable, fruit or other articles of food or drink which is in a state of decomposition and injurious to human health.
6. Adequate safeguards shall be provided for by the licensee against an outbreak of fire in a hat or market.

7. Where a hat or market is established or held without a licence or in violation of any condition of licence, the owner or the lessee of such hat or market shall be liable to such penalty as the *Panchayat Samiti* may provide under the by-laws made by it under section 223.

FORM 6
[see rule 57]

Application for licence of offensive or dangerous trade

To
The Executive Officer
..... *Panchayat Samiti*
District

I hereby apply for licence for use of the place covered by plot / plots no(s).
..... of mouza, J.L.No.
..... under Police Station..... in the district of
.....boundaries of which are given below for carrying on the trade
or business ofwhich has been
declared by the State Government as offensive or dangerous. If it is decided by the authority
to grant for the current year the licence applied for, I shall be bound to deposit the prescribed
licence fee and strictly observe the conditions of the licence, on default of which the licence
shall be liable to be cancelled on prior notice of one clear month when I shall be bound to
close down the said trade or business with immediate effect. I shall also be bound to apply
for renewal of such licence for the next financial year for carrying out the same trade or
business at the same place under the same terms and conditions.

Boundaries :

East -
West -
North -
South -
Signature with date.....
Name in Block letters
Address
Date

FORM 6A

[see rule 61]

Application for renewal of licence of offensive or dangerous trade

To

The Executive Officer

..... *Panchayat Samiti*

District

I hereby apply for renewal of licence No.....issued on.....(date) in my favour for carrying on the trade or business of.....at the same place *with change of boundaries as shown below. I also declare hereby that if it is decided to renew the licence, I shall deposit the requisite amount of the fee at the prescribed rate and shall abide by the terms and conditions set forth in the licence issued earlier.

Boundaries (Need not be filled if there is no change):

East -

West -

North -

South -

Signature

Name in Block letters

Address

Date

*Please delete if there is no change.

N.B. (1) Change of boundaries beyond the control of the licensee may be noted when the authority shall have the right to withhold renewal of licence on the ground of ecological imbalance or environmental pollution.

(2) Any change of place / site or any change of trade or business by the same licensee shall require fresh application for licence.

FORM 6B

[see rule 61]

Form of license for carrying on offensive or dangerous trade

Name of *Panchayat Samiti*

Name of District.....

License No...../(.....)(Year) Date.....

License issued to (Name of Proprietor/Partner/Director)

.....

for the period of

Address of Licensee.

Description of trade or business.....

.....

Boundaries of the place of trade or business:

East -

West -

North -

South -

Comprising :

Plot No(s).

Mouza

J.L. No.

The *Panchayat Samiti* acknowledges a sum of Rs.....(in words
.....) only from M/S

.....
vide Receipt No..... dated.....

Signature with date:

Cashier/Accounts Clerk.....*Panchayat Samiti*

Date:

Signature with date:

Executive Officer / Jt. Executive Officer of.....*Panchayat Samiti*

Date:

Licence renewed under the same terms and conditions (with change of boundaries as noted above) on receipt of requisite annual rate of fee for the year –

Year

- (1)
- (2)
- (3)

Dated signature of the Executive Officer / Joint Executive Officer

.....

Conditions of Licence for carrying on offensive or dangerous trades.

The licensee shall abide by the following terms and conditions: -

- (i) the place may be inspected at any reasonable hour of any day by the *Sabhapati* or *Sahakari Sabhapati* of the *Panchayat Samiti*, *Karmadhyaksha* of Janaswastha O *Paribesh Sthayee Samiti*, Executive Officer of the *Panchayat Samiti* or any other authorised officer, not below the rank of an Extension Officer;
- (ii) manufacturing, processing or any other work carried on under the licence in the specified premises shall be maintained in such a manner so as not to cause any injury, danger, annoyance or offence to the sense of sight, smell or hearing of persons residing in the neighbourhood;
- (iii) the licence shall relate only to such trade or business as is specified in it;
- (iv) the licence shall relate only to such place as is specified in it;

(v) there shall be satisfactory arrangement for drainage of waste water and effluents, disposal of solid wastes and control of gaseous emissions to prevent nuisance in the place and its neighbourhood;

(vi) the licence shall be liable to be cancelled in the event of contravention of any of the conditions laid down in clauses (i) to (v) or on any other ground as may be considered important by the Panchayat Samiti on service of prior notice of one clear month when the licensee shall be bound to close down such trade or business with immediate effect;

vii) the licence is subject to renewal on payment of requisite fee for every financial year and the authority reserves the right of withholding such renewal on such ground or grounds as may be intimated to the licensee.

FORM 7
[see rule 29 (2)]

Report on the work done by the *Sthayee Samiti* of the
_____ *Panchayat Samiti* in the district of _____ for
the quarter ending _____ of the year _____.

1. Name of the scheme/programme executed _____
2. Brief description of the scheme/programme executed _____
3. Whether the scheme/programme was executed under assignment by Government or out of own resources _____
4. Physical achievement during the quarter under report _____

Money value of the work done
.....

Countersigned.

Karmadhyaksha,

_____ *Sthayee Samiti*

Secretary _____ *Sthayee Samiti*

N.B. For such scheme/programme executed by a *Sthayee Samiti* separate form should be used.

FORM 8

[see rule 88 (1)]

I, _____, having been selected for appointment as _____ of the _____ *Panchayat Samiti*, do hereby declare that I was born at _____(birth place) on _____(date, month and year). I also annex herewith the following documents in support of the statement:

- i)
- ii)

I do, further declare that the year, month and date of birth as recorded herein are binding on me and I shall not ask for any modification thereof at my subsequent date.

Date _____

Signature: _____

[Orders of the appointing authority]

Signature: _____

Designation: _____

Date: _____

FORM 9

[see rule 7 & 8]

Bill for payment of remuneration and allowance to the *Sabhapati / Sahakari Sabhapati/ Karmadhyaksha.*

Name of the office bearer and the office _____
_____ *Panchayat Samiti.*

Period for which the remuneration is claimed [months] _____

Amount of remuneration claimed

Gross claim Rs. _____

Less deduction, if any Rs. _____

Certified that -

*(i) The period for which the remuneration has been claimed does not include any period of absence.

*(ii) The period for which the claim for remuneration has been lodged includes a period of leave for _____ days duly granted by the *Panchayat Samiti* vide its resolution dated _____.

Signature of office bearer

Passed for Rs. _____ (Rupees _____)

Signature of Exe. Officer

Panchayat Samiti

Received Rs. _____ (Rupees _____) only

Signature of the payee

***Strike out the clause not applicable.**

ANNEXURE - I

Declaration of Assets as they stood on _____ name (in full) of
Officer _____ Service _____
Designation _____ now appointed as _____
Substantive pay _____ Special pay _____

A – Immovable Property

(I) LANDS

| SL No. | Precise Location | Area | Nature of land | Extent of interest | Value | In whose name (wife, child, dependent, other relation or benamdar) the asset is | Date and manner of acquisition | Remarks |
|---------------|-------------------------|-------------|-----------------------|---------------------------|--------------|--|---------------------------------------|----------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
| | | | | | | | | |

(2) HOUSES

| SL No. | Precise Location | Extent of interest | Value | In whose name (wife, child, dependent, other relation or benamdar) the asset is | Date and manner of acquisition | Remarks |
|---------------|-------------------------|---------------------------|--------------|--|---------------------------------------|----------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | | | | | | |

Date:

Signature of Declarant

**(3) IMMOVABLE PROPERTIES OF OTHER DESCRIPTION
(Including Mortgages and such other rights)**

| SL No. | Brief Description | Extent of interest | Value | In whose name (wife, child, dependent, other relation or benamdar) the asset is | Date and manner of acquisition | Remarks |
|---------------|--------------------------|---------------------------|--------------|--|---------------------------------------|----------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | | | | | | |

B – Movable Property

(I) CASH, BANK BALANCE, CREDIT, INSURANCE POLICIES, SHARES, DEBENTURES, ETC.

| SL No. | Description of item | Value | In whose name (wife, child, dependent, other relation or benamdar) the asset is | In the case of loan the name of the person from whom the loan was taken and the relationship of the loanee with that person | Date and manner of acquisition | Remarks |
|---------------|----------------------------|--------------|--|--|---------------------------------------|----------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | | | | | | |

Date:

Signature of Declarant

(2) OTHER MOVABLE

(Including jewelry and other valuables, motor vehicles, refrigerators & other articles or materials of Rs. 500/- and over for each item)

| SL No. | Description of item | Value | In whose name (wife, child, dependent, other relation or benamdar) the asset is | Date and manner of acquisition | Remarks |
|---------------|----------------------------|--------------|--|---------------------------------------|----------------|
| (1) | (2) | (3) | (4) | (5) | (6) |
| | | | | | |

I do hereby declare that the Declaration made above is complete, true and correct to the best of my knowledge and belief.

Date:

Signature of Declarant

ANNEXURE - 2

Performance Report for Group-B and Group-C employee (To be filled in by the Reporting Officer)

Performance Report for the period from to

1. Name of the Employee :

2. Department / Office :

3. Designation / Post held :
4. Date of birth and date of entry into Government service :

Part I : Appraisal of Attendance, Performance and Efficiency

A. Attendance **Marks - 25**

1. Total No. of working days during the period under review :
2. No. of days the incumbent was on leave :
3. No. of days of late attendance and early departure during the period under review :
4. No. of days of unauthorized absence without leave :
5. No. of days deducted as leave due to late attendance / early departure :
6. No. of days of effective attendance of the incumbent during the period under review (item 1 *minus* item 4 & 5) :
7. Percentage of late attendance or early departure as against the total number of working days during the period under review (item No. 3 / item 1 %) :
8. Percentage of effective attendance as against the total number of working days during the period of review (item 6 / item 1 %) :

B. Performance & Efficiency **Marks – 60**

Grading with the corresponding mark : Excellent (6), Very Good (5), Good (4), Average (3),
Below Average (0)

(On the basis of record such as Case Book, Case Diary, Field Diary, etc. wherever applicable, marks will have to be given.)

1. The extent to which the employee takes his / her job seriously :

2. The quality of maintenance of the work diary / case diary / case book / note book / field diary etc. as applicable :
3. The quantum of disposal of allotted work promptly and completely :
4. The capability of completing the work in time or within justifiably extra time :
5. The capacity of the employee to inspire public confidence :
6. Quality of disposal of work of the employee :
7. Knowledge of the employee regarding office procedure, rules, regulations & instructions in general and with reference to work of the post / office :
8. Ability to apply relevant rules and regulations correctly :
9. Capacity of examining cases thoroughly :
10. Capacity and resourcefulness of the employee in handling normal as well as unforeseen problems / situations and willingness to take new challenges :

Signature of the employee with date

Reporting Officer

Accepting Officer

Part II : Appraisal of Accountability & Integrity of Group-B and Group-C employees

C. Accountability

Marks – 15

Grading with the corresponding mark : Excellent (5), Very Good (4), Good (3), Average (2),
Below Average (0)

1. Reliability in carrying out instructions :

2. Sense of responsibility, ability to judge urgency of a case and responsiveness to such urgency :
3. Behaviour with colleagues and members of public :

D. Assessment of integrity

(If anything adverse has come to notice, please specify it also)

Marks obtained

Part I :

Part II :

TOTAL :

Reporting Officer

Accepting Officer

**Performance Report for Group-D employee
(To be filled in by the Reporting Officer)**

Performance Report for the period from to

1. Name of the Employee :
2. Department / Office :
3. Designation / Post held :

4. Date of birth and date of entry
into Government service :

Part I : Appraisal of Attendance, Performance and Efficiency

A. Attendance

Marks – 35

1. Total No. of working days during the
period under review :
2. No. of days the incumbent was on leave :
3. No. of days of late attendance and early
departure during the period under review :
4. No. of days of unauthorized absence
without leave :
5. No. of days deducted as leave due to
late attendance / early departure :
6. No. of days of effective attendance of
the incumbent during the period under
review (item 1 *minus* item 4 & 5) :
7. Percentage of late attendance or early
departure as against the total number of
working days during the period under
review (item No. 3 / item 1 %) :
8. Percentage of effective attendance as
against the total number of working days
during the period of review (item 6 / item 1 %) :

B. Performance & Efficiency

Marks – 50

Grading with the corresponding mark : Excellent (10), Very Good (8), Good (6), Average (4),
Below Average (0)

1. Promptness in attending to duty :
2. Communication Skill (Oral) :
3. Ability to follow instructions :

4. General awareness of the employee :
About the work of the department /
office in which he is posted
5. Compliance in carrying out :
instructions

Signature of the employee with date

Reporting Officer

Accepting Officer

Part II : Appraisal of Accountability & Integrity of Group-D employee

C. Accountability

Marks – 15

Grading with the corresponding mark : Excellent (5), Very Good (4), Good (3), Average (2),
Below Average (0)

1. Devotion to duty :
2. Reliability in carrying out :
instructions
3. Behaviour with colleagues and :
members of public

D. Assessment of integrity

(If anything adverse has come to notice, please specify it also)

Marks obtained

Part I :

Part II :

TOTAL :

Reporting Officer

Accepting Officer

By order of the Governor,

M. N. Roy

Pr. Secy. to the Govt. of West Bengal

