

West Bengal Panchayati Raj Act, 1973.

Part I

Chapter I

Preliminary

Section 1 Short title, extent and commencement

(1) This Act may be called the West Bengal *Panchayat* Act, 1973.

(2) It extends to the whole of West Bengal , except the areas to which the provisions of—

- (a) the Cantonments Act, 1924,
- (b) the Howrah Municipal Corporation Act, 1980,
- (c) the ³[Kolkata] Municipal Corporation Act, 1980,
- (d) the Siliguri Municipal Corporation Act, 1990,
- (e) the Asansol Municipal Corporation Act, 1990,
- (f) the Chandannagar Municipal Corporation Act, 1990,
- (g) the West Bengal Municipal Act, 1993,
- (h) the Durgapur Municipal Corporation Act, 1994, or any parts or modifications thereof apply or may hereafter be applied.

(3) This section shall come into force at once; the remaining sections shall come into force on such date or dates and in such area or areas as the State Government may, by notification, appoint and different dates may be appointed for different sections and for different areas.

Section 2. Definitions (Part I.-Chapter I-Preliminary.-Section 2.)

2. In this Act, unless there is anything repugnant in the subject or context—

- (1) “auditor” means an auditor appointed under section 186 and includes any officer authorised by him to perform all or any of the functions of an auditor under Chapter XVIII;
- (2) “Block” means an area referred to in section 93;
- (3) “Block Development Officer” means an officer appointed as such by the State Government ²[and includes the Joint Block Development Officer-in-charge of the Block];
- (4) “case” means a criminal proceeding in respect of an offence triable by a *Nyaya Panchayat*
- ³(4a) “Collector” means an officer appointed as such by the State Government;
- ⁴(4b) “Council” means the Darjeeling Gorkha Hill Council constituted under the Darjeeling Gorkha Hill Council Act, 1988
- (5) “District Magistrate” includes an Additional District Magistrate, a Deputy Commissioner, an Additional Deputy Commissioner and any other Magistrate appointed by the State Government to discharge all or any of the functions of a District Magistrate under this Act;
- ⁵(6) “Director of *Panchayats*” means the Director of *Panchayats* and Rural Development, Government of West Bengal, and includes a Joint Director of *Panchayats* and Rural Development, a Deputy Director of *Panchayats* and Rural Development and an Assistant Director of *Panchayats* and Rural Development;
- ¹(7) “District *Panchayat* Officer” means a District *Panchayat* and Rural Development Officer appointed as such by the State Government;
- (8) “District Planning Committee” means the District Planning Committee established by the State Government for a district;
- (9) “Extension Officer, *Panchayats*” means an officer appointed as such by the State Government;
- ²(9a) “general election” means an election of members held simultaneously for constitution of *Gram Panchayats*, *Panchayat Samitis*, *Mahakuma Parishad*, or *Zilla Parishads* or any two or more of *Gram Panchayats*, *Panchayat Samitis*, *Mahakuma Parishad*, or *Zilla Parishads* in such area as the State Government may by notification specify;
- ³(10) “*Gram*” means an area referred to in section 3;

- (10) “*Gram Panchayat*” means a *Gram Panchayat* constituted under section 4;
- ⁴(11a) “*Gram Sabha*” means a body consisting of persons registered in the electoral rolls pertaining to a *Gram* declared as such under sub-section (f) of section 3;
- ⁴(11b) “*Gram Sansad*” means a body consisting of persons registered at any time in the electoral rolls pertaining to a constituency of a *Gram Panchayat* delimited for the purpose of last preceding general election to the *Gram Panchayat*;
- ⁴(11c) “hill areas” has the same meaning as in the Darjeeling Gorkha Hill Council Act, 1988;
- (12) “*Karmadhyaksha*” means the *Karmadhyaksha* of a *Sthayee Samiti* of a *Panchayat Samiti* elected under section 125 or of a *Sthayee Samiti of a Zilla Parishad* elected under section 172, as the case may be;
- ¹(12a) “*Mahakuma Parishad*” means the *Mahakuma Parishad* for the sub-division of Siliguri in the district of Darjeeling constituted under section 185B;
- ²(13) “*mouza*” means an area defined, surveyed and recorded as such in the revenue record of a district and referred to in clause (g) of article 243 of the Constitution of India as the lowest unit of area for the purpose of public notification for specifying a village; ’
- ³(13a) “Municipality” means an institution of self-government constituted under article 243Q of the Constitution of India;
- (14) “notification” means a notification published in the *Official Gazette*;
- (15) “Nyaya Panchayat” means a Nyaya Panchayat constituted under section 51;
- ⁴(15a) “office bearer” means the *Pradhan*, *Upa-Pradhan*, *Sabhapati*, *Sahakari Sabhapati*, *Sabhadhipati* or *Sahakari Sabhadhipati* or any two or more of them together;
- ⁴(15b) “*Panchayat*” means an institution of ⁵[self-government constituted under article 243B of the Constitution of India], and includes *Gram Panchayat*, *Panchayat Samiti*, *Mahakuma Parishad* or *Zilla Parishad*;
- (16) “Panchayat Samiti” means a Panchayat Samiti constituted under section 94;
- ⁶(16a) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (17) “*Pradhan*” means a *Pradhan* of a *Gram Panchayat* elected under section 9;

- (18) “prescribed” means prescribed by rules made under this Act;
- (19) “prescribed authority” means an authority appointed by the State Government, by notification, for all or any of the purposes of this Act;
- (20) “public street” means any street, road, lane, *gully*, alley, passage, pathway, bridge, square or court, whether a thoroughfare or not, over which the public have a right of way, and includes side drains or gutters and the land up to the boundary of any abutting property, notwithstanding the projection over such land or any verandah or other superstructure;
- ¹(20A) “recognised political party” means a national party or a State party recognised as such by the Election Commission of India by notification for the time being in force;
- (21) “*Sabhapati*” means a *Sabhapati* of a *Panchayat Samiti*, elected under section 98;
- (22) “*Sabhadhipati*” means a *Sabhadhipati* of a *Zilla Parishad* ²[elected under section 143, and includes the *Sabhadhipati* of *Mahakuma Parishad*];
- (23) “*Sahakari Sabhapati*” means a *Sahakari Sabhapati* of a *Panchayat Samiti*, elected under section 98;
- (24) “*Sahakari Sabhadhipati*” means a *Sahakari Sabhadhipati* of a *Zilla Parishad*, ³[elected under section 143, and includes the *Sahakari Sabhadhipati* of the *Mahakuma Parishad*];
- (25) “Scheduled Castes” means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes, in relation to the State of West Bengal under article 341 of the Constitution of India;
- (26) “Scheduled Tribes” means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of West Bengal under article 342 of the Constitution of India;
- ⁴(26A) “State Election Commissioner” means the State Election Commissioner referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;
- ⁵(26B) “State Government” means the State Government in the Department of Panchayats and Rural Development;

- (27) “State Planning Board” means the West Bengal State Planning Board established by the State Government;
- ²(27A) “Sub-divisional Officer” means an officer appointed as such by the State Government, and includes an Additional Sub-divisional Officer having jurisdiction;
- (28) “suit” means a civil suit triable by a *Nyaya Panchayat*,
- (29) “*Upa-Pradhan*” means an *Upa-Pradhan* of a *Gram Panchayat*, elected under section 9;
- (30) “year” means the year beginning on the first day of April;
- (31) “*Zilla Parishad*” means a *Zilla Parishad* of a district constituted under section 140.

Part II

Gram Panchayat

Chapter II

Constitution of Gram Panchayat

Section 3. Gram (Part II.-Gram Panchayat.-Chapter II.-Constitution Of Gram Panchayat)

- (1) The State Government may, by notification, declare for the purposes of this Act any *mauza* or part of a *mauza* or group of contiguous *mauzas* or parts thereof to be a *Gram*:

³Provided that any group of *mamas* or parts thereof, when they are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force, may also be declared to be a *Gram*.

- (2) The notification under sub-section (1) shall specify the name of the *Gram* by which it shall be known and shall specify the local limits of such *Gram*.

- (3) The State Government may, after making such enquiry as it may think fit and after consulting the views of the *Gram Panchayat* or *Panchayats* concerned, by notification—
- (a) exclude from any *Gram* any area comprised therein; or
 - (b) include in any *Gram* any area contiguous to such *Gram* or separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force; or
 - (c) divide the area of a *Gram* so as to constitute two or more *Grams*, or
 - (d) unite the area of two or more *Grams* so as to constitute a single *Gram*.

Section 4. Gram Panchayat and its constitutions

- (1) For every *Gram* the State Government shall constitute a *Gram Panchayat* bearing the name of the *Gram*.
- (2) Persons whose names are included in the electoral roll ²[prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election] pertaining to the area comprised in the *Gram*, shall elect by secret ballot at such time and in such manner as may be prescribed, from among themselves such number of members ³[not being less than five] or ⁴[more than thirty] ⁵[as the prescribed authority may, having regard to the number of voters in hill areas and other areas and in accordance with such rules as may be made in this behalf by the State Government, determine] ⁶*****

¹Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a *Gram Panchayat*, and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that *Gram Panchayat* to be filled up by election as the population of the Scheduled Castes in that *Gram* or of the Scheduled Tribes in that *Gram*, as the case may be, bears to the total population of that *Gram* and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that *Gram*, as the case may be, bears with the total population in that *Gram*:

¹Provided further that not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

¹Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a *Gram Panchayat* shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed:

¹Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section ²* * * *, when the number of members to be elected to a *Gram Panchayat* is determined by the prescribed authority or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a *Gram Panchayat* in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:

¹Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to a *Gram Panchayat*, be disqualified for election to any seat not so reserved:

¹Provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing ²[, by order, direct the prescribed authority to make fresh determination] of the number of members of a *Gram Panchayat* or fresh reservation on rotation of the number of seats in such *Gram Panchayat* and, on such order being issued by the State Election Commissioner, the determination of the number of members ³[or the number of seats (o be reserved or the sequence of rotation of reservation of seats or any combination of them as may be specified in such order] shall not be varied for ⁴[the next] three successive general elections:

¹Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India.

⁵(2A) The *Gram Panchayat* shall consist of the following members:—

- i. members elected under sub-section (2);
 - ii. members of the *Panchayat Samiti*, not being *Sabhapati* or *Sahakari Sabhapati*, elected thereto from the constituency comprising any part of the *Gram*.
- (3) For the convenience of the election the prescribed authority shall, in accordance with such rules as may be made in this behalf by the State Government,—

- (a) divide the area of a *Gram* into constituencies, ⁶*** on the basis of number of members of *Gram Panchayat* determined under sub-section (2);
- (b) allocate to each such constituency seats, ⁷[not exceeding two], on the basis of electorate of the *Gram*:

⁸Provided that such division into constituencies and such allocation of seats shall be made in such manner that the ratio between the population of the *Gram* and the number of seats in the *Gram Panchayat* shall, so far as practicable, be the same in any *Gram Panchayat*.

¹*****

- (4) Every *Gram Panchayat* constituted under this section shall ²***** be notified in the *Official Gazette* and shall come into office with effect from the date of its first meeting at which a quorum is present.
- (5) Every *Gram Panchayat* shall be a body corporate having perpetual succession and a common seal and shall, by its corporate name, sue and be sued.

Section 5. effect of alteration of the area of a gram:

- (1) When an area is excluded from a *Gram* under clause (a) of sub-section (3) of section 3, such area shall, as from the date of the notification referred to in that sub-section, cease to be subject to the jurisdiction of the *Gram Panchayat* of that *Gram* and, unless the State Government otherwise directs, to the rules, orders, directions and notifications in force therein.
- (2) When an area is included in a *Gram* under clause (b) of subsection (3) of section 3, the *Gram Panchayat* for that *Gram* shall, as from the date of the notification referred to in that sub-section, have jurisdiction over such area and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that *Gram* shall apply to the area so included.
- (3) When the area of any *Gram* is divided under clause (c) of subsection (3) of section 3 so as to constitute two or more *Grams*, there shall be reconstitution of the *Gram Panchayat* for the newly constituted *Grams* in accordance with the provisions of this Act, and the *Gram Panchayat* of the *Gram* so divided shall, as from the date of coming into office of the newly constituted *Gram Panchayats*, cease to exist.³
- (4) When the areas of two or more *Grams* are united under clause (d) of sub-section (3) of section 3 so as to constitute a single *Gram*, there shall be reconstitution of the *Gram Panchayat* for the newly constituted *Gram* in accordance with the provisions of

this Act, and the *Gram Panchayats* of the *Grams* so united shall, as from the date of coming into office of the newly constituted *Gram Panchayat*, cease to exist.⁴

- (5) When under sub-section (3) of section 3 any area is excluded from, or included in, a *Cram*, or a *Gram* is divided so as to constitute two or more *Grams*, or two or more *Grams* are united to constitute a single *Gram*, the properties, funds and liabilities of the *Gram Panchayat* or *Panchayats* affected by such reorganization shall vest in such *Gram Panchayat* or *Panchayats*, and in accordance with such allocation, as may be determined by order in writing by the prescribed authority, and such determination shall be final.
- (6) An order made under sub-section (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganization.

¹*Explanation*—For the purpose of reconstitution of the *Gram Panchayat* after division referred to in sub-section (3) or after unification referred to in sub-section (4),—

- (a) it shall not be necessary to hold general election to the newly constituted *Gram Panchayat* or *Gram Panchayats* when the terms of office of the members of the former *Gram Panchayats* within the scope and meaning of sub-section (1) of section 7, do not expire; and
- (b) such members having unexpired terms of office shall be declared by the State Government or such authority as may be empowered, by order, by the State Government in this behalf, by notification in the *Official Gazette*, as members to the newly constituted *Gram Panchayat* that comprises the constituencies, wholly or in part, from which such members were elected to the former *Gram Panchayats* and any such member shall hold office in the newly constituted *Gram Panchayat* for the unexpired portion of the term of his office.

**6. Effect of inclusion of a Gram or part thereof in municipality, etc.
(Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-6)**

(1) If, at any time, the whole of the area of a *Gram* is included in a municipality ²[by a notification under any law for the time being in force or in an area under the authority of] a Town Committee or a Cantonment, the *Gram Panchayat* concerned shall cease to exist ¹[within six months from the date of the notification or with effect from such date as may be specified in the notification or with effect from the date on which elections to the newly constituted body are completed, whichever is earlier,] and the properties, funds and other assets vested in such *Gram Panchayat* and all the rights and liabilities of such *Gram Panchayat* shall vest in and devolve on the Commissioners of the Municipality * * * * or on the Town Committee or on the Cantonment Authority, as the case may be, ²[in accordance with the orders of the prescribed authority. The persons employed under

such *Gram Panchayat* shall, ³[with effect from the date on which the *Gram Panchayat* ceases to exist,) be deemed to be employed by the Municipality ⁴* * * * * or the Town Committee or the Cantonment Authority, as the case may be, on terms and conditions not being less advantageous than what they were entitled to immediately before such inclusion.]

(2) If, at any time, a part of the area of a *Gram* is included in a Municipality by a notification under any law for the time being in force or in an area under the authority of a Town Committee or a Cantonment, the area of the *Gram* shall be deemed to have been reduced to the extent of the part so included in such Municipality or under the authority of such Town Committee or Cantonment on expiry of six months from the date of the notification or with effect from such date as may be specified in the notification or with effect from the date on which election to the newly constituted body from the area so included are completed, whichever is earlier and the properties, funds and liabilities of the *Gram Panchayat* in respect of the part so included shall vest in and devolve on the Municipality, Town Committee or Cantonment Authority, as the case may be, in accordance with such allocations as may be determined by the prescribed authority and such determination shall be final and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in the area under the authority of the Municipality, town Committee or Cantonment, as the case may be, shall apply to the part of the area of the *Gram* so included.⁵

⁶6A.

(1) If the State Government is of opinion that the whole or any part of the area of a Municipality has changed its character and should constitute one or more *Gram Panchayats*, the State Government may, by notification, after previous publication of the draft of the notification in the *Official Gazette*,—

- (a) include such area in an existing *Gram Panchayat* to be specified in the notification, or
- (b) constitute one or more *Gram Panchayat* in such area:

Provided that the draft of the notification shall also be published in at least two local newspapers published from any place within the district in which the area of the Municipality is situated, inviting objections and suggestions within a period of two months from the date of such publication, and any objection or suggestion which may be received, shall be considered by such authority as may be appointed by the State Government in this behalf, within three months, from the date of such publication, after giving the persons concerned an opportunity of being heard.

(2) Within six months from the date of publication of the notification under sub-section (1), elections shall be held to the *Gram Panchayat* from the area specified in the notification and, with effect from the date of completion of such elections, the area

shall be deemed to be included in the *Gram Panchayat* so specified or so constituted, as the case may be, and the Municipality in the area so notified shall cease to exist:

Provided that if such area or any part thereof constitutes under any law for the time being in force one or more constituencies of a *Panchayat Samiti* or *Zilla Parishad* or of the *Mahakuma Parishad*, elections to that *Panchayat Samiti* or *Zilla Parishad* or to the *Mahakuma Parishad*, as the case may be, from such constituency-or constituencies shall be held simultaneously with the elections to the *Gram Panchayat*:

Provided further that if such area cannot constitute one or more constituencies of a *Panchayat Samiti* or *Zilla Parishad* or of the *Mahakuma Parishad*, the area shall be included in a contiguous constituency and no election shall be held from that constituency to the *Panchayat Samiti* or the *Zilla Parishad* or the *Mahakuma Parishad*, as the case may be, during the unexpired term of the members of such body holding office at that time.

- (3) With effect from the date on which the area as aforesaid is included in a *Gram Panchayat*,—
- (a) the properties, funds and liabilities of the Municipality in respect of the area so included, shall vest in and devolve on the *Gram Panchayat*, the *Panchayat Samiti*, the *Zilla Parishad* or the *Mahakuma Parishad* in accordance with such allocation as may be determined by the prescribed authority, and
- (b) the persons among those employed by the Municipality in respect of the area so included shall be deemed to be employed by the *Gram Panchayat*, the *Panchayat Samiti*, the *Zilla Parishad* or the *Mahakuma Parishad* in accordance with such allocation as may be determined by the prescribed authority.

Section : 7

Term of office of members of Gram Panchayat. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-7)

- (1) The members of a *Gram Panchayat* shall, subject to the provisions of sections 11 and 213 A, hold office for a period of five years from the date appointed for its first meeting and no longer.
- (2) There shall be held a general election for the constitution of a *Gram Panchayat* within a period not exceeding five years from the date of the previous general election held for that *Gram Panchayat*:

Provided that if the first meeting of the newly-formed *Gram Panchayat* cannot be held before the expiry of the period of five years under subsection (1), the State Government may, by order, appoint any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the *Gram Panchayat* under this Act or any other law for the time being in force, for a period not exceeding three months or until the date on which such first meeting of the newly-formed *Gram Panchayat* is held, whichever is earlier.

²7A. [(*General election to Gram Panchayat.*)—*Omitted by s. 6 of the West Bengal Panchayat (Amendment) Act, 1994 (West Ben. Act XVIII of 1994)*].

Section : 8

Disqualifications of members of Gram Panchayat. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-8)

Subject to the provisions contained in sections 94 and 97, a person shall not be qualified to be a member of a *Gram Panchayat*, if—

- (a) he is a member of³* * * any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1; or
- (b) he is in the service of the Central or the State Government or a *Gram Panchayat* or a *Panchayat Samiti*⁵[or a *Zilla Parishad* or the *Mahakuma Parishad* or the Council;] and for the purposes of this clause, it is hereby declared that a person in the service of any undertaking of the Central or the State Government or any statutory body or Corporation or any public or Government company or any local authority or any co-operative society or any banking company or any university or any Government sponsored institution or any educational or other institution or undertaking or body receiving any aid from the Government by way of grant or otherwise or a person not under the rule-making-authority of the Central or the State Government or a person receiving any remuneration from any undertaking or body or organisation or association of persons as the employee or being in the service of such undertaking or body or organisation or association of persons out of funds provided or grants made or aids given by the Central or the State Government, shall not be deemed to be in the service of the Central or the State Government; or
- (c) he has, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of, the *Gram Panchayat*, or the *Panchayat Samiti* of the Block comprising the *Gram* concerned, [or the *Zilla Parishad* of the district, or the *Mahakuma Parishad*, or the Council;]

Provided that no person shall be deemed to be disqualified for being elected a member of a *Gram Panchayat* by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956, which

contracts with or is employed by the *Gram Panchayat or Panchayat Samiti* of the Block comprising the *Gram* ²[or the *Zilla Parishad* or the *Mahakuma Parishad* or the Council;] Or

- (d) he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society, or a Government company or a corporation owned or controlled by the Central or a State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or
 - (e) he has been adjudged by a competent court to be of unsound mind; or
 - (f) he is an undischarged insolvent; or
 - (g) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- ¹(h)
- (i) he has been convicted by a court—
 - (A) of an offence involving moral turpitude punishable with imprisonment for a period of more than six months, or
 - (B) of an offence under Chapter IXA of the Indian Penal Code, or
 - (C) under section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952 and five years have not elapsed from the date of the expiration of the sentence; or
 - (ii) he is disqualified for the purpose of election to the State Legislature under the provisions of Chapter III of Part II of the Representation of the People Act, 1951; or
- (i) he has not attained the age of twenty-one years on the date fixed for the scrutiny of nominations for any election; or
 - (j) he has been convicted under section 9A at any time during the last ten years; or
 - (k) he has been convicted under section 189 at any time during the last ten years; or
 - (l) he has been surcharged or charged under section 192 at any time during the last ten years; or
 - (m) he has been removed under section 213 at any time during the period of last five years.

Section : 9

Pradhan and Upa-Pradhan. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-9)

- (1) Every *Gram Panchayat* shall, at its first meeting at which a quorum is present, elect, in the prescribed manner, one of its members to be the *Pradhan* and another member to be the *Upa-Pradhan* of the *Gram Panchayat*:

³Provided that the members referred to in clause (ii) of sub-section (2A) of section 4 ⁴[shall neither participate in, nor be eligible for such election]:

'Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall be a whole time functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or-be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his powers, performance of his functions or due discharge of his duties:

²[Provided also] that subject to such rules as may be made by the State Government in this behalf, the offices of the *Pradhan* and the *Upa-Pradhan* shall be reserved for the Scheduled Castes and the Scheduled Tribes in such manner that the number of offices so reserved at the time of any general election shall bear, as nearly as may be, the same proportion to the total number of such offices within a district as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in all the Blocks within such district taken together bears with the total population in the same area, and such offices shall be subject to allocation by rotation in the manner prescribed:

²Provided also that the offices of the *Pradhan* and the *Upa-Pradhan* in any *Gram Panchayat* having the Scheduled Castes or the Scheduled Tribes population, as the case may be, constituting not more than five per cent of the total population in the *Gram*, shall not be considered for allocation by rotation:

²Provided also that in the event of the number of *Grams* having the Scheduled Castes or the Scheduled Tribes population constituting more than five per cent of the total population, falling short of the number of the offices of the *Pradhan* and the *Upa-Pradhan* required for reservation in a district, the State Election Commissioner may, by order, include, for the purpose of reservation, other such offices of the *Pradhan* and the *Upa-Pradhan* beginning from the *Gram* having higher proportion of the Scheduled Castes or the Scheduled Tribes, as the case may be, until the total number of seats required for reservation is obtained:

³Provided also that in a district, determination of the offices of the *Pradhan* reserved for the Scheduled Castes, the Scheduled Tribes and women shall precede such determination of the offices of the *Upa-Pradhan*:

Provided also that if, for any term of election (hereinafter referred to in this proviso as the said term of election), the office of the *Pradhan* in a *Gram Panchayat* is reserved for any category of persons in accordance with the rules in force, the office of the *Upa-Pradhan* in that *Gram Panchayat* shall not be reserved for the said term of election for any category, and if, in accordance with the rules applicable to the office of the *Upa-Pradhan*, such office is required to be reserved for the said term of election, such reservation for the same category shall be made in another office of the *Upa-Pradhan* within the district in the manner prescribed, keeping the total number of offices so reserved for the said term of election equal to the number of such offices required to be reserved in accordance with the rules in force:

Provided also that when in any term of election, an office of the *Upa-Pradhan* is not reserved on the ground that the corresponding office of the *Pradhan* is reserved in the manner prescribed, such office of the *Upa-Pradhan* not reserved on the ground as aforesaid, shall be eligible for consideration for reservation during the next term of election in the manner prescribed:

²Provided also that not less than one-third of the total number of offices of the *Pradhan* and the *Upa-Pradhan* in a district including the offices reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:

Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section or elsewhere in this Act, the principle of rotation for the purpose of reservation of offices under this sub-section shall commence from the first general elections to be held after the coming into force of section 8 of the West Bengal *Panchayat (Amendment) Act, 1994*, and the roster for reservation by rotation shall continue for every three successive terms for the complete rotation unless the State Election Commissioner, for reasons to be recorded in writing and by notification, directs fresh commencement of the rotation at any stage excluding one or more terms from the operation of the rotation:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman, for whom the offices are reserved under this sub-section, shall, if eligible for the office of the *Pradhan* or the *Upa-Pradhan*, be disqualified for election to any office not so reserved;

Provided also that the provisions for reservation of the offices of the *Pradhan* and the *Upa-Pradhan* for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India.

- (2) The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.
- (3) The *Pradhan* and the *Upa-Pradhan* shall, subject to the provisions of section 12 and to their continuing as members, hold office for a period of ²[five years].

3* * * * *

- (4) When—
 - (a) the office of the *Pradhan* falls vacant by reason of death, resignation, removal or otherwise, or
 - (b) the *Pradhan* is, by reason of leave, illness or other cause, temporarily unable to act,

the *Upa-Pradhan* shall exercise the powers, perform the functions and discharge the duties of the *Pradhan* until a new *Pradhan* is elected and assumes office or until the *Pradhan* resumes his duties, as the case may be.
- (5) When—
 - (a) the office of the *Upa-Pradhan* falls vacant by reason of death, resignation, removal or otherwise, or
 - (b) the *Upa-Pradhan* is, by reason of leave, illness or other cause, temporarily unable to act, the *Pradhan* shall exercise the powers, perform the functions and discharge the duties of the *Upa-Pradhan* until a new *Upa-Pradhan* is elected and assumes office or until the *Upa-Pradhan* resumes his duties, as the case may be.
- (6) When the offices of the *Pradhan* and the *Upa-Pradhan* are both vacant, or the *Pradhan* and the *Upa-Pradhan* are temporarily unable to act, the prescribed authority may appoint ' [for a period of thirty days at a time] a *Pradhan* and an *Upa-Pradhan* from among the members of the *Gram Panchayat* to act as such until a *Pradhan* or an *Upa-Pradhan* is elected and assumes office ²[or until the *Pradhan* or the *Upa-Pradhan* resumes duties, as the case may be].

(7) The *Pradhan* and the *Upa-Pradhan* of a *Gram Panchayat* shall be entitled to leave of absence for such period or periods as may be prescribed.

³(8) On election of the *Pradhan* following a general election or the office of the *Pradhan* otherwise falling vacant, the *Pradhan* holding office for the time being or the *Upa-Pradhan* or any authority or any other member exercising the powers, performing the functions and discharging the duties of the *Pradhan* shall make over all case, assets, documents, registers and seals which he may have in his possession, custody or control as soon thereafter as possible on such date, place and hour as may be fixed by the Block Development Officer to the newly elected *Pradhan*, or, in the case of a vacancy occurring otherwise, to the *Upa-Pradhan* or to the authority or person, as the case may be referred to in the proviso to sub-section (2) of section 1 or sub-section (6) of this section or clause (b) of sub-section (1) of section 215 ⁴[or section 216] in the presence of the Block Development Officer or any other officer authorised in writing by him in this behalf.

⁵(9) On the alteration of the area of a *Gram* under sub-section (3) of section 3 or sub-section (2) of section 6 or inclusion of a *Gram* in a municipality or a notified area or a Municipal Corporation or a Town Committee or a Cantonment under sub-section (1) of section 6, and the effect of such alteration or inclusion, as the case may be, coming into force, the *Pradhan* or the *Upa-Pradhan* or any other authority or any other person exercising the powers, performing the functions and discharging the duties of the *Pradhan* immediately before such alteration or inclusion of the area of the *Gram* concerned shall make over the properties, funds and other assets vested in such *Gram Panchayat* and all the rights and liabilities of such *Gram Panchayat* in compliance with the order of the prescribed authority under sub-section (5) of section 5 and sub-sections (7) and (2) of section 6.

¹(10) Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a *Pradhan* or an *Upa-Pradhan* from his office if, in its opinion he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers, performance of his functions or discharge of his duties:

Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.

²9A. If a *Pradhan* or an *Upa-Pradhan* or an authority or a person referred to in sub-section (8) ³[and sub-section (9)] of section 9 fails to comply with the provisions of that sub-section, he shall be punishable with imprisonment for a term which may extend to three years or liable to pay fine not exceeding two thousand rupees or both and the offence shall be cognizable:

Provided that without prejudice to the foregoing penal provisions such default shall also be construed as a misconduct for which he may be debarred from standing as a candidate in any election in any capacity under this Act for such term as may be determined by the prescribed authority after giving the person concerned an opportunity of being heard and any order debaring him shall be in writing stating the reasons therefore and shall also be published in the *Official Gazette*

Section : 10

Registration of Pradhan Upa-Pradhan or a member. (Part II.- Gram Panchyat-Chapter II – Constitution of Gram panchyat-Section-10)

(1) A *Pradhan* or an *Upa-Pradhan* or a member of a *Gram Panchayat* may resign his office by notifying in writing his intention to do so to the prescribed authority and on such resignation being accepted the *Pradhan*, the *Upa-Pradhan* or the member shall be deemed to have vacated his office.

(2) When a resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the *Gram Panchayat* within thirty days of such acceptance.

Section : 11

Removal of member of Gram Panchayat. (Part II.- Gram Panchyat-Chapter II – Constitution of Gram panchyat-Section-11)

(1) The prescribed authority may, after giving an opportunity to a member of a *Gram Panchayat* to show cause against the action proposed to be taken against him, by order remove him from office—

- (a) if after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or
- (b) if he was disqualified to be a member of the *Gram Panchayat* at the time of his election; or
- (c) if he incurs any of the disqualifications mentioned in clauses (b) to (g) of section 8 after his election as a member of the *Gram Panchayat*; or
- (d) if he is absent from- three consecutive meetings of the *Gram Panchayat* without the leave of the *Gram Panchayat*; or

(e) if he does not pay any arrear in respect of any tax, toll, fee or rate payable under this Act, or the Bengal Village Self-Government Act, 1919, or the West Bengal *Panchayat* Act, 1957, or the West Bengal *Zilla Parishads* Act, 1963.

(2) Any member of a *Gram Panchayat* who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

(3) The order passed by such authority on such appeal shall be final.

Section : 12

Removal of Pradhan and Upa-Pradhan. (Part II.- Gram Panchyat-Chapter II – Constitution of Gram panchyat-Section-12)

[Subject to the other provisions of this section, a *Pradhan* or an *Upa-Pradhan*] of a *Gram Panchayat* may, at any time, be removed from office ²[by a resolution carried by the majority of the existing members referred to in clause (i) of sub-section (2A) of section 4] at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:

Provided that at any such meeting while any resolution for the removal of the *Pradhan* from his office is under consideration, the *Pradhan*, or while any resolution for the removal of the *Upa-Pradhan* from his office is under consideration, the *Upa-Pradhan*, shall not, though he is present, preside, and the provisions of sub-section (2) of section 16 shall apply in relation to every such meeting as they apply in relation to a meeting from which the *Pradhan* or, as the case may be, the *Upa-Pradhan* is absent.

¹Provided further that no meeting for the removal of the *Pradhan* or the *Upa-Pradhan* under this section shall be convened within a period of one year from the date of election of the *Pradhan* or the *Upa-Pradhan*:

¹Provided also that if, at a meeting convened under this section, either no meeting is held or no resolution removing an office bearer is adopted, no other meeting shall be convened for the removal of the same office bearer within six months from the date appointed for such meeting.

Section : 13

Filling of casual vacancy in the office of Pradhan or Upa-Pradhan. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram panchayat-Section-13)

In the event of removal of a *Pradhan* or an *Upa-Pradhan* under section 12 or when a vacancy occurs in the office of a *Pradhan* or an *Upa-Pradhan* by resignation, death or otherwise, the *Gram Panchayat* shall elect another *Pradhan* or *Upa-Pradhan* in the prescribed manner.

Section : 14

Filling of casual vacancy in place of member of Gram Panchayat. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-14)

If the office of a member of a *Gram Panchayat* becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled in the prescribed manner by election of another person under this Act.

Section : 15

Term of office of Pradhan,Upa-Pradhan or member filling casual vacancy. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-15)

Every *Pradhan* or *Upa-Pradhan* elected under section 13 and every member elected under section 14 to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.

Section : 16

Meetings of Gram Panchayat. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-16)

- (1) Every *Gram Panchayat* shall hold a meeting at least once in a month²[in the office of the *Gram Panchayat*. Such meeting shall be held on such date and at such hour as the *Gram Panchayat* may fix at the immediately preceding meeting]:

Provided that the first meeting of a newly constituted *Gram Panchayat* shall be held³[on such date and at such hour and] at such place within the local limits of the *Gram* concerned as the prescribed authority may fix:

Provided further that the *Pradhan* when required in writing by ¹[one-third] or the members of the *Gram Panchayat* subject to a minimum of ²[three members] to call meeting ³[shall do so fixing the date and hour of the meeting ⁴(to be held) within fifteen days after giving intimation to the prescribed authority and seven days' notice to the members of the *Gram Panchayat*,] failing which the members aforesaid may call a meeting ⁵[to be held] ⁶[within thirty-five days] after giving intimation to the prescribed authority and seven clear days' notice to the *Pradhan* and other members of the *Gram Panchayat*. Such meeting shall be held ⁷[in the office of the *Gram Panchayat* on such date and at such hour] as the members calling the meeting may decide. ⁸[The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him within a week of the meeting on the proceedings of the meeting. The prescribed authority shall, on receipt of the report, take such action thereon as it may deemed fit]:

⁹Provided also that for the purpose of convening a meeting under section 12, at least one-third of the members referred to in clause (i) of sub-section (2A) of section 4, subject to a minimum of three members, shall require the *Pradhan* to convene the meeting:

¹⁰Provided also that if the *Gram Panchayat* does not fix at any meeting the date and the hour of the next meeting or if any meeting of the *Gram Panchayat* is not held on the date and the hour fixed at the immediately preceding meeting, the *Pradhan* shall call a meeting of the *Gram Panchayat* on such date and at such hour as he thinks fit.

- (2) The *Pradhan* or in his absence the *Upa-Pradhan* shall preside at the meeting of the *Gram Panchayat*; and in the absence of both ¹[or on the refusal of any or both to preside at a meeting,] the members present shall elect one of them to be the President of the meeting.
- (3) ²[One-third] of the total number of members subject to a minimum of ³[three] members shall form a quorum for a meeting of a *Gram Panchayat*;

Provided that no quorum shall be necessary for a adjourned meeting.

- (4) All questions coming before a *Gram Panchayat* shall be decided by a majority of votes:

Provided that in case of equality of votes the person presiding shall have a second or casting vote:

⁴Provided further that in case of a requisitioned meeting for the removal of a *Pradhan* or an *Upa-Pradhan* under section 12, the person presiding shall have no second or casting vote.

⁶16A.

- (1) Every constituency of a *Gram Panchayat* under clause (a) of sub-section (3) of section 4 shall have a ⁷[*Gram Sansad*] consisting of persons whose names are included in the electoral roll of the West Bengal Legislative Assembly for the time being in force pertaining to the area comprised in such constituency of the *Gram Panchayat*.
- (2) Every *Gram Panchayat* shall hold within the local limits of the *Gram* an annual and a half-yearly meeting for each ⁷[*Gram Sansad*] at such place, on such date and at such hour as may be fixed by the *Gram Panchayat*:

Provided that the annual meeting of the ⁷[*Gram Sansad*] shall be held ordinarily in the month of May and the half-yearly meeting of the ⁷[*Gram Sansad*] shall be held ordinarily in the month of November every year:

¹[Provided further that a *Gram Panchayat* may, in addition to the annual and the half-yearly meeting, hold extraordinary meeting of a *Gram Sansad* at any time if the situation so warrants or if the State Government, by order, so directs and for the purpose of holding such extraordinary meeting, provisions of this section shall apply.

- (3) The *Gram Panchayat* shall, at least seven days before the date of holding the meetings referred to in sub-section (2), give public notice of such meetings by beat of drums as widely as possible, announcing the agenda, place, date and hour of the meeting. A notice of such meeting shall also be hung up in the office of the *Gram Panchayat*.
- (4) Every meeting of the *Gram Sabha* shall be presided over by the *Pradhan* and, in his absence, by the *Upa-Pradhan* and in the absence of both, the member or one of the members, as the case may be, elected from the constituency comprising the *Gram Sabha* or, in the absence of such member or members, any other member of the *Gram Panchayat* shall preside over the meeting:

Provided that when two members are elected from the constituency, the member senior in age shall have priority in presiding over the meeting:

Provided further that every member elected from the constituency shall attend each meeting of the *Gram Sansad*.

³(4A) One-tenth of the total number of members shall form a quorum for a meeting of a *Gram Sansad*'.

⁴Provided that if there is no quorum available in such meeting, the meeting shall be adjourned to be held at the same place and hour on the seventh day after the date of such meeting in the manner as may be prescribed.

- (5) The attendance of the members of the *Gram Sabha* in the annual and the half-yearly meeting and the proceedings of such meetings shall be recorded by such officer or employee of the *Gram Panchayat*, or, in the absence of the officers and employees of the *Gram Panchayat*, by such member of the *Gram Panchayat* as may be authorised by the presiding member in this behalf. Such proceedings shall be read out before the meeting is concluded and the presiding member shall then sign it.
- (6) ¹A *Gram Sansad* shall guide and advise the *Gram Panchayat* in regard to the schemes for economic development and social justice undertaken or proposed to be undertaken in its area and may, without prejudice to the generality of such guidance and advice,—
- (a) identify, or lay down principles for identification of, the schemes which are required to be taken on priority basis for economic development of the village,
 - (b) identify, or lay down principles for identification of, the beneficiaries for various poverty alleviation programmes,
 - (c) ²constitute a *Gram Unnayan Samiti* with such number of functional committees as may be required, in such manner as may be prescribed, having jurisdiction over the area of the *Gram Sansad* for ensuring active participation of the people in implementation, maintenance and equitable distribution of benefits with respect to such subjects, as may be prescribed:

Provided that the *Gram Unnayan Samiti* shall be accountable for its functions and decisions, to the *Gram Sansad* and the *Gram Sansad* shall exercise its power and authority in this behalf in such manner, as may be prescribed;
 - (d) mobilise mass participation for community welfare programmes and programmes for adult education, family welfare and child welfare,
 - (e) promote solidarity and harmony among all sections of the people irrespective of religion, faith, caste, creed or race,
 - (f) record its objection to any action of the *Pradhan* or any other member of the *Gram Panchayat* for failure to implement any development scheme properly or without active participation of the people of that area.

³16B.

- (1) Every *Gram* shall have a *Gram Sabha* consisting of persons registered in the electoral roll pertaining to the area of the *Gram*.

(2) Every *Gram Panchayat* shall hold within the local limits of the *Gram* an annual meeting, ordinarily in the month of December every year, of the *Gram Sabha* after completion of the half-yearly meeting of the *Gram Sansads*.

(3) One-twentieth of the total number of members shall form a quorum for a meeting of a *Gram Sabha*:

Provided that no quorum shall be necessary for an adjourned meeting which shall be held at the same time and place after seven days.

(4) The *Gram Panchayat* shall, at least seven days before the date of holding the meeting referred to in sub-section (2), give public notice of such meetings by beat of drums as widely as possible, announcing the agenda, place, date and hour of the meeting. A notice of such meeting shall also be hung up in the office of the *Gram Panchayat*. Similar publicity shall also be given in the case of an adjourned meeting.

(5) A meeting of the *Gram Sabha* shall be presided over by the *Pradhan* of the concerned *Gram Panchayat* or, in his absence, by the *Upa-Pradhan*.

(6) All questions coming before a *Gram Sabha* shall be discussed and points raised there shall be referred to the *Gram Panchayat* for its consideration.

(7) The *Gram Sabha* shall deliberate upon, recommend for, and adopt resolution on, any matter referred to in sub-section (6) of section 16A and section 17A:

¹Provided that constitution of a Beneficiary Committee by a *Gram Sansad* under clause (c) of sub-section (6) of section 16A, shall not be questioned in any meeting of the *Gram Sabha*.

(8) The *Gram Panchayat* shall, on considering and collating the resolutions of the *Gram Sansads*, place before the *Gram Sabha* the resolutions of the *Gram Sansads* and the views of the *Gram Panchayat* together with its report on the actions taken and proposed to be taken on them for deliberation and recommendation by the *Gram Sabha*.

(9) The proceedings of the meetings of the *Gram Sabha* shall be recorded by such officer or employee of the *Gram Panchayat* or, in the absence of officers and employees of the *Gram Panchayat*, by such member of the *Gram Panchayat* as may be authorised by the presiding member in this behalf. Such proceedings shall be read out before the meeting is concluded and the presiding member shall then sign the proceedings.

Section : 17

List of business to be transacted at a meeting. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-17)

A list of the business to be transacted at every meeting of a *Gram Panchayat* except at an adjourned meeting shall be sent to each member of the *Gram Panchayat* in the manner prescribed at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting, other than the business of which notice has been so given, except with the approval of the majority of the members present at such meeting:

Provided that if the *Pradhan* thinks that a situation has arisen for which an emergent meeting of the *Gram Panchayat* should be called, he may call such meeting after giving three days' notice to the members:

Provided further that not more than one matter shall be included in the list of business to be transacted at such meeting.

¹Transaction of business at *Gram Sansad* meeting.

²17A.

(1) The *Gram Panchayat* shall place for ³[deliberation, recommendation and suggestion]—

(a) in the annual ⁴[meeting of the ⁵(*Gram Sansad*)]—

(i) ⁶[the supplementary budget of the *Gram Panchayat* for the preceding year,] and

(ii) the report prepared under section 18 ⁷* * * *;

⁸(b) in the half-yearly meeting of the *Gram Sansad*—

(i) the budget of the *Gram Panchayat* for the following year, and

(ii) the latest report on the audit of the accounts of the *Gram Panchayat*

(2) Such other business relating to the affairs of the *Gram Panchayat* may also be transacted at such annual or half-yearly ⁹[meeting of the ¹⁰(*Gram Sansad*)] as may be agreed upon by the persons present at such meeting.

(3) Every resolution adopted in a meeting of ^a²[*Gram Sansad*] shall be duly considered by the *Gram Panchayat* in its meeting and the decisions and actions taken by the *Gram Panchayat* shall form part of the report under section 18 for the following year.

(4) Any omission to act under Clause (a) or clause (b) of subsection (1) or under sub-section (3), shall be deemed to be an act of inpropriety and irregularity within the scope and meaning of clause (b) of sub-section (2) of section 190.

(5) Any omission to act under section 16A or section 16B or under clause (a) or clause (6) of sub-section (7), or sub-section (3), of this section shall be deemed to be a willful omission or refusal to carry out the provisions of this Act within the scope and meaning of section 213 or incompetence to perform, or persistent default in the performance of, the duties under this Act within the scope and meaning of section 214, as the case may be.

Section : 18

Report on the work of Gram Panchayat. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-18)

(1) The *Gram Panchayat* shall prepare in the prescribed manner a report on the work done during the previous year and the work proposed to be done during the following year and submit it to the prescribed authority and to the *Panchayat Samiti* concerned within the prescribed time.

(2) The *Gram Panchayat* shall, in October and April every year, prepare a half-yearly report showing the amount received by the *Gram Panchayat* during the previous half-year from different sources including the opening balance and the amount actually spent on different items of work and a list of beneficiaries.

(3) The *Gram Panchayat* shall, immediately after the preparation of the report and the list referred to in sub-section (2), publish the same in the office of the *Gram Panchayat* for information of the general public.

(4) The *Gram Panchayat* shall, as soon as may be after the preparation of the report under sub-section (1) and the report and the list under subsection (2), place the same in the meetings of the *Gram Sansads* and the *Gram Sabha* for discussion and adoption with modifications, if any, and shall furnish copies of the report under sub-section (7) as so modified to the prescribed authority referred to in sub-section (7) and the *Panchayat Samiti* ordinarily by the middle of January every year.

Chapter III

Powers and duties of Gram Panchayat

Section : 19

Key Word : Obligatory duties of Gram Panchayat. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-19)

(1) A *Gram Panchayat* shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall, subject to such conditions as may be prescribed or such directions as may be given by the State Government,—

- (a) prepare a development plan for the five-year term of the office of the members and revise and update it as and when necessary with regard to the resources available;
- (b) prepare an annual plan for each year by the month of October of the preceding year for development of human resources, infra-structure and civic amenities in the area;
- (c) implement schemes for economic development and social justice as may be drawn up by, or entrusted upon it.

(2) ²[Without prejudice to the generality of the provisions of subsection (1) and subject to such conditions as may be prescribed or such directions as may be given by the State Government,] the duties of a *Gram Panchayat* shall be to provide within the area under its jurisdiction for—

- (a) sanitation, conservancy and drainage and the prevention of public nuisances;
- (b) curative and preventive measures in respect of malaria, small pox, cholera or any other epidemic;
- (c) supply of drinking water and the cleansing and disinfecting the sources of supply and storage of water;
- (d) the maintenance, repair and construction of public streets and protection thereof;
- (e) the removal of encroachments of public streets or public places;
- (f) the protection and repair of buildings or other property vested in it;
- (g) the management and care of public tanks, subject to the provisions of the Bengal Tanks Improvement Act, 1939, common grazing grounds, burning ghats and public graveyards;
- (h) the supply of any local information which the District Magistrate, the *Zilla Parishad*[], the *Mahakuma Parishad*, the Council] or the *Panchayat Samiti* within the local limits of whose jurisdiction the-*Gram Panchayat* is situated may require;

- (i) organising voluntary labour for community works and works for the upliftment of its area;
- (j) the control and administration of the *Gram Panchayat* Fund established under this Act;
- (k) the imposition, assessment and collection of the taxes, rates or fees leviable under this Act;
- (l) the maintenance and ²[control of *Dafadars*, *Chowkidars* and *Gram Panchayat Karmees*] within its jurisdiction and securing due ³[performance by the *Dafadars*, *Chowkidars* and *Gram Panchayat Karmees*] of the duties imposed on them under this Act;
- (m) the constitution and administration of the *Nyaya Panchayat* established under this Act; and
- (n) the performance of such functions as may be transferred to it under section 31 of the Cattle-trespass Act, 1871.

⁴(3) A *Gram Panchayat* shall not omit or refuse to act upon any recommendations of a *Gram Sansad* relating to prioritization of any list of beneficiaries or scheme or programme so far as it relates to the area of the *Gram Sansad* unless it decides in a meeting for reasons to be recorded in writing that such recommendation or recommendations are not acceptable or implementable under the provisions of the Act or any rule, order or direction thereunder; such decision of the *Gram Panchayat* shall be placed in the next meeting of the *Gram Sansad*.

Section : 20

Key Word : Other duties of Gram Panchayat. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-20)

- (1) A *Gram Panchayat* shall also perform such other functions as the State Government may assign to it in respect of—
 - (a) primary, social, technical[, vocational, adult or non-formal education;]
 - (b) rural dispensaries, health centres and maternity and child welfare centres;
 - (c) management of any public ferry under the Bengal Ferries Act, 1885;
 - (d) irrigation ²[including minor irrigation, water management and watershed development];

- (e) agriculture including agricultural extension and fuel and fodder;
 - (f) care of the infirm and the destitute;
 - (g) rehabilitation of displaced persons;
 - (h) improved breeding of cattle, medical treatment of cattle and prevention of cattle disease;
 - (i) its acting as a channel through which Government assistance should reach the villages;
 - (j) bringing waste land under cultivation ⁴[through land improvement and soil conservation];
 - (k) promotion of village plantations ⁵[, social forestry and farm forestry];
 - (l) arranging for cultivation of land lying fallow;
 - (m) arranging for co-operative management of land and other resources of the village;
 - (n) assisting in the implementation of land reform measure in its area;
 - (o) implementation of such schemes as may be formulated or performance of such acts as may be entrusted to the *Gram Panchayat* by the State Government;
 - (p) field publicity on matters connected with development works and other welfare measures undertaken by the State Government;
 - (q) minor forest produce;
 - (r) rural housing programme;
 - (s) rural electrification including distribution of electricity;
 - (t) non-conventional energy sources; and
 - (u) women and child development.
- (2) If the State Government is of opinion that a *Gram Panchayat* has persistently made default in the performance of any of the functions assigned to it under sub-section (7), the State Government may, after recording its reasons, withdraw such function from such *Gram Panchayat*.

Section : 21

Discretionary duties of Gram Panchayat. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-21)

Subject to such conditions as may be prescribed, a *Gram Panchayat* may, and shall if the State Government so directs, make provision for—

- (a) the maintenance of lighting of public streets;
- (b) planting and maintaining trees on the sides of public streets or in other public places vested in it;
- (c) the sinking of wells and excavation of ponds and tanks;
- (d) the introduction and promotion of co-operative fanning, co-operative stores, and other co-operative enterprises, trades and callings;
- (e) the construction and regulation of markets, the holding and regulation of fairs, *melas* and *hats* and exhibitions of local produce and products of local handicrafts and home industries;
- (f) the allotment of places for storing manure;
- (g) assisting and advising agriculturists in the matter of obtaining State loan and its distribution and repayment;
- (h) filling up of insanitary depressions and reclaiming of unhealthy localities;
- (i) the promotion and encouragement of cottage ²[, *Khadi*, village and small-scale including food processing] industries;
 - ³(i1) promotion of dairying and poultry;
 - ³(i2) promotion of fishery;
 - (i3) poverty alleviation programme;
- (j) the destruction of rabbit or ownerless dogs;
- (k) regulating the production and disposal of foodstuffs and other commodities in the manner prescribed;
- (l) the construction and maintenance of *surais*, *dharmasalas*, rest houses, cattle sheds and cart stands;
- (m) the disposal of unclaimed cattle;

- (n) the disposal of unclaimed crops and carcasses;
- (o) the establishment and maintenance of libraries and reading rooms;
- (p) the organisation and maintenance of *akharas*, clubs and other places for recreation or games; (p1) cultural activities including sports and games; (p2) social welfare including welfare of the handicapped and mentally retarded: (p3) welfare of socially and educationally backward classes of citizens and, in particular, of the Scheduled Castes and the Scheduled Tribes; (p4) public distribution system; (p5) maintenance of community assets;
- (q) the maintenance of records relating to population census, crop census, cattle census and census of unemployed persons and of other statistics as may be prescribed;
- (r) the performance in the manner prescribed of any of the functions of ²[the *Zilla Parishad* or the *Mahakuma Parishad* or the Council, as the case may be,] with its previous approval, calculated to benefit the people living within the jurisdiction of the *Gram Panchayat*;
- (s) rendering assistance in extinguishing fire and protecting life and property when fire occurs;
- (t) assisting in the prevention of burglary and dacoity; and
- (u) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public, not otherwise provided for in this Act.

Section : 22

State Government to place funds necessary for the performance of functions and duties under Section 20 or 21 at the disposal of Gram Panchayat. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-22)

Where the State Government assigns any function to a *Gram Panchayat* under section 20 or where it directs a *Gram Panchayat* to make provision for any of the items enumerated in section 21, it shall place such funds at the disposal of the *Gram Panchayat* as may be required for the due performance of such function or for making such provision, as the case may be.

Section : 23

Control of building operations. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-23)

(1) No person shall "[erect any new structure or new building or make any addition to any structure or building] in any area within the jurisdiction of a *Gram Panchayat* except with the previous permission in writing of the *Gram Panchayat*:

²Provided that such erection of new structure or new building or such addition to any structure or building or such permission of the *Gram Panchayat* shall be subject to such rules as may be made by the State Government in this behalf:

²Provided further that a *Grain Panchayat* shall not accord permission for erection of a new structure or construction of a new building, if the proposal for such erection or construction, as the case may be,—

(a) has any provision for erection or construction of any dry latrine, by whatever name called, and

(b) does not have any provision for erection or construction of a sanitary latrine of any description.

(2) Every person seeking permission under sub-section (1) shall make an application in writing to such authority, in such form, containing such particulars and on payment of such fee ³* * * * as may be prescribed:

⁴Provided that no permission under sub-section (1) shall be necessary for erection of any new thatched structure, tin shed or tile shed without brick wall covering an area not exceeding [eighteen square meters where such structure or shed does not cover more than three-fourths of the total area of the land (including appurtenant land) and there is a setback of not less than nine-tenth meter on the road-side:]

⁴Provided further that the State Government may, by order, exempt any structure or building or any class of structures or buildings from the operation of the provisions of sub-section (1) and of this sub-section.

(3) On receipt of such application the authority, after making such enquiry as it considers necessary and [in accordance with such rules as may be made by the State Government in this behalf,] shall, by order in writing, either grant the permission or refuse it, recording in the case of refusal the reasons therefor.

(4) Any person aggrieved by an order of the authority under subsection (3) refusing permission may, within ninety days from the date of communication of such order to him, prefer an appeal to such appellate authority as may be prescribed.

(5) No appeal shall lie against the order of the appellate authority referred to in subsection (4).

(6) Where ¹[any new structure or new building or any addition to any structure or building is being or has been erected or made, as the case may be,] in contravention

of the provisions of sub-section (1), the authority may, after giving the owner of such building an opportunity of being heard, make an order directing the demolition of the building by the owner within such period as may be specified in the order and in default the authority may itself effect the demolition and recover the cost thereof from the owner as a public demand.

(7) Any person who ²[contravenes] the provisions of sub-section (1) shall be liable on

conviction by a Magistrate to a fine which may extend to two hundred and fifty rupees.

Section : 24

Improvement of sanitation. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-24)

(1) For the improvement of sanitation, a *Gram Panchayat* shall have the power to do all acts necessary for an incidental to the same and in particular and without prejudice to the generality of the foregoing power, a *Gram Panchayat* may, by order, require the owner or occupier of any land or building, within such reasonable period as may be specified in the notice served upon him and after taking into consideration his financial position—

- (a) to close, remove, alter, repair, cleanse, disinfect, or put in good order any latrine, urinal, water-closet, drain, cesspool, or other receptacle for filth, sullage, rubbish or refuse pertaining to such land or building, or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water-closet which opens on to a street or drain or to shut off such latrine, urinal or water-closet by a sufficient roof or wall or l'ence from the view of persons passing by or dwelling in the neighbourhood;
- (b) to cleanse, repair, cover, fill up, drain off or remove water from, a private well, tank, reservoir, pool, pit, depression or excavation therein which may be injurious to health or offensive to the neighbourhood;
- (c) to clear off any vegetation, undergrowth, prickly pear or scrub jungle therefrom;
- (d) to remove any dirt, dung, night-soil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building:

Provided that a person on whom a notice has been served as aforesaid may, within thirty days of receipt of such notice, appeal to the prescribed authority against the order contained therein whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to

the *Gram Panchayat* concerned as may be prescribed, modify, set aside or confirm the order:

Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

- (2) If the order contained in a notice served as aforesaid, has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to two hundred and fifty rupees.

Section : 25

Power of Gram Panchayat over public streets, water-ways and other matters. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-25)

- (1) A *Gram Panchayat* shall have control over all public streets and waterways within its jurisdiction other than canals as defined in section 3 of the Bengal Irrigation Act, 1876, not being private property and not being under the control of the Central or State Government or any local authority and may do all things necessary for the maintenance and repair thereof, and may,—
- (a) construct new bridges and culverts;
 - (b) divert or close any such public street, bridge or culvert;
 - (c) widen, open, enlarge or otherwise improve any such public street, bridge or culvert and with minimum damage to the neighbouring fields, plant and preserve trees on the sides of such street;
 - (d) deepen or otherwise improve such waterways;
 - (e) with the sanction of the *Zilla Parishad* [or the *Mahakuma Parishad* or the Council, as the case may be,] and where there is a canal as defined in the Bengal Irrigation Act, 1876, with the sanction also of such officer as the State Government may prescribe, undertake irrigation projects.
 - (f) trim hedges and branches of trees projecting on public streets; and

- (g) set apart by public notice any public source of water supply for drinking or culinary purposes and likewise prohibit all bathing, washing or other acts likely to pollute the source so set apart.
- (2) A *Gram Panchayat* may, by a notice in writing, require any person who has caused obstruction or encroachment on or damage to any public street or drain or other property under the control and management of the said *Gram Panchayat*, to remove such obstruction or encroachment or repair such damage, as the case may be, within the time to be specified in the notice.
- (3) If the obstruction or encroachment is not removed or damage is not repaired within the time so specified the *Gram Panchayat* may cause such obstruction or encroachment to be removed or such damage to be repaired and the expenses of such removal or repair shall be recoverable from such person as a public demand.
- (4) For the purpose of removal of obstruction or encroachment under sub-section (J), the *Gram Panchayat* may apply to the Sub-divisional Magistrate and the Sub-divisional Magistrate shall, on such application, provide such help as may be necessary for the removal of such obstruction or encroachment

Section : 26

Power of Gram Panchayat in respect of polluted water-supply. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-26)

- (1) A *Gram Panchayat* may, by written notice, require the owner of, or the person having control over, a private water-course, spring, tank, well, or other place, the water of which is used for drinking or culinary purpose, after taking into consideration his financial position, to take all or any of the following steps within a reasonable period to be specified in such notice, namely—
- (a) to keep and maintain the same in good repair;
- (b) to clean the same, from time to time of silt, refuse or decaying vegetation;
- (c) to protect it from pollution; and
- (d) to prevent its use, if it has become so polluted as to be prejudicial to public health:

Provided that a person upon whom a notice as aforesaid has been served may, within thirty days from the date of receipt of the notice, appeal to the prescribed authority against the order contained in the notice' whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of

the appeal to the *Gram Panchayat* concerned as may be prescribed, modify, set aside or confirm the order:

Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to two hundred and fifty rupees.

Section : 27

Power of Gram Panchayat to prevent growth of water-hyacinth or other weed which may pollute water. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-27)

(1) Notwithstanding anything contained in the Bengal Water Hyacinth Act, 1936, a *Gram Panchayat* may, by written notice, require the owner or occupier of any land or premises, containing a tank or pond or similar deposit of water after taking into consideration his financial position, not to allow water-hyacinth or any other weed which may pollute water to grow thereon and to eradicate the same therefrom within such reasonable period as may be specified in the notice:

Provided that a person on whom a notice as aforesaid has been served may, within thirty days from the date of receipt of the notice, appeal to the prescribed authority against the order contained in the notice whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the *Gram Panchayat* concerned as may be prescribed, modify, set aside or confirm the order:

Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out,

(2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the owner or occupier upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within

the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a magistrate, to a fine which may extend to two hundred and fifty rupees.

Section : 28

Emergent power on outbreak of epidemic. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-28)

In the event of an outbreak of cholera or any other water-borne infectious disease in any locality situated within the local limits of the jurisdiction of a *Gram Panchayat*, the *Pradhan*, the *Upa-Pradhan* or any other person authorised by the *Pradhan* may, during the continuance of the outbreak, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purpose of drinking and may further take such steps as he deems fit to prevent the drawing of water therefrom.

Section : 29

Power of recovery of cost for work carried out by Gram Panchayat on failure of any person. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-29)

If any work required to be done by an order contained in a notice served under sections 24, 26 or 27 is not executed within (the period specified in the notice or where an appeal is made to the prescribed authority, within an equal period from the date of the decision on the appeal, the *Gram Panchayat* may, in the absence of satisfactory grounds for non-compliance cause such work to be carried out and the cost of carrying out such work shall be recoverable as an arrear of public demand from the person on whom the notice was served.

Section : 30

Key Word : Joint Committees. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-30)

(1) Subject to such rules as may be prescribed, two or more *Gram Panchayats* may combine, by a written instrument duly subscribed \ by them, to appoint a Joint Committee consisting of such representatives as may be chosen by the respective *Gram Panchayat*. for the purpose of transacting any business or carrying out any work in which they are jointly interested and may—

(a) delegate to such Committee the power, with such conditions as the *Gram Panchayats* may think fit to impose, to frame any scheme binding on each of the constituent *Gram Panchayats* as to the construction and maintenance of any joint work and the power, which may be exercised by any such *Panchayat* in relation to such scheme; and

- (b) frame or modify rules regarding the constitution of such committees and the term of office of the members thereof and the method of conducting business.
- (2) If any difference of opinion arises between the constituent *Gram Panchayats* under this section, it shall be referred to such officer as the State Government may prescribe, and the decision of the said officer thereon shall be final and binding on each of the constituent *Gram Panchayats*.

Section : 31

Key Word : Deligations of functions by Zilla Parishad. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-31)

- (1) A *Zilla Parishad* [or the *Mahakuma Parishad* or the Council] may, with the concurrence of a *Gram Panchayat* and subject to such restriction and conditions as may be mutually agreed upon, delegate to such *Gram Panchayat* any of its functions in the manner prescribed.
- (2) Where functions are delegated to a *Gram Panchayat*, under this section, the *Gram Panchayat*, in the discharge of such functions, shall act as the agent of ²[the *Zilla Parishad* or the *Mahakuma Parishad* or the Council, as the case may be.]

Section : 32

Key Word : Deligations of functions of Gram Panchayat to its Pradhan. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-32)

A *Gram Panchayat* may, at a meeting specially convened for the purpose, by a resolution delegate to its *Pradhan* such duties or powers of the *Gram Panchayat* as it thinks fit and may at any time by a resolution, withdraw or modify the same:

Provided that when any financial power is delegated to a *Pradhan* or such power is withdrawn or modified, the *Gram Panchayat* shall forthwith give intimation thereof to the prescribed authority.

32A.

- (1) Subject to such direction as may be issued by the State Government in this behalf, a *Gram Panchayat* shall as soon as may be within three months following the first meeting referred to in section 9, constitute *Upa-Samitis* as referred to in sub-section

(2) and delegate its powers, functions and duties to such *Upa-Samitis*, in such manner as may be prescribed.

(2) Without prejudice to the generality of any other provisions of this Act, a Gram *Panchayat* shall constitute in such manner as may be prescribed the following *Upa-Samitis*:—

- i. *Artha O Parikalpana Upa-Samiti*,
- ii. *Krishi O Pranisampad Bikas Upa-Samiti*,
- iii. *Siksha O Janasasthya Upa-Samiti*,
- iv. *Nari, Sishu Unnayan O Saniaj Kalyan Upa-Samiti*,
- v. *Shilpa O Parikathama Upa-Samiti*, and
- vi. such other *Upa-Samiti* as the Gram *Panchayat* may, subject to the approval of the State Government, constitute.

(3) The *Upa-Samitis* referred to in sub-section (2) shall consist of the following members:—

- (a) the *Pradhan* and the *Upa-Pradhan*, *ex-officio*;
- (b) such number of members as may be prescribed, to be elected by the members from among themselves; and
- (c) such number of members as may be appointed by the State Government by any general or special order:—
 - (i) from among the officials of the *Panchayat* bodies having jurisdiction, the State Government or any Statutory Board, Corporation or Organisation or any individual official receiving grant, financial assistance or remuneration from the State Exchequer, and
 - (ii) any person having any specialised knowledge about the locality or any area of activity;
- (d) the *Artha O Parikalpana Upa-Samiti* shall have the *Sanchalaks* elected in the manner as mentioned in subsection (4), as members of the *Upa-Samiti* and shall have no other member referred to in clause (b) of subsection (3);
- (e) the *Nari, Sishu Unnayan O Samaj Kalyan Upa-Samiti* shall have not less than half of the members referred to in clause (b), elected from among the women members of the *Gram Panchayat*, in the manner as may be prescribed.

- (4) Members of each *Upa-Samiti* shall elect one member from among themselves in such manner as may be prescribed to act as *Sanchalak* for such *Upa-Samiti* and such *Sanchalak* shall be responsible for convening the meetings of such *Upa-Samiti*, co-ordinate function of members within such *Upa-Samiti* and prepare and place report of actions taken or proposed to be taken relating to such *Upa-Samiti* within the budgetary provision of the *Gram Panchayat* to the *Pradhan* and the *Gram Panchayat* from time to time:

Provided that the *Pradhan* of the *Gram Panchayat* shall be the *ex-officio Sanchalak* of the *Artha O Parikalpana Upa-Samiti*:

Provided further that the *Sanchalak* for *Nari, Sishu Unnyan O Samaj Kalyan Upa-Samiti* shall be elected from among the women members of the *Upa-Samiti*:

Provided also that (the members referred to in clause (c) of subsection (3) shall not be eligible for election as *Sanchalak* and they shall not have any right to vote.

- (5) The *Upa-Samitis* shall devise its own procedure for holding the meetings and for performing other functions subject to the direction of the State Government and the *Gram Panchayat*.

- (6) The members of the *Upa-Samitis* may,—

- (a) take, subject to the direction of the *Pradhan*, the assistance of the employees of the *Gram Panchayat*,
- (b) seek advice and help of the employees of the State Government of any Department at the appropriate level in discharge of their duties,
- (c) place before the *Pradhan* and the *Gram Panchayat* a proposal for execution of a scheme, programme or project within the budgetary provisions of the *Gram Panchayat* for such purpose when the *Pradhan* or the *Gram Panchayat* shall consider the proposal for execution and for sanction of funds:

Provided that the *Pradhan* shall not sanction any fund for a scheme, programme or project without considering the views of the members of the *Upa-Samiti* to whom powers have been delegated by the *Gram Panchayat* with respect to such scheme, programme or project,

- (d) call for any information, return, statement, account or report from the office of the *Gram Panchayat* and enter on and inspect any immovable property of the *Gram Panchayat* or inspect any work in progress connected with the functions and duties of the *Upa-Samiti*.

- (e) exercise such other powers, perform such other functions and discharge such other duties, as the *Gram Panchayat* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.
- (7) Each *Upa-Samiti* shall hold at least six meetings in a year in the office of the *Gram Panchayat*

Section : 33

Gram Panchayat may manage estates and interests vested in the State. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-33)

The State Government may, by general or special order published in the *Official Gazette*, empower a *Gram Panchayat* to manage the estates and all interests therein which are vested in the State and to exercise such powers, perform such functions and discharge such duties in connection therewith as may be conferred, assigned or imposed by or under any other law for the time being in force.

Section : 34

Powers, functions and duties of Gram Panchayat of Pradhan and Upa-Pradhan. (Part II.- Gram Panchayat-Chapter III – Power and duties of Gram Panchayat-Section-34)

- (1) The *Pradhan* shall—
 - (a) be responsible for the maintenance of the records of the *Gram Panchayat*;
 - (b) have general responsibility for the financial and executive administration of the *Gram Panchayat*;
 - (c) exercise administrative supervision and control over the work of the staff of the *Gram Panchayat* and the officers and employees whose services may be placed at the disposal of the *Gram Panchayat* by the State Government;
 - (d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the *Gram Panchayat* under this Act or the rules made thereunder:

Provided that the *Pradhan* shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the *Gram Panchayat* at a meeting;

- (e) exercise such other powers, perform such other functions and discharge such other duties as the *Gram Panchayat* may, by general or special resolution, direct or as the State Government may by rules made in this behalf, prescribe.
- (2) The *Upa-Pradhan* shall—
- (a) exercise such of the powers, perform such of the functions and discharge such of the duties of the *Pradhan* as the *Pradhan* may from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing: Provided that the *Pradhan* may at any time withdraw all or any of the powers, functions and duties so delegated to the *Upa-Pradhan*;
- (b) during the absence of the *Pradhan*, exercise all the powers, perform all the functions and discharge all the duties of the *Pradhan*;
- (c) exercise such other powers, perform such other functions and discharge such other duties as the *Gram Panchayat* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

Chapter IV – Establishment of Gram Panchayat

Section : 35

Secretary of the Gram Panchayat. (Part II.- Gram Panchayat-Chapter IV – Establishment of Gram Panchayat-Section-35)

- (1) There shall be a Secretary for every *Gram Panchayat* appointed by the State Government or any authority empowered by the State Government in this behalf.
- (2) The Secretary shall be responsible for maintenance and upkeep of the records of the office of the *Gram Panchayat* and shall discharge such duties as may be prescribed.
- (3) The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity, of the Secretary.
- (4) Subject to rules framed by the State Government regarding discipline and control, the Secretary shall act in all matters under the control of the *Pradhan* through whom he shall be responsible to the *Gram Panchayat*.
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Section : 36

Staff of the Gram Panchayat. (Part II.- Gram Panchayat-Chapter IV – Establishment of Gram Panchayat-Section-36)

- (1) Subject to such rules as may be made by the State Government in this behalf, a *Gram Panchayat* may appoint such officers and employees as may be required by it and may fix the salaries and allowances to be paid to the persons so appointed:

Provided that no post shall be created or abolished and no revision of the scale of pay of any post shall be made by the *Gram Panchayat* without the prior approval of the State Government or such authority subordinate to it as may be prescribed.

- (2) The State Government may place at the disposal of the *Gram Panchayat* the services of such officers or other employees serving under it [and on such terms and conditions] as it may think fit:

Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the *Gram Panchayat* at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being:

Provided further that the State Government shall have disciplinary control over such officers and employees.

- (3) The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the employees of the *Gram Panchayat*.

³36A. Subject to the provisions of this Act, the rules made thereunder and to any general or special directions as the State Government may give in this behalf, the officers and other employees employed by the *Gram Panchayat* and the officers and other employees whose services have been placed at the disposal of the *Gram Panchayat* shall exercise such powers, perform such functions and discharge such duties as the *Gram Panchayat* may determine

Chapter V – Dafadars, Chowkidars and Gram Panchayat Karmees

Section : 37

Dafadars, Chowkidars and Gram Panchayat Karmees. (Part II.- Gram Panchayat-Chapter V – Dafadars, Chowkidars and Gram Panchayat Karmees-Section-37)

- (1) For general watch and ward, prevention of crime, protection of life and property ⁶[, running of office of the *Gram Panchayat*] and discharging all functions relevant thereto as hereinafter provided within the local limits of the jurisdiction of a *Gram Panchayat* every *Gram Panchayat* shall, unless otherwise directed or other provisions are made by the State Government, maintain under its control such number of ⁷[Dafadars, *Chowkidars* and *Gram Panchayat Karmees*] as the State Government may by general or special order determine.
- (2) ¹[The manner of maintenance of *Dafadars*, *Chowkidars* and *Gram Panchayat Karmees* by a *Gram Panchayat*,] the salary, allowances and gratuity to be paid to them and the nature and the cost of their equipment and all matters relating to their recruitment, conditions of service, superannuation, discipline, punishment and dismissal shall be determined in accordance with such rules as may be made: Provided that the *Gram Panchayat* shall have disciplinary control over \Dafadars, *Chowkidars* and *Gram Panchayat Karmees*.]

Section : 38

State Government may contribute cost of maintenance. (Part II.- Gram Panchayat-Chapter V – Dafadars, Chowkidars and Gram Panchayat Karmees-Section-38)

The State Government may contribute to the *Gram Panchayat* Fund the entire or any part of the cost of maintenance of ³[*Dafadars*, *Chowkidars* and *Gram Panchayat Karmees*] including the amount necessary for the payment of salary, allowances, provident fund and gratuity to ⁴[*Dafadars*, *Chowkidars* and *Gram Panchayat Karmees*] and the amount necessary for their reward and equipment.

Section : 39

Power and duties of Chowkidars, Dafadars and Gram Panchayat Karmees. (Part II.- Gram Panchayat-Chapter V – Dafadars, Chowkidars and Gram Panchayat Karmees-Section-39)

- (1) ⁵[Every *Chowkidar* or *Gram Panchayat Karmee*] shall exercise the following powers and perform the following duties, namely:—
- i. he shall give immediate information to the officer-in-charge of the police-station having jurisdiction over the area and to the *Pradhan* of the *Gram Panchayat*, of every unnatural, suspicious or sudden death which may occur, and of any offence

specified in the First Schedule which may be committed within the jurisdiction of the *Gram Panchayat* and he shall keep the officer-in-charge of the said police-station and the *Pradhan* informed of all disputes which are likely to lead to a riot or serious affray;

- ii. he may, without an order from a Magistrate and without a warrant, arrest—
 - (a) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or reasonable suspicion exists of his having been so concerned,
 - (b) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking,
 - (c) any person who has been proclaimed as an offender under any law for the time being in force,
 - (d) any person in whose possession anything is found which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence, with reference to such things,
 - (e) any person who obstructs a police-officer while in the execution of his duty or who has escaped, or attempts to escape, from lawful custody,
 - (f) any person reasonably suspected of being a deserter from the Indian Army, Navy or Air Force, and
 - (g) any released convict committing a breach of any rule made under sub-section (3) of section 565 of the Code of Criminal Procedure, 1898;
- (iii) he shall to the best of his ability prevent and he may interpose for the purpose of preventing, the commission of any offence specified in the First Schedule;
- (iv) he shall assist private persons in making such arrests as they may lawfully make, and he shall report such arrests without delay to the officer-in-charge of the police-station having jurisdiction over the area;
- (v) he shall observe and from time to time report to such officer-in-charge, the movements of all bad characters within the jurisdiction of the *Gram Panchayat*;
- (vi) he shall report to such officer-in-charge the arrival of suspicious characters in the neighbourhood;
- (vii) he shall report in such manner as may be directed by the District Magistrate, the births and deaths which have occurred within the local limits of the jurisdiction of the *Gram Panchayat*;

- (viii) he shall give immediate information to the *Pradhan* of the *Gram Panchayat* of the outbreak of any epidemic disease among men or livestock within the local limits of its jurisdiction;
- (ix) he shall supply any local information which the District or Sub-divisional Magistrate or any police-officer may require;
- (x) he shall obey the orders of the *Gram Panchayat* in regard to keeping watch within its jurisdiction and in regard to other matters connected with his duties;
- (xi) he shall give immediate information to the *Gram Panchayat* of the commission of any offence under this Act or any rule made thereunder which has come to his knowledge and of any encroachment on, or obstruction to, any road or waterway within the local limits of the jurisdiction of the *Gram Panchayat*, and of any damage to any property vested in the *Gram Panchayat* or under its control;
- (xii) he shall assist any person duly authorised by the *Gram Panchayat* to collect any rate, tax or fee;
- (xiii) he shall serve such processes as may be prescribed upon persons residing within the jurisdiction of the *Gram Panchayat*; '* * *
- (xiv) he shall attend the office of the *Gram Panchayat* on such dates as may be directed by the *Pradhan*, assist in such manner as may be necessary and act as messenger as and when required; and
- (xv) he shall carry out such other duties as may be entrusted to him from time to time in accordance with this Act or any rule made thereunder.

Every *Dafadar* shall exercise all the powers conferred on a *Chowkidar* under sub-section (1) and shall perform such duties as may be imposed upon him by rules made under this Act.

Section : 40

Arrested person to be taken to police-station. (Part II.- Gram Panchayat-Chapter V – Dafadars,Chowkidars and Gram Panchayat Karmees-Section-40) Arrested person to be taken to police-station. (Part II.- Gram Panchayat-Chapter V – Dafadars,Chowkidars and Gram Panchayat Karmees-Section-40)

Whenever [*Dafadar*, *Chowkidar* or *Gram Panchayat Karmee*] arrests any person under section 39 he shall forthwith take the person so arrested to the police-station having jurisdiction over the area in which the arrest is made:

Provided that if the arrest is made at night such person shall be so taken, as soon as convenient, by the following morning.

Section : 41

Power to acquire, hold and dispose of property. (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-41)

A Gram Panchayat shall have power to acquire, hold and dispose of property and to enter into contract:

Provided that in all cases of acquisition or disposal of immovable property the *Gram Panchayat* shall obtain the previous approval of the State Government

Section : 42

Vesting of public properties in Gram Panchayat. (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-42)

- (1) All property within the local limits of the jurisdiction of *Gram Panchayat* of the nature hereinafter in this section specified, other than property maintained by the Central or the State Government or a local authority or any other *Gram Panchayat*, shall vest in and belong to the *Gram Panchayat*, and shall, with all other property of whatsoever nature or kind which may become vested in the *Gram Panchayat*, be under its direction, management and control, that is to say—
- (a) all public streets, including the soil, stones and other materials thereof and all drains, bridges, culverts, trees, erection materials, implements and other things provided for such streets;
- (b) all public channels, water courses, springs, tanks, ghats, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps and other waterworks whether made, laid or erected at the cost of the *Gram Panchayat* or otherwise, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto and also any adjacent land (not being private property) appertaining to any public tank:

Provided that water pipes and waterworks, connected therewith or appertaining thereto which with the consent of the *Gram Panchayat* are laid or set up in any street by the owners of any mill, factory, dockyard, workshop or the like primarily for the use of their employees shall not be deemed to be public waterworks by reason of their use by the public;

- (c) all public sewers and drains, and all works, materials and things appertaining thereto and other conservancy works:

Provided that for the purpose of enlarging, deepening or otherwise repairing or maintaining any such sewer or drain the sub-soil Appertaining thereto shall also be deemed to vest in the *Gram Panchayat*:

Provided further that where any installation or work for the treatment or disposal of sewage is constructed by the owners of any mill, factory, dockyard, workshop or the like primarily for the use of their employees, the laying of sewers and other things appertaining thereto in a street with the consent of the *Gram Panchayat*, shall not by virtue of this clause or by reason of their use by the public cause such installation or sewers or works appertaining thereto to vest in the *Gram Panchayat*;

- (d) all sewage, rubbish and offensive matter deposited on streets or collected by the *Gram Panchayat* from streets, latrines, urinals, sewers, cesspools and other places;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto; and
- (f) all buildings erected by the *Gram Panchayat* and all lands and buildings or other property transferred to the *Gram Panchayat* by the Central or the State Government or acquired by gift, purchase or otherwise for local public purposes.
- (2) The State Government may, by notification, exclude any street, bridge or drain from the operation of this Act or of any specified section of this Act:

Provided that, if the cost of the construction of the work shall have been paid from the *Gram Panchayat* Fund, such work shall not be excluded from the operation of this Act or any specified section of this Act except after consideration of the views of the *Gram Panchayat* at a meeting.

Section : 43

Allocation of properties in Gram Panchayat. (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-43)

The State Government may allocate to a *Gram Panchayat* any public property situated within its local jurisdiction, and thereupon such property shall vest in and come under the control of the *Gram Panchayat*.

Section : 44

Acquisition of land for Gram Panchayat. (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-44)

Where a *Gram Panchayat* requires land for carrying out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the ¹[Collector] for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land and such land shall, on acquisition, vest in the *Gram Panchayat*.

Section : 45

Gram Panchayat Fund(Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-45)

- (1) For every *Gram Panchayat* there shall be constituted a *Gram Panchayat* Fund bearing the name of the *Gram Panchayat* and there shall be placed to the credit thereof—
 - (a) contributions and grants, if any, made by the Central or the State Government;
 - (b) contributions and grants, if any, made by the *Zilla Parishad*, ²[*Mahakuma Parishad*, Council,] *Panchayat Samiti* or any other local authority;
 - (c) loans, if any, granted by the Central Government or the State Government;
 - (d) all receipts on account of taxes, rates and fees levied by it;
 - (e) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or placed under the control and management of, the *Gram Panchayat*;
 - (f) all sums received as gift or contribution and all income from any trust or endowment made in favour of the *Gram Panchayat*;
 - (g) such fines and penalties imposed and realised under the provisions of this Act as may be prescribed;
 - (h) all other sums received by or on behalf of the *Gram Panchayat*.

³*Explanation.*—A *Gram Panchayat* shall not receive to the credit of its Fund—

- (a) any loan from any individual, severally or jointly or any member or office bearer of the *Gram Panchayat*, or
 - (b) any gift or contribution from any individual, severally or jointly, or any member or office bearer of the *Gram Panchayat* Save and except in pursuance of a resolution in a meeting of the *Gram Panchayat* accepting such gift or contribution and stating the purpose for which such gift or contribution is offered and accepted.
- (2) Every *Gram Panchayat* shall set apart and apply annually such sum as may be required to meet—
- (a) the cost of administration of the *Nyaya Panchayat*, and
 - (b) the cost of maintenance of ¹[*Dafadars, Chowkidars, and Gram Panchayat Karmees*] in terms of section 38, and
 - (c) the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees and 10 the Secretary.
- (3) Every *Gram Panchayat* shall have the power to spend such sums as it thinks fit for carrying out the purposes of this Act.
- (4) The *Gram Panchayat* Fund shall be vested in the *Gram Panchayat* and the balance to the credit of the Fund shall be kept in such custody as the State Government may, from time to time, direct.
- (5) In accordance with the powers and functions conferred on the *Pradhan* under the Act and the rules made thereunder and subject to such general control as the *Gram Panchayat* may exercise from time to time, all orders for payment from the *Gram Panchayat* Fund shall be signed by the *Pradhan*, or in his absence, by the *Upa-Pradhan* and in pursuance of such orders of payment, cheque or cheques shall be signed jointly by *Pradhan*, or in his absence, by the *Upa-Pradhan* and by the Executive Assistant of the *Gram Panchayat*:

Provided that the Executive Assistant shall be responsible for writing the cheques for signature under the direction of the *Pradhan* subject to the resolution of the *Gram Panchayat*:

Provided further that if the post of the Executive Assistant in a *Gram Panchayat* falls temporarily vacant by reason of leave, transfer, resignation or otherwise, the State Government may, by general or special order made in this behalf, empower any employee of the *Gram Panchayat* to perform, subject to such conditions as may be specified in the order, the functions of the Executive Assistant under this section.

Explanation.—In this section,—

(a) absence of the *Pradhan* shall be deemed to occur when the office of the *Pradhan* falls vacant or the *Pradhan* is temporarily unable to act within the concept and meaning of sub-section (4) of section 9,

(b) "Executive Assistant" of a *Gram Panchayat* means an employee appointed as such by a *Gram Panchayat* under section 36 in terms of such rules as the State Government may make in this behalf and shall also include any other employee of the *Gram Panchayat* empowered to perform the functions of the Executive Assistant

Section : 46

Imposition of tax by Gram Panchayat(Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-46) Imposition of tax by Gram Panchayat(Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-46)

(1) Subject to such rules as may be made in this behalf, a *Gram Panchayat* shall impose yearly —

(a) on lands and buildings within the local limits of its jurisdiction, a tax —

(i) at the rate of ²[one *per centum*] of the annual value of such lands and buildings when the annual value does not exceed rupees one thousand, and

(ii) at the rate of ³[two *per centum*] of the annual value of such lands and buildings when the annual value exceeds rupees one thousand,

to be paid by the owners and occupiers thereof;

⁴ * * * * *

(2) The following lands and buildings shall be exempted from imposition of tax under sub-section (1), namely: —

(a) lands and buildings, the annual value of which is not more than ⁵[two hundred and fifty rupees];

(b) lands and buildings belonging to a local authority and used or intended to be used exclusively for a public purpose and not used or intended to be used for purposes of profits;

(c) lands and buildings used exclusively for religious, educational or charitable purposes.

- (3) The State Government may, by notification, exempt either wholly or in part any other class of properties or classes of properties specified in the notification from the taxes or rates leviable under this section.
- (4) Subject to such rules as may be made in this behalf a *Gram Panchayat* shall levy—
- (a) on all transfers of immovable property situated within the local limits of the *Gram*, a duty in the shape of an additional stamp duty at the rate of two *per centum* or, as the case may be, the amount of the consideration for the sale, the value of the property in the case of a gift, the amount secured by the mortgage, the value of the property of the greater value in the case of exchange, or the value of the rent for the first ten years in the case of a lease, as set forth in the instrument;
- (b) a duty in the shape of an additional stamp duty at the rate of ten *per centum* on all payments for admission to any entertainment.
- (5) The State Government may make rules for regulating the collection of the duty on transfers of immovable property and duty on entertainment referred to in sub-section (5), the payment thereof to the *Gram Panchayat* and the deduction of any expenses incurred by the State Government in the collection thereof.

Explanation— In this section,—

- (a) "annual value", in relation to any land or buildings, means an amount equal to six *per centum* of the market value of such land or buildings at the time of assessment estimated in the prescribed manner;
- (b) "entertainment" includes any exhibition, cinematograph exhibition, performance, amusement, games or sports to which persons are admitted for payment;

Section : 47

Key Word Levy of rates and fees. (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-47)

- (1) Subject to such maximum rates as the State Government may prescribe, a *Gram Panchayat* may levy the following ³[fees, rates and tolls,] namely:—
- (a) fees on the registration of vehicles;
- (ii) fees on complaints and petitions and other processes in suits and cases instituted before the *Nyaya Panchayat* concerned;

- (iii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and *melas* within its jurisdiction as may be specified by the State Government by notification;
- (iv) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the *Gram Panchayat* within its jurisdiction;
- (v) a lighting rate, where arrangement for lighting of public streets and places is made by the *Gram Panchayat* within its jurisdiction;
- (vi) a conservancy rate, where arrangement for clearing private latrines, urinals and cesspools is made by the *Gram Panchayat* within its jurisdiction;
- (vii) fees on ³[registration] for running trade, wholesale or retail, within the jurisdiction of the *Gram Panchayat* unless such -[registration] or such trade is prohibited under any law for the time being in force;
- (viii) tolls on persons, vehicles or animals or any class of them at any toll-bar which is established by the *Gram Panchayat* on any road or bridge vested in, or under the management of, the *Gram Panchayat*;
- (ix) tolls in respect of any ferry established by, or under the management of, the *Gram Panchayat*;
- (x) fees on license on dogs and birds and other domestic pet animals;
- (xi) a general sanitary rate where arrangement for the construction and maintenance of public latrines is made by the *Gram Panchayat* within its jurisdiction;
- (xii) a drainage rate where arrangement for regular clearance of common drains is made by the *Gram Panchayat* within its jurisdiction;
- (xiii) fees for grazing cattle on grazing land vested in, or under the management and control of, the *Gram Panchayat*;
- (xiv) fees for use of burning *ghat* vested in, or under the management and control of, the *Gram Panchayat*;
- (xv) fees on registration for [shallow or deep tube-wells] fitted with motor-driven pump sets and installed for irrigation for commercial purposes, subject to such terms and conditions as may be prescribed. *Explanation.*—In this clause, "commercial purpose" includes any purpose for which irrigation water is supplied to the land of any person, other than the owner of the shallow tube-well, on realisation of water rates, by whatever name called, from the owner of such land.

- (xvi) fees on the village produces sold in the village market organized by the *Gram Panchayat* to be determined by means of weight, measurement or by number or any two or more of them;
- (xvii) fees on erection, exhibition, fixing or retaining upon or over any land, building, wall, hoarding, or structure, any advertisement for public display in any manner whatsoever, in any place whether public or private excepting those exhibited by the State Government in the public interest.
- (2) The *Gram Panchayat* shall not undertake registration of a vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and *melas* within its jurisdiction or levy fee therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.
- (3) The scales of tolls, and the fees or rates and the terms and conditions of imposition thereof, shall be such as may be provided by bye-laws.
- (4) Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

47A. A *Gram Panchayat* may borrow money from the State Government or * * *
* from banks or other financial institutions for furtherance of its objective on the basis of such specific schemes as may be drawn up by the *Gram Panchayat* for the purpose.

Section : 48

Key Word : Budget of Gram Panchayat. (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-48) Budget of Gram Panchayat. (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-48)

- (1) Every *Gram Panchayat* shall, at such time and in such manner as may be prescribed, prepare in each year a budget or its estimated receipts and disbursements for the following year * * *.
- (2)
- (a) The budget prepared under sub-section (1) shall be written in vernacular of the district or the locality concerned and copies of the budget shall be pasted in such prominent places within the *Gram Panchayat* as may be prescribed, inviting objections and suggestions by the members of the *Gram Sabha*.

- (b) Copies of the budget shall be forwarded to the *Panchayat Samiti* having jurisdiction over the *Gram* for its views, if any.
 - (c) The budget with objections, suggestions and views, if any, received from various quarters shall, within such period as may be prescribed, be placed in the meeting of the *Gram Sabha* for discussions proposing modification, if any, of the budget.
 - (d) The *Gram Panchayat* shall, within such time as may be prescribed and in a meeting specially convened for the purpose and in the presence of at least half of the existing members, consider the objections, suggestions, and views, if any, and the discussions in the meeting of the *Gram Sabha*, and approve the budget with modifications, if any.
 - (e) A copy of the budget approved under clause (d) shall be forwarded to the *Panchayat Samiti* having jurisdiction.
- (3) No expenditure shall be incurred unless the budget is approved ³[under clause (d) of sub-section (2).]

Section : 49

Key Word : Supplementary Budget (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-49) Supplementary Budget (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-49)

- (1) A *Gram Panchayat* may prepare in each year a supplementary estimate providing for any modification of its budget and ⁴[approve it in a meeting specially convened for the purpose and in the presence of at least half of the existing members] within such time and in such manner as may be prescribed.
- (2) A copy of the supplementary estimate as approved under subsection (1) shall be forwarded to the *Panchayat Samiti* having jurisdiction.

Section : 50

Key Word : Accounts (Part II.- Gram Panchayat-Chapter VI – Property and Fund-Section-50)

A *Gram Panchayat* shall keep such accounts and in such form as may be prescribed.

Chapter VII Nyaya Panchayat

Section : 51

Key Word : Constitution of Nyaya Panchayat. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 51) Constitution of Nyaya Panchayat. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 51)

(1) Every *Gram Panchayat* shall, if authorised by the State Government by notification to do so, constitute a *Nyaya Panchayat*, consisting of five members, to be called *Vicharaks*, elected by it at such time and in such manner as may be prescribed from amongst persons whose names are included in the electoral roll of the West Bengal Legislative Assembly for the time being in force pertaining to the area comprised in the *Gram*, other than a person who is a member of any *Gram Panchayat*, *Panchayat Samiti* ¹[, *Zilla Parishad*, *Mahakuma Paris-had* or Council] or of any municipal authority constituted under any of the Acts referred to in sub-section (2) of section I, for the trial of—

- (a) the offences specified in the Second Schedule or a case transferred to the *Nyaya Panchayat* under sub-section (2) of section 52;
- (b) all or any of the classes of civil suits specified in section 61:

Provided that no person shall be elected to be a member of *Nyaya Panchayat* if he has any of the disqualifications mentioned in section 8.

- (2) Every *Nyaya Panchayat* constituted under sub-section (1) shall be notified in the *Official Gazette*, or in such other manner as may be prescribed, and shall come into office with effect from the date specified in the said notification.
- (3) Every *Nyaya Panchayat* shall elect at such time and in such manner as may be prescribed one of its members to be called *Pradhan Vicharak* to preside over its sittings and in the absence of the *Pradhan Vicharak*, the *Vicharaks* present at the sitting of the *Nyaya Panchayat* shall elect one of them to be the *Pradhan Vicharak* for the purpose of that sitting.
- (4) The term of office of a member of a *Nyaya Panchayat* shall be '[five years] from the date of the notification mentioned in subsection (2): Provided that the members of a *Nyaya Panchayat* shall continue in office until the election of the members of the *Nyaya Panchayat* by the newly constituted *Gram Panchayat* after a general election and assumption of office by such members.

- (5) No *Nyaya Panchayat* shall try any suit, case or other proceeding pending before it unless at least three members of the *Nyaya Panchayat* are present during such trial.
- (6) The Secretary to the *Gram Panchayat* shall act as the Secretary to the *Nyaya Panchayat* for the purpose of keeping the records of its proceedings and decisions, and doing such other duties as may be prescribed.

Section : 52

Criminal Jurisdiction (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - Section - 52)

- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a *Nyaya Panchayat* constituted under section 51 shall have jurisdiction, within the local limits of the *Gram Panchayat* constituting such *Nyaya Panchayat*, to try all offences specified in the Second Schedule, Part A; and, with effect from the date specified in the notification referred to in sub-section (2) of section 51, no other court shall, except as otherwise provided in this Act, take cognizance of any case triable by a *Nyaya Panchayat*: Provided that nothing in this Act shall take away the jurisdiction of any court to try a case which a *Nyaya Panchayat* is prohibited by section 78 from trying or which should be, in the opinion of the *Nyaya Panchayat* or of the Sessions Judge or the Sub-divisional Judicial Magistrate exercising the power conferred by sub-section (1) of section 79, tried in an ordinary court.
- (2) A *Nyaya Panchayat* may try any offence specified in the Second Schedule, Part B, if the case is transferred to it by a Sessions Judge, a Sub-divisional Judicial Magistrate or any other Judicial Magistrate empowered to receive petitions under section 190 of the Code of Criminal Procedure, 1898: Provided that—
 - (a) a Judicial Magistrate before whom a complaint of an offence mentioned in the Second Schedule, Part A cognizable by a *Nyaya Panchayat* is made, shall transfer the complaint to the *Nyaya Panchayat* which is competent to try the offence;
 - (b) the Sessions Judge or Sub-divisional Judicial Magistrate may transfer any case from one *Nyaya Panchayat* to another or to any other court subordinate to him if in the interest of justice he considers it necessary to do so;
 - (c) the Sessions Judge or Sub-divisional Judicial Magistrate may, with the consent of the parties, transfer any case cognizable by a *Nyaya Panchayat*, if the place of residence of the complainant is situated within the limits of a *Gram Panchayat* for which there is no *Nyaya Panchayat*, to any *Nyaya Panchayat* situated at a distance from such place of residence convenient, in the opinion of the Sessions Judge or the Sub-divisional Judicial Magistrate, as the case may be, for the parties and witnesses.

- (3) Every offence triable by a *Nyaya Panchayat* shall ordinarily be tried by the *Nyaya Panchayat* within the local limits of whose jurisdiction it was committed.
- (4) The offence of theft triable by a *Nyaya Panchayat* or any offence which includes theft or the possession of stolen property, triable by a *Nyaya Panchayat*, may be tried by the *Nyaya Panchayat* within the local limits of whose jurisdiction such offence was committed or the property stolen was possessed by the thief or by any person who received or retained the same knowing or having reason to believe it to be stolen.
- (5) An offence triable by a *Nyaya Panchayat*, committed whilst the offender is in the course of performing a journey, may be tried by the *Nyaya Panchayat* through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey.
- (6) When it is uncertain in which of several areas an offence was committed, or where an offence is committed partly in one local area and partly in another, or where an offence is a continuing one and continues to be committed in more local areas than one, or where it consists of several acts done in different local areas, it may be tried by a *Nyaya Panchayat* having jurisdiction over any such local areas.
- (7) Whenever a question arises as to which of two or more *Nyaya Panchayats* subordinate to the same Sub-divisional Judicial Magistrate ought to try any offence, it shall be decided by the Sub-divisional Judicial Magistrate.
- (8) Whenever a question arises as to which of two or more *Nyaya Panchayats* not subordinate to the same Sub-divisional Judicial Magistrate, but subordinate to the same Sessions Judge, ought to try any offence, it shall be decided by the Sessions Judge.
- (9) Where two or more *Nyaya Panchayats* not subordinate to the same Sessions Judge have taken cognizance of the same offence, the Sessions Judge within the local limits of whose jurisdiction the proceedings were first commenced may direct the trial of such offender to be held in any *Nyaya Panchayat* subordinate to him and if he so decides all other proceedings against such person in respect of such offence shall be discontinued.

Section : 53

How case may be instituted. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat-Section - 53)

A case before *Nyaya Panchayat* may be instituted by petition more orally or in writing to the Secretary of the *Gram Panchayat* or in his absence to a member of the *Nyaya Panchayat*. If the petition is made orally, the Secretary or the member, as the case may be, shall draw up a statement recording the name of the petitioner, the name of the person

against whom the petition is made, the nature of the offence and such other particulars, if any, as may be prescribed, and the signature or the thumb impression of the petitioner shall be taken thereon. The Secretary or the member, as the case may be, shall, thereafter, direct the petitioner to appear before the *Nyaya Panchayat* on a particular date.

Section : 54

Power to dismiss or refuse to entertain petition. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 54)

- (1) If upon the face of the petition, or on examining the petitioner, the *Nyaya Panchayat* is of opinion that the petition is frivolous, vexatious or untrue, it shall dismiss the case by an order in writing.
- (2) If at any time it appears to the *Nyaya Panchayat*—
 - (a) that it has no jurisdiction to try the case; or
 - (b) that the offence is one for which the sentence which it is competent to pass would be inadequate; or
 - (c) that the case is one which should not be tried by it, it shall direct the petitioner by an order in writing to the court which would have had jurisdiction to try the offence but for the provisions of this Act.

Section : 55

Dismissal for default. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 55) Dismissal for default. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 55)

If in any case before a *Nyaya Panchayat* the petitioner fails, to appear on the day fixed, or if in the opinion of the *Nyaya Panchayat*, he shows negligence in prosecuting his case, the *Nyaya Panchayat* may dismiss the case for default, and such order of dismissal shall operate as an acquittal.

Section : 56

Key Word : Proceeding preliminary to trial. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat-Section - 56)

- (1) If the petition be not dismissed, the *Nyaya Panchayat* shall, subject to the provisions of section 83, by summons require the accused to appear and answer the petition.

- (2) If the accused fails to appear or cannot be found, the *Nyaya Panchayat* shall report the fact to the nearest Sub-divisional Judicial Magistrate, who would have had jurisdiction to try the offence but for the provisions of this Act, who may issue a warrant for the arrest of the accused and when arrested may forward him for trial to the *Nyaya Panchayat* or release him on bail to appear before it.
- (3) The *Nyaya Panchayat* shall, if possible, try the case on the day on which the accused appears or is brought before it, but if that is not possible, the *Nyaya Panchayat* shall release him on his executing a bond for a sum not exceeding twenty-five rupees to appear before it on any subsequent day or days to which the trial may be adjourned:

Provided that if the accused fails or refuses to execute a bond, the *Nyaya Panchayat* shall, instead of releasing him, send him back under custody to the Sub-divisional Judicial Magistrate by whom such accused was arrested and thereupon such Sub-divisional Judicial Magistrate shall, notwithstanding anything contained in sub-section (7) of section 52, take cognizance of the complaint made before the *Nyaya Panchayat* and shall try such accused person in the same manner and under the same procedure as if the complaint were made before him.

Section : 57

Key Word : Compounding of offences. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 57) Compounding of offences. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 57)

Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the *Nyaya Panchayat* may allow the parties to compound any offence triable by it.

Section 58 Bar to appeal

Bar to appeal. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 58)Bar to appeal. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 58)

Notwithstanding anything contained in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried by a *Nyaya Panchayat*: Provided that the Sessions Judge or Sub-divisional Judicial Magistrate within the local limits of whose jurisdiction the *Nyaya Panchayat* is situate, if satisfied that failure of justice has occurred, may, of his own motion, or on the application of any of the parties, concerned, made within thirty days from the date of the order of the *Nyaya Panchayat*, cancel or modify any order of conviction or of compensation made by a *Nyaya Panchayat* or direct the retrial of any case by a court of competent jurisdiction subordinate to him, notwithstanding anything contained in sub-section (1) of section 52.

Section 59: Power to impose fine or to award compensation

Power to impose fine or to award compensation. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 59)

(1) A *Nyaya Panchayat* shall, after hearing the parties and after considering the evidence adduced by the parties, record its decision in writing, and may sentence any offender convicted by it to pay a fine not exceeding fifty rupees: Provided that if the members of the *Nyaya Panchayat* present during the trial of a case fail to come to a unanimous decision, the decision of the majority of such members shall be the decision of the *Nyaya Panchayat*: Provided further that in the case of equality of votes of the members of a *Nyaya Panchayat* present during the trial of a case, the *Pradhan Vicharak*, or the person who is elected as *Pradhan Vicharak* for that sitting, shall have a second or casting vote and the decision of the *Nyaya Panchayat* shall be in accordance with such second or casting vote.

(2) No sentence of imprisonment, simple or rigorous, whether substantive or in default of payment of fine shall be awarded by any *Nyaya Panchayat*.

(3) When a *Nyaya Panchayat* imposes a fine under sub-section (1), it may, when passing the order, direct that the whole or any part of the fine recovered shall be applied in payment of compensation for any loss or injury caused by the offence.

(4) If a *Nyaya Panchayat* is satisfied that a complaint made before it or transferred to it for trial is false, vexatious or frivolous, it may order the complainant to pay to the accused, such compensation not exceeding twenty-five rupees, as it thinks fit.

(5) If such fine or compensation is not paid or realised within thirty days of the passing of the sentence or order or within such further time as the *Nyaya Panchayat* may allow, the *Nyaya Panchayat* shall record an order declaring the amount of fine imposed or compensation awarded and that it has not been paid, and shall forward the same to the nearest Sub-divisional Judicial Magistrate, who would have had jurisdiction to try the case but for the provisions of this Act, and the Sub-divisional Judicial Magistrate shall—

(a) proceed to execute the order as if it were an order passed by himself, or

(b) in default of payment, sentence the accused to imprisonment in accordance with Chapter III of the Indian Penal Code, notwithstanding anything contained in sub-section (2) of this section:

Provided that, notwithstanding anything contained in the Indian Penal Code—

(a) the fine imposed or compensation awarded by a *Nyaya Panchayat* shall not be realised from any person who has served his term of imprisonment;

(b) the person serving his term of imprisonment shall be forthwith released, if the fine or compensation is paid before the expiry of the term of imprisonment.

Section 60: Release after admonition or on probation of good conduct

Release after admonition or on probation of good conduct. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 60)

When any person is convicted by a *Nyaya Panchayat* and no previous conviction is proved against him, if it appears to the said *Nyaya Panchayat* that regard being had to the age, character and antecedents of the offender and to the circumstances in which the offence was committed, it is expedient —

- (a) that the offender should be released after due admonition the *Nyaya Panchayat* may, instead of sentencing him to any punishment, release him after due admonition; or
- (b) that the offender should be released on probation of good conduct, the *Nyaya Panchayat* may, notwithstanding anything contained in the Code of Criminal Procedure, 1898, instead of sentencing him at once to any punishment, direct that he be released on his executing a bond for a sum not exceeding fifty rupees to appear and receive sentence when called upon during such period (not exceeding one year) as it may direct, and in the meantime to keep the peace and be of good behaviour.

Section : 61

Civil Jurisdiction. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - Section - 61)

(1) Notwithstanding anything contained in the Bengal, Agra and Assam Civil Courts Act, 1887, the Provincial Small Cause Courts Act, 1887 and the Code of Civil Procedure, 1908, and subject to the provisions of sections 62 and 63, a *Nyaya Panchayat* shall have, within the local limits of the *Gram Panchayat* constituting such *Nyaya Panchayat*, jurisdiction to try the following classes of suits when the value of the suit does not exceed two hundred and fifty rupees, namely:—

- (a) suits for money due on contracts;
- (b) suits for the recovery of movable property or the value of such property;
- (c) suits for compensation for wrongfully taking or damaging movable property; and

(d) suits for damages by cattle-trespass.

(2) No other court shall have jurisdiction to try any suit of the classes mentioned in sub-section (1):

Provided that nothing in this Act shall take away the jurisdiction of any court to try a suit which a *Nyaya Panchayat* is prohibited by section 78 from trying or which should be, in the opinion of the *Nyaya Panchayat* or of the District Judge exercising the power conferred by sub-section (2) of section 79, tried by an ordinary court.

Section : 62**Suits not be tried. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - Section - 62)**

No suit shall lie in any *Nyaya Panchayat*—

- (a) on a balance of partnership account;
- (b) for a share or part of a share under an intestacy, or for a legacy or part of legacy under a Will;
- (c) by or against the Union of India or a State Government or a local authority or public officers for acts done in their official capacity;
- (d) by or against minors or persons of unsound mind or when any such person is in the opinion of the *Nyaya Panchayat* a necessary party;
- (e) for the assessment, enhancement, reduction, abatement, apportionment or recovery of rent of immovable property; or
- (f) by a mortgagee of immovable property for the enforcement of the mortgage by foreclosure or sale of the property or otherwise, or by a mortgagor of immovable property for the redemption of the mortgage.

Section : 63**Suits to improve whole claim. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 63)**

(1) Every suit instituted before a *Nyaya Panchayat* shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the *Nyaya Panchayat*.

- (2) If the plaintiff omits to sue in respect of or relinquishes any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

Section : 64

Local limit of jurisdiction. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 64) Local limit of jurisdiction. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 64)

No suit shall lie in a *Nyaya Panchayat* unless at least one of the defendants resides within the limits of its jurisdiction at the time of the institution of the suit, or the cause of action has arisen wholly or in part within those limits.

Section : 65

How suites may be instituted . (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat-Section - 65)

- (1) A suit before a *Nyaya Panchayat* may be instituted by petition made orally or in writing to the Secretary of the *Gram Panchayat* or in his absence to a member of the *Nyaya Panchayat*. If the petition is made orally the Secretary or the member, as the case may be, shall draw, up a statement recording the name of the petitioner, the name of the person, against whom the petition is made, the nature of the claim and such other particulars, if any, as may be prescribed and the signature or the thumb impression of the petitioner shall be taken thereon. The Secretary or the member, as the case may be, shall thereafter direct the petitioner to appear before the *Nyaya Panchayat* on a particular date.
- (2) The plaintiff on instituting his suit shall state the value of the claim.

Section : 66

Dismissal of suites barred by limitation,etc. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 66) Dismissal of suites barred by limitation,etc. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 66)

- (1) If at any time the *Nyaya Panchayat* is of opinion that the suit is barred by limitation it shall dismiss the suit by an order in writing.

- (2) If at any time it appears to the *Nyaya Panchayat* that it has no jurisdiction to entertain the suit, it shall direct the petitioner to the Court having jurisdiction to try such suit.
- (3) Where it is proved to the satisfaction of the *Nyaya Panchayat* that a suit has been adjusted wholly or in part by any lawful agreement or compromise or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject matter of the suit, the *Nyaya Panchayat* shall pass a decree in accordance therewith so far as it relates to the suit:

Provided that where the *Nyaya Panchayat* refuses to pass a decree in accordance with the agreement or compromise, it shall record its reasons in writing for so doing.

Section : 67

Key Word : Dismissal of suties for default. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 67) Dismissal of suties for default. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 67)

If in any suit before a *Nyaya Panchayat* the plaintiff fails to default appear on the day fixed, or if in the opinion of the *Nyaya Panchayat*, he shows negligence in prosecuting his suit, it may dismiss the suit for default:

Provided that a *Nyaya Panchayat* may restore a suit dismissed for default, if within thirty days from the date of such dismissal the plaintiff satisfies the *Nyaya Panchayat* that he was prevented by sufficient cause from appearing at the time when the suit was called on for hearing.

Section : 68

Summons to defendant to appear. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 68)

If on receiving the plaint the *Nyaya Panchayat* is satisfied that the trial of the suit may be proceeded with it shall, by summons, require the defendant to appear and answer the suit either orally or in writing.

Section : 69

Ex parte decision. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - Section - 69)

If the defendant fails to appear and the *Nyaya Panchayat* is satisfied that the summons was duly served it may decide the suit *ex parte*:

Provided that any defendant against whom a suit has been decided *ex parte* may, within thirty days from the date of executing any process for enforcement of the decision, apply, orally or in writing, to the *Nyaya Panchayat* to set aside the order; and the *Nyaya Panchayat*, if satisfied that the summons was not duly served on the defendant, or that the defendant was prevented from appearing at the time when the suit was called on for hearing by any sufficient cause, shall set aside the decision and shall appoint a day for proceeding with the suit.

Section : 70

No order to be set aside without notice to opposite party. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 70)

No decision or order of a *Nyaya Panchayat* shall be set aside under the proviso to section 67 or under the proviso to section 69 unless notice in writing has been served by the *Nyaya Panchayat* on the opposite party.

Section : 71

Power to determine. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - Section - 71)

(1) Subject to the provisions of clauses (c) and (d) of section 62, the *Nyaya Panchayat* shall add as parties to a suit any person whose presence as parties it considers necessary for a proper decision thereof, and shall enter the names of such parties in the register of suits, and the suit shall be tried as between the parties whose names are entered in the said register:

Provided that when any party is added, notice shall be given to him and he shall be given an opportunity to appear before the trial of the suit is proceeded with.

(2) In all cases where a new party appears under the proviso to subsection (1) during the trial of a suit, he may require that the trial shall begin *de novo*,

Section : 72

Decesion of suites. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - Section - 72)

- (1) When the parties or their agents have been heard and the Decision of evidence on both sides considered, the *Nyaya Panchayat* shall, by written order, pass such decree as may seem just, equitable and according to good conscience, stating in the decree the amounts of prescribed fees and the amount, if any, paid to witnesses under sub-section (3) of section 82 and the persons by whom such amounts are payable:

Provided that if the members of the *Nyaya Panchayat* present during the trial of a suit fail to come to a unanimous decision, the decision of the majority of such members shall be the decision of the *Nyaya Panchayat*:

Provided further that in the case of equality of votes of the members of a *Nyaya Panchayat* present during the trial of a suit, the *Pradhan Vicharak*, or the person who is elected as *Pradhan Vicharak* for that sitting, shall have a second or casting vote and the decision of the *Nyaya Panchayat* shall be in accordance with such second or casting vote.

- (2) Subject to such conditions and limitations as may be prescribed, and to the provisions of any law for the time being in force, the costs of an incidental to all suits shall be in the discretion of the *Nyaya Panchayat* and the *Nyaya Panchayat* shall have full power to determine by whom and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid:

Provided that where the *Nyaya Panchayat* directs that the successful party shall not get the costs of the suit, it shall state its reasons in writing.

- (3) If a *Nyaya Panchayat* is satisfied that a suit instituted before it is false, vexatious or frivolous, it may direct the plaintiff, by an order in writing, to pay to the defendant such compensation, not exceeding twenty-five rupees, as it may think fit.

Section : 73

Key Word : Instalments. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 73)

A *Nyaya Panchayat* in ordering the payment of a sum of money or the delivery of any movable property may direct that the money be paid, or the movable property be delivered, by installments.

Section : 74

Decision to be but power to Munsif to order retrial. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 74)

The decision of a *Nyaya Panchayat* in every suit shall be final as between the parties to the suit: Provided that the Munsif who would have had jurisdiction to try the suit but for the provisions of this Act, may, on the application of any party to the suit made within thirty days of the decree or order of the *Nyaya Panchayat*, cancel or modify the decree or order of the *Nyaya Panchayat* or direct a retrial of the suit by the same or any other *Nyaya Panchayat* if he is satisfied that there has been a failure of justice.

Section : 75

Death of parties. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - Section - 75)

If the plaintiff or defendant in any suit dies before the suit has been decide, the suit may, subject to the provisions of clause (d) of section 62, be proceeded with at the instance of, or against the legal representatives of, the deceased plaintiff or defendant, as the case may be.

Section : 76

Effect of dicision on question of title,etc. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 76)

The decision of a *Nyaya Panchayat* on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

Section : 77

Procedure for Nyaya Pnachyat. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 77)

- (1) The provisions of—
 - (a) the West Bengal Court-fees Act, 1970,

- (b) the Code of Criminal Procedure, 1898,
 - (c) the Code of Civil Procedure, 1908, and
 - (d) the Indian Evidence Act, 1872, shall not apply to any trial before a *Nyaya Panchayat*.
- (2) The procedure to be followed by a *Nyaya Panchayat* in any trial, in the enforcement of its decisions and orders, and in the method of forming a quorum shall, subject to the provisions of this Act, be in accordance with prescribed rules.

Section : 78

Bar to trial of case of suit in which a Panchayat or its member is interested. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 78)

No *Nyaya Panchayat* shall try any case or suit or other proceeding in which the *Gram Panchayat* concerned or any member of such *Nyaya Panchayat* is a party or is interested.

Section : 79

Withdrawal or transfer of case or suit. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 79)

(1) The Sessions Judge or the Sub-divisional Judicial Magistrate within the local limits of whose jurisdiction the *Nyaya Panchayat* is situate, may, of his own motion or on the application of any of the parties to a case or on the motion of the *Nyaya Panchayat* concerned, withdraw the case pending before a *Nyaya Panchayat* if, for reasons to be recorded by him in writing, he is of opinion-that the case is one which should not be tried or heard by the *Nyaya Panchayat*, and may try or hear the case himself or transfer it for disposal to another Judicial Magistrate who would have had jurisdiction to try the case but for the provisions of this Act.

(2) The District Judge, within the local limits of whose jurisdiction a *Nyaya Panchayat* is situate, may, of his own motion or on the application of any of the parties to a suit or on the motion of the *Nyaya Panchayat* concerned, withdraw the suit pending before a *Nyaya Panchayat* if, for reasons to be recorded by him in writing, he is of opinion that the suit is one which should not be tried or heard by the *Nyaya Panchayat*, and may try or hear the suit himself or transfer it for disposal to the court of the Munsif who would have had jurisdiction to try the suit but for the provisions of this Act.

- (3) If at any stage of a case or a suit any party to such case or suit informs the *Nyaya Panchayat* that he has applied or that he intends to apply for the withdrawal or transfer of the case or suit under sub-section (1) or sub-section (2), as the case may be, the *Nyaya Panchayat* shall stay further proceedings in the case or suit until such time as it thinks fit.

Section : 80

Key Word : Certain suits and case not to be tried. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 80) Certain suits and case not to be tried. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 80)

- (1) No *Nyaya Panchayat* shall try any suit in which the matter suits directly and substantially in dispute has been heard and finally decided by a court of competent jurisdiction in a former suit between the same panics, or between parties under whom they or any of them claim.
- (2) No *Nyaya Panchayat* shall proceed with the trial of any suit in which the matter directly and substantially in dispute is pending for decision in the same *Nyaya Panchayat* or in any other court in a previously instituted suit between the same parties or between parties under whom they or any of them claim.
- (3) No *Nyaya Panchayat* shall try a person who has once been tried by a court or a *Nyaya Panchayat* of competent jurisdiction for an offence and convicted or acquitted of such offence, while such conviction or acquittal remains in force.

Section : 81

Key Word : Inspection. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - 81) Inspection. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - 81)

- (1) The Sessions Judge and the Sub-divisional Judicial Magistrate within the local limits of whose jurisdiction the *Nyaya Panchayat* is situate, shall have the power at all times to inspect the proceedings of any criminal case and the records of criminal cases maintained by a *Nyaya Panchayat*.
- (2) The District Judge and the Munsif within the local limits of whose jurisdiction the *Nyaya Panchayat* is situate, shall have the power at all times to inspect the proceedings of any suit and the records of suits maintained by a *Nyaya Panchayat*,

Section : 82

Key Word : Attendance of witnesses. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 82)

(1) Subject to the provisions of section 85, a *Nyaya Panchayat* may, by summons, send for any person to appear and give evidence or to produce or cause the production of any document:

Provided that no person who is exempt from personal appearance in court under sub-section (1) of section 133 of the Code of Civil Procedure, 1908, shall be required to appear in person before a *Nyaya Panchayat*.

(2) A *Nyaya Panchayat* shall refuse to summon a witness or to enforce a summons already issued against a witness, where, in the opinion of the *Nyaya Panchayat*, the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

(3) A *Nyaya Panchayat* shall not require any person living outside the limits of the *Gram Panchayat* concerned to give evidence, unless such sum of money as may appear to the *Nyaya Panchayat* to be sufficient to defray the travelling and other expenses of such person and for one day's attendance is deposited in the *Nyaya Panchayat* by the party who cites such person as his witness.

(4) If any person whom a *Nyaya Panchayat* summons by written order to appear or give evidence, or to produce any document before it fails, without lawful excuse, to obey such summons and thereby commits an offence, the *Nyaya Panchayat* may take cognizance of such offence and may sentence the person convicted of such offence to a fine not exceeding twenty-five rupees.

Section : 83

Key Word : Appearance of parties. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 83)

(1) The parties to cases triable by a *Nyaya Panchayat* shall appear personally before the *Nyaya Panchayat*: Provided that the *Nyaya Panchayat*, if it thinks fit so to do, may dispense with the personal attendance of an accused and permit him to appear by agent.

(2) The parties to suits triable by a *Nyaya Panchayat* may appear by agent. *Explanation*—"agent" in sub-sections (1) and (2), means a person who is authorised in writing to appear and plead for either party.

(3) Notwithstanding anything contained in sub-section (1) or subsection (2), no person whose name is included in a list of touts framed and published by Sub-divisional

Magistrate under section 80A of the Registration Act, 1908, shall be permitted to appear as an agent of a party before a *Nyaya Panchayat*.

Section : 84

Legal practitioners not to practice. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 84)

Notwithstanding anything contained in the Legal Practitioners Legal Act, 1879, legal practitioners shall not be permitted to practice before a *Nyaya Panchayat*.

Section : 85

Appearance of women. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat - Section - 85)

No woman shall be compelled to appear in person before a *Nyaya Panchayat* as an accused or as a witness.

Section : 86

Power to issue commission. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 86)

Subject to such rules as may be prescribed, a *Nyaya Panchayat* may issue a Commission to examine any person in accordance with such procedure as may be prescribed.

Section : 87

Trial of suit triable by more than one Nyaya Panchayat. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 87)

Where a suit is maintainable in more than one *Nyaya Panchayat*, the plaintiff may bring the suit in any one of such *Nyaya Panchayats* and any dispute regarding the jurisdiction of a *Nyaya Panchayat* to entertain any suit shall be decided by the Munsif who would have had jurisdiction to try the same but for the provisions of this Act, and the decision of the Munsif thereon shall be final.

Section : 88

Realisation of fees and execution of decrees. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 88)

- (1) All fees imposed and all sums decreed under this Act by a *Nyaya Panchayat* may be realised under the orders of the *Nyaya Panchayat* in the same manner as an arrear of rate or tax imposed under this Act and any amount realised in pursuance of such an order shall be paid to the persons entitled to get the same.
- (2) If the *Nyaya Panchayat* granting a decree is unable to effect satisfaction thereof, it shall grant the decree-holder a certificate to that effect stating the amount due to him and the amount due as costs of the suit.
- (3) The decree-holder to whom the certificate referred to in subsection (2) is granted, may make an application, on production of such certificate, to the court of the Munsif within the local limits of whose jurisdiction the defendant actually and voluntarily resides or carries on business or personally works for gain, for execution of the decree granted by the *Nyaya Panchayat*.
- (4) The court of the Munsif, to which the application referred to in sub-section (jf) is made, shall execute the decree granted by the *Nyaya Panchayat* and in executing such decree it shall have the same powers and it shall follow the same procedure as if it were executing a decree passed by itself.
- (5) An application for execution of a decree of a *Nyaya Panchayat* made after the expiry of three years from the date of the decree or of any order under the proviso the section 74 modifying any such decree, shall be dismissed, although limitation has not been pleaded:

Provided that where the decree is for payment of a sum of money or delivery of any movable property which the decree directs to be made at a certain date, the application for execution of the decree may be made within three years from that date.

Section : 89

Registers and records. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 89) Registers and records. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 89)

Every *Nyaya Panchayat* shall maintain such registers and records and submit such returns as may be prescribed.

Section : 90

Resignation by member of Nyaya Panchayat and filling of casual vacancy. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 90)

(1) A member of a *Nyaya Panchayat* may resign during his term of office by notifying in writing his intention to do so to the prescribed authority and, on such resignation being accepted by the prescribed authority, shall be deemed to have vacated his office.

(2) When the office of a member of a *Nyaya Panchayat* becomes vacant by resignation or otherwise a new member shall, in the same manner as laid down in section 51, be elected by the *Gram Panchayat*, who shall hold office so long as the member whose office he fills would have been entitled to hold office if such vacancy had not occurred:

Provided that no act of the *Nyaya Panchayat* shall be deemed to be invalid by reason only that the number of members of the *Nyaya Panchayat* at the time of the performance of such act was less than the prescribed number.

Section : 91

Removal of member of Nyaya Panchayat. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 91)

(1) The State Government may, by an order in writing, at any time, for good and sufficient reason to be stated in such order, remove a member of a *Nyaya Panchayat*.

(2) Before removing a member under sub-section (1), the State Government shall allow the member concerned an opportunity of being heard in accordance with such rules as may be prescribed.

Section : 92

Reference to Sessions Judge,etc. (Part II.- Gram Panchayat-Chapter VII – Nyaya Panchayat -Section - 92)

Any reference in this Chapter to the Sessions Judge, the Sub-divisional Judicial Magistrate and the Judicial Magistrate shall, in the district where the West Bengal

Separation of Judicial and Executive Functions Act, 1970, is not in force, be construed as a reference to the District Magistrate, Sub-divisional Magistrate and Magistrate, respectively.

Part III.-Panchayat Samiti

Chapter VIII – Constitution of Panchayat Samiti

Section : 93

Block. (Part III.-Panchayat Samiti-Chapter VIII – Constitution of Panchayat Samiti-Section - 93)

(1) The State Government may, by notification, divide a district into Blocks each comprising such contiguous *Gram* as may be specified in the notification: Provided that a Block may comprise such *Grams* as are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force.

(2) The notification under sub-section (1) shall specify the name of the Block by which it shall be known and shall specify the local limits of such block.

(3) The State Government may after making such enquiry as it may think fit and after consulting the views of the *Panchayat Samiti* or *Samities* concerned, by notification—

- (a) exclude from any Block any *Gram* comprised therein; or
- (b) include in any Block any *Gram* contiguous to such Block or separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force; or
- (c) divide the area of a Block so as to constitute two or more Blocks; or
- (d) unite the areas of two or more Blocks so as to constitute a single Block.

Section : 94

Panchayat Samiti and its constitution. (Part III.-Panchayat Samiti -Chapter VIII – Constitution of Panchayat Samiti -Section - 94)

(1) For every Block the State Government shall constitute a *Panchayat Samiti* bearing the name of the Block.

(2) The *Panchayat Samiti* shall consist of the following members, namely:—

(i) *Pradhans* of the *Gram Panchayats* within the Block, *ex-officio*;

(ii) such number of persons not exceeding three as may be prescribed ¹[on the basis of the number of voters in hill areas and other areas] to be elected from each *Gram* within the Block, the *Gram* being divided ²[by the prescribed authority] for the purpose into as many constituencies as the number of the persons to be elected, and the election being held by secret ballot at such time and in such manner as may be prescribed, ³[from amongst the persons, whose names are included in the electoral roll ⁴Cpertaining to the area comprised in the Block, prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election) by persons whose names are included in such electoral roll pertaining to the constituency comprised in such *Gram*.]⁵ Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a *Panchayat Samiti* and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that *Panchayat Samiti* to be filled up by election as the population of the Scheduled Castes in that *Panchayat Samiti* area or of the Scheduled Tribes in that *Panchayat Samiti* area, as the case may be, bears to the total population of that *Panchayat Samiti* area and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that *Panchayat Samiti* area, as the case may be, bears with the total population in that *Panchayat Samiti* area:

¹ Provided further that not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be: 'Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a *Panchayat Samiti* shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed:

'Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section²* * * *, when the number of members to be

elected to a *Panchayat Samiti* is determined, or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a *Panchayat Samiti*, in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to a *Panchayat Samiti*, be disqualified for election to any seat not so reserved:

³Provided also that such division into constituencies shall be made in such manner that the ratio between the population of a Block and the number of constituencies in the *Panchayat Samiti* shall, so far as practicable, be the same in any *Panchayat Samiti*:

¹Provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing ²[, by order, direct the prescribed authority to make fresh determination], of the number of members in a *Panchayat Samiti* or fresh reservation on rotation of the number of seats in that *Panchayat Samiti* and, on such order being issued by the State Election Commissioner, the determination of the number of members ³[or the number of seats to be reserved or the sequence of rotation of reservation of seats or any combination of them as may be specified in such order] shall not be varied for ⁴[the next] three successive general elections:

¹Provided also that provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India;

⁵(iii)

- (a) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the Block or any part thereof, not being ⁶[Ministers;]
 - (b) members of the Council of States, not being Ministers, ⁷[(registered as electors within the area of the Block;) and]
 - (c) ⁸members of the *Zilla Parishad*, not being *Sabhadhipati* or *Sahakari Sabhadhipati*, elected thereto from the constituency comprising any part of the Block.
- (3) Every *Panchayat Samiti* constituted under this section shall * * * * be notified in the *Official Gazette* and shall come into office with effect from the date of its first meeting at which a quorum is present.

- (4) Every *Panchayat Samiti* shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

Section : 95

Effect of the alteration of of area of a block. (Part III.-Panchayat Samiti -Chapter VIII – Constitution of Panchayat Samiti -Section - 95)

- (1) When any *Gram* is excluded from a Block under clause (a) of sub section (3) of section 93, such *Gram* shall, as from the date of the notification referred to in that sub-section, cease to be subject to the jurisdiction of the *Panchayat Samiti* of that Block and, unless the State Government otherwise directs, to the rules, orders, directions and notifications in force therein.
- (2) When a *Gram* is included in a Block under clause (b) of subsection (3) of section 93, the *Panchayat Samiti* for that Block shall, as from the date of the notification referred to in that sub-section, have jurisdiction over such *Gram* and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Block shall apply to the *Gram* so included,
- (3) ²When the area of any Block is divided under clause (c) of subsection (3) of section 93 so as to constitute two or more Blocks, there shall be reconstitution of the *Panchayat Samities* for the newly constituted Blocks in accordance with the provisions of this Act, and the *Panchayat Samiti* of the Block so divided shall, as from the date of coming into office of the newly constituted *Panchayat Samities*, cease to exist.
- (4) ³When the areas of two or more Blocks are united under clause (d) of sub-section (3) of section 93 so as to constitute a single Block, there shall be reconstitution of the *Panchayat Samiti* for the newly constituted Block in accordance with the provisions of this Act, and the *Panchayat Samities* of the Blocks so united shall, as from the date of coming into office of the newly constituted *Panchayat Samiti*, cease to exist.
- (5) When under sub-section (3) of section 93 any *Gram* is excluded from or included in, a Block, or a Block is divided so as to constitute two or more Blocks, or two or more Blocks are united to constitute a single Block, the properties, funds and liabilities of the *Panchayat Samiti* or *Samities* affected by such re-organisation shall vest in such *Panchayat Samiti* or *Samities*, and in accordance with such allocation, as may be determined by order in writing by the prescribed authority, and such determination shall be final.
- (6) An order made under sub-section (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such re-organisation.

Explanation— For the purpose of reconstitution of the *Panchayat Samiti* after division referred to in sub-section (3) or after unification referred to in sub-section (4),—

- (a) it shall not be necessary to hold general elections to the newly constituted *Panchayat Samiti* or *Panchayat Samities* when the terms of office of the members of the former *Panchayat Samities* within the scope and meanings of subsection (1) of section 96, do not expire, and
- (b) such members having unexpired terms of office shall be declared by the State Government or such authority as may be empowered, by order, by the State Government in this behalf, by notification in the *Official Gazette* as members to the newly constituted *Panchayat Samiti* that comprises the constituencies, wholly or in part, from which such members were elected to the former *Panchayat Samities* and any such member shall hold office in the newly constituted *Panchayat Samiti* for the unexpired portion of the term of his office.

²95A. If, at any time, the whole of the area of a Block is included in the area of a Municipality by a notification under any law for the time being in force or in an area under the authority of a Town Committee or a Cantonment, the *Panchayat Samiti* for such area shall cease to exist within six months from the date of the notification or with effect from such date as may be specified in the notification or with effect from the date on which elections to the newly constituted body are completed, whichever is earlier, and the properties, funds and other assets vested in such *Panchayat Samiti* shall vest in and devolve on the Municipality or the Town Committee or the Cantonment Authority, as the case may be, in accordance with the orders of the prescribed authority. The persons employed under such *Panchayat Samiti* shall, with effect from the date on which the *Panchayat Samiti* ceases to exist, be deemed to be employed by the Municipality or the Town Committee or the Cantonment Authority, as the case may be, on terms and conditions not being less advantageous than what they were entitled to immediately before such inclusion.

Section : 96

Office of the members of Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter VIII – Constitution of Panchayat Samiti -Section - 96)

(1) The members of a *Panchayat Samiti*, other than *ex officio* members, shall, subject to the provisions of sections 100 and 213A, hold office for a period of five years from the date of its first meeting and no longer.

- (2) There shall be held a general election for the constitution of a *Panchayat Samiti* within a period not exceeding five years from the date of the previous general election held for that *Panchayat Samiti*:

Provided that if the first meeting of the newly-formed *Panchayat Samiti* cannot be held before the expiry of the period of five years under sub-section (1), the State Government may, by order, appoint any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the *Panchayat Samiti* under this Act or any other law for the time being in force, for a period not exceeding three months or until the date on which such first meeting of the newly-formed *Panchayat Samiti* is held, whichever is earlier.

²96A. [(*General election to Panchayat Samities.*)—*Omitted by s. 24 of the West Bengal Panchayat (Amendment) Act, 1994 (West Ben. Act XVIII of 1994).*]

Section : 97

Disqualifications of member of the Panchayat Samiti. (Part III.-Panchayat Samiti - Chapter VIII – Constitution of Panchayat Samiti -Section - 97)

Subject to the provisions contained in sections 140 and 142, a person shall not be qualified to be a member of a *Panchayat Samiti*, if—

- (a) he is a member ³* * * * of any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1; or
- (b) he is in the service of the Central or the State Government or a *Gram Panchayat* or a *Panchayat Samiti* or ²[a *Zilla Parishad* or the *Mahakuma Parishad* or the Council] and for the purposes of this clause, it is hereby declared that a person in the service of any undertaking of the Central or the State Government or any statutory body or Corporation or any public or Government company or any local authority or any co-operative society or any banking company or any university or any Government sponsored institution or any educational or other institution or undertaking or body receiving any aid from the Government by way of grant or otherwise or a person not under the rule-making authority of the Central or the State Government or a person receiving any remuneration from any undertaking or body or organisation or association of persons as the employee or being in the service of such undertaking or body or organisation or association of persons out of funds provided or grants made or aids given by the Central or the State Government, shall not be deemed to be in the service of the Central or the State Government; or
- (c) he has, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of, the

Panchayat Samiti, or a *Gram Panchayat* within the Block concerned ³[, or the *Zilla Parishad* of the district, or the *Mahakuma Parishad* or the Council:]

Provided that no person shall be deemed to be disqualified for being elected a member of a *Panchayat Samiti* by reasons only of his having a share or interest in any public company as defined in the Companies Act, 1956, which contracts with or is employed by the *Panchayat Samiti* or any such *Gram Panchayat* ⁴[or such *Zilla Parishad* or the *Mahakuma Parishad* or the Council;] or

- (d) he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society, or a Government company or a Corporation owned or controlled by the Central or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or
- (e) he has been adjudged by a competent court to be of unsound mind; or
- (f) he is an undischarged insolvent; or
- (g) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- (h) ¹(i) he has been convicted by a court—
 - (A) of an offence involving moral turpitude punishable with imprisonment for a period of more than six months, or
 - (B) of an offence under Chapter IXA of the Indian Penal Code, or
 - (C) under section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952, and five years have not elapsed from the date of the expiration of the sentence; or
 - (ii) he is disqualified for the purpose of elections to the State Legislature under the provisions of Chapter III of Part II of the Representation of the People Act, 1951; or
- (i) ²he has not attained the age of twenty-one years on the date fixed for the scrutiny of nominations for any elections; or
- (j) ²he has been convicted under section 189 at any time during the last ten years; or
- (k) ²he has been surcharged or charged under section 192 at any time during the last ten years; or
- (l) ²he has been removed under section 213 at any time during the last five years.

Section : 98

Key Word : Sabhapati and Sahakari Sabhapati. (Part III.-Panchayat Samiti - Chapter VIII – Constitution of Panchayat Samiti -Section - 98) Sabhapati and Sahakari Sabhapati. (Part III.-Panchayat Samiti -Chapter VIII – Constitution of Panchayat Samiti -Section - 98)

(1) Every *Panchayat Samiti* shall, at its first meeting at which a quorum is present, elect, in the prescribed manner, one of its members to be the *Sabhapati* and another member to be the *Sahakari Sabhapati* of the *Panchayat Samiti*:

Provided that members referred to in ¹[clauses (i) and (iii) of subsection (2) of section 94 ²[shall neither participate in, nor be eligible for, such election:]

³Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall be a whole time functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his powers, due performance of his functions or due discharge of his duties:

⁴Provided also that subject to such rules as may be made by the State Government in this behalf, the offices of the *Sabhapati* and the *Sahakari Sabhapati* shall be reserved for the Scheduled Castes and the Scheduled Tribes in such manner that the number of offices so reserved at the time of any general election shall bear, as nearly as may be, the same proportion to the total number of such offices within a district as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in all the Blocks within such district taken together bears with the total population in the same area, and such offices shall be subject to allocation by rotation in the manner prescribed:

⁴Provided also that the offices of the *Sabhapati* and the *Sahakari Sabhapati* in any *Panchayat Samiti* having the Scheduled Castes or the Scheduled Tribes population, as the case may be, constituting not more than five per cent of the total population in the Block, shall not be considered for allocation by rotation:

¹Provided also that in the event of the number of Blocks having the Scheduled Castes or the Scheduled Tribes population constituting more than five per cent of the total population, falling short of the number of the offices of the *Sabhapati* and the *Sahakari Sabhapati* required for reservation in a district, the State Election Commissioner may, by order, include, for the purpose of reservation,

other such offices of the *Sabhapati* and the *Sahakari Sabhapati* beginning from the Block having higher proportion of the Scheduled Castes or the Scheduled Tribes, as the case may be, until the total number of seats required for reservation is obtained:

¹Provided also that not less than one-third of the total number of the offices of the *Sabhapati* and the *Sahakari Sabhapati* reserved for the Scheduled Castes and Scheduled Tribes in a district, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

¹Provided also that not less than one-third of the total number of offices of the *Sabhapati* and the *Sahakari Sabhapati* in a district including the offices reserved for the Scheduled Castes and the Scheduled Tribes, shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:

²Provided also that in a district, determination of the offices of the *Sabhapati* reserved for the Scheduled Castes, the Scheduled Tribes and women shall precede such determination for the offices of the *Sahakari Sabhapati*:

²Provided also that if, for any term of election (hereinafter referred to in this proviso as the said term of election), the office of the *Sabhapati* in a *Panchayat Samiti* is reserved for any category of persons in terms of the rules in force, the office of the *Sahakari Sabhapati* in that *Panchayat Samiti* shall not be reserved for the said term of election for any category and if, in accordance with the rules applicable to the office of the *Sahakari Sabhapati*, such office is required to be reserved for the said term of election, such reservation for the same category shall be made in another office of the *Sahakari Sabhapati* within the district in the manner prescribed, keeping the total number of offices so reserved for the said term of election equal to the number of such offices required to be reserved in accordance with the rules in force:

²Provided also that when in any term of election, an office of the *Sahakari Sabhapati* is not reserved on the ground that the corresponding office of the *Sabhapati* is reserved in the manner prescribed, such office of the *Sahakari Sabhapati* not reserved on the ground as aforesaid, shall be eligible for consideration for reservation during the next term of election in the manner prescribed:

¹Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section or elsewhere in this Act, the principle of rotation for the purpose of reservation of offices under this sub-section shall commence from the first election to be held after the coming into force of section 26 of the West Bengal *Panchayat (Amendment) Act, 1994*, and the roster for reservation by rotation shall continue for every three successive terms for the complete rotation unless the Slate Election Commissioner, for reasons to be recorded in writing and

by notification, directs fresh commencement of the rotation at any stage excluding one or more terms from the operation of the rotation:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman, for whom the offices are reserved under this sub-section, shall, if eligible for the office of the *Sabhapati* or *Sahakari Sabhapati*, be disqualified for election to any office not so reserved:

Provided also that the provisions for reservation of the offices of the *Sabhapati* and the *Sahakari Sabhapati* for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India.

- (2) The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.
- (3) The *Sabhapati* and the *Sahakari Sabhapati* shall, subject to the provisions of section 101 and to their continuing as members, hold office for a period of ²[five years]:

³ * * * * *

- (4) When—
 - (a) the office of the *Sabhapati* falls vacant by reason of death, resignation, removal or otherwise, or
 - (b) the *Sabhapati* is, by reason of leave, illness or other cause, temporarily unable to act, the *Sahakari Sabhapati* shall exercise the powers, perform the functions and discharge the duties of the *Sabhapati* until a new *Sabhapati* is elected and assumes office or until the *Sabhapati* resumes his duties, as the case may be.
- (5) When—
 - (a) the office of the *Sahakari Sabhapati* falls vacant by reason of death, resignation, removal or otherwise, or
 - (b) the *Sahakari Sabhapati* is, by reason of leave, illness or other cause, temporarily unable to act, the *Sabhapati* shall exercise the powers, perform the functions and discharge the duties of the *Sahakari Sabhapati* until a new *Sahakari Sabhapati* is elected and assumes office or until the *Sahakari Sabhapati* resumes his duties, as the case may be.
- (6) When the offices of the *Sabhapati* and the *Sahakari Sabhapati* are both vacant or the *Sabhapati* and the *Sahakari Sabhapati* are temporarily unable to act, the prescribed authority may appoint '[for a period of thirty days at a time a *Sabhapati* and a *Sahakari Sabhapati* from among the members of the *Panchayat Samiti* to act as such

until a *Sabhapati* or a *Sahakari Sabhapati* is elected ²[and assumes office or until the *Sabhapati* or the *Sahakari Sabhapati* resumes duties, as the case may be]

³ * * * * *

- (7) The *Sabhapati* and the *Sahakari Sabhapati* of a *Panchayat Samiti* shall be paid out of the *Panchayat Samiti* Fund such ⁴[remuneration] and allowances and shall be entitled to leave of absence for such period or periods and on such terms and conditions, as may be prescribed.
- (8) ⁵Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a *Sabhapati* or a *Sahakari Sabhapati* from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to interfere with due exercise of his powers, performance of his functions or discharge of his duties:

Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.

Section : 99

Key Word : Registration of Sabhapati and Sahakari Sabhapati or a member. (Part III.-Panchayat Samiti -Chapter VIII – Constitution of Panchayat Samiti - Section - 99)

- (1) A *Sabhapati* or a *Sahakari Sabhapati* or a member of a *Panchayat Samiti* may resign his office by notifying in writing his intention to do so to the prescribed authority and on such resignation being accepted the *Sabhapati*, the *Sahakari Sabhapati* or the member shall be deemed to have vacated his office.
- (2) When a resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the *Panchayat Samiti* within thirty days of such acceptance.

Section : 100

: Removal of member of Panchyat Samiti. (Part III.-Panchyat Samiti -Chapter VIII – Constitution of Panchyat Samiti -Section - 100)

- (1) The prescribed authority may, after giving opportunity to a member of a *Panchayat Samiti* '[other than an *ex officio* member] to show cause against the action proposed to be taken against him, by order remove him from office—

- (a) if after he becomes a member he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or
- (b) if he was disqualified to be a member of the *Panchayat Samiti* at the time of his becoming a member; or
- (c) if he incurs any of the disqualifications mentioned in clauses (b) to (g) of section 97 after his becoming a member of the *Panchayat Samiti*; or
- (d) if he is absent from three consecutive meetings of the *Panchayat Samiti* without the leave of the *Panchayat Samiti* ² * * * * *; or
- (e) if he does not pay any arrear in respect of any tax, toll, fee or rate payable under this Act or the Bengal Village Self-Government Act, 1919 or the West Bengal *Panchayat Act*, 1957, or the West Bengal *Zilla Parishads Act*, 1963.
- (2) Any member of a *Panchayat Samiti* who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.
- (3) The order passed by such authority on such appeal shall be final.

3 * * * * *

Section : 101

Removal of Sabhapati and Sahakari Sabhapati. (Part III.-Panchyat Samiti -Chapter VIII – Constitution of Panchyat Samiti -Section - 101)

¹[Subject to the other provisions of this section, a *Sabhapati* or a *Sahakari Sabhapati*] of a *Panchayat Samiti* may, at any time, be removed from office ²[by a resolution carried by the majority of the existing members referred to in clause (ii) of sub-section (2) of section 94] at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:

Provided that at any such meeting while any resolution for the removal of the *Sabhapati* from his office is under consideration, the *Sabhapati* or while any resolution for the removal of the *Sahakari Sabhapati* from his office is under consideration, the *Sahakari Sabhapati* shall not, though he is present, preside, and the provisions of subsection (2) of section 105 shall apply in relation to every such meeting as they apply in relation to a

meeting from which the *Sabhapati* or, as the case may be, the *Sahakari Sabhapati* is absent:

Provided further that no meeting for the removal of the *Sabhapati* or the *Sahakari Sabhapati* under this section shall be convened within a period of one year from the date of election of the *Sabhapati* or the *Sahakari Sabhapati*:

³Provided also that if, at a meeting convened under this section, either no meeting is held or no resolution removing an office bearer is adopted, no other meeting shall be convened for the removal of the same office bearer within six months from the date appointed for such meeting.

Section : 102

Filling of casual vacancy in the office of Sabhapati and Sahakari Sabhapati. (Part III.-Panchyat Samiti -Chapter VIII – Constitution of Panchyat Samiti-Section - 102)

In the event of removal of a *Sabhapati* or a *Sahakari Sabhapati* under section 101 or when a vacancy occurs in the office of a *Sabhapati* or a *Sahakari Sabhapati* by resignation, death or otherwise, the *Panchayat Samiti* shall elect another *Sabhapati* or *Sahakari Sabhapati* in the prescribed manner.

Section : 103

Key Word : Filling of casual vacancy in the office of member of Panchyat Samiti. (Part III.-Panchyat Samiti -Chapter VIII – Constitution of Panchyat Samiti -Section - 103)

If the office of a member of a *Panchayat Samiti* becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled in the prescribed manner.

Section : 104

Term of office of Sabhapati,Sahakari Sabhapati or member filling casual vacancy. (Part III.-Panchyat Samiti -Chapter VIII – Constitution of Panchyat Samiti -Section - 104)

Every *Sabhapati* or *Sahakari Sabhapati* elected under section 102 and a person who becomes a member under section 103 to fill a casual vacancy shall hold office for the

unexpired portion of the term of office of the person in whose place he becomes a member.

Section : 105

Meetings of Panchayat Samiti. (Part III.-Panchyat Samiti -Chapter VIII – Constitution of Panchyat Samiti -Section - 105) Meetings of Panchyat Samiti. (Part III.-Panchyat Samiti -Chapter VIII – Constitution of Panchyat Samiti -Section - 105)

Panchayat Samiti shall hold a meeting ¹[in its office at least once in every three months on such date and at such hour as the *Panchayat Samiti* may fix at the immediately preceding meeting:]

Provided that the first meeting of a newly-constituted *Panchayat Samiti* shall be held ²[on such date and at such hour and at such place within the local limits of the-Block concerned] as the prescribed authority may fix:

Provided further that the *Sabhapati* when required in writing by one-fifth of the members of the *Panchayat Samiti* to call a meeting, ³[shall do so fixing the date and hour of meeting ⁴(to be held) within fifteen days after giving intimation to the prescribed authority and seven days' notice to the members of the *Panchayat Samiti*], failing which ⁵[the members aforesaid may call a meeting ⁶(to be held) within thirty-five days] after giving intimation to the prescribed authority and seven clear days' notice to the *Sabhapati* and the other members of the *Panchayat Samiti*. Such meeting shall be held ⁷[in the office of the *Panchayat Samiti* on such date and at such hour] as the members calling the meeting may decide. ⁸[The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him within a week of the meeting on the proceedings of the meeting. The prescribed authority shall, on receipt of the report, take such action thereon as it may deem fit:]

¹Provided also that for the purpose of convening a meeting under section 101, at least one-fifth of the members referred to in clause (ii) of sub-section (2) of section 94 shall require the *Sabhapati* to convene the meeting:

²Provided also that if the '*Panchayat Samiti* does not fix at any meeting the date and hour of the next meeting or if any meeting of the *Panchayat Samiti* is not held on the date and hour fixed at the immediately preceding meeting, the *Sabhapati* shall call a meeting of the *Panchayat Samiti* on such date and at such hour as he thinks fit.

(2) The *Sabhapati* or in his absence the *Sahakari Sabhapati* shall preside at the meeting of the *Panchayat Samiti* and in the absence of both ³[or on the refusal of any or both to preside at a meeting], the members present shall elect one of them to be the President of the meeting.

(3) One-fourth of the total number of members shall form a quorum for a meeting of a *Panchayat Samiti*:

Provided that no quorum shall be necessary for an adjourned meeting.

- (4) All questions coming before a *Panchayat Samiti* shall be decided by a majority of votes:

Provided that in case of equality of votes the person presiding shall have a second or casting vote:

⁴Provided further that in case of a requisitioned meeting for the removal of a *Sabhapati* or a *Sahakari Sabhapati* under section 101, the person presiding shall have no second or casting vote.

Section : 107

Report on the work of Panchyat samiti. (Part III.-Panchyat Samiti -Chapter VIII – Constitution of Panchyat Samiti -Section - 107)

The *Panchayat Samiti* shall prepare in the prescribed manner a report on the work done during the previous year and the work proposed to be done during the following year and submit it to the prescribed authority and to the *Zilla Parishad* concerned within the prescribed time.

Section : 108

Key Word : Block development Officer to attend meeting. (Part III.-Panchyat Samiti -Chapter VIII – Constitution of Panchyat Samiti -Section - 108)

The Block Development Officer shall attend meetings of the *Panchayat Samiti* and shall participate in the deliberations thereof.

Chapter IX Powers and duties of Panchayat Samiti

Section : 109

Key Word Power of Panchyat Samiti. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 109) Power of Panchyat Samiti. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 109)

(1) ¹[A *Panchayat Samiti* shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall prepare—

(i) a development plan for the five-year term of the office of the members, and

(ii) an annual plan for each year by the month of January of the preceding year,

in furtherance of its objective of development of the community as a whole and socio-economic upliftment of the individual members of the community and, without prejudice to the generality of the above provisions, shall have power to—]

(a)

(i) ²undertake schemes or adopt measures, including the giving of financial assistance, relating to the development of agriculture, fisheries, live stock, *khadi*, cottage and small-scale industries, co-operative movement, rural credit, water-supply, irrigation and minor irrigation including water management and watershed development, public health and sanitation including establishment and maintenance of dispensaries and hospitals, communication, primary and secondary education, adult and non-formal education, welfare of students, social forestry and farm forestry including fuel and fodder, rural electrification including distribution, non-conventional energy sources, women and child development, social welfare and other objects of general public utility;

(ii) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority;

(iii) manage or maintain any work of public utility or any institution vested in it or under its control and management;

(iv) make grants in aid of any school, public institution or public welfare organisation within the Block;

(b) make grants to the *Zilla Parishad* ¹[or *Mahakuma Parishad* or Council] or *Gram Panchayat*:

(c) contribute with the approval of the State Government such sum or sums as it may decide, towards the cost of water-supply or anti-epidemic measures undertaken by a municipality within the Block;

(d) adopt measures for the relief of distress;

- (e) co-ordinate and integrate the development plans and schemes prepared by *Gram Panchayats* in the Blocks if and when necessary;

2* * * * *

- (2) Notwithstanding anything in sub-section (1), a *Panchayat Samiti* shall not undertake or execute any scheme confined to an area over which a *Gram Panchayat* has jurisdiction unless the *Gram Panchayat* is of opinion that the implementation of such a scheme is beyond its competence financially or otherwise and passes a resolution to that effect. In the latter case the *Panchayat Samiti* may execute the scheme itself or entrust its execution to the *Gram Panchayat*. and give such assistance as may be required:

³Provided that a *Panchayat Samiti* may undertake or execute any scheme referred to in sub-clause (ii) of clause (a) of sub-section (1) confined to an area over which a *Gram Panchayat* has jurisdiction.

- (3) A *Panchayat Samiti* may undertake or execute any scheme if it extends to more than one *Gram*.

Section : 110

State Government may place other property under Panchyat Samiti. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 110)

The State Government may, from time to time, with the consent of a *Panchayat Samiti*, place any road, bridge, ferry, channel, building or other property vested in the State Government and situated within the Block under the control and management of the *Panchayat Samiti* subject to such conditions as it may specify:

Provided that the State Government may, after considering the views of the *Panchayat Samiti*, withdraw such control and management to itself subject to such conditions as it may specify.

Section : 111

Power of Panchyat Samiti to transfer roads or properties to the State Government or the Zilla Parishad or a Gram Panchyat. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 111)

A *Panchayat Samiti* may transfer to the State Government or to the *Zilla Parishad* ²[or *Mahakuma Parishad* or Council] ³[or to a *Gram Panchayat*] any road or part of a road or

any other property, which is under its control or management, or which is vested in it, on such terms and conditions as may be agreed upon.

Section : 112

Key Word : Panchyat Samiti may take over works. (Part III.-Panchyat Samiti - Chapter IX – Power and duties of Panchyat Samiti -Section - 112) Panchyat Samiti may take over works. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 112)

A *Panchayat Samiti* may take over the maintenance and control of any road, bridge, tank, *ghat*, well, channel or drain, belonging to a private owner or any other authority on such terms as may be agreed upon.

Section : 113

Key Word : Power of Panchyat Samiti to divert,discontinue or close road. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 113) Power of Panchyat Samiti to divert,discontinue or close road. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 113)

A *Panchayat Samiti* may direct, discontinue or close temporarily any road, which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

Section : 114

Key Word : Vesting Panchyat Samiti with certain powers. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 114)

- (1) A *Panchayat Samiti* may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.
- (2) A *Panchayat Samiti* shall perform such functions as may be transferred to it by notification under section 31 of the Cattle Trespass Act, 1871.
- (3) A *Panchayat Samiti* shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

¹114A.

- (1) ²Without prejudice to the generality of the power under section 114 and notwithstanding anything contained in sections 23, 24 and 25, the State Government may, in the public interest, declare, by notification, its intention to prepare and publish a Development Plan in respect of an area within the jurisdiction of a

Panchayat Samiti in accordance with such procedure as may be prescribed or in accordance with the provisions of any other law for the time being in force and, upon the issue of such notification, no new structure or new building shall be erected or constructed or no addition to any structure or building shall be made in such area except with the permission granted by the *Panchayat Samiti* or any authority, person or persons as may be empowered by the *Panchayat Samiti* in this behalf and except in accordance with such specifications and conditions as may be prepared and published by the *Panchayat Samiti* or such authority, person or persons, as the case may be.

- (2) Upon the publication of a Development Plan under subsection (1), ³[the provisions of sections 23, 24 and 25] shall cease to be in force in the area referred to in sub-section (1).
- (3) The State Government may, by order, direct the *Panchayat Samiti* to make such contribution and grant to one or more *Gram Panchayats* out of the tolls, rates and fees levied by it under section 133 as may be specified in the order.
- (4) The State Government may, by order, authorise any officer to render advice, technical or otherwise, to the *Panchayat Samiti* on the performance of its functions and discharge of its duties under this section and, on receipt of such advice, the *Panchayat Samiti* shall give due consideration to such advice in a meeting specially convened for the purpose within a period of two months from the date of receipt of such advice.
- (5) Where any new structure or new building is erected or constructed or any addition to any structure or building is made in contravention of the provisions of sub-section (1), the *Panchayat Samiti* may, after giving the owner of such structure or building, as the case may be, an opportunity of being heard, make an order directing the demolition of the structure or the building, as the case may be, by the owner within such period as may be specified in the order and, in default, the *Panchayat Samiti* may itself effect the demolition and recover the cost thereof from the owner as a public demand.
- (6) Without prejudice to the provisions of sub-section (5), whoever erects any new structure or constructs any new building or makes any addition to any structure or building in contravention of the provisions of sub-section (.1), shall, on conviction by a Court, be punishable with fine not exceeding, in each case, one hundred rupees per square meter per month for the area comprising the unauthorised erection or construction or addition, as the case may be, for the period during which such contravention continues, subject to a maximum of two thousand rupees in each such case.
- (7) ¹* * * * *
- (8) If it appears to the *Panchayat Samiti* ²[or the authority, person or persons empowered under sub-section (1)] that it is expedient in the interest of the proper planning of its areas (including the interest or amenities), having regard to the

Development Plan prepared, or under preparation, or to be prepared, and to any other material consideration,—

- (a) that any use of land should be discontinued, or
- (b) that any conditions should be imposed on the continuance thereto, or
- (c) that any building or works should be altered or removed, ³[the *Panchayat Samiti* or the authority, person or persons as aforesaid may] by notice served on the owner—
 - (i) require discontinuance of that use, or
 - (ii) impose such conditions as may be specified in the notice on the continuance thereof, or
 - (iii) require such steps, as may be specified in the notice, to be taken for the alteration or removal of any buildings or works, as the case may be, within such period, being not less than one month, as may be specified therein, after the service of the notice.
- (9) Any person aggrieved by any such notice may, within the period specified in the notice, apply to the authority for the cancellation or modification of the notice.
- (10) If an application is filed under sub-section (9), the authority or any officer of the authority, appointed in this behalf, may dismiss the application or accept it by quashing or varying the notice as he may think fit.
- (11) If any person—
 - (a) who has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or
 - (b) who has carried out any work in compliance of the notice, claims from the *Panchayat Samiti* ¹[or the authority, person or persons empowered under sub-section (1)] within the time and in the manner prescribed, for an amount in respect of that damage or of any expenses reasonably incurred by him for complying with the notice, the claim shall be disposed of by the *Panchayat Samiti* ¹[or the authority, person or persons empowered under sub-section (1)] in the manner as prescribed.
- (12) After publication of Development Plan under sub-section (1) and subject to the provisions relating to the development charge and other provisions under this section, no development, institution or change of use of any land shall be undertaken or carried out in that area without obtaining a certificate from the *Panchayat Samiti* or its authorised officer certifying that the development charge as leviable under this section has been paid or that no such development charge is leviable:

Provided that the State Government may, by notification, exempt any development, institution or change of use of any land from the operation of the provisions of this sub-section.

(13) Any person or body (excluding a department of the Central or the State Government or any local authority) intending to carry any development on any land shall make an application in writing to the *Panchayat Samiti* or an officer authorised by it for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed.

(14) On such application having been duly made and on payment of the development charge as may be assessed, the *Panchayat Samiti* or the authorised officer may pass an order,—

- (i) granting permission unconditionally; or
- (ii) granting permission, subject to such conditions as it may think fit; or
- (iii) refusing permission:

Provided that without prejudice to the generality of clauses (i) to (iii) of this sub-section, the concerned authority may impose conditions—

- (i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land permitted shall be discontinued;
- (ii) for regulating the development or use of any other land under the control of the applicant or for the carrying out of works on any such land as may appear to the authority expedient for the purpose of the permitted development:

Provided further that the concerned authority in dealing with the applications for permission shall have regard to the provisions of the Development Plan prepared, under preparation or to be prepared and any other material consideration:

Provided also that when permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order and the order shall be communicated to the applicant:

Provided also that in the case of a department of the Central or the State Government or any local authority intending to carry out any development, other than operational construction (which shall always be outside the purview of the *Panchayat Samiti*), on any land, the concerned department or authority, as the case may be, shall notify in

writing to the *Panchayat Samiti* of its intention to do so, giving full particulars thereof and accompanied by such documents and plans as may be directed by the State Government from time to time, at least, one month prior to the undertaking of such development.

- (15) In accordance with the provisions of this section and the rules made thereunder and subject to such conditions ¹[as may be laid down by the *Panchayat Samiti* or the authority, person or persons empowered under sub-section (1)], a *Panchayat Samiti* shall levy a charge (hereinafter called the development charge) on the carrying out of any development or change of use of land, for which permission is required under this section, in the whole or any part of the area covered by the notification under sub-section (1) at a rate not exceeding those specified in the rules in this behalf by the State Government:

Provided that the rates may be different for different parts of the area under notification under sub-section (1):

Provided further that the charge shall be leviable on any person who undertakes or carries out such development or changes any such use:

Provided also that no development charge shall be levied on development, or change of use, of any land vested in or under the control or possession of the Central Government, the State Government or any local authority:

Provided also that the State Government may, by rules, provide for the exemption from the levy of development charge of any development or change of any use of any land specified in the rules.

- (16) Where the erection of any building or the execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the permission under sub-section (1) or in contravention of any other provisions of this section or the rules made thereunder, the *Panchayat Samiti*, or any officer authorised in this behalf by the *Panchayat Samiti*, may, in addition to any other action that may be taken under this section, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or the work has been commenced or is being carried on or has been completed within such period, not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to such person, as may be specified in the order:

Provided that no order of demolition shall be made unless such person has been given, by means of a notice served in such manner as may be prescribed, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that where the erection or the execution has not been completed, the *Panchayat Samiti* or the authorised officer may by the same order or by a separate order, whether made at the time of issue of the notice under the first proviso or at any other time, direct such person to stop the erection or the execution until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred:

Provided also that any person aggrieved by such order of the *Panchayat Samiti* or its authorised officer may, within thirty days from the date of the order, prefer and appeal against the order to the Sub-divisional Officer having jurisdiction and when an appeal is preferred, the said Sub-divisional Officer may stay the enforcement of the order on such term as he may think fit:

Provided also that every order made by the Sub-divisional Officer on an appeal and, subject to such order, the order made by the *Panchayat Samiti* or its authorised officer shall be final and conclusive:

Provided also that where no appeal has been preferred against an order made by the *Panchayat Samiti* or its authorised officer or where an order has been confirmed on appeal, whether with or without modification, the person against whom the order has been made shall comply with the order within the period specified therein or, as the case may be, within the period, if any, fixed by the Sub-divisional Officer on appeal, and on the failure of such person to comply with the order within such period, the *Panchayat Samiti* or its authorised officer may itself or himself cause the building or the work to which the order relates to be demolished and the expenses for such demolition shall be recoverable from such person as a public demand.

(17) The *Panchayat Samiti* or its authorised officer may, at any time before the issue of the order under sub-section (16), by order, require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(18) The *Panchayat Samiti* or its authorised officer may, at any time during the erection of any building or the execution of any work or at any time within three months after the completion thereof, by a written notice, specify any matter in respect of which such erection or execution is without or contrary to this section or is in contravention of any of the provisions of this section or the rules made thereunder and require the person at whose instance the building or the work has been commenced or is being carried on or the owner of such building or work either—

(a) to make such alterations as may be specified by the *Panchayat Samiti* or its authorised officer in the notice with the object of bringing the building or the work in conformity with such sanction or such provisions of this section or the rules made thereunder, or

- (b) to show cause, within such period as may be stated in the notice, why such alterations should not be made:

Provided that if such person or such owner does not show any cause as aforesaid, he shall be bound to make the alteration specified in the notice:

Provided further that if such person or such owner shows the cause as aforesaid, the *Panchayat Samiti* or its authorised officer shall, by an order, either cancel the notice issued or confirm the same subject to such modifications as he thinks fit.

Section : 115

Power of supervision by Panchyat Samiti over the Gram Panchyat,etc. (Part III.- Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 115) Power of supervision by Panchyat Samiti over the Gram Panchyat,etc. (Part III.- Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 115)

(1) A *Panchayat Samiti* shall exercise general powers of supervision over *Gram Panchayats* in the Block and it shall be the duty of these authorities to give effect to the directions of the *Panchayat Samiti*.² * * * *

(2) ³A *Panchayat Samiti* may—

- (a) inspect, or cause to be inspected, any immovable property used or occupied by *Gram Panchayat* within the Block or any work in progress under the direction of a *Gram Panchayat*,
- (b) inspect or examine, or depute an officer to inspect or examine, any department of a *Gram Panchayat*, or any service, work or thing under the control of the *Gram Panchayat*,
- (c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the *Gram Panchayats* by the State Government for execution either directly or through the *Zilla Parishad*⁴ [or the *Mahakuma Parishad* or Council] or the *Panchayat Samiti*,
- (d) require a *Gram Panchayat*, for the purpose of inspection or examination,—
- (i) to produce any book, record, correspondence or other documents, or
- (ii) to furnish any return, plan, estimate, statement of accounts or statistics, or
- (iii) to furnish or obtain any report or information.

¹115A.

- (1) Every *Panchayat Samiti* shall have a Block *Sansad* consisting of all members of the *Gram Panchayats* pertaining to the Block and all members of that *Panchayat Samiti*.
- (2) Every *Panchayat Samiti* shall hold an annual and a half-yearly meeting of such Block *Sansad* at such time and place and in such manner, as may be prescribed.
- (3) One-tenth of the total number of members shall form a quorum for a meeting of Block *Sansad*: Provided that if no quorum is available for such meeting, the meeting shall be adjourned to be held at the same time and place on the seventh day from the date of such meeting in the manner as may be prescribed.
- (4) A meeting of the Block *Sansad* shall be presided over by the *Sabhapati* and in his absence by the *Sahakari Sabhapati* of the *Panchayat Samiti*.
- (5) The Block *Sansad* shall guide and advise the *Panchayat Samiti* for all matters relating to development including preparation of annual plan and budget, implementation of development programmes, schemes, or projects and for undertaking such activities for economic development and for ensuring social justice as are undertaken or proposed to be undertaken by the *Panchayat Samiti*:

Provided that for such guidance and advice, any member of the Block *Sansad* on receipt of the notice for any such meeting, may demand in writing to the Executive Officer for placement of any document such as last report on inspection of accounts of the funds of the *Panchayat Samiti* by the Audit team, budget, Annual Action Plan and on receipt of such demand the Executive Officer with the consent of the *Sabhapati*, shall place such documents in the meeting for deliberation:

Provided further that the deliberations, recommendation and observations passed in the meeting of the Block *Sansad*, shall be considered in the meeting of the *Panchayat Samiti* as soon as possible within one month from the date of the meeting of the Block *Sansad* and the decision of the *Panchayat Samiti* along with the action taken report shall be placed in the next meeting of the Block *Sansad*.

Section : 116

Key Word : Power of prohibit certain offensive and dangerous trades without licence and to levy fee. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 116) Power of prohibit certain offensive and dangerous trades without licence and to levy fee. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 116)

- (1) No place within a Block shall ¹[on conviction by a Magistrate,] be used for any trade or business declared by the State Government, by notification, to be offensive or dangerous, without a license, which shall be renewable annually, granted by the *Panchayat Samiti*, subject to such terms and conditions as the *Panchayat Samiti* may think fit to impose.
- (2) The *Panchayat Samiti* may levy in respect of any license granted by it under sub-section (1) a fee subject to the maximum rate prescribed by the State Government under sub-section (1) of section 133.
- (3) Whoever uses without a license any place for the purpose of any trade or business declared under sub-section (1) to be offensive or dangerous, or fails to comply with any condition in respect of such license, shall be punished with a fine, which may extend to one hundred rupees, and to a further fine, which may extend to twenty-five rupees for each day after conviction during which he continues to do so.
- (4) The *Panchayat Samiti* may, upon the conviction of any person for failure to comply with any condition of a license granted under subsection (1), suspend or cancel the license granted in favour of such person.

Section : 117

Key Word : Power of Panchyat Samiti to grant licence for hat or market. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 117)
Power of Panchyat Samiti to grant licence for hat or market. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 117)

A *Panchayat Samiti* may require the owner or the lessee of a *hat* or market or an owner or a lessee of land intending to establish a *hat* or market thereon, to obtain a license in this behalf from the *Panchayat Samiti* on such terms and conditions as may be prescribed and subject to the provisions of section 133, on payment of a fee for such license.

Section : 118

Key Word : Powers,functions and duties of Sabhapati and Sahakari Sabhapati. (Part III.-Panchyat Samiti -Chapter IX – Power and duties of Panchyat Samiti -Section - 118)

(1) The *Sabhapati* shall—

- (a) be responsible for maintenance of the records of the *Panchayat Samiti*;

- (b) have general responsibility for the financial and executive administration of the *Panchayat Samiti*;
- (c) exercise administrative supervision and control over the work of the staff of the *Panchayat Samiti* and the officers and employees whose services may be placed at the disposal of the *Panchayat Samiti* by the State Government;
- (d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the *Panchayat Samiti* under this Act or the rules made thereunder:

Provided that the *Sabhapati* shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the *Panchayat Samiti* at a meeting;

- (e) exercise such other powers, perform such other functions and discharge such other duties as the *Panchayat Samiti* may, by general or special resolution, direct or as the State Government may by rules made in this behalf, prescribe.

¹*Explanation.*—For the purpose of discharge of responsibility and exercise of administrative supervision and control, the *Sabhapati* shall rely on the Executive Officer referred to in section 119 and shall generally act through him.

(2) the *Sahakari Sabhapati* shall—

- (a) exercise such of the powers, perform such of the functions and discharge such of the duties of the *Sabhapati* as the *Sabhapati* may, from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing:

Provided that the *Sabhapati*, may at any time withdraw the powers and functions delegated to the *Sahakari Sabhapati*:

- (b) during the absence of the *Sabhapati*, exercise all the powers, perform all the functions and discharge all the duties of the *Sabhapati*;
- (c) ²exercise such other powers, perform such other functions and discharge such other duties as the *Panchayat Samiti* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

Chapter X

Establishment of the Panchayat Samiti

Section : 119

Key Word : Staff of the Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter X – Establishment of the Panchayat Samiti -Section - 119) Staff of the Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter X – Establishment of the Panchayat Samiti - Section - 119)

(1) There shall be an Executive Officer for every *Panchayat Samiti* and the Block Development Officer shall be the *ex officio* Executive Officer: Provided that such Block Development Officer shall be recalled by the State Government if a resolution to that effect is passed by the *Panchayat Samiti*, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being.

(1A) ¹There shall be a Joint Executive Officer for every *Panchayat Samiti* and the Joint Block Development Officer of the Block shall be the *ex officio* Joint Executive Officer.

(1B) ¹There shall be a Secretary for every *Panchayat Samiti* and the Extension Officer, *Panchayats* shall be the *ex officio* Secretary.

(2) ²[Subject to such rules as may be made by the State Government, a *Panchayat Samiti*] may appoint such other officers and employees as may be required by it and may fix the salaries to be paid to the persons so appointed: Provided that no post shall be created or abolished and no revision of the scale of pay of any post shall be made by the *Panchayat Samiti* without the prior approval of the State Government:

³Provided further that subject to the decision of the *Panchayat Samiti*, the orders relating to appointment and other service matters concerning any post under the *Panchayat Samiti* ⁴[shall be signed by, and be issued by or on behalf of, the Executive Officer.]

(3) ⁵The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the employees of the *Panchayat Samiti*.

Section : 120

Key Word : Placing the services of the State Government officers at the disposal of the Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter X – Establishment of the Panchayat Samiti -Section - 120)

The State Government may place at the disposal of the *Panchayat Samiti* the services of such officers or other employees serving under it ¹[and on such terms and conditions] as it may think fit: Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the *Panchayat Samiti*, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being: Provided further that the State Government shall have disciplinary control over such officers and employees.

Section : 121

Key Word : Control and punishment of the staff of the Panchyat Samiti. (Part III.- Panchyat Samiti -Chapter X – Establishment of the Panchyat Samiti -Section - 121)

- (1) The Executive Officer shall exercise general control over all officers and employees of the *Panchayat Samiti*.
- (2) The Executive Officer may award any punishment other than dismissal, removal or reduction in rank to an officer or employee ²[of a *Panchayat Samiti*].
- (3) The Executive Officer may recommend the dismissal, removal or reduction in rank of an officer or employee ³[of a *Panchayat Samiti*] to the ⁴[*Artha, Sanstha, Unnayan O Parikalpana*] *Sthayee Samiti* and such *Samiti* shall forward the case to the *Panchayat Samiti* with its own recommendation. The *Panchayat Samiti* may, if it is satisfied with such recommendation of the ⁴(*Artha, Sanstha, Unnayan O Parikalpana*) *Sthayee Samiti*, dismiss, remove or reduce in rank and such officer or employee.
- (4) No officer or other employee ⁵[of a *Panchayat Samiti*] shall be punished by the *Panchayat Samiti* except by a resolution of the *Panchayat Samiti* passed at a meeting.

Section : 123

Key Word : Exercise of powers,etc.,by the officers and employees. (Part III.- Panchyat Samiti -Chapter X – Establishment of the Panchyat Samiti -Section - 123)

Subject to the provisions of (his Act, the rules framed thereunder and to any general or special directions given by (he State Government in that behalf the officers and other employees employed by the *Panchayat Samiti* and the officers and other employees whose services have been placed at the disposal of the *Panchayat Samiti* shall exercise such powers, perform such functions and discharge such duties as the *Panchayat Samiti* may determine.

Section : 124

Key Word : Sthayee Samiti. (Part III.-Panchyat Samiti -Chapter XI – Sthayee Samiti of the Panchyat Samiti -Section - 124) Sthayee Samiti. (Part III.-Panchyat Samiti -Chapter XI – Sthayee Samiti of the Panchyat Samiti -Section - 124)

(1) A *Panchayat Samiti* shall have the following *Sthayee Samitis*. namely:—

(i) ¹[*Artha, Sanstha, Unnayan O Parikalpana*] *Sthayee Samiti*.

(ii) *Janasasthya* ²[*O Paribesh*] *Sthayee Samiti*.

(iii) *Purta Karya* ³[*O Paribahan*] *Sthayee Samiti*,

(iv) *Krishi Sech O -Samabaya Sthayee Samiti*,

(v) ⁴[*Shiksha, Sanskriti, Tathya O Krira*] *Sthayee Samiti*,

(vi) ⁵[*Sishu O Nari Unnayan, Janakalyan O Tran*] *Sthayee Samiti*,

(via) ⁶*Ban O Bhumi Sanskar Sthayee Samiti*,

(vib) ⁶*Matsya O Prani Sampad Bikash Sthayee Samiti*,

(vic) ⁶*Khadya O Sarbaraha Sthayee Samiti*,

⁶(vid) ⁷[*Khudra Shilpa, Bidyut O Achiracharit Shakti*] *Sthayee Samiti*,

(vii) Such other *Sthayee Samiti* or *Samitis* as the *Panchayat Samiti* may, subject to the approval of the State Government constitute.

(2) A *Sthayee Samiti* shall consist of the following members, namely:—

(a) the *Sabhapati* ¹[and *Sahakari Sabhapati*] of the *Panchayat Samiti*, *ex officio*:

(b) ²[Without prejudice to the provisions in clause (ba)] not less than three and not more than five persons to be elected in the prescribed manner by the members of the *Panchayat Samiti* from among themselves;

³(ba) the *Karmadhyakshas* elected in other *Sthayee Samitis* as referred to in section 125 shall be *ex officio* members of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* referred to in sub-section (1) and no member shall be elected in the manner referred to in clause (b);

- ³(bb) leader of the recognized political party in opposition having largest number of members in the *Panchayat Samiti* in comparison with other recognized political parties in opposition shall be a member of *the Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*;
- ³(bc) one member from each recognized political party in opposition shall be selected to be a member of each of the *Sthayee Samitis* other than ⁴[*the Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, if no member in opposition is elected in a *Sthayee Samiti* referred to in clause (b):]

Provided that the members selected from the recognized political party having larger number of members in the *Panchayat Samiti* shall be the member of *Sthayee Samiti* placed higher in the consecutive order in sub-section (1):

Provided further that if the number of recognised ⁵[political] parties in opposition is less than the number of *Sthayee Samitis*, the independent candidates in opposition in *Panchayat Samiti* shall be members of the *Sthayee Samitis* for which no member of the recognized political parties are available and the member senior in age shall be placed as member in the *Sthayee Samiti* placed higher in the order of sub-section (1):

Provided also that if the number of recognized political parties added with number of independent members falls short of the number of *Sthayee Samitis*, one additional member from each such political party in opposition in *Panchayat Samiti*, shall be chosen for membership in the *Sthayee Samitis* where no member in terms of this clause has been provided and the same sequential order shall be followed for placement of a member in a *Sthayee Samiti* and such process shall be repeated until all *Sthayee Samitis* have one member under this clause:

Provided also that a member in opposition may be a member of more than three *Sthayee Samitis* if in a term of general election, not more than three members in opposition are elected in the *Panchayat Samiti*:

Provided also that the members of the recognized political party shall jointly decide and intimate the Executive Officer of the *Panchayat Samiti* by a letter under signature of all such members, the name of the member or members, as the case may be, who shall represent the party as member or members of the *Sthayee Samiti* and in case of an independent member

the Executive Officer shall determine the membership in each *Sthayee Samiti*:

Provided also that the Executive Officer shall place the entire matter of membership under this clause in a meeting of the *Panchayat Samiti* as early as possible in the next meeting.

¹*Explanation*—For the purpose of this clause, a member of the *Panchayat Samiti* shall be considered a member in opposition if in the election of the *Sabhapati* under section 98, he did not cast his vote in favour of the winning candidate or has abstained himself from casting his vote in the said election;

- (c) ²such number of persons being officers of the State Government or of any statutory body or corporation or being eminent persons having specialised knowledge as the State Government may think fit, appointed by the State Government:

Provided that such officers shall not be eligible for election as *Karmadhyaksha* of the *Sthayee Samiti* and shall not have any right to vote.

- (1) No person, other than the *Sabhapati* or the *Sahakari Sabhapati*, shall be a member of more than three *Sthayee Samitis* other than the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*.
 - (2) An elected member of a *Sthayee Samiti* shall hold office for a period of ²[five years] or for so long as he continues to be a member of the *Panchayat Samiti*, whichever is earlier.
 - (3) The meeting of the *Sthayee Samiti* shall be held ³[in the office of the *Panchayat Samiti*] at such time and in such manner as may be prescribed.
 - (4) A *Sthayee Samiti* shall exercise such powers, perform such functions and discharge such duties as may be prescribed or as may be assigned to it by the *Panchayat Samiti*.
 - (5) The State Government may make rules providing for the removal of members of a *Sthayee Samiti* including the *Karmadhyaksha* and for filling up of a casual vacancy.
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Section : 125

Karmadhyaksha and Secretary. (Part III.-Panchyat Samiti -Chapter XI – Sthayee Samiti of the Panchyat Samiti -Section - 125) Karmadhyaksha and Secretary. (Part III.-Panchyat Samiti -Chapter XI – Sthayee Samiti of the Panchyat Samiti -Section - 125)

(1) The members of *a. Sthayee Samiti* shall elect, in such manner as may be prescribed, a Chairman, to be called *Karmadhyaksha*, from among themselves:

Provided that the *Sabhapati* of the *Panchayat Samiti* shall be the *ex officio Karmadhyaksha* of the ⁴[*Artha, Sanstha, Unnayan O Parikalpana*] *Sthayee Samiti*:

Provided further that the members referred to in ⁵[clauses (i) and (iii)] of sub-section (2) of section 94 shall not be eligible for such election.

⁶ * * * * *

¹(3)

- (a) The Extension Officer, *Panchayats* shall act as the Secretary to the ²[*Artha, Sanstha, Unnayan O Parikalpana*] *Sthayee Samiti*.
- (b) ³The members referred to in clauses ⁴[(*a*), (*b*), (*ba*), (*bb*) and (*bc*)] of sub-section (2) of section 124 of a *Sthayee Samiti*, other than the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, shall select, in such manner ⁵[as may be determined by the *Sthayee Samiti* in conformity with such direction as may be issued by one or more orders, general or special, of the State Government], one of the members referred to in clause (c) of that sub-section to act as the Secretary to such *Sthayee Samiti*:

⁶Provided that pending the selection of Secretary to a *Sthayee Samiti* under this clause or during the casual vacancy, if any, in the post of Secretary to a *Sthayee Samiti*, the Secretary of the *Panchayat Samiti* shall act as the Secretary to such *Sthayee Samiti*.

- (c) ³The Secretary to each *Sthayee Samiti* shall, in consultation with the *Karmadhyaksha*, convene the meetings of that *Sthayee Samiti*.

⁷(4)Notwithstanding anything contained in section 118 or elsewhere in this Act, the *Karmadhyaksha* shall—

- (a) be responsible for the financial and executive administration in respect of the schemes and programmes ⁸(under the purview and control of the *Sthayee Samiti* within the budgetary provisions of the *Panchayat Samiti*;

- (b) be entitled, in respect of the work of the *Sthayee Samiti*, to call for any information, return, statement, account or report from the office of the *Panchayat Samiti* and to enter on and inspect any immovable property of the *Panchayat Samiti* or to inspect any work in progress and connected with the functions and duties of the *Sthayee Samiti*;
- (c) be entitled, when authorised by the *Sthayee Samiti*, to require the attendance at its meeting of any officer of the *Panchayat Samiti*;
- (d) exercise such other powers, perform such other functions and discharge such other duties, as the *Panchayat Samiti* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

Section : 126

Key Word : Resignation. (Part III.-Panchyat Samiti -Chapter XI – Sthayee Samiti of the Panchyat Samiti -Section - 126) Resignation. (Part III.-Panchyat Samiti - Chapter XI – Sthayee Samiti of the Panchyat Samiti -Section - 126)

The *Karmadhyaksha* or any other member of a *Sthayee Samiti* may resign his office by giving notice in writing to the *Sabhapati* and on such resignation being accepted by the *Panchayat Samiti* the *Karmadhyaksha* or such member shall be deemed to have vacated his office.

Section : 127

Key Word : Casual vacancy. (Part III.-Panchyat Samiti -Chapter XI – Sthayee Samiti of the Panchyat Samiti -Section - 127)

When a vacancy occurs in the office of a *Karmadhyaksha* or a member of a *Sthayee Samiti* by resignation, death or otherwise, the members of the *Sthayee Samiti* shall elect another *Karmadhyaksha* or ¹[the members of the *Panchayat Samiti* shall elect another] member, as the case may be, in the prescribed manner. The *Karmadhyaksha* or the member so elected shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.

²CHAPTER XIA

Samanway Samiti of office bearers and *Karmadhyakshas*

127A. [(Samanway Samiti.)—Omitted by s. 10 of the West Bengal Panchayat (Amendment) Act, 2003 (West Ben. Act VIII of 2003.)]

Chapter XII

Property and fund of Panchayat samiti

Section : 128

Key Word : Power to acquire, hold and dispose of property. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 128) Power to acquire, hold and dispose of property. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund - Section - 128)

A *Panchayat Samiti* shall have the power to acquire, hold and dispose of property and to enter into contracts:

Provided that in all cases of acquisition or disposal of immovable property the *Panchayat Samiti* shall obtain the previous approval of the State Government.

Section : 129

Key Word : Works constructed by a Panchayat Samiti to vest in it. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 129)

All roads, buildings or other works constructed by a *Panchayat Samiti* with its own funds shall vest in it.

Section : 130

Key Word : Allocation of properties to Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 130) Allocation of properties to Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund - Section - 130)

The State Government may allocate to a *Panchayat Samiti* any public property situated within its jurisdiction, and thereupon such property shall vest in and come under the control of the *Panchayat Samiti*.

Section : 131

Key Word : Acquisition of land for Panchayat Samiti. (Part III.-Panchayat Samiti - Chapter XII – Property and Fund -Section - 131)

Where a *Panchayat Samiti* requires land to carry out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the Collector for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Land Acquisition Act, 1894 and such land shall, on acquisition, vest in the *Panchayat Samiti*.

Section : 132

Key Word : Panchayat Samiti Fund. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 132) Panchayat Samiti Fund. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 132)

(1) For every *Panchayat Samiti* there shall be constituted a *Panchayat Samiti* Fund bearing the name of the *Panchayat Samiti* and there shall be placed to the credit thereof—

- (a) contribution and grants, if any, made by the Central or the State Government including such part of the land revenue collected in the State as may be determined by the State Government;
- (b) contributions and grants, if any, made by the *Zilla Parishad*¹ [or the *Mahakuma Parishad* or the Council] or any other local authority;
- (c) loans, if any, granted by the Central or the State Government or raised by the *Panchayat Samiti* on Security of its assets;
- (d) all receipts on account of tolls, rates and fees levied by it;
- (e) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of the *Panchayat Samiti*;
- (f) all sums received as gift or contributions and all income from any trust or endowment made in favour of the *Panchayat Samiti*;
- (g) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be prescribed; and
- (h) all other sums received by or on behalf of the *Panchayat Samiti*.

¹*Explanation—* A *Panchayat Samiti* shall not receive to the credit of its fund—

- (a) any loan from any individual, severally or jointly, or any member or office bearer of the *Panchayat Samiti*, or

- (b) any gift or contribution from any individual, severally or jointly, or any member or officer bearer of the *Panchayat Samiti* save and except in pursuance of a resolution adopted in a meeting of the *Panchayat Samiti* accepting such gift or contribution and stating the purpose for which such gift or contribution is offered and accepted.
- (2) Every *Panchayat Samiti* shall set apart and apply annually such sum as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees.
- (3) Every *Panchayat Samiti* shall have power to spend such sums as it thinks fit for carrying out the purposes of this Act.
- (4) The *Panchayat Samiti* Fund shall be vested in the *Panchayat Samiti* and the balance to the credit of the Fund shall be kept in such custody as the State Government may, from time to time, direct.

Subject to such general control as the *Panchayat Samiti* may exercise from time to time, all orders and cheques for payments from the *Panchayat Samiti* Fund ²shall be signed by the Executive Officer, or if authorized by the Executive Officer, by the Joint Executive Officer, subject to such order as may be issued by the State Government in this behalf.]

Section : 133

Key Word : Levy of tolls,rates and fees. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 133)

- (1) Subject to such maximum rates as the State Government may prescribe, a *Panchayat Samiti* may—
- (a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a *Kutchra* road or any bridge vested in it or under its management,
- (b) levy tolls in respect of any ferry established by it or under its management,
- (c) levy the following fees and rates, namely:—
- (i) fees on the registration of vehicles;
- (ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and *melas* within its jurisdiction as may be specified by the State Government by notification;
- (iii) a fees for license referred to in sub-section (2) of section 116;
- (iv) a fee for license for a *hat* or market referred to in section 117;

(v) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the *Panchayat Samiti* within its jurisdiction;

(vi) a lighting rate, where arrangement for lighting of public streets and places is made by the *Panchayat Samiti* within its jurisdiction.

(2) The *Panchayat Samiti* shall not undertake registration of a vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and *melas* within its jurisdiction or levy fee therefor if any such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.

Section : 134

Scales of tolls,etc.,to be provided by bye-laws. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 134)

(1) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws.

(2) Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

Section : 135

Key Word : Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 135) Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 135)

A *Panchayat Samiti* may subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act and create a sinking fund for the repayment of such loans.

¹135A. Notwithstanding anything contained in section 135, a *Panchayat Samiti* may borrow money from the State Government or ²* * * * from banks or other financial institutions, for furtherance of its objective on the, basis of specific schemes as may be drawn up by the *Panchayat Samiti* for the purpose.

Section : 136

Budget of the Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 136) Budget of the Panchayat Samiti. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 136)

(1) Every *Panchayat Samiti* shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year 3 * * * *

⁴(2)

- (a) The budget prepared under sub-section (1) shall be written in English and in vernacular of the district or the locality concerned and copies of the budget in both the languages shall be pasted in such prominent places within the Block as may be prescribed, inviting objections and suggestions from the electors of the *Panchayat Samiti*.
- (b) Copies of the budget shall be forwarded to the *Zilla Parishad* or the *Mahakuma Parishad* or the Council, as the case may be, having jurisdiction over the area of the Block for views, if any.
- (c) The *Panchayat Samiti* shall, within such time as may be prescribed and in a meeting specially convened for the purpose and in the presence of at least half of the existing members, consider the objections, suggestions and views, if any, and approve the budget with modifications, if any.
- (d) A copy of the budget approved under clause (c) shall be forwarded to the *Zilla Parishad* or the *Mahakuma Parishad* or the Council, as the case may be, having jurisdiction.
- (2) The *Zilla Parishad* may, within such time as may be prescribed, either approve the budget or return it to the *Panchayat Samiti*, for such modifications as it may direct. On such modifications being made, the budget shall be resubmitted within such time as may be prescribed for approval of the *Zilla Parishad*. If the approval of the *Zilla Parishad* is not received by the *Panchayat Samiti* by the last date of the year, the budget shall be deemed to be approved by the *Zilla Parishad*.

Section : 137

Expenditure. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund - Section - 137)

No expenditure shall be incurred unless the budget is approved ¹[under clause (c) of sub-section (2) of section 136.]

Section : 138

Key Word : Supplementary budget. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 138)Supplementary budget. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 138)

(1) ²The *Panchayat Samiti* may prepare in each year a supplementary estimate providing for any modification of its budget and ²[may approve if in a meeting specially convened for the purpose and in the presence of at least half of the existing members] for approval within such time and in such manner as may be prescribed.

(2) ³A copy of the supplementary estimate as approved under subsection (1) shall be forwarded to the *Zilla Parishad* or the *Mahakuma Parishad* or the Council, as the case may be, having jurisdiction.

Section : 139

Key Word : Accounts. (Part III.-Panchayat Samiti -Chapter XII – Property and Fund -Section - 139)

A *Panchayat Samiti* shall keep such accounts and in such form as may be prescribed.

Part IV-Zilla Parishad

Chapter XIII – Constitution of Zilla Parishad.

Section : 140

Key Word : Zilla Parishad and its constitution. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -140)

(1) For every district ¹[, except the district of Darjeeling] the State Government shall constitute a *Zilla Parishad* bearing the name of the district.

(2) The *Zilla Parishad* shall consist of the following members, namely:—

(i) *Sabhapatis* of the *Panchayat Samitis* within the district, *ex officio*;

(ii) ²[(such number of persons, not exceeding three, as may be prescribed on the basis of the number of voters in the area from each Block within the district, the Block being divided ³{by the prescribed authority} for the purpose into constituencies

in the prescribed manner, elected by secret ballot at such time and in such manner as may be prescribed from amongst the persons whose names are included in the electoral roll, pertaining to any Block within the district, prepared in accordance with such rules as may be made in this behalf by the State Government and in force on such date as the State Election Commissioner may declare for the purpose of an election,) by persons whose names are included in such electoral roll pertaining to the constituency comprised in such Block:]

¹Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a *Zilla Parishad* and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportions to the total number of seats in that *Zilla Parishad* to be filled up by election as the population of the Scheduled Castes in that *Zilla Parishad* area, or of the Scheduled Tribes in that *Zilla Parishad* area, as the case may be, bears to the total population of that *Zilla Parishad* area and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that *Zilla Parishad* area, as the case may be, bears with the total population in that *Zilla Parishad* area:

¹Provided further that not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

¹Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a *Zilla Parishad* shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed:

¹Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section ²* * * * *, when the number of members to be elected to a *Zilla Parishad* is determined, or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a *Zilla Parishad*, in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:

¹Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election *ton Zilla Parishad*, be disqualified for election to any seat not so reserved.

¹Provided also that such division into constituencies shall be made in such manner that the ratio between the total population of all the Blocks in a district and the

number of constituencies in the *Zilla Parishad* shall, so far as practicable, be the same in any *Zilla Parishad*:

¹Provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing ²[, issue an order making fresh determination] of the number of members in a *Zilla Parishad* or fresh reservation on rotation of the number of constituencies in that *Zilla Parishad* and, on such order being issued by the State Election Commissioner, the determination of the number of members ³[or the number of seats to be reserved or the sequence of rotation of reservation of seats or any combination of them as may be specified in such order] shall not be varied for ⁴[the next] three successive general elections: 'Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India;

- (iii) members of the ⁵[House of the People and] the Legislative Assembly of the State elected thereto from a constituency comprising the district or any part thereof, not being Ministers;
- (iv) members of the Council of States not being Ministers, ⁶[registered as electors within the area of any Block within the district.]
- (3) Every *Zilla Parishad* constituted under this section ⁷* * * * shall be notified in the *Official Gazette* and shall come into office with effect from the date of its first meeting at which a quorum is present.
- (4) Every *Zilla Parishad* shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

¹(5)

- (a) Notwithstanding anything contained in the foregoing provisions of this section, when the area of a district (hereinafter referred to as the former district) is divided so as to constitute two or more districts, for each of the newly constituted districts the State Government shall by notification constitute a *Zilla Parishad* bearing the name of the district with the following members, namely:—
 - (i) *Sabhapatis* of the *Panchayat Samitis* within the newly constituted district, *ex officio*;
 - (ii) the members elected to the *Zilla Parishad* of the former district under clause (ii) of sub-section (2) from the constituencies referred to therein comprised in the Blocks within the newly constituted district;

- (iii) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the newly constituted district or any part thereof, not being Ministers;
- (iv) members of the Council of States, not being Ministers, having a place of residence in the newly constituted district.
- (b) Notwithstanding anything in this Act, every *Zilla Parishad* constituted under this sub-section shall be deemed to have been duly constituted in accordance with the provisions of this Act and shall come into office with effect from the date of its first meeting at which a quorum is present, and the *Zilla Parishad* of the former district shall, with effect from the date of coming into office of the newly constituted *Zilla Parishads*, cease to exist.
- (c) The members of the newly constituted *Zilla Parishad*, other than the *ex officio* members, shall, subject to the provisions of section 145, hold office with effect from the date of its first meeting at which a quorum is present for the unexpired portion of the term of office of the members of the *Zilla Parishad* of the former district.
- (d) All rules, orders, bye-laws and notifications made or issued from time to time under any law for the time being in force, applicable to the *Zilla Parishad* of the former district and continuing in force immediately before the coming into office of the newly constituted *Zilla Parishads* under this sub-section, shall, after the coming into office of the newly constituted *Zilla Parishads*, continue in force in so far as they are not inconsistent with the provisions of this Act and shall be applicable to the newly constituted *Zilla Parishads* until they are repealed or amended.
- (e) The properties, funds and liabilities of the *Zilla Parishad* of the former district shall vest in the newly constituted *Zilla Parishads* in accordance with such allocation as may be determined by order in writing by the prescribed authority, and such determination shall be final.
- (6) An order made ¹[under clause (e) of sub-section (5)] may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such re-organisation.

Section : 141

Key Word : Term of office of Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -142) Term of office of Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -142)

(1) The members of a *Zilla Parishad*, other than *ex officio* members, shall, subject to the provisions of sections 145 and 213A, hold office for a period of five years from the date of its first meeting and no longer.

(2) There shall be held a general election for the constitution of a *Zilla Parishad* within a period not exceeding five years from the date of the previous general election held for such *Zilla Parishad*:

Provided that if the first meeting of the newly-formed *Zilla Parishad* cannot be held before the expiry of the period of five years under subsection (7), the State Government may, by order, appoint, any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the *Zilla Parishad* under this Act or any other law for the time being in force, for a period not exceeding three months or until the date on which such first meeting of the newly-formed *Zilla Parishad* is held, whichever is earlier.

³141A.

[(*General election to Zilla Parishads.*) — *Omitted by s. 37 of the West Bengal Panchayat (Amendment) Act, 1994 (West Ben. Act XVIII of 1994).*]

Section : 142

Key Word : Disqualifications of members of Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -142)

A person shall not be qualified to be a member of a *Zilla Parishad*, if—

- (a) he is a member ¹ * * * * * of any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1; or
- (a) ²he is in the service of the Central or the State Government or a *Gram Panchayat* or a *Panchayat Samiti* or a *Zilla Parishad*; and for the purposes of this clause, it is hereby declared that a person in the service of any undertaking of the Central or the State Government or any statutory body or Corporation or any public or Government company or any local authority or any co-operative society or any banking company or any university or any Government sponsored institution or any educational or other institution or undertaking or body receiving any aid from the Government by way of grant or otherwise or a person not under the rule-making authority of the Central or the State Government or a person receiving any remuneration from any undertaking or body or organisation or association of persons as the employee or being in the service of such undertaking or body or organisation or association of persons out of

funds provided or grants made or aids given by the Central or the State Government, shall not be deemed to be in the service of the Central or the State Government; or

- (b) he has, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of the *Zilla Parishad* or a *Gram Panchayat* or a *Panchayat Samiti* within the district: Provided that no person shall be deemed to be disqualified for being elected a member of a *Zilla Parishad* by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956, which contracts with or is employed by a *Gram Panchayat*, or a *Panchayat Samiti* within the district or the *Zilla Parishad* of the district; or
- (c) he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society, or a Government company or a Corporation owned or controlled by the Central or the State Government or misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or
- (d) he has been adjudged by a competent court to be of unsound mind; or
- (e) he is an un-discharged insolvent; or
- (f) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- (g)
- (h) he has been convicted by a court—
 - (A) of an offence involving moral turpitude punishable with imprisonment for a period of more than six months, or
 - (B) of an offence under Chapter IXA of the Indian Penal Code, or
 - (C) under section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952, and five years have not elapsed from the date of the expiration of the sentence; or
 - (ii) he is disqualified for the purpose of election to the State Legislature under the provisions of Chapter III of Part II of the Representation of the People Act, 1951; or
- (i) he has not attained the age of twenty-one years on the date fixed for the scrutiny of nominations for any election; or
- (j) he has been convicted under section 189 at any time during the last ten years; or

(k) he has been surcharged or charged under section 192 at any time during the last ten years; or

(l) he has been removed under section 213 at any time during the last five years.

Section : 143

Key Word : Sabhadhipati and Sahakari Sabhadhipati. (Part IV-Zilla Parishad - Chapter XIII – Constitution of Zilla Parishad. -Section -143) Sabhadhipati and Sahakari Sabhadhipati. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -143)

(1) Every *Zilla Parishad* shall, at its first meeting at which a quorum is present, elect, in the prescribed manner, one of its members to be the *Sabhadhipati* and another member to be the *Sahakari Sabhadhipati* of the *Zilla Parishad*:

Provided that the members referred to in ¹[clauses (i), (iii) and (iv)] of sub-section (2) of section 140 ²[shall neither participate in, nor be eligible for, such election:]

³Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall be a whole time functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his powers, due performance of his functions or due discharge of his duties:

⁴Provided also that subject to such rules as may be made by the State Government in this behalf, the offices of the *Sabhadhipati* and the *Sahakari Sabhadhipati* shall be reserved for the Scheduled Castes and the Scheduled Tribes in such manner that the number of offices so reserved at the time of any general election shall bear, as nearly as may be, the same proportion to the total number of such offices in West Bengal as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in all the Blocks within West Bengal taken together bears with the total population in the same area, and such offices shall be subject to allocation by rotation in the manner prescribed:

Provided also that the offices of the *Sabhadhipati* and the *Sahakari Sabhadhipati* in any *Zilla Parishad* having the Scheduled Castes and the Scheduled Tribes population, as the case may be, constituting not more than five per cent of the total population in the Blocks within the district, shall not be considered for allocation by rotation;

'Provided also that in the event of the number of *Zilla Parishad areas* having the Scheduled Castes or the Scheduled Tribes population constituting more than five per cent of the total population, falling short of the number of offices of the *Sabhadhipati* and the *Sahakari Sabhadhipati* required for reservation in West Bengal the State Election Commissioner, may, by order, include, for the purpose of reservation, other such offices of the *Sabhadhipati* and the *Sahakari Sabhadhipati* beginning from the district having higher proportion of the Scheduled Castes or the Scheduled Tribes, as the case may be, until the total number of seats required for reservation is obtained:

'Provided also that not less than one-third of the total number of offices of the *Sabhadhipati* and the *Sahakari Sabhadhipati* reserved for the Scheduled Castes and the Scheduled Tribes in West Bengal, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

'Provided also that not less than one-third of the total number of offices of the *Sabhadhipati* and the *Sahakari Sabhadhipati* in West Bengal including the offices reserved for the Scheduled Castes and the Scheduled Tribes, shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:

²Provided also that determination of the offices of the *Sabhadhipati* within the State reserved for the Scheduled Castes, the Scheduled Tribes and women shall precede such determination for the offices of the *Sahakari Sabhadhipati*:

²Provided also that if, for any term of election (hereinafter referred to in this proviso as the said term of election), the office of the *Sabhadhipati* in a *Zilla Parishad* is reserved for any category of persons in accordance with the rules in force, the office of the *Sahakari Sabhadhipati* in that *Zilla Parishad* shall not be reserved for the said term of election for any category and if, in accordance with the rules applicable to the office of the *Sahakari Sabhadhipati*, such office is required to be reserved for the said term of election, such reservation for the same category shall be made in another office of the *Sahakari Sabhadhipati* within the State in the manner prescribed, keeping the total number of offices so reserved for the said term of election equal to the number of such offices required to be reserved in accordance with the rules in force:

'Provided also that when in any term of election, an office of the *Sahakari Sabhadhipati* is not reserved on the ground that the corresponding office of the *Sabhadhipati* is reserved in the manner prescribed, such office of the *Sahakari Sabhadhipati* not reserved on the ground as aforesaid, shall be eligible for consideration for reservation during the next term of election in the manner prescribed:

²Provided also that notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, the principle of rotation for the purpose of reservation of offices under this sub-section shall commence from the first election to be held after the coming into force of section 39 of the West Bengal *Panchayat* (Amendment) Act, 1994, and the roster for reservation by rotation shall continue for every three successive terms for the complete rotation unless the State Election Commissioner, for reasons to be recorded in writing and by notification, directs fresh commencement of the rotation at any stage excluding one or more terms from the operation of the rotation:

²Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman, for whom the offices are reserved under this sub-section, shall, if eligible for the office of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, be disqualified for election to any office not so reserved:

²Provided also that the provisions for reservation of the offices of the *Sabhadhipati* and the *Sahakari Sabhadhipati* for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India.

- (2) The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner,
- (3) The *Sabhadhipati* and the *Sahakari Sabhadhipati* shall, subject to the provisions of section 146 and to their continuing as members, hold office for a period of '[five years]: 2* *****
- (4) When—
 - (a) the office of the *Sabhadhipati* falls vacant by reason of death, resignation, removal or otherwise, or
 - (b) the *Sabhadhipati* is, by reason of leave, illness or other cause, temporarily unable to act,

the *Sahakari Sabhadhipati* shall exercise the powers, perform the functions and discharge the duties of the *Sabhadhipati* until a new *Sabhadhipati* is elected and assumes office or until the *Sabhadhipati* resumes his duties, as the case may be.

- (5) When—
 - (a) the office of the *Sahakari Sabhadhipati* falls vacant by reason of death, resignation, removal or otherwise, or
 - (b) when the *Sahakari Sabhadhipati* is, by reason of leave, illness or other cause, temporarily unable to act,

the *Sabhadhipati* shall exercise the powers, perform the functions and discharge the duties of the *Sahakari Sabhadhipati* until a new *Sahakari Sabhadhipati* is elected and assumes office or until the *Sahakari Sabhadhipati* resumes his duties, as the case may be.

- (6) When the offices of the *Sabhadhipati* and the *Sahakari Sabhadhipati* are both vacant or the *Sabhadhipati* and the *Sahakari Sabhadhipati* are temporarily unable to act, the prescribed authority may appoint ³[for a period of thirty days at a time] a *Sabhadhipati* and a *Sahakari Sabhadhipati* from among the members of the *Zilla Parishad* to act as such until a *Sabhadhipati* and or a *Sahakari Sabhadhipati* is elected and assumes office ¹[or until the *Sabhadhipati* or the *Sahakari Sabhadhipati* resumes his duties, as the case may be].

2* *****

- (7) The *Sabhadhipati* and the *Sahakari Sabhadhipati* of a *Zilla Parishad* shall be paid out of the *Zilla Parishad Fund* such ³[remuneration] and allowances and shall be entitled to leave of absence for such period or periods and on such terms and conditions, as may be prescribed.
- (8) ⁴Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a *Sabhadhipati* or a *Sahakari Sabhadhipati* from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers, performance of his functions or discharge of his duties:

Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order,

Section : 144

Key Word : Resignation of Sabhadhipati and Sahakari Sabhadhipati or a member. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section - 144) Resignation of Sabhadhipati and Sahakari Sabhadhipati or a member. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -144)

- (1) A *Sabhadhipati* or a *Sahakari Sabhadhipati* or a member of a *Zilla Parishad* may resign his office by notifying in writing his intention to do so to the prescribed authority and on such resignation being accepted the *Sabhadhipati*, the *Sahakari Sabhadhipati* or the member shall be deemed to have vacated his office.

- (2) When a resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the *Zilla Parishad* within thirty days of such acceptance.

Section : 145

Key Word : Removal of member of Zilla Parishad. (Part IV-Zilla Parishad - Chapter XIII – Constitution of Zilla Parishad. -Section -145) Removal of member of Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -145)

(1) The prescribed authority may, after giving an opportunity to a member of a *Zilla Parishad* other than an *ex officio* member to show cause against the action proposed to be taken against him, by order remove him from office—

(a) if after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or

(b) if he was disqualified to be a member of the *Zilla Parishad* at the time of his election; or

(c) if he incurs any of the disqualifications mentioned in clauses (b) to (g) of section 142 after his election as a member of the *Zilla Parishad*; or

(d) if he is absent from three consecutive meetings of the *Zilla Parishad* without the leave of the *Zilla Parishad* ¹* * * *; or

(e) if he does not pay any arrear in respect of any tax, toll, fee or rate payable under this Act, or the Bengal Village Self-Government Act, 1919, or the West Bengal *Panchayat* Act, 1957, or the West Bengal *Zilla Parishads* Act, 1963.

(2) Any member of a *Zilla Parishad* who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

(3) The order passed by such authority on such appeal shall be final.

Section : 146

Key Word : Removal of Sabhadhipati and Sahakari Sabhadhipati. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -146)

¹[Subject to the other provisions of this section, a *Sabhadhipati* or a *Sahakari Sabhadhipati*] of a *Zilla Parishad* may, at any time, be removed from office ²[by a resolution carried by the majority of the existing members referred to in clause (ii) of sub-section (2) of section 140] at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:

Provided that at any such meeting while any resolution for the removal of the *Sabhadhipati* from his office is under consideration, the *Sabhadhipati* or while any resolution for the removal of the *Sahakari Sabhadhipati* from his office is under consideration, the *Sahakari Sabhadhipati* shall not, though he is present, preside, and the provisions of sub-section (2) of section 150 shall apply in relation to every such meeting as they apply in relation to a meeting from which the *Sabhadhipati* or, as the case may be, the *Sahakari Sabhadhipati* is absent:

³Provided further that no meeting for the removal of the *Sabhadhipati* or the *Sahakari Sabhadhipati* under this section shall be convened within a period of one year from the date of election of the *Sabhadhipati* or the *Sahakari Sabhadhipati*:

³Provided also that if, at a meeting convened under this section, either no meeting is held or no resolution removing an office bearer is adopted, no other meeting shall be convened for the removal of the same office bearer within six months from the date appointed for such meeting

Section : 147

Key Word : Filling of casual vacancies in the office of Sabhadhipati or Sahakari Sabhadhipati. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -147)

In the event of removal of a *Sabhadhipati* or a *Sahakari Sabhadhipati* under section 146 or when a vacancy occurs in the office of a *Sabhadhipati* or a *Sahakari Sabhadhipati* by resignation, death or otherwise, the *Zilla Parishad* shall elect another *Sabhadhipati*, or *Sahakari Sabhadhipati* in the prescribed manner.

Section : 148

Key Word : Filling of casual vacancies in the place of elected member. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -148)

If the office of a member of a *Zilla Parishad* becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled by election in the prescribed manner.

Section : 149

Key Word : Term of office of Sabhadhipati ,Sahakari Sabhadhipati or member filling casual vacancy. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -149)

Every *Sabhadhipati* or *Sahakari Sabhadhipati* elected under section 147 and every member elected under section 148 to till a casual vacancy shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.

Section : 150

Key Word : Meeting of Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -150)

- (1) Every *Zilla Parishad* shall hold a meeting ¹[in its office at least once in every three months on such date and at such hour as the *Zilla Parishad* may fix at the immediately preceding meeting]:

Provided that the first meeting of a newly-constituted *Zilla Parishad* shall be held at such time and at such place within the local limits of the district concerned, as the prescribed authority may fix:

Provided further that the *Sabhadhipati* when required in writing by one-fifth of the members of the *Zilla Parishad* to call a meeting ²[shall do so fixing the date and hour of the meeting ³(to be held) within fifteen days after giving intimation to the prescribed authority and seven days' notice to the members of the *Zilla Parishad*,] failing which the members aforesaid may call a meeting ⁴[to be held] ⁵[within thirty-five days] after giving intimation to the prescribed authority and seven clear days' notice to the *Sabhadhipati* and the other members of the *Zilla Parishad*. Such meeting shall be held at such place ¹[in the office of the *Zilla Parishad* on such date and at such hour] as the members calling the meeting may decide. ²[The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him within a week of the meeting on the proceedings of the meeting. The prescribed authority shall, on receipt of the report, take such action thereon as it may deem fit:]

³Provided also that for the purpose of convening a meeting under section 146, at least one-fifth of the members referred to in clause (ii) of sub-section (2) of section 140 shall require the *Sabhadhipati* to convene the meeting:

⁴Provided also that if the *Zilla Parishad* does not fix at any meeting the date and hour of its next meeting or if any meeting is not held on the date and hour fixed at the immediately preceding meeting, the *Sabhadhipati* shall call a meeting of *Zilla Parishad* on such date and at such hour as he thinks fit.

(2) The *Sabhadhipati* or in his absence the *Sahakari Sabhadhipati* shall preside at the meeting of the *Zilla Parishad* and in the absence of both ⁵[or in the refusal of any or both to preside at a meeting], the members present shall elect one of them to be the President of the meeting.

(3) One-fourth of the total number of members of the *Zilla Parishad* shall form a quorum for a meeting of a *Zilla Parishad*:

Provided that no quorum shall be necessary for an adjourned meeting.

(4) All questions coming before a *Zilla Parishad* shall be decided by a majority of votes:

Provided that in case of equality of votes the person presiding shall have a second or casting vote:

¹Provided further that in case of a requisitioned meeting for the removal of the *Sabhadhipati* or the *Sahakari Sabhadhipati* under section 146, the person presiding shall have no second or casting vote.

(5) ²[The Executive Officer and the Additional Executive Officer] of a *Zilla Parishad* shall attend meetings of the *Zilla Parishad* and shall participate in the deliberations thereof:

³Provided that if for any reason the Executive Officer "[and the Additional Executive Officer] cannot attend any meeting of the *Zilla Parishad* ⁵[the Executive Officer shall] depute the Secretary of the *Zilla Parishad* to attend such meeting.

Section : 151

Key Word : List of business to be transacted at a meeting. (Part IV-Zilla Parishad - Chapter XIII – Constitution of Zilla Parishad. -Section -151)

A list of the business to be transacted at every meeting of a *Zilla Parishad* except at an adjourned meeting, shall be sent to each member of the *Zilla Parishad* in the manner prescribed, at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting other than the business of which notice has been so given except with the approval of the majority of the members present at such meeting:

Provided that if the *Sabhadhipati* thinks that a situation has arisen for which an emergent meeting of the *Zilla Parishad* should be called, he may call such meeting after giving three days' notice to the members:

Provided further that not more than one matter shall be included in the list of business to be transacted at such meeting.

Section : 152

Key Word : Report on the work of Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. -Section -152) Report on the work of Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIII – Constitution of Zilla Parishad. - Section -152)

The *Zilla Parishad* shall prepare and submit annually in the prescribed manner a report on the work done during the previous year and the work proposed to be done during the following year to the prescribed authority within the prescribed time.

Chapter XIV Powers, functions and duties of Zilla Parishad

Section : 153

Key Word : Powers of Zilla Parishad.(Part IV-Zilla Parishad -Chapter XIV – Powers,function and duties of Zilla Parishad. -Section -153) Powers of Zilla Parishad.(Part IV-Zilla Parishad -Chapter XIV – Powers,function and duties of Zilla Parishad. -Section -153)

¹[A *Zilla Parishad* shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall prepare—

- (i) a development plan for the five-year term of the office of the members, and
- (ii) an annual plan for each year by the month of January of the preceding year,

in furtherance of its objective of development of the community as a whole and socio-economic upliftment of the individual members of the community and, without prejudice to the generality of the above provisions, shall have power to—]

- (a) ²(i) undertake schemes or adopt measures, including the giving of financial assistance, relating to the development of agriculture, fisheries, live-stock, *khadi*, cottage and small-scale industries, co-operative movement, rural credit, water-supply, irrigation and minor irrigation including water management and watershed development, public health and sanitation including establishment and maintenance of dispensaries and hospitals, communication, primary and secondary education, adult and non-formal education, physical education and games and sports, welfare of students, social forestry and farm forestry including fuel and fodder, rural electrification including distribution, non-conventional energy sources, women and child development, social welfare and other objects of general public utility,
- (ii) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority,
- (iii) manage or maintain any work of public utility or any institution vested in it or under its control and management,
- (iv) make grants in aid of any school, public library, public institution or public welfare organisation within the district,
- (v) contribute such sums as may be agreed upon towards the cost of maintenance of any institutions, situated outside the district, which are beneficial to, and habitually used by, the inhabitants of the district,
- (vi) establish scholarships or award stipends within the State for the furtherance of technical or other special forms of education,
- (vii) acquire and maintain village *hats* and markets;
- (b) make grants to the *Panchayat Samitis* or *Gram Panchayats*;
- (c) contribute, with the approval of the State Government, such sum or sums as it may decide, towards the cost of water-supply or anti-epidemic measures undertaken by the commissioners of a municipality within the district;
- (d) adopt measures for the relief of distress;

- (e) co-ordinate and integrate the development plans and schemes prepared by *Panchayat Samitis* in the district; and

¹* * * * *

- (2) A *Zilla Parishad* shall have the power to advise the State Government on all matters relating to the development work among *Gram Panchayats* and *Panchayat Samitis*.
- (3) Notwithstanding anything in sub-section (1), a *Zilla Parishad* shall not undertake or execute any scheme confined to a block unless the implementation of such a scheme is beyond the competence of the *Panchayat Samiti* concerned financially or otherwise. In the latter case the *Zilla Parishad* may execute the scheme itself or entrust its execution to the *Panchayat Samiti* and give it such assistance as may be required:

²Provided that a *Zilla Parishad* may undertake or execute any scheme referred to in sub-clause (ii) of clause (a) of sub-section (1) confined to an area over which a *Panchayat Samiti* has jurisdiction.

- (4) A *Zilla Parishad* may undertake or execute any scheme if it extends to more than one block.

Section : 154

Key Word : Zilla Parishad to have powers of Magistrate in district to which the Vaccination Act extends. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -154)

In a district to which the Bengal Vaccination Act, 1880, has been, or may hereafter be extended, the *Zilla Parishad* shall exercise all or any of the powers exercisable by the Magistrate of the district under section 25 of the said Act.

Section : 155

Key Word : State Government may place other property under Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -155)

The State Government may from time to time, with the consent of the *Zilla Parishad*, place any road, bridge, *ferry*, channel, building or other property vested in the State Government and situated within the district under the control and management of the *Zilla Parishad* subject to such conditions as it may specify:

¹Provided that the State Government may, after considering the views of the *Zilla Parishad*, withdraw such control and management to itself subject to such conditions as it may specify.

Section : 156

Key Word : Control and maintenance of roads to the State Government or Panchayat Samiti. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -156) Control and maintenance of roads to the State Government or Panchayat Samiti. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -156)

The State Government may, notwithstanding any thing contained in the Bengal Municipal Act, 1932, direct, after consultation with the commissioners of a municipality, that the control and maintenance of any road part of which runs through a municipality and is vested in the commissioners of such municipality shall be taken over by the *Zilla Parishad* and that the commissioners of such municipality shall make such contribution for the maintenance of the road as may be agreed upon or as may be fixed by the State Government in the absence of agreement. On such direction being given the commissioners of the municipality shall cease to control and maintain such portion of the road as lies within such municipality.

Section : 157

Key Word : Zilla Parishad may take over works. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -157) Zilla Parishad may take over works. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -157)

A *Zilla Parishad* may take over the maintenance and control of any road, bridge, tank, *ghat*, well, channel or drain, belonging to a private owner or any other authority on such terms as may be agreed upon.

Section : 158

Key Word : Power of Zilla Parishad to divert,discontinue or close road. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -158) Power of Zilla Parishad to divert,discontinue or close road. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -158)

A *Zilla Parishad* may divert, discontinue or close temporarily any road, which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

Section : 159

Key Word : Power of Zilla Parishad to transfer roads to State Government or Panchayat Samiti. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -159)

A *Zilla Parishad* may transfer to the State Government, the commissioners of a municipality, *Panchayat Samiti* or a *Gram Panchayat* any road or part of a road or any other property which is under its control or management or which is vested in it, on such terms and conditions as may be agreed upon.

Section : 160

Key Word : Vesting of Zilla Parishad with certain powers. (Part IV-Zilla Parishad - Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -160)

- (1) A *Zilla Parishad* may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.
- (2) A *Zilla Parishad* shall perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871.
- (3) A *Zilla Parishad* shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

Section : 161

Key Word : Joint execution of schemes by two or more Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. - Section -161) Joint execution of schemes by two or more Zilla Parishad. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. - Section -161)

The *Zilla Parishads* of two or more adjacent districts may jointly undertake and execute at common cost any development scheme or project or may jointly establish a common *ferry* on such terms and conditions as may be agreed upon, and in case of any difference as to the interpretation of such terms and conditions the matter shall be referred to the State Government whose decision shall be final.

Section : 162

Key Word : Power of Zilla Parishad to grant licence for fair or mela. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. - Section -162) Power of Zilla Parishad to grant licence for fair or mela. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. - Section -162)

A *Zilla Parishad* may require the owner or the lessee of a fair or *mela* or an owner or a lessee of land intending to hold a fair or *mela* thereon to obtain a license in this behalf from the *Zilla Parishad* on such terms and conditions as may be prescribed and on payment of a fee for such license.

Section : 163

Key Word : Power of supervision by Zilla Parishad over the Panchayat Samiti,etc. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -163) Power of supervision by Zilla Parishad over the Panchayat Samiti,etc. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -163)

(1) A *Zilla Parishad* shall exercise general powers of supervision over *Panchayat Samitis* and *Gram Panchayats* in the district and it shall be the duty of these authorities to give effect to any directions of the *Zilla Parishad*¹ * * *.

(2) ²A *Zilla Parishad* may—

- (a) inspect, or cause to be inspected, any immovable property used or occupied by a *Panchayat Samiti* under it or any work in progress under the direction of the *Panchayat Samiti*,
- (b) inspect or examine, or depute an officer to inspect or examine, any department of the *Panchayat Samiti*, or any service, work or thing under the control of the *Panchayat Samiti*,
- (c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the *Panchayat Samiti* by the State Government for execution either directly or through the *Zilla Parishad*,
- (d) require a *Panchayat Samiti*, for the purpose of inspection or examination,—
 - (i) to produce any book, record, correspondence or other documents, or
 - (ii) to furnish any return, plan, estimate, statement, accounts or statistics, or

(iii) to furnish or obtain any report or information.

(3) ¹Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, a *Zilla Parishad* may—

(a) require a *Panchayat Samiti* or *Gram Panchayat* to take into consideration any objection which appears to it to exist to the doing of anything which is about to be done or is being done by such *Panchayat Samiti* or *Gram Panchayat* or any information which appears to it to necessitate the doing of anything by such *Panchayat Samiti* or *Gram Panchayat* within such period as it may fix;

(b) direct a *Panchayat Samiti* or *Gram Panchayat* to discharge any duty under this Act within a specified period if such *Panchayat Samiti* or *Gram Panchayat* fails to discharge such duty in accordance with the provisions of this Act and, if such duty is

not discharged within the period as aforesaid, appoint any person or persons or authority to discharge such duty and direct that the expenses thereof shall be paid by the *Panchayat Samiti* or the *Gram Panchayat* concerned within such period as it may fix:

Provided that such person or persons or authority shall, for the purpose of discharging the duty as aforesaid, exercise such of the powers under this Act as might have been exercised by the *Panchayat Samiti* or the *Gram Panchayat* concerned while discharging such duty;

(c) direct a *Panchayat Samiti* or *Gram Panchayat* to levy any tax, toll, fee or rate, if it fails to do so in accordance with the provisions of this Act;

(d) call for meetings of a *Panchayat Samiti* or any of its *Sthayee Samitis* or a *Gram Panchayat* if no meeting of such *Panchayat Samiti* or *Sthayee Samiti* or *Gram Panchayat* is held in accordance with the provisions of this Act or the rules made thereunder,

(4) ¹When a *Zilla Parishad* takes any action or issues any direction in respect of any *Gram Panchayat*, such action may be taken and such direction may be issued through and with the assistance of the *Panchayat Samiti* having jurisdiction.

(5) ¹A *Panchayat Samiti* or *Gram Panchayat*, as the case may be, may appeal to the State Government against any direction under clause (b) of sub-section (3) within thirty days from the date of such direction, and the decision of the State Government on such appeal shall be final.

(1) Every *Zilla Parishad* shall have a *Zilla Sansad* consisting of the following members:—

(a) *Pradhans* of all *Gram Panchayats*,

(b) *Sabhapatis*, *Sahakari Sabhapatis* and *Karmadhyakshas* of all *Panchayat Samitis* comprising the *Zilla Parishad*,

(c) and all members of that *Zilla Parishad*.

(2) A *Zilla Parishad* shall hold an annual and a half-yearly meeting of such *Sansad* at such time and place in such manner, as may be prescribed.

(3) One-tenth of the total number of members shall form a quorum for a meeting of a *Zilla Sansad*:

Provided that if no quorum is available for such meeting, the meeting shall be adjourned to be held at the same time and place on the seventh day from the date of such meeting in the manner as may be prescribed.

(4) A meeting of the *Zilla Sansad* shall be presided over by the *Sabhadhipati* and in his absence by the *Sahakari Sabhadhipati* of the *Zilla Parishad*.

(5) The *Zilla Sansad* shall guide and advise the *Zilla Parishad* for all matters relating to development including preparation of annual plan and budget, implementation of development programmes, schemes or projects and undertaking such activities for economic development and for ensuring social justice as are undertaken or proposed to be undertaken by *Zilla Parishad*:

Provided that for such guidance and advice, any member of the *Zilla Sansad* on receipt of the notice for any such meeting, may demand in writing to the Executive Officer for placement of any document such as last report on inspection of accounts of the funds of the *Zilla Parishad* by the Audit team, budget, Annual Action Plan and on receipt of such demand the Executive Officer with the consent of the *Sabhapati*, shall place such documents in the meeting for deliberation:

Provided further that the deliberation, recommendations and observations passed in the meeting of the *Zilla Sansad*, shall be considered in [he meeting of *Zilla Parishad* as soon as possible within one month from the date of meeting of the *Zilla Sansad* and the decision of the *Zilla Parishad* along with the action-taken report shall be placed in the next meeting of the *Zilla Sansad*,-

Section : 164

Key Word : Exemption of Sabhadhipati and members of Zilla Parishad from attending registration office. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -164)

Notwithstanding anything contained in the Registration Act, 1908, or any rules made thereunder, the registering officer shall, on the requisition of the *Sabhadhipati* made in writing and under the common seal of the *Zilla Parishad*, register a document executed by the *Sabhadhipati* or a member of the *Zilla Parishad* on behalf of the *Zilla Parishad* without requiring the presence of the *Sabhadhipati* or the member concerned at the registration office.

Section : 165

Key Word : Powers,functions and duties of Sabhadhipati and Sahakari Sabhadhipati. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -165) Powers,functions and duties of Sabhadhipati and Sahakari Sabhadhipati. (Part IV-Zilla Parishad -Chapter XIV – Powers,functions and duties of Zilla Parishad. -Section -165)

- (1) The *Sabhadhipati* shall—
- (a) be responsible for the maintenance of the records of the *Zilla Parishad*;
 - (b) have general responsibility for the financial and executive administration of the *Zilla Parishad*;
 - (c) exercise administrative supervision and control over all officers and other employees of the *Zilla Parishad* and the officers and employees whose services may be placed at the disposal of the *Zilla Parishad* by the State Government;
 - (d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the *Zilla Parishad* under this Act or the rules made thereunder:

Provided that the *Sabhadhipati* shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharge by the *Zilla Parishad* at a meeting;

- (e) exercise such other powers, perform such other functions and discharge such other duties as the *Zilla Parishad* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

¹*Explanation*— For the purpose of discharge of responsibilities and exercise of administrative supervision and control, the *Sabhadhipati* shall rely on the Executive Officer referred to in section 166 and shall generally act through him.

- (2) The *Sahakari Sabhadhipati* shall—

- (a) exercise such of the powers, perform such of the functions and discharge such of the duties of the *Sabhadhipati* as the *Sabhadhipati* may, from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing:

Provided that the *Sabhadhipati* may at any time withdraw the powers and functions delegated to the *Sahakari Sabhadhipati*;

- (b) during the absence of the *Sabhadhipati*, exercise all the powers, perform all the functions and discharge all the duties of the *Sabhadhipati*;

- (c) ²exercise such other powers, perform such other functions, and discharge such other duties as the *Zilla Parishad* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf prescribe.

Section : 166

Key Word : Staff of the Zilla Parishad. (Part IV-Zilla Parishad -Chapter XV – Establishment of the Zilla Parishad. -Section -166) Staff of the Zilla Parishad. (Part IV-Zilla Parishad -Chapter XV – Establishment of the Zilla Parishad. -Section -166)

- (1) There shall be an Executive Officer for a *Zilla Parishad* appointed by the State Government on such terms and conditions as may be prescribed:

Provided that any person so appointed shall be recalled by the State Government if a resolution to that effect is passed by the *Zilla Parishad*, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being.

- (1A) The State Government may appoint an Additional Executive Officer for a *Zilla Parishad* on such terms and conditions as may be prescribed:

Provided that any person so appointed shall be recalled by the State Government if a resolution to that effect is passed by the *Zilla Parishad*, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being.

¹(1B) The Additional Executive Officer shall, subject to the provisions of this Act, exercise such powers, perform such functions, and discharge such duties, of the Executive Officer as the State Government may, from time to time, direct.

(2) ²The State Government may appoint a Secretary for a *Zilla Parishad* on such terms and conditions as may be prescribed.

(3) ³[Subject to such rules as may be made by the State Government, a *Zilla Parishad*] may appoint such other officers and employees as may be required by it and may fix the salaries to be paid to the persons so appointed:

Provided that no post shall be created or abolished and no revision of the scale of pay of any post shall be made by the *Zilla Parishad* without the prior approval of the State Government.

⁴Provided further that subject to the decision of the *Zilla Parishad*, the orders relating to appointment and other service matters concerning any post under the *Zilla Parishad* shall be issued by or on behalf of the Executive Officer.

(4) The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the employees of the *Zilla Parishad*.

Section : 167

Key Word : Placing the services of State Government officers at the disposal of the Zilla Parishad. (Part IV-Zilla Parishad -Chapter XV – Establishment of the Zilla Parishad. -Section -167)

The State Government may place at the disposal of the *Zilla Parishad* the services of such officers or other employees serving under it ⁶[and on such terms and conditions] as it may think fit:

Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the *Zilla Parishad*, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being:

Provided further that the State Government shall have disciplinary control over such officers and employees.

Section : 168

Key Word : Control and punishment of the staff of the Zilla Parishad. (Part IV-Zilla Parishad -Chapter XV – Establishment of the Zilla Parishad. -Section -168)

- (1) The Executive Officer shall exercise general control over all officers and other employees of the *Zilla Parishad*.
- (2) The Executive Officer may award any punishment other than dismissal, removal or reduction in rank to an officer or employee ¹[of a *Zilla Parishad*].
- (3) The Executive Officer may recommend the dismissal, removal or reduction in rank of an officer or employee ²[of a *Zilla Parishad*] to the ³[*Artha, Sanstha, Unnayan O Parikalpana*] *Sthayee Samiti* and such *Samiti* shall forward the case to the *Zilla Parishad* with its own recommendation. The *Zilla Parishad* may, if it is satisfied with such recommendation of the ³[*Artha, Sanstha, Unnayan O Parikalpana*] *Sthayee Samiti*, dismiss, remove or reduce in rank any such officer or employee.
- (4) No officer or other employee ⁴[of a *Zilla Parishad*] shall be punished by the *Zilla Parishad* except by a resolution of the *Zilla Parishad* passed at a meeting.

Section : 169

Key Word : Appeal. (Part IV-Zilla Parishad -Chapter XV – Establishment of the Zilla Parishad. -Section -169)

- (1) An appeal shall lie to the *Zilla Parishad* against an order of punishment awarded by the Executive Officer under sub-section (2) of section 168 within one month from, the date of that order.
- (2) An appeal shall lie to the State Government against an order of punishment awarded by the *Zilla Parishad* under sub-section (5) or (4) of section 168 within one month from the date of that order.

Section : 170

Key Word : Exercise of powers,etc.,by the officers and employees. (Part IV-Zilla Parishad -Chapter XV – Establishment of the Zilla Parishad. -Section -170) Exercise of powers,etc.,by the officers and employees. (Part IV-Zilla Parishad -Chapter XV – Establishment of the Zilla Parishad. -Section -170)

Subject to the provisions of this Act and the rules framed thereunder and to any general or special directions given by the State Government in that behalf, the officers and other employees employed by the *Zilla Parishad* and the officers and other employees whose services have been placed at the disposal of the *Zilla Parishad* shall exercise such powers, perform such functions and discharge such duties as the *Zilla Parishad* may determine.

Section : 171

Key Word : Sthayee Samiti. (Part IV-Zilla Parishad -Chapter XVI – Sthayee Samiti of the Zilla Parishad. -Section -171)

- (1) A *Zilla Parishad* shall have the following *Sthayee Samitis*, namely:—
- (i) ¹[*Artha, Sanstha, Unnayan O Parikalpana*] *Sthayee Samiti*;
 - (ii) ²[*Janasasthya O Paribesh*] *Sthayee Samiti*;
 - (iii) *Purta Karya* ³[*O Paribahan*] *Sthayee Samiti*;
 - (iv) *Krishi Sech O Samabaya Sthayee Samiti*;
 - (v) ⁴*Shiksha, Sanskriti; Tathya O Krira*] *Sthayee Samiti*;
 - (vi) ⁵[*Sishu O Nan Unnayan, Janakalyan O Tran*] *Sthayee Samiti*;
 - ⁶(via) *Ban O Bhumi Sanskar Sthayee Samiti*;
 - ⁶(vib) *Matsya O Prani Sampad Bikash Sthayee Samiti*;
 - ⁶(vic) *Khadya O Sarbaraha Sthayee Samiti*;
 - ⁶(vid) ⁷*Khudra Shilpa, Bidyut O Achiracharit Shakti*] *Sthayee Samiti*;
 - (vii) such other *Samiti* or *Samitis* as the *Zilla Parishad* may, subject to the approval of the State Government, constitute.
- (2) A *Sthayee Samiti* shall consist of the following members, namely:—
- (a) the *Sabhadhipait* ⁸[and *Sahakari Sabhadhipati*] *ex officio*;
 - (b) ⁹[without prejudice to the provisions in clause (ba)] not less than three and not more than five persons to be elected in the prescribed manner by the members of the *Zilla Parishad* from among themselves;

- ¹(ba) in *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti, Karmadhyakshas* elected in other *Sthayee Samitis* as referred to in sub-section (1), shall be members *ex officio* and no member shall be elected in the manner referred to in clause (b);
- ¹(bb) Leader of the recognized political party in opposition having largest number of members in the *Zilla Parishad* in comparison with other recognized political parties in opposition, shall be a member of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*;
- ¹(bc) one member from each recognized political party in opposition shall be a member of the *Sthayee Samiti* other than ²[the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti*, if no member in opposition is elected in a *Sthayee Samiti* referred to in clause (b);]

Provided that the members selected from the recognized political party having larger number of members in the *Zilla Parishad* shall be the member of the *Sthayee Samiti* placed higher in the consecutive order in sub-section (1):

Provided further that if the member of recognized ³[political] parties in opposition is less than the number of *Sthayee Samitis*, the independent candidates in opposition in *Zilla Parishad* shall be members of the *Sthayee Samitis* for which no member of the recognized political parties are available and the member senior in age shall be placed as member in the *Sthayee Samiti* placed higher in the order of sub-section (1):

Provided also that if the member of recognized political parties added with number of independent members falls short of the number of *Sthayee Samitis*, one additional member from each such political party in opposition in the *Zilla Parishad*, shall be chosen for membership in the *Sthayee Samitis* where no member in terms of this clause has been provided and the same sequential order shall be followed for placement of a member in a *Sthayee Samiti* and such process shall be repeated until all *Sthayee Samitis* have one member under this clause:

Provided also that a member in opposition may be a member of more than two *Sthayee Samitis* if in a term of general election, not more than four members in opposition, either representing a recognized political party or independent, are elected in the *Zilla Parishad*:

Provided also that the members of the recognized political party shall jointly decide and intimate the Executive Officer of the *Zilla Parishad* by a letter under signature of all such members, the name of the member or members who shall represent the party as member of the *Sthayee Samiti* and in case of an independent member the Executive Officer shall determine the membership in each *Sthayee Samiti*:

Provided also that the Executive Officer shall place the entire matter of membership under this clause in a meeting of the *Zilla Parishad* as early as possible in the next meeting.

¹*Explanation*— For the purpose of this clause, a member of the *Panchayat Samiti* shall be considered a member in opposition if in the election of the *Sabhapati* under section 98, he did not cast his vote in favour of the winning candidate or has abstained himself from casting his vote in the said election;

(c) ²such number of persons being officers of the State Government or of any statutory body or corporation or being eminent persons having specialised knowledge as the State Government may think fit, appointed by the State Government:

Provided that such officers shall not be eligible for election as *Karmadhyaksha* of the *Sthayee Samiti* and shall not have any right to vote.

(3) ³No person, other than the *Sabhadhipati* or the *Sahakari Sabhadhipati*, shall be a member of more than two *Sthayee Samitis* other than the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti*.

(4) An elected member of a *Sthayee Samiti* shall hold office for a period of ⁴[five years] or for so long as he continues to be a member of the *Zilla Parishad*, whichever is earlier.

(5) The meeting of the *Sthayee Samiti* shall be held ⁵[in the Office of the *Zilla Parishad*] at such time and in such manner as may be prescribed.

(6) A *Sthayee Samiti* shall exercise such powers, perform such functions and discharge such duties as may be prescribed or as may be assigned to it by the *Zilla Parishad*.

(7) The State Government may make rules providing for the removal of members of a *Sthayee Samiti* including the *Karmadhyaksha* and for filling up of casual vacancy.

Section : 172

Key Word : Karmadhyaksha and Secretary. (Part IV-Zilla Parishad -Chapter XVI – Sthayee Samiti of the Zilla Parishad. -Section -172)

(1) The members of a *Sthayee Samiti* shall elect, in such manner as may be prescribed, a Chairman, to be called *Karmadhyaksha*, from among themselves:

Provided that the members referred to in ¹[clauses (i), (iii) and (iv)] of sub-section (2) of section 140 shall not be eligible for such election:

Provided further that the *Sabhadhipati* shall be the *ex officio Karmadhyaksha* of the ²[*Artha, Sanstha, Unnayan O Parikalpana*] *Sthayee Samiti*:

³Provided also that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall be a whole time functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his powers, due performance of his functions or due discharge of his duties.

⁴ * * * * *

- (3) The Secretary of the *Zilla Parishad* shall act as Secretary ⁵[to the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*]:

'Provided that the members referred to in clauses ²(a), (b), (ba), (bb) and (bc)] of sub-section (2) of section 171 of a *Sthayee Samiti* may select, in such manner ³[as may be determined by the *Sthayee Samiti* in conformity with such directions as may be issued, by one or more orders, general or special, of the State Government], one of the members referred to in clause (c) of that sub-section to act as the Secretary to such *Sthayee Samiti*:

⁴Provided further that pending the selection of Secretary to a *Sthayee Samiti* under this clause or during any casual vacancy, in the post of the Secretary to a *Sthayee Samiti*, the Secretary of the *Zilla Parishad* shall act as Secretary to such *Sthayee Samiti*

- (4) ⁵The Secretary to each *Sthayee Samiti* shall, in consultation with the *Karmadhyaksha*, convene the meetings of that *Sthayee Samiti*.

- (5) ⁶Notwithstanding anything contained in section 165 or elsewhere in this Act, the *Karmadhyaksha* shall—

- (a) be responsible for the financial and executive administration in respect of the schemes and programmes ⁷[under the purview and control of the *Sthayee Samiti* within the budgetary provisions of the *Zilla Parishad*,];
- (b) be entitled, in respect of the work of the *Sthayee Samiti*, to call for any information, return, statement, account or report from the office of the *Zilla Parishad* and to enter on and inspect any immovable property of the

Zilla Parishad or to inspect any work in progress and connected with the functions and duties of the *Sthayee Samiti*;

- (c) be entitled, when authorised by the *Sthayee Samiti*, to require the attendance at its meeting of any officer of the *Zilla Parishad*;
 - (d) exercise such other powers, perform such other functions and discharge such other duties, as the *Zilla Parishad* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.
- (6) ¹The *Karmadhyaksha* shall be paid out of the *Zilla Parishad* Fund such remuneration and allowances, and shall be entitled to leave of absence for such period or periods and on such terms and conditions, as the State Government may by order direct or may by rules made in this behalf, prescribe.
- (7) ¹Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a *Karmadhyaksha* from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers, due performance of his functions or due discharge of his duties:

Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making representation against the proposed order.

Section : 173

Key Word : Resignation. (Part IV-Zilla Parishad -Chapter XVI – Sthayee Samiti of the Zilla Parishad. -Section -173) Resignation. (Part IV-Zilla Parishad -Chapter XVI – Sthayee Samiti of the Zilla Parishad. -Section -173)

The *Karmadhyaksha* or any other member of a *Sthayee Samiti* may resign his office by giving notice in writing to the *Sabhadhipati* and on such resignation being accepted by the *Zilla Parishad* the *Karmadhyaksha* of such member shall be deemed to have vacated his office.

Section : 174

Key Word : Casual Vacancy. (Part IV-Zilla Parishad -Chapter XVI – Sthayee Samiti of the Zilla Parishad. -Section -174)

When a vacancy occurs in the office of a *Karmadhyaksha* or a member of a *Sthayee Samiti* by resignation, death or otherwise, the members of the *Sthayee Samiti* shall elect another *Karmadhyaksha* or ²[the members of the *Zilla Parishad* shall elect another] member, as the case may be, in the prescribed manner. The *Karmadhyaksha* or the member so elected shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.

Samanway Samiti of office bearers and *Karmadhyakshas*

174A. [*Samanway Samiti*.—Omitted by the 15 of the West Bengal Panchayat (Amendment) Act, 2003 (West Ben. Act VIU of 2003).].

**Chapter XVII
Property and Fund of Zilla Parishad**

Section : 175

Key Word : Power to acquire,hold and dispose of property. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -175) Power to acquire,hold and dispose of property. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -175)

A *Zilla Parishad* shall have the power to acquire, hold and dispose of property and to enter into contracts: Provided that in all cases of acquisition or disposal of immovable property the *Zilla Parishad* shall obtain the previous approval of the State Government

Section : 176

Key Word : Works constructed by a Zilla Parishad to vest in it. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -176)

All roads, buildings or other works constructed by a *Zilla Parishad* with its own funds shall vest in it.

Section : 177

Key Word : Allocation of properties to Zilla Parishad. (Part IV-Zilla Parishad - Chapter XVII – Property and Fund -Section -177) Allocation of properties to Zilla Parishad. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -177)

The State Government may allocate to a *Zilla Parishad* any public property situated within its jurisdiction, and thereupon, such property shall vest in and come under the control of the *Zilla Parishad*.

Section : 178

Key Word : Acquisition of land for Zilla Parishad. (Part IV-Zilla Parishad - Chapter XVII – Property and Fund -Section -178)

Where a *Zilla Parishad* requires land to carry out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the Collector for the acquisition of the land and the Collector may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Land Acquisition Act, 1894, and such land shall, on acquisition, vest in the *Zilla Parishad*.

Section : 179

Key Word : Zilla Parishad Fund. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -179) Zilla Parishad Fund. (Part IV-Zilla Parishad - Chapter XVII – Property and Fund -Section -179)

- (1) For every *Zilla Parishad* there shall be constituted a *Zilla Parishad* Fund bearing the name of the *Zilla Parishad* and there shall be placed to the credit thereof —
- (a) contributions and grants, if any, made by the Central or the State Government including such part of land revenue collected in the State as may be determined by the State Government;
 - (b) contributions and grants, if any, made by a *Panchayat Samiti* or any other local authority;
 - (c) loans, if any, granted by the Central or State Government or raised by the *Zilla Parishad* on security of its assets;
 - (d) the proceeds of road cess and public works cess levied in the district;

- (e) all receipts on account of tolls, rates and fees levied by the *Zilla Parishad*;
- (f) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of, the *Zilla Parishad*;
- (g) all sums received as gift or contribution and all income from any trust or endowment made in favour of the *Zilla Parishad*;
- (h) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be prescribed;
- (i) money, if any, lying to the credit of the district *Chowkidary* reward fund constituted under section 25 of the Bengal Village Self-Government Act, 1919, the control over which rests with the District Magistrate, shall be credited by the District Magistrate to the *Zilla Parishad Fund*;
- (j) all other sums received by or on behalf of the *Zilla Parishad*.

¹*Explanation*— A *Zilla Parishad* shall not receive to the credit of its fund—

- (a) any loan from any individual, severally or jointly, or any member or office bearer of the *Zilla Parishad*, and
- (b) any gift or contribution from any individual, severally or jointly, or any member or office bearer of the *Zilla Parishad* save and except, in pursuance of a resolution adopted in a meeting of the *Zilla Parishad* accepting such gift or contribution and stating the purpose for which such gift or contribution is offered and accepted.

(2) Every *Zilla Parishad* shall—

- (i) set a part and apply annually such sum as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees and to the Executive Officer, ²[the Additional Executive Officer, the Secretary or the Deputy Secretary;]
 - (ii) allocate the money received under clause (i) of sub-section (1) among the *Gram Panchayats* of the district concerned.
- (3) Every *Zilla Parishad* shall have the power to spend such sums as it thinks fit for carrying out the purposes of this Act.
- (4) The *Zilla Parishad Fund* shall be vested in the *Zilla Parishad* and the amount standing to the credit of the fund shall be kept in such custody or

invested in such manner as the State Government may, from time to time, direct.

- (5) Subject to such general control as the *Zilla Parishad* may exercise, from time to time, all orders and cheques for payment from the *Zilla Parishad* Fund shall be ¹[signed by the Executive Officer, or if authorised by the Executive Officer ²(by the Additional Executive Officer, the Secretary or the Deputy Secretary

Section : 180

Key Word : Proceeds of roads cess and public works cess to be credited to the Zilla Parishad Fund. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -180)

Notwithstanding anything to the contrary in the Cess Act, 1880, the proceeds of road cess and public works cess, if any, levied and realised in a district shall be credited to the *Zilla Parishad* Fund after payment of the expenses mentioned in section 109 of the said Act.

Section : 181

Key Word : Levy of tolls,fees and rates. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -181) Levy of tolls,fees and rates. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -181)

- (1) Subject of such maximum rates as the State Government may prescribe, a *Zilla Parishad* may—

(a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a *kutchra* road or any bridge vested in it or under its management;

(b) levy tolls in respect of any *ferry* established by it or under its management;

(c) levy the following fees and rates, namely:—

- (i) fees on the registration of boats or vehicles;

- (ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and *melas* within its jurisdiction as may be specified by the State Government by notification;
 - (iii) a fee for license referred to in section 162;
 - (iv) a water-rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the *Zilla Parishad* within its jurisdiction;
 - (v) a lighting rate, where arrangement for lighting of public streets and places is made by the *Zilla Parishad* within its jurisdiction.
- (2) The *Zilla Parishad* shall not undertake registration of any vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and *melas* within its jurisdiction or levy fee therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.
- (3) The scales of lolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws, Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

Section : 182

Key Word : Zilla Parishad may raise loans and create a sinking fund. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -182)

A *Zilla Parishad* may, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act and create a sinking fund for the repayment of such loans. ¹182A. Notwithstanding anything contained in section 182, a *Zilla Parishad* may borrow money from the State Government or²* * * * from banks or other financial institutions, for furtherance of its objective on the basis of specific schemes as may be drawn up by the *Zilla Parishad* for the purpose.

Section : 183

Key Word : Budget od the Zilla Parishad. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -183)

- (1) Every *Zilla Parishad* shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year³* * * *

(2)

- (a) The budget prepared under sub-section (1) shall be written in English and in vernacular of the district and copies of the budget in both the languages shall be posted in such prominent places within the district as may be prescribed, inviting objections and suggestions from the electors of the *Zilla Parishad*.
 - (b) Copies of the budget shall be forwarded to the State Government for views, if any.
 - (c) The *Zilla Parishad* shall, within such time as may be prescribed and in a meeting specially convened for the purpose and in the presence of at least half of the existing members, consider the objections, suggestions and views, if any, and approve the budget with modifications, if any.
 - (d) A copy of the budget approved under clause (c) shall be forwarded to the State Government.
- (3) No expenditure shall be incurred unless the budget is approved by ¹[under clause (c) of sub-section (2)].

Section : 184

Key Word : Supplementary budget. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -184) Supplementary budget. (Part IV-Zilla Parishad - Chapter XVII – Property and Fund -Section -184)

(1) ²The *Zilla Parishad* may prepare in each year a supplementary estimate providing for any modification of its budget and ²[may approve it in a meeting specially convened for the purpose and in the presence of at least half of the existing members] within such time and in such manner as may be prescribed.

(2) ³A copy of the supplementary estimate as approved under subsection (1) shall be forwarded to the State Government.

Section : 185

Key Word : Accounts. (Part IV-Zilla Parishad -Chapter XVII – Property and Fund -Section -185)

A *Zilla Parishad* shall keep such accounts and in such manner as may be prescribed.

Special provision for the District of Darjeeling

⁴185A.

- (1) With effect from the date of coming into office of the Council, the *Zilla Parishad* for the district of Darjeeling constituted under this Act shall stand dissolved and the members of the *Zilla Parishad* shall be deemed to have vacated their offices forthwith.
- (2) Upon such dissolution of the *Zilla Parishad*, the Council shall exercise all the powers, discharge all the duties and perform all the functions of the *Zilla Parishad* under this Act.
- (3) Notwithstanding anything contained in sub-section (7) of this section or elsewhere in this Act,—
 - (a) anything done or any action taken by the *Zilla Parishad* under this Act prior to the coming into office of the Council, and
 - (b) all rules, orders, bye-laws and notifications made or issued from time to time under the provisions of the West Bengal *Panchayat* Act, 1957, or the West Bengal *Zilla Parishads* Act, 1963, or this Act, applicable to the *Zilla Parishad*, and continuing in force immediately before the coming into office of the Council, shall, after such coming into office, continue in force in so far as they are not inconsistent with the provisions of the Darjeeling Gorkha Hill Council Act, 1988 until they are repealed or amended.
- (4) Notwithstanding anything contained in section 29 of the Darjeeling Gorkha Hill Council Act, 1988, the properties, funds and liabilities of the *Zilla Parishad* and the officers and employees of the *Zilla Parishad* holding office immediately before the coming into office of the Council, shall be determined and apportioned between the Council and the *Mahakuma Parishad* in such manner as may be prescribed, and such determination and apportionment shall be final.
- (5) An order made under sub-section (4) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such re-organisation.

(6) ¹Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force,—

(a) no executive power referred to in section 24 of the Darjeeling Gorkha Hill Council Act, 1988, shall be exercised by a *Gram Panchayat* or *Panchayat Samiti* in the hill areas unless the Council assigns such power to such *Gram Panchayat* or *Panchayat Samiti*, as the case may be, on such terms and conditions as the Council may, by general or special direction, specify, and

(b) the State Government shall not assign any power, function or duty in relation to any matter, referred to in section 207B or in any other provision of this Act, to any *Gram Panchayat* or *Panchayat Samiti* in the hill areas without prior consultation with the Council and, on transfer of such power, function or duty, the Council shall have power and authority to issue any direction, and adopt any measure, for supervision and monitoring with respect to the exercise of such power, performance of such function and discharge of such duty by the *Gram Panchayat* or the *Panchayat Samiti*, as the case may be.

¹185B.

(1) For the sub-division of Siliguri in the district of Darjeeling the State Government shall constitute a *Mahakuma Parishad* bearing the name of the sub-division.

(2) The *Mahakuma Parishad* shall comprise the areas of the blocks within the sub-division excluding such *mouzas* of the sub-division as are comprised in the hill areas.

(3) The *Mahakuma Parishad* shall consist of the following members, namely:—

(i) *Sabhapatis* of the *Panchayat Samitis* within the sub-division, *ex officio*;

(ii) ²[such number of persons, not exceeding three, as may be prescribed on the basis of the number of voters in each Block within the sub-division, the Block being divided ³(by the prescribed authority) for the purpose into constituencies in the prescribed manner,] elected by secret ballot, at such time and in such manner as may be prescribed, ⁴[from amongst the persons, whose names are included in the electoral roll ⁵(prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election,) pertaining to any Block within the area of *Mahakuma Parishad*, by persons whose names are included in such electoral roll pertaining to the constituency comprised in such Block;];

⁶Provided that seats shall be reserved for the Scheduled Castes and the

Scheduled Tribes in a *Mahakuma Parishad* area and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same portion to the total number of seats in that *Mahakuma Parishad* to be filled up by election as the population of the Scheduled Castes in that *Mahakuma Parishad* area or of the Scheduled Tribes in that *Mahakuma Parishad* area, as the case may be, bears to the total population of that *Mahakuma Parishad* area and such seats shall be subjected to allocation by rotation, in the manner prescribed to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that *Mahakuma Parishad* area, as the case may be, bears with the total population in that *Mahakuma Parishad* area:

¹Provided further that not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

¹Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in the *Mahakuma Parishad* shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed:

¹Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section ²* * * *, when the number of members to be elected to the *Mahakuma Parishad* is determined, or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in the *Mahakuma Parishad*, in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:

¹Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to the *Mahakuma Parishad*, be disqualified for election to any seat not so reserved:

³Provided also that such division into constituencies shall be made in such manner that the ratio between the population of all the Blocks in the *Mahakuma Parishad* and the number of constituencies in the *Mahakuma Parishad* shall, so far as practicable, be the same as in any *Zilla Parishad*:

¹Provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing ²f, issue an order making fresh determination], of the number of members in the *Mahakuma Parishad* or fresh reservation on rotation of the number of constituencies in the *Mahakuma Parishad* and, on such order being issued by the State Election Commissioner, the determination of the number of members and the reservation of the number of constituencies shall not be varied for "[the next] three successive general elections:

¹Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India;

- (iii) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the sub-division or any part thereof (excluding the part comprised in the hill areas), not being Ministers;
- (iv) members of the Council of States, not being Ministers, ⁴[registered as electors within the area of any Block] in the sub-division (excluding the place comprised in the hill areas).

(4) The *Mahakuma Parishad* constituted under this section shall be notified in the *Official Gazette* and shall come into office with effect from the date of its first meeting at which a quorum is present.

(5) The *Mahakuma Parishad* shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

(6) Notwithstanding anything contained in this Act,—

(a) anything done or any action taken by the *Zilla Parishad* under this Act prior to the coming into office of the *Mahakuma Parishad*, and

(b) all rules, orders, bye-laws and notifications made or issued from time to time under the provisions of the West Bengal *Panchayat Act*, 1957, or the West Bengal *Zilla Parishads Act* 1963, or this Act, applicable to the *Zilla Parishad*, and continuing in force immediately before the coming into office of the *Mahakuma Parishad* under this Act, shall, after such coming into office, be applicable to the *Mahakuma Parishad* and shall continue in force in so far as they are not inconsistent with the provisions of this Act until they are repealed or amended.

(7)

(a) The *Mahakuma Parishad* shall have a *Sthayee Samiti*, namely, *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*.

(b) The *Mahakuma Parishad* may have such other *Sthayee Samiti* or *Samitis* as it may, subject to the approval of the State Government, constitute.

(c) A *Sthayee Samiti* shall consist of the following members:—

- (i) the *Sabhadhipati* ¹[and the *Sahakari Sabhadhipati*], *ex officio*;
- (ii) three persons to be elected in the prescribed manner by the members of the *Mahakuma Parishad* from among themselves;
- (iii) ²such number of persons, being Officers of the State Government or of any statutory body or corporation or being eminent persons have specialised knowledge, as the State Government may think fit, appointed by the State Government. ,

(d) No person, other than the *Sabhadhipati* or the *Sahakari Sabhadhipati*, shall be a member of more than two *Sthayee Samitis*,

(e) All the provisions of sub-sections (4) to (7) of section 171 and sections 172 to 174 shall apply *mutatis mutandis* to a *Sthayee Samiti* constituted under this section.

(8) All the provisions of sections 141 to 152, 153 to 165, 166 to 170, 175 to 185, 186 to 196, 196A, 196B, 197, 197A, 197B, 198 to 202, 202A, 203 to 216, 220 to 221 and 223 shall apply to the *Mahakuma Parishad mutatis mutandis*.

Part V

Chapter XVIII Audit

Section : 186

Key Word : Audit of accounts of fund. (Part V-Chapter XVIII – Audit -Section -

186)

- (1) The accounts of the funds of a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* shall be examined and audited by an auditor appointed in that behalf by the State Government at such time and place, to such extent and in such manner as the State Government may prescribe.
- (2) An auditor appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Section : 187

Key Word : Submission of accounts to audit. (Part V-Chapter XVIII – Audit - Section -187)

The *Pradhan*, the *Sabhapati* or the *Sabhadhipati*, as the case may be, shall produce, or cause to be produced, to the auditor all such accounts of the fund of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned as may be required by the auditor

Section : 188

Key Word : Power of auditors. (Part V-Chapter XVIII – Audit -Section -188)

- (1) ¹For the purposes of an audit under this Act an auditor may—
 - (i) require in writing the production before him of any document or the supply of any information which he considers to be necessary for the proper conduct of the audit;
 - (ii) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document, or having, directly or indirectly and whether by himself or his partner, any share or interest in any contract made with, by or on behalf of, the members of the *Gram Panchayat*, the *Panchayat Samiti* or *Zilla Parishad* concerned; and
 - (iii) require any person so appearing before him to make and sign declaration in respect of any such document or to answer any question or prepare and submit any statement.

- (2) ¹If any person neglects or refuses to comply with the requisition made by the auditor under sub-section (1), the auditor may, at any time, refer the matter to the Sub-divisional Officer in the case of a *Gram Panchayat*, or the District Magistrate in the case of a *Panchayat Samiti*, or the Divisional Commissioner in the case of a *Zilla Parishad*, having jurisdiction, and thereupon the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, shall be competent to issue such direction to the person neglecting or refusing to comply with the requisition made by the auditor as he may think fit, and such direction shall be binding on such person.

Section : 189

Key Word : Penalty.(Part V-Chapter XVIII – Audit -Section -189)

Any person who neglects or refuses to comply with the requisition made by the auditor under section 188, within such time as may be specified, shall, on conviction by a Court, be punishable with a fine which may extend to one hundred rupees in respect of each item included in the requisition.

Section : 190

Key Word : Audit report. (Part V-Chapter XVIII – Audit -Section -190)

- (1) Within two months from the date on which an audit under this Act is completed, the auditor shall prepare a report and shall send the report to the *Pradhan*, the *Sabhapati* or the *Sabhadhipati*, as the case may be, of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* and a copy thereof to the State Government.
- (2) The auditor shall append to his report a statement showing—
- (a) the grants-in-aid received by the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* and the expenditure incurred therefrom;
 - (b) any material impropriety or irregularity which he may observe in the expenditure or in the recovery of the monies due to the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* or in the accounts of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* Fund;
 - (c) any loss or wastage of money or other property owned by or vested in the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad*

Section : 191

Key Word : Action on audit report. (Part V-Chapter XVIII – Audit -Section -191)

- (1) Within two months from the receipt of the report referred to in section 190, the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned shall, at a meeting, remedy any defect or irregularity pointed out in the report and shall also inform the auditor of the action taken by it. The *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned shall give reasons or explanations in case any defect or irregularity is not removed.
- (2) If, within the period referred to in sub-section (1), no information is received by the auditor from the *Gram Panchayat*, the *Panchayat Samiti*, or the *Zilla Parishad* concerned or if the reasons or explanations given by it for not remedying any defect or irregularity as aforesaid is not considered sufficient by the auditor, the auditor shall if he has not already exercised or does not propose to exercise the powers conferred upon him by section 192, ¹[refer the matter to Sub-divisional Officer in the case of a *Gram Panchayat*, or the District Magistrate in the case of a *Panchayat Samiti*, or the Divisional Commissioner in the case of a *Zilla Parishad*, having jurisdiction, and thereupon the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, shall issue such direction to the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, as he may think fit.]
- ¹(2A) If within thirty days from the date of issue of any direction under sub-section (1), no information is received from the *Gram Panchayat* or the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, or if the reasons or explanations given by it for not removing the defect or irregularity pointed out in the report referred to in section 190 are not considered sufficient, the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, shall—
- (i) specially convene a meeting of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, by giving seven days' notice to the members for discussion of the report as aforesaid, and may appoint an observer for such meeting who shall submit a report on the proceedings of the meeting in writing, duly signed by him, within a week of such meeting;
- (ii) refer the matter to the State Government with his recommendation for appropriate action under section 192A, section 196B, section 213 or section 214, as the case may be:

Provided that the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, may make recommendations under all or any of the sections 192A, 196B, 213 and 214.

- (3) It shall be competent for the State Government to pass such orders thereon as it may think fit. The orders of the State Government shall, save as provided in sections 192 and 193, be final and the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned shall take action in accordance therewith.
- (4) If the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned fails to comply with the order within the period specified therein, the State Government may appoint a person to carry out the order, and may determine the remuneration payable to such person, and may direct that such remuneration and any cost incurred in carrying out the order shall be paid from the fund of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned.
- (5) A person appointed under sub-section (4) shall, for the purpose of carrying out the order, exercise any of the powers, which might have been exercised by the concerned *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*.

Section : 192

Key Word : Power of auditor to surcharge,ect. (Part V-Chapter XVIII – Audit - Section -192) Power of auditor to surcharge,ect. (Part V-Chapter XVIII – Audit - Section -192)

192. (1) The auditor, after giving the person concerned to submit an explanation within a time to be specified by him and after considering any such explanation, shall disallow every item of account contrary to law and surcharge the same on the person making or authorizing the making of the illegal payment, and shall charge against any person responsible for the amount of any loss incurred by the negligence or misconduct of that person, and shall, in every such case, certify the amount due from such person: Provided that the auditor may in his discretion waive the surcharge or charge in cases where the amount involved does not exceed twenty- five rupees.

(2) For the purposes of this section any member of a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad*, as the case may be, or of a *Sthayee Samiti* of a *Panchayat Samiti* or a *Zilla Parishad* who is present at a meeting at which a motion or resolution is passed authorising any expenditure which is subsequently disallowed under sub-section (1) or authorising any action which results in any such expenditure, shall be deemed to be a person authorising such expenditure if his dissent is not recorded in the proceedings. All such persons shall be held jointly and severally liable for such expenditure.

(3) The auditor shall record in writing his reasons for every disallowance, surcharge and charge made under sub-section (1) and shall, in such manner as may be prescribed, send a certificate of the amount due and a copy of the reasons for his decision to the person in respect of whom the certificate is made, and shall also furnish copies thereof to the *Pradhan*, the *Sabhapati* or the *Sabhadhipati*, as the case may be, and the State Government.

(4) The State Government may, of its own motion and within one year from the receipt by it of the copy of the certificate, set aside or modify any disallowance, surcharge or charge and any certificate in respect thereof made by the auditor.

Section : 193

Key Word : Appeal. (Part V-Chapter XVIII – Audit -Section -193) Appeal. (Part V-Chapter XVIII – Audit -Section -193)

- (1) Any person from whom any sum has been certified by the auditor to be due under section 192 may, within two months of the receipt by him of the certificate, appeal to the State Government to set aside or modify the disallowance, surcharge or charge in respect of which the certificate was made and the State Government may pass thereon such orders as it thinks fit, and such orders shall be final.
- (2) Where a person referred to in sub-section (2) of section 192, who has been surcharged as authorising an illegal expenditure, appeals to the State Government under this section, the State Government shall set aside such surcharge if it is proved to its satisfaction that such person voted for the resolution or motion in good faith.

Section : 194

Key Word : Payment of certified sums. (Part V-Chapter XVIII – Audit -Section -194) Payment of certified sums. (Part V-Chapter XVIII – Audit -Section -194)

- (1) The sum certified by the auditor to be due from any person under section 192 or where an appeal is made under sub-section (1) of section 193, such sum as may be ordered by the State Government to be due from such person shall, within two months of the date of certification, or order, as the case may be, be paid by such person to the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned which shall credit the sum to the fund of the *Gram Panchayat*, the *Panchayat Samiti* or *Zilla Parishad* concerned.
- (2) Any sum not paid in accordance with the provisions of subsection (1) shall be recoverable as a public demand and the Collector of the district shall, for

the purposes of section 4 of the Bengal Public Demands Recovery Act, 1913, be deemed to be the person to whom such demand is payable.

- (3) The Collector of the district shall pay to the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad concerned* any sum recovered by him under sub-section (2).

Section : 195

Key Word : Certain costs and expenses payable out of funds. (Part V-Chapter XVIII – Audit -Section -195)

- (1) All expenses incurred by the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned in complying with any requisition of the auditor under section 188 and in prosecuting an offender under section 189 shall be paid from the fund of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned.
- (2) All expenses incurred by the Collector of the district in connection with the proceedings for recovery of any sum under sub-section (2) of section 194 from a person, if not recovered from the person, shall be paid from the fund of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned.
- (3) If the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned fails to pay expenses referred to in sub-sections (1) and (2) within such period as may be determined by the State Government in this behalf, the State Government may attach the fund of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned or any portion thereof.
- (4) After such attachment no person except an officer appointed in this behalf by the State Government shall in any way deal with the attached fund or portion thereof, but such officer may do all such acts in respect thereof, as the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned referred to in sub-section (1) might have done if the attachment had not taken place, and may apply the proceeds of the fund in satisfaction of the expenses due, the interest accruing in respect of such expenses and any additional expenses resulting from the attachment and any subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any charge or debt for which the fund attached was previously liable in accordance with law but all such prior charges and debt shall be paid out of the proceeds of the fund before any part of the proceeds of the fund is applied to the satisfaction of the costs and expenses payable to the State Government under this section.

Section : 196

Key Word : Certain expences not chargeable to funds without previous sanction. (Part V-Chapter XVIII – Audit -Section -196)

The members of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned shall not without the previous sanction of the State Government incur any expenditure from the fund of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* concerned in connection with any appeal or proceedings against surcharge, in respect of which a certificate is issued by the auditor.

¹196A. Notwithstanding anything contained in section 186, the accounts of the funds of a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* shall be organised, examined and audited periodically by an officer appointed in this behalf by the State Government in such manner as the State Government may direct.

¹196B. Notwithstanding anything contained in sections 186 and 196A, the State Government may issue direction for special audit of the Accounts of the funds of a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* by such authority as the State Government may direct.

Section : 197

Key Word : Oath or affirmation. (Part VI-Chapter XIX. – Miscellaneous -Section -197)

Every member of a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* other than a member referred to in ²[clauses (i) and (iii) of sub-section (2) of section 94 and clauses (i), (iii) and (iv) of subsection (2) of section 140] shall before taking his seat make and subscribe before such authority as may be specified by the State Government in this behalf, an oath or affirmation according to the form set out for the purpose in the Third Schedule,

¹197A. Notwithstanding anything to the contrary contained in this Act,—

(a) if at a general election of members in *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, poll in any constituency is countermanded or cannot be held, or, if held, the result of such election cannot be declared for any reason within such period as it considers reasonable, the State Government may, if it finds that at least two-thirds of total number of members for that *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, ²***** have been elected and are competent to assume office, notify the constitution of such *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, in the manner provided in this Act and the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as

the case may be, shall be deemed to have been constituted under section 4, section 94 or section 140, respectively;

- (b) the name of any member of a *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* subsequently elected shall be notified in the *Official Gazette* and such member shall be entitled to assume office and remain a member for the unexpired period of ³[five years] referred to in subsection (1) of section 7, sub-section (1) of section 96 or sub-section (1) of section 141, respectively.

⁴197B.

- (1) Notwithstanding the provisions contained in sections 7, 96 and 141, if at any time the whole of the area of a constituency of a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* is included in a municipality, ⁵* * * * or Town Committee or a Cantonment, the member elected from such constituency to the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, shall, as from the date of such inclusion, cease to be a member of the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* concerned.
- (2) If for inclusion of whole of, the area of a constituency or constituencies of a *Gram Panchayat* in a municipality ¹* * * * or a Town Committee or a Cantonment under sub-section (1), the number of members of a *Gram Panchayat* falls short of the number referred to in sub-section (2) of section 4, the *Gram Panchayat* shall continue to function in accordance with the direction of the State Government till its reconstitution or unification with another *Gram Panchayat* under clause (d) of sub-section (3) of section 3.

Section : 198

Key Word : Validation. (Part VI-Chapter XIX. – Miscellaneous -Section -198)

No act or proceeding of a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad*, shall be deemed to be invalid merely by reason of the existence of any vacancy in the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, or any defect or irregularity in the constitution thereof.

Section : 199

Key Word : Members, officers and employees to be public servants. (Part VI-Chapter XIX. – Miscellaneous -Section -199)

All members, officers and employees of the *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* shall be deemed, when acting or purporting to act in pursuance of the discharge of their duties, or in the exercise of their powers under this Act or under the

rules or bye-laws made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.

Section : 200

Key Word : Indemnity. (Part VI-Chapter XIX. – Miscellaneous -Section -200)

No suit or other legal proceeding shall lie against a *Gram Panchayat*, a *Panchayat Samiti*, a *Zilla Parishad* or against any member thereof or any officer or employee for anything in good faith done or intended to be done in pursuance of this Act or of any rules or bye-laws made thereunder.

Section : 201

Key Word : Reference of dispute. (Part VI-Chapter XIX. – Miscellaneous -Section -201)

- (1) If any dispute arises between two or more *Gram Panchayats* within the jurisdiction of the same *Panchayat Samiti*, it shall be referred to the *Panchayat Samiti* by any party to the dispute and the decision of the *Panchayat Samiti* thereon shall be final.
- (2) If any dispute arises between two or more *Panchayat Samitis* or between two or more *Gram Panchayats* within the jurisdiction of different *Panchayat Samitis* or between a *Panchayat Samiti* and a *Gram Panchayat*, within the jurisdiction of the same *Zilla Parishad*, it shall be referred to the *Zilla Parishad* by any party to the dispute and the decision of the *Zilla Parishad* thereon shall be final.
- (3) If any dispute arises—
 - (a) between a *Gram Panchayat* or a *Panchayat Samiti* within a district on the one side and the *Zilla Parishad* of the same district on the other, or
 - (b) between two or more *Zilla Parishads*, or
 - (c) between one or more *Gram Panchayats* in one district on the one side and one or more *Gram Panchayats* in another district on the other, or
 - (d) between one or more *Panchayat Samitis* in one district on the one side and one or more *Panchayat Samitis* in another district on the other, or
 - (e) between one or more *Gram Panchayats* in one district on the one side and one or more *Panchayat Samitis* in another district on the other, or

(f) between one or more *Gram Panchayats* in one district on the one side and the *Zilla Parishad* of another district on the other, or

(g) between one or more *Panchayat Samitis* in one district on the one side and the *Zilla Parishad* of another district on the other,

the dispute shall be referred to the State Government by any party to the dispute and the decision of the State Government thereon shall be final.

Section : 202

Key Word : (Omitted.)

[(Bar of Simultaneous candidature for election.)—Omitted by s. 17 of the West Bengal Panchayat (Amendment) Act, 2003 (West Ben. Act VIII of 2003)].

¹202A. A member—

(a) of a *Gram Panchayat* on being elected a member of a *Panchayat Samiti* or a *Zilla Parishad*,

(b) of a *Panchayat Samiti* on being elected a member of a *Gram Panchayat* or a *Zilla Parishad*,

(c) of a *Zilla Parishad* on being elected a member of a *Gram Panchayat* of a *Panchayat Samiti*,

(d) of a *Nyaya Panchayat* on being elected a member of a *Gram Panchayat* or a *Panchayat Samiti* or a *Zilla Parishad*,

shall cease to be the member of the *Gram Panchayat* or the *Nyaya Panchayat* or the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, with effect from the date on which he is declared elected to the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, and shall continue to be a member of the *Gram Panchayat* or the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, to which he is elected.

Section : 203

Key Word : (Omitted.): (Omitted.)

[(Elections.)—Omitted by s. 18 of the West Bengal Panchayat (Amendment) Act, 2003 (West Ben. Act VIII of 2003)].

Section : 204

Key Word : (Omitted.) : (Omitted.)

[(Disputes as to Election.)—Omitted by s. 19 of the West Bengal Panchayat (Amendment) Act, 2003 (West Ben. Act VIII of 2003)].

Section : 205

Key Word : Inspection. (Part VI-Chapter XIX. – Miscellaneous -Section -205)

- (1) **The State Government shall appoint a Director of Panchayats and such other officers as it may consider necessary for the purpose of inspecting or superintending the work of all, or any class of, *Gram Panchayat, Panchayat Samitis or Zilla Parishads.***
- (2) **An officer appointed to inspect or superintend the work of a *Gram Panchayat, Panchayat Samiti or Zilla Parishad* may at any time—**
 - (a) **inspect or cause to be inspected any immovable property used or occupied by the *Gram Panchayat, Panchayat Samiti or Zilla Parishad* or any work in progress under the direction of the *Gram Panchayat, Panchayat Samiti or Zilla Parishad*;**
 - (b) **inspect or examine, or depute any other officer of the Government to inspect or examine, any department of the *Gram Panchayat, Panchayat Samiti or Zilla Parishad* or any service, work or thing under the control of the *Gram Panchayat, Panchayat Samiti or Zilla Parishad*;**
 - (c) **require, for the purposes of inspection or examination, the *Gram Panchayat, Panchayat Samiti or Zilla Parishad*—**
 - (i) **to produce any book, record, correspondence, plan or other document,**
or

- (ii) to furnish any return, plan, estimate, statement, accounts or statistics,
or
- (iii) to furnish or obtain any report or information.
- (3) The Divisional Commissioner or any other officer not below the rank of a '[Joint Block Development Officer of The Block] when authorised by the State Government in this behalf, may exercise all or any of the powers conferred on an inspecting officer under sub-section (2).
- (4) When an inspection of a *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad* is undertaken by any officer referred to in sub-section (3), a report of such inspection shall be submitted by such officer to the State Government.

Section : 206

Key Word : Delegation. (Part VI-Chapter XIX. – Miscellaneous -Section -206)

The State Government may, by notification, delegate, subject to such conditions as it may specify all or any of its powers under this Act except the powers mentioned in section 224 to any person or authority subordinate to it.

¹206A.

- (1) ²As soon as may be after the commencement of the West Bengal *Panchayat* (Amendment) Act, 1994, and thereafter at the expiry of every five years, there shall be a Finance Commission constituted by the Governor, by notification, under clause (1) of article 243-1 of the Constitution of India which shall consist of not more than five members including the Chairman, selected from amongst the jurists, economists, administrators and social and political workers of eminence.
- (2) The Finance Commission shall review the financial position of the ³*Panchayats* and shall make recommendations as to —
- (a) the principles which should govern —
- (a) the distribution between the State and the *Panchayats* of the net proceeds of taxes, duties, tolls and fees leviable by the State, which may be divided between them, and the allocation between the *Panchayats* at all levels of their respective shares of such proceeds;

- (b) the determination of taxes, duties, tolls and fees which may be assigned to, or appropriated by, the ³[*Panchayats*];
- (c) the grants-in-aid to the ³[*Panchayats*] from the Consolidated Fund of the State;
- (b) any other matter referred to the Finance Commission by the ⁴[Governor] in the interest of sound finance of the ³[*Panchayats*].
- (3) The Chairman and the other members of the Finance Commission shall hold office for one year and ⁵[the term of office may be extended for six months at a time by the State Government by notification, and they shall be paid such fees and allowances as the State Government may, by order, determine.]
- (4) The Chairman or any other member of the Finance Commission may resign his office by writing under his hand addressed to the Chief Secretary to the Government of West Bengal, but he shall continue in office until his resignation is accepted by the State Government.
- (5) ¹The Finance Commission shall, in the performance of its functions, determine its own procedure, and exercise such powers, summon such persons and examine such records as may be prescribed.
- (6) ²The Governor, on receipt of the recommendations of the Finance Commission, shall take such actions as may be considered necessary, and the recommendations of the Finance Commission together with an explanatory memorandum of actions taken thereon, shall be laid for not less than fourteen days before the State Legislature as soon as possible after such recommendations are received and shall be accepted with such modifications as the State Legislature may make during the session in which they are so laid.
- (7) The State Government may appoint a Secretary for the Finance Commission and such other officers and employees as that Government may think necessary, and may determine the salaries of the Secretary and the other officers and employees.

Section : 207

Key Word :Transfer of institution.(Part VI-Chapter XIX. – Miscellaneous -Section - 207)

- (1) The State Government may transfer any institution under its management or control to a *Zilla Parishad* or a *Panchayat Samiti* or a *Gram Panchayat* subject to such conditions, limitations and restrictions as may be agreed upon.

- (2) When any institution is transferred under sub-section (1), persons employed by the State Government shall with effect from the date of such transfer be deemed to be employed by the *Zilla Parishad* or *Panchayat Samiti* or *Gram Panchayat* to which such institution is transferred, on terms and conditions, not being less advantageous than what they were entitled to immediately before such transfer.

⁵207A.

- (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force,—

(a) upon the issue of any direction to any *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* to exercise any power or perform any function or discharge any duty, or

(b) upon the transfer to any *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* of any function, or control and management of any property,

under any provisions of this Act, the State Government shall, subject to such conditions as it may deem fit to impose, place at the disposal of the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, the services of such officers and employees as may be necessary to enable it to exercise such power or perform such function or discharge such duty, as the case may be.

- (2) The officers and employees whose services are so placed at the disposal of the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, shall continue to be the employees of the State Government and their salary, allowances and other benefits shall be met from the Consolidated Fund of the State:

Provided that where any disciplinary or other action is required to be taken against any such officer or employee, the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, shall make a reference to the State Government for appropriate action.

- (3) Where any power or function or duty is conferred or imposed on any *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* by or under any other law for the time being in force, such law shall have effect as if this section had formed a part of such law, and thereupon such law shall be deemed to have been amended accordingly.

'207B.

- (1) Without prejudice to the generality of the provisions contained in section 207 or elsewhere in this Act, the State Government may, by order published in the

Official Gazette, transfer, under such terms and conditions as may be specified in the order, to a *Panchayat* such powers, functions and duties as are exercised, performed and discharged by the State Government under any law made by the State Legislature or otherwise under the executive power of the State in relation to any or all of the following matters:—

- (i) agriculture including agricultural extension, agricultural marketing and food processing;
 - (ii) irrigation, minor irrigation and water management;
 - (iii) animal resources development;
 - (iv) health and family welfare;
 - (v) public health engineering and rural water supply;
 - (vi) social welfare, women and child development, welfare of handicapped, mentally retarded and weaker sections of people;
 - (vii) land and land reforms, land improvement and soil conservation;
 - (viii) co-operation;
 - (ix) *khadi*, and cottage and small scale industries;
 - (x) rural housing;
 - (xi) public works and communications;
 - (xii) education including primary and secondary schools, technical training, vocational education, libraries and cultural activities;
 - (xiii) fisheries;
 - (xiv) social forestry, farm forestry and minor forest-produce; (xv) rural electrification including distribution of power and non-conventional energy sources;
 - (xv) poverty alleviation programme;
 - (xvi) public distribution system.
- (2) Upon the transfer of any powers, functions or duties under subsection (7), the State Government shall allot to the *Panchayat* such fund and personnel as may be necessary to enable that *Panchayat* to exercise the powers, perform the functions or discharge the duties so transferred.

- (3) here any powers, functions or duties conferred by or under any other law for the time being in force, are transferred or delegated to a *Panchayat*, such law shall have effect as if this section had formed a part of such law, and thereupon such law shall be deemed to have been amended accordingly.

Section : 208

Key Word : Period of limitation for suits. (Part VI-Chapter XIX. – Miscellaneous -Section -208)

Notwithstanding anything contained in the Limitation Act, 1963, the period of limitation for the institution of any suit by or on behalf of a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* for the possession of any immovable property vested in such *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* from which it has been dispossessed or of which it has ceased to have possession shall be sixty years from the date of dispossession or discontinuance.

Section : 209

Key Word : Power of State Government to rescind or suspend resolution of a Gram Panchayat, Panchayat Samiti or Zilla Parishad. (Part VI-Chapter XIX. – Miscellaneous -Section -209)

- (1) The State Government may, by order in writing, rescind any resolution passed by a *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, if in its opinion such resolution—
- (a) has not been legally passed, or
 - (b) is in excess or abuse of the powers conferred by or under this Act or any rules made thereunder.
- (2) The State Government shall, before taking any action under sub-section (1), give the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* concerned an opportunity of making any representation against the proposed order.
- (3) The prescribed authority may, by order, in writing suspend the execution of any resolution or order of a *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* or prohibit the doing of any act which is about to be done or is being done, in pursuance of, or under cover of, this Act or any rules made thereunder, if in his opinion the resolution, or order or act is in excess [or an abuse] of the powers conferred by or under this Act or any rules made thereunder, or the execution of the resolution or order, or the doing of the act,

is likely to lead to serious breach of the peace or to cause serious injury or annoyance to the public, or to any body of persons.

- (4) When the prescribed authority makes an order under sub-section (3), he shall forthwith forward a copy thereof, with a statement of his reason for making it, to the State Government, who may thereupon rescind the order or direct that it shall continue in force with or without modification, permanently or for such period as it thinks fit.

Section : 210

Key Word : (Omitted.)

[(Appointment of members by State Government.)—Omitted by s. 35 of the West Bengal Panchayat (Amendment) Act, 1992 (West Ben. Act XVII of 1992)].

Section : 211

Key Word : Power of State Planning Board and the District Planning Committee. (Part VI-Chapter XIX. – Miscellaneous -Section -211)

The State Planning Board and the District Planning Committee shall have power to supervise and evaluate the works of any *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*.

Section : 212

Key Word : Directions by State Government. (Part VI-Chapter XIX. – Miscellaneous -Section -212) Directions by State Government. (Part VI-Chapter XIX. – Miscellaneous -Section -212)

In the discharge of their functions the *Gram Panchayat*, the *Panchayat Samiti* and the *Zilla Parishad* shall be guided by such instructions or directions as may be given to them by the State Government from time to time in conformity with the provisions of this Act.

Section : 213

Key Word : Power of remove Pradhan,Upa-Pradhan,Sabhapati,Sahakari Sabhapati,Sabhadhipati and Sahakari Sabhadhipati. (Part VI-Chapter XIX. – Miscellaneous -Section -213) Power of remove Pradhan,Upa-Pradhan,Sabhapati,Sahakari Sabhapati,Sabhadhipati and Sahakari Sabhadhipati. (Part VI-Chapter XIX. – Miscellaneous -Section -213)

- (1) The State Government may, notwithstanding anything contained in ²[sub-section (3), of section 9], sub-section (3) of section 93 and sub-section (3) of section 143, by an order in writing, remove with effect from a date to be specified in the order any *Pradhan* or *Upa-Pradhan*, any *Sabhapati* or *Sahakari Sabhapati* or any *Sabhadhipati* or *Sahakari Sabhadhipati* from his office if, in its opinion, he willfully omits or refuses to carry out the provisions of this Act or of any rules or orders made thereunder or abuses the powers vested in him under this Act.
- (2) The State Government shall, before making any order under subsection (1) give to the person concerned an opportunity of making a representation against the proposed order.

¹213A.

- (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the prescribed authority for such *Panchayat* as may be specified by notification in this behalf, may, subject to the other provisions of this section, declare, for reasons to be recorded in writing, a member of such *Panchayat* to be disqualified for being a member thereof, if—
- (a) he is an elected member set up by a recognised political party and has—
- (i) voluntarily given up his membership of such recognised political party, or
- (ii) exercised the voting right contrary to the manner of voting of the majority members set up by such recognised political party in such *Panchayat*; or
- (b) he is an elected member not set up by any recognised political party and he has joined a recognised political party on the expiry of six months from the date of election:
- Provided that the prescribed authority shall not declare any member to be disqualified under this section without giving to such member a reasonable opportunity to represent his case and to be heard in person:
- Provided further that an elected member referred to in sub-clause (ii) of clause (a) shall not, on the prescribed authority being satisfied in this behalf, be declared to be disqualified, if—
- (a) the action of such member was taken on obtaining prior permission of, or was condoned by, such recognised political party, or

- (b) such member claims that he and any other members of such recognised political party in the *Panchayat* constitute a group representing a faction consisting of not less than one-third of the total number of members set up by such recognised political party in the *Panchayat* and that all the members of such group have voluntarily given up their membership of such recognised political party, or
 - (c) the former recognised political party of the member merges with another recognised political party, and he claims that he and other members of his former recognised political party, or
 - (i) have become members of such other recognised political party or of a new recognised political party formed out of merger, as the case may be, or
 - (ii) have not accepted the merger, and from the lime of such merger, he and such other members constituting not less than one-third of the total number of members set up by the former recognised political party in the *Panchayat*, have opted to remain members of the former recognised political party or have formed a new recognised political party.
- (2) On being declared to be disqualified under sub-section (1), a member shall, subject to the provisions of sub-section (12), stand removed from the *Panchayat* from the date of such declaration.
- (3) As soon as may be within one month from the date of the first meeting of a *Panchayat* or within one month from the date on which this section comes into force, as the case may be, elected members set up by the recognised political parties shall, by adopting a resolution, select one member from amongst themselves to be the Leader and such Leader shall, within fifteen days from the date of such selection, furnish to the prescribed authority referred to in sub-section (1) —
- (i) a copy of the resolution,
 - (ii) a signed statement containing the names, addresses and constituencies of himself and other members set up by such recognised political party, and
 - (iii) a copy of a set of rules and regulations, if any, by whatever name called, of such recognised political party:

Provided that an office-bearer may also hold the office of the Leader:

¹Provided further that the prescribed authority referred to in sub-section (1) shall not refuse to accept, or to rely on, the documents furnished by the Leader merely on the ground that the resolution selecting the Leader was not adopted within one month from the date

of the first meeting of the *Panchayat* or within one month from the date on which this section comes into force, as the case may be, or that the documents as aforesaid were not furnished to him within fifteen days from the date of such selection.

- (4) Where there is only one elected member set up by a recognised political party in a *Panchayat*, he shall furnish the documents referred to in sub-section (5) in relation to himself:

Provided that in the event of any increase in the number of members of such recognised political party, the provisions of sub-section (3) shall apply as if the first meeting of the *Panchayat* was held or this section came into force, as the case may be, on the date on which such increase took place.

- (5) A member not belonging to any recognised political party shall furnish a statement to that effect to the prescribed authority referred to in sub-section (1) within one month from the date of the first meeting of the *Panchayat*.

- (6) In the event of any change of the information furnished under sub-section (3), sub-section (4) or sub-section (5), the Leader or the member, as the case may be, shall, as soon as may be within fifteen days from the date of such change, furnish in writing such change of information to the prescribed authority referred to in sub-section (1).

- (7) The Leader of any recognised political party referred to in sub-section (3) may at any time file a petition endorsed by the General Secretary, or, if there is no General Secretary, the Secretary, of the district unit of such recognised political party to the prescribed authority referred to in sub-section (7), stating that—

(a) one or more members of such recognised political party have—

- (i) voluntarily given up his or their membership of such recognised political party, or

- (ii) have exercised the voting right contrary to the manner of voting of the majority members set up by such recognised political party in the *Panchayat*, or

(b) the member referred to in sub-section (4) has voluntarily given up his membership of the recognised political party that set him up, or

(c) the member referred to in sub-section (5) has joined a recognised political party on the expiry of six months from the date of election,

and that such member or members should be declared to be disqualified under sub-section (7) and should be removed from the *Panchayat*.

- (8) Every petition referred to in sub-section (7)—
- (a) shall contain a concise statement of the material facts on which the petitioner relies, and
 - (b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and, where the petitioner relies on any information furnished to him by any person or persons, a statement containing the names and addresses of such person or persons and the gist of such information as furnished by such person or each of such persons.
- (9) On receipt of the petitioner referred to in sub-section (7), the prescribed authority referred to in sub-section (1) shall, as soon as possible within six weeks from the date of the receipt of such petition, proceed to make an enquiry to satisfy himself, among others, as to—
- (a) the common decision in regard to the manner of voting to be exercised by the majority members set up by the recognised political party, and
 - (b) whether the member or members against whom such petition is filed, exercised the voting right, in a meeting of the *Panchayat* contrary to such manner of voting.
- (10) For the purpose of enquiry under sub-section (9), the prescribed authority may summon such members of the recognised political party or other persons, and require such signed statements from, and production of such documents and records by, the members or other persons as aforesaid, as he may deem necessary.
- (11) As soon as possible within eight weeks from the date of receipt of the petition referred to in sub-section (7), the prescribed authority shall, in consideration of the facts and the documents and the records before it,—
- (a) reject the petition, or
 - (b) admit the petition wholly or in part and declare any member or members to be disqualified under sub-section (1) for being members of the *Panchayat*.
- (12) Any member of a *Panchayat* declared disqualified under subsection (1) or the Leader of the recognised political party referred to in sub-section (7), if aggrieved by the decision of the prescribed authority, may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and ¹[after giving the

appellant and the opposite parties an opportunity of being heard, set aside or confirm the order or declare any member or members to be disqualified in the manner referred to in sub-section (1) and, upon such declaration, the member or members shall stand removed from the *Panchayat*.]

(13) The order passed by the authority appointed under subsection (12) on the appeal shall be final.

(14) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no court shall have any jurisdiction in respect of any matter arising out of a member being declared to be disqualified under sub-section (1) for being a member of the *Panchayat*.

(15) The State Government may, by notification, make rules for carrying out the purposes of this section.

Explanation.—For the purposes of this section, an elected member shall be deemed to be set up by a recognised political party if he has contested election with the symbol reserved for such recognised political party or if he has contested election with a free symbol and joins a recognised political party and furnishes a declaration to that effect to the prescribed authority referred to in sub-section (7) before the expiry of six months from the date of election.

¹213B.

(1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the prescribed authority for such *Panchayat* as may be specified by notification, may, after giving an office bearer or member of such *Panchayat* an opportunity to show cause against such action as may be proposed to be taken against him, place such office bearer or member under suspension, if he—

(i) has, *prima facie*, been found to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety in an inspection report on audit of accounts and his suspension is necessary to prevent any likely delay in further investigation or any tampering or destruction of records, or

(ii) has, in an inspection held by a competent authority, *prima fade*, been found guilty of criminal breach of trust, financial irregularity, misuse or abuse of power for wrongful gain or gross negligence of duty requiring penal action by a competent authority and his suspension is necessary to prevent any likely delay in further investigation or any tampering or destruction of records, or

(iii) ²has been implicated in a proceeding commenced against him on any criminal charge referred to in clause (h) of section 8, section 97 or section 142, as the case may be, and in pursuance of such proceeding, either he has been detained in

custody for a period exceeding forty-eight hours or a charge in the precise formulation of the specific accusation within the concept and meaning of the Code of Criminal Procedure, 1973, has been framed against him in a competent court of law:

¹Provided that the prescribed authority immediately after placing the office bearer under suspension, shall proceed to cause a full enquiry into the accusations made against such office bearer and on completion of such enquiry, may—

- (a) institute a proceeding against him on a criminal charge under any law for the time being in force,
- (b) furnish a proposal to a competent authority recommending such legal measures against him under the Act or any rule thereunder as deemed appropriate, or
- (c) revoke the order for suspension and reinstate him in his office with such direction as may be deemed fit, if the prescribed authority is of the opinion that there is reasonable ground to believe that there has been an irregularity committed without proof of any criminal intent and without any wrongful gain to him or any wrongful loss to the *Panchayat* and on such reinstatement, such office bearer shall be deemed to hold the charge of his office without any interruption because of suspension,

(2) ²When an office bearer in a *Panchayat* is placed under suspension under sub-section (1)—

- (a) subject to the provisions under clause (b), the other office bearer in such *Panchayat* shall exercise the powers, perform the functions and discharge the duties of the office bearer under suspension, under sub-section (4) or sub-section (5) of section 9, section 98 or section 143, as the case may be,
- (b) notwithstanding the provision under clause (a), such *Panchayat* may, by majority decision of the existing members directly elected to that *Panchayat*, in a meeting specially convened for the purpose, select a person from among them not being an office bearer, to act temporarily in place of the office bearer under suspension and on being so selected, he shall exercise the powers, perform the functions and discharge the duties of such office bearer until the office bearer placed under suspension is reinstated in his office or is subsequently removed or vacates the office by resignation or otherwise in conformity with the provisions of the Act and the rules made thereunder;

Provided that the notice of such meeting shall be given by the office bearer holding the charge with an intimation to the prescribed authority

referred to in first proviso to subsection (1) of section 16, section 105 or section 150, as the case may be, and such prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing within a week of the meeting on the proceedings of the meeting.

- (3) Any office-bearer or member, who is placed under suspension under subsection (1), may within thirty days from the date of the order of suspension, prefer an appeal to such authority as the State Government may appoint in this behalf and thereupon the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.
- (4) The order passed by the authority as aforesaid on such appeal shall be final.

Section : 214

Key Word : Power of State Government to supersede a Gram Panchayat, Panchayat Samiti or Zilla Parishad. (Part VI-Chapter XIX. – Miscellaneous -Section -214)

- (1) If, in the opinion of the State Government, any *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad*—
 - (i) has shown its incompetence to perform or has persistently made default in the performance of the duties imposed on it by or under this Act or any other law, or
 - (ii) has exceeded or abused its powers,

the State Government may, by order, to be published in the *Official Gazette* stating the reasons therefor supersede the *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad*, as the case may be, and direct that it be reconstituted¹[within such period not exceeding six months] as may be specified in the order:

¹Provided that the members of the *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad* as reconstituted shall hold office for the unexpired portion of the period for which the members of the *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad*, as the case may be, would have held office has the *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad*, as the case may be, not been superseded.

- (2) The State Government shall, before making any order under subsection (1), give the *Gram Panchayat, the Panchayat Samiti* or the *Zilla Parishad*, as the

case may be, opportunity of making a representation against the proposed order.

²214A.

(1) There shall be a District Council for *Panchayat* in each district consisting of the following members:—

- (i) *Adhyaksha* or the Chairperson—the Leader of the recognised political party in opposition having largest number of members directly elected with the reserved symbol of such recognised political party in the *Zilla Parishad* or the *Mahakuma Parishad*: Provided that if, in a term of general election, no member in opposition is elected with the reserved symbol of a recognised political party in a *Zilla Parishad* or *Mahakuma Parishad*, the *Adhyaksha* for that term shall be elected from amongst the members, not being *Sabhadhipati*, *Sahakari Sabhadhipait* or *Karmadhyaksha*, by the members of the *Zilla Parishad* or the *Mahakuma Parishad*, as the case may be, on majority vote in a meeting;
- (ii) *Upadhyaksha* or the Vice-Chairperson—to be elected from amongst the members, not being the *Sabhadhipati*, *Sahakari Sabhadhipati* or *Karmadhyaksha*, by the members of the *Zilla Parishad* or the *Mahakuma Parishad*, as the case may be, on majority vote in a meeting;
- (iii) five members elected by the members of the *Zilla Parishad* or the *Mahakuma Parishad*, as the case may be, from amongst themselves;
- (iv) three members, being officers of the State Government or of any statutory body or corporation and having such specialised knowledge as the State Government may think fit, nominated by the State Government;
- (v) Additional Executive Officer of the *Zilla Parishad* or the *Mahakuma Parishad*—Member-Secretary.

(2) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the functions of the District Council shall be as follows:—

- (a) to examine the accounts of the *Panchayats* within its territorial jurisdiction, in relation to the budget approved by the *Panchayats* concerned for the expenditure to be incurred by such *Panchayats*, the annual report of such *Panchayats* and such other accounts of such *Panchayats* as the District Council may think fit;
- (b) to satisfy itself, while scrutinizing the accounts of the *Panchayats*, that—

- (i) the moneys shown in the accounts as having been disbursed where legally available for, and applicable to, the service or purpose to which they have been applied,
 - (ii) the expenditure conforms to the rules governing such expenditure and also the financial proprieties of such expenditure, and
 - (iii) every re-appropriation has been made in accordance with such rules as are applicable;
 - (c) to consider the inspection reports on the annual audit of accounts of any *Panchayat* within its jurisdiction, conducted by the auditors appointed under section 186, and to examine the replies thereto furnished by the respective *Panchayats*;
 - (d) to examine the accounts of stores and stocks maintained by the *Panchayats* within the area of their respective jurisdictions;
 - (e) to pursue the matters relating to the unsettled objections raised in any inspection report on audit of accounts of such *Panchayats* and refer such matters to the authorities concerned suggesting corrective actions;
 - (f) to suggest ways and means to remove the difficulties, if any, experienced by the *Panchayats* in giving effect to any provision of this Act or the rules made thereunder within their respective jurisdictions.
- (3) The term of office of the members of the District Council shall be for the entire period of the term of office of the members of the *Zilla Parishad*, unless a member of the District Council is restrained by any other provision of this Act from continuing as a member of the *Zilla Parishad*.
- (4) The District Council shall determine its own procedure and shall have the right to obtain a copy of every inspection report on audit of accounts of any *Panchayat* within the area of its jurisdiction and may call for any record of any *Panchayat* within such area to be produced for its inspection.
- (5) Without prejudice to the generality of the provisions in subsection (4), the State Government may, be general or special order, provided for—
- (a) the procedure for convening of the meetings of the District Council and the procedure for the meetings,
 - (b) the powers and duties of the Secretary of the District Council,
 - (c) the terms of office of different members of the District Council and the travelling allowances admissible to such members.

- (6) Any elected or nominated member of the District Council may resign his office as such member by tendering his resignation in writing to the *Sabhadhipati* of the *Zilla Parishad* or the *Mahakuma Parishad*, as the case may be, and such resignation shall take effect from the date on which it is accepted by the *Sabhadhipati*.
- (7) Any casual vacancy in the office of any member of the District Council shall be filled in such manner as may be prescribed and the member elected or nominated to fill such casual vacancy shall hold office for the unexpired portion of the term of the *Zilla Parishad*.

Section : 215

Key Word : Consequences of supersession. (Part VI-Chapter XIX. – Miscellaneous -Section -215) Consequences of supersession. (Part VI-Chapter XIX. – Miscellaneous -Section -215)

- (1) When an order of suppression has been passed under section 214 then with effect from the date of the order—
- (a) all the members of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, and all the members of the *Sthayee Samitis* thereof shall vacate their offices;
- (b) all the powers, duties and functions which, under the provisions of this Act or any rule or bye-law made thereunder or any law for the time being in force, may be exercised, discharged or performed by the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, or any *Sthayee Samiti* thereof shall be exercised, discharged or performed by such authority, person or persons as may be appointed by the State Government in this behalf;
- (c) all properties vested in the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, shall remain vested in the State Government until the reconstitution of such *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*.
- (2) On the reconstitution of the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, the authority, person or persons appointed under clause (b) of sub-section (1) shall cease to exercise his functions.

Section : 216

Key Word : Special provision in case of prohibitory orders from Courts. (Part VI-Chapter XIX. – Miscellaneous -Section -216)

Where by reason of an order of a competent court a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* is unable to exercise or perform the powers, duties or functions conferred or imposed on it by or under any law, the State Government may appoint any authority, person or persons to exercise or perform, as the case may be, during the period of such inability, any or all of such powers, duties and functions in such manner and under such conditions as the State Government may direct.

Section : 217

Key Word : Transitory provisions. (Part VI-Chapter XIX. – Miscellaneous -Section -217)

- (1) After the coming into force of this Act in any area, the State Government may appoint any authority, person or persons for any *Gram Panchayat* or *Anchal Panchayat* constituted in that area under the West Bengal *Panchayat* Act, 1957, or any *Anchalik Parishad* or *Zilla Parishad* established in that area under the West Bengal *Zilla Parishads* Act, 1963, and the authority, person or persons so appointed shall exercise, perform and discharge all the powers, functions and duties of such *Gram Panchayat*, *Anchal Panchayat*, *Anchalik Parishad* or *Zilla Parishad*, as the case may be.
- (2) With the appointment of the authority, person or persons referred to in subsection (1), all the members of the *Gram Panchayat*, *Anchal Panchayat*, *Anchalik Parishad* or *Zilla Parishad*, as the case may be, in respect of which such authority, person or persons, as the case may be, has been so appointed shall vacate their offices as such members.

Section : 218

Key Word : Repeal. (Part VI-Chapter XIX. – Miscellaneous -Section -218) Repeal. (Part VI-Chapter XIX. – Miscellaneous -Section -218)

With effect from the date of the coming into office of a *Gram Panchayat* under subsection (4) of section 4, the provisions of the West Bengal *Panchayat* Act, 1957, ¹[relating to *Gram Sabha*, *Gram Panchayat*, *Anchal Panchayat* and *Nyaya Panchayat* shall stand repealed within the territorial limits of the *Gram* and the Union Board constituted under the Bengal Village Self-Government Act, 1919, shall cease to function].

- (1) With effect from the date of the coming into office of a *Panchayat Samiti* under sub-section (3) of section 94,²* * * * the provisions of the West Bengal *Zilla Parishads Act, 1963*, relating to *Anchalik Parishads* shall stand repealed within the territorial limits of the Block.
- (2) With effect from the date of the coming into office of a *Zilla Parishad* under sub-section (3) of section 140, the provisions of the West Bengal *Zilla Parishads Act, 1963*, relating to *Zilla Parishads* shall stand repealed in the district.

Section : 219

Key Word : Vesting. (Part VI-Chapter XIX. – Miscellaneous -Section -219)
Vesting. (Part VI-Chapter XIX. – Miscellaneous -Section -219)

When in consequence of the repeal of the enactment referred to in section 218 any *Gram Panchayat, Nyaya Panchayat* or *Anchal Panchayat* constituted under the West Bengal *Panchayat Act, 1957*, or any *Anchalik Parishad* or *Zilla Parishad* established under the West Bengal *Zilla Parishads Act, 1963*, ceases to exist ¹[or when the Union Board constituted under the Bengal Village Self-Government Act, 1919, ceases to function,] in any area—

- (a) the authority, person or persons, if any, appointed under section 217 in respect of such *Gram Panchayat, Anchal Panchayat, Anchalik Parishad* or *Zilla Parishad*, as the case may be, shall cease to exercise all functions;
- (b) all properties movable or immovable and all assets—
 - (i) vested in such *Gram Panchayat* shall vest in the *Gram Panchayat* or *Gram Panchayats* constituted under this Act in such area in accordance with such allocation as may be determined by the prescribed authority and such determination shall be final,
 - (ii) vested in such *Anchal Panchayat* shall vest in such *Gram Panchayat* or *Gram Panchayats* constituted under this Act in such area in accordance with such allocation as may be determined by the prescribed authority and such determination shall be final,
 - ²(ia) vested in such Union Board shall vest in such *Gram Panchayat* or *Gram Panchayats* constituted under this Act in such area in accordance with such allocation as may be determined by the prescribed authority and such determination shall be final,

- (iii) vested in such *Anchalik Parishad* shall vest in such *Panchayat Samiti* or *Panchayat Samitis* constituted under this Act in such area in accordance with such allocation as may be determined by the prescribed authority and such determination shall be final,
- (iv) vested in such *Zilla Parishad* shall vest in the *Zilla Parishad* constituted under this Act;
- (c) all rights acquired, all debts and obligations incurred, all matters and things engaged to be done —
- (i) by such *Gram Panchayat* shall be deemed to have been acquired, incurred or engaged to be done by the *Gram Panchayat* or *Gram Panchayats* constituted under this Act in such area, as may be determined by the prescribed authority under sub-clause (z) of clause (b),
- (ii) by such *Anchal Panchayat* shall be deemed to have been acquired, incurred or engaged to be done by such *Gram Panchayat* or *Gram Panchayats* constituted under this Act in such area, as may be determined by the prescribed authority under sub-clause (ii) of clause (b),
- ¹(ia) by such Union Boards shall be deemed to have been acquired, incurred or engaged to be done by such *Gram Panchayat* or *Gram Panchayats* constituted under this Act in such area, as may be determined by the prescribed authority under sub-clause (ia) of clause (b),
- (iii) by such *Anchalik Parishad* shall be deemed to have been acquired, incurred or engaged to be done by such *Panchayat Samiti* or *Panchayat Samitis* constituted under this Act in such area, as may be determined by the prescribed authority under sub-clause (iii) of clause (b),
- (iv) by such *Zilla Parishad* shall be deemed to have been acquired, incurred or engaged to be done by the *Zilla Parishad* constituted under this Act;
- (d) all suits or other legal proceedings instituted or which but for the coming into office of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad* constituted under this Act, might have been instituted by or against ²[the Union Board constituted under the Bengal Village Self-Government Act, 1919, or] the *Gram Panchayat* or *Anchal Panchayat*, constituted under the West Bengal *Panchayat Act*, 1957, or the *Anchalik Parishad* or *Zilla Parishad* established under the West Bengal *Zilla Parishads Act*, 1963, may be continued or instituted by or against the *Gram Panchayat* or *Panchayat Samiti*, as determined by the prescribed authority under sub-clauses (i), (ii), ¹[(ia)] or (iii) of clause (b), or the *Zilla Parishad*, as the case may be, and in all such suits or other legal proceedings pending immediately before such constitution

or establishment, such *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad* constituted under this Act, shall stand substituted;

- (e) all suits and cases pending before a *Nyaya Panchayat* West Ben. constituted under the West Bengal *Panchayat Act*, 1957, shall be deemed to have been transferred to such *Nyaya Panchayat* constituted under this Act as may be determined by the prescribed authority;
- (f) persons employed by—
- (i) such *Gram Panchayat* and continuing in office immediately before the coming into office of the *Gram Panchayat* constituted under this Act for such area shall be deemed to be employed by such *Gram Panchayat* or *Gram Panchayats* constituted under this Act, as may be determined by the prescribed authority,
- (ii) such *Anchal Panchayat* and continuing in office immediately before the coming into office of the *Gram Panchayat* or *Gram Panchayats* constituted under this Act for such area shall be deemed to be employed by such *Gram Panchayat* or *Gram Panchayats* constituted under this Act, as may be determined by the prescribed authority,
- ²(*ia*) such Union Board and continuing in office immediately before the coming into office of the *Gram Panchayat* or *Gram Panchayats* constituted under this Act for such area shall be deemed to be employed by such *Gram Panchayat* or *Gram Panchayats* constituted under this Act, as may be determined by the prescribed authority,
- (iii) such *Anchalik Parishad* and continuing in office immediately before the coming into office of the *Panchayat Samiti* or *Panchayat Samitis* constituted under this Act for such area shall be deemed to be employed by such *Panchayat Samiti* or *Panchayat Samitis* as may be determined by the prescribed authority,
- (iv) ¹such *Zilla Parishad* and continuing in office immediately before the coming into office of the *Zilla Parishad* constituted under this Act shall be deemed to be employed by such *Zilla Parishad*:

Provided that the terms and conditions of such persons shall not be less advantageous than those enjoyed by them immediately before the coming into office of such *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be;

- (g) all rules, orders, bye-laws and notifications made or issued from time to time under the provisions of the Bengal Local Self-Government Act, 1885, applicable to the District Board, ²[or the Bengal Village Self-Government Act, 1919, applicable to the Union Board,] or the West Bengal *Panchayat Act*,

1957, or the West Bengal *Zilla Parishads* Act, 1963, applicable to the *Gram Panchayat*, *Anchal Panchayat*, *Anchalik Parishad* and *Zilla Parishad* and continuing in force immediately before the coming into office of the *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* under this Act shall, after such coming into office, continue in force in so far as they are not inconsistent with the provisions of this Act until they are repealed or amended.

Section : 220

Key Word : Prosecution. (Part VI-Chapter XIX. – Miscellaneous -Section -220)

Prosecution in a court under this Act for breach of bye-laws may be instituted by a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* or by any person authorised by such *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, in this behalf.

Section : 221

Key Word : Recovery of arrears. (Part VI-Chapter XIX. – Miscellaneous -Section -221)

³[All arrears of taxes, tolls, rates, fees and cess] leviable by a *Gram Panchayat*, a *Panchayat Samiti* or *Zilla Parishad* under this Act shall, without prejudice to any other mode of recovery, be recoverable as public demands.

Section : 222

Key Word : (Omitted.) : (Omitted.)

[(Provisions for removing difficulties.)—Omitted by s. 61 of the West Bengal Panchayat (Amendment) Act, 1984 (West Ben. Act XXXVII of 1984).]

Section : 223

Key Word : Bye-laws. (Part VI-Chapter XIX. – Miscellaneous -Section -223)

- (1) A *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* '[shall make bye-laws,]²[or amend bye-taws], not inconsistent with the provisions of this Act or the rules made thereunder, for enabling it to discharge its functions under this Act.

³(1A) The bye-laws made or amended under sub-section (1) shall be published by the *Gram Panchayat* or the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, in the manner prescribed.
- (2) The State Government may, by notification, rescind any bye-law and thereupon such bye-law shall cease to have effect.
- (3) In making a bye-law under sub-section (1), a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* may provide that a breach of the same shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing breach with a further fine which may extend to ten rupees for every day during which the breach continues after the offender has been convicted of such breach.

Section : 224

Key Word : Power to make rules. (Part VI-Chapter XIX. – Miscellaneous -Section -224) Power to make rules. (Part VI-Chapter XIX. – Miscellaneous -Section -224)

- (1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which under any provision of this Act, are required to be prescribed or to be provided for by rules.
- (3) All rules made under this Act shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.

- (4) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid. Any modification of the said rules made by the State Legislature shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.

Rules:

**West Bengal Panchayat (Zilla Parishad and Panchayat Samiti)
Accounts and Financial Rules, 2003**

**PART I
Preliminary**

Key Word: Short title and commencement.

1. (1) These rules may be called the West Bengal Panchayat (Zilla Parishad and Panchayat Samiti) Accounts and Financial Rules, 2003;
(2) They shall be deemed to have come into force on the 1st day of April, 2003.

2. (1) In these rules, unless there is anything repugnant in the subject or context:

- (a) The "Act" means the West Bengal Panchayat Act, 1973 (West Ben. Act XL1 of 1973);
- (b) "Accountant " means an official appointed as such by the Zilla Parishad or Panchayat Samiti, or by the State Government for the purpose of maintaining accounts of Zilla Parishad or Panchayat Samiti, as the case may be.
- (c) "Accounts Officer" means an officer of the Zilla Parishad or Panchayat Samiti, as the case may be, appointed or deputed as such by the State Government.
- (d) "Artha Sthayee Samiti means the Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti as referred to in section 124 and section 171 of the Act, as the case may be;
- (e) "Beneficiary Committee" means a committee constituted or recognized as such by a Gram Sansad, any Panchayat body or the State Government;
- (f) "Cheque" includes Demand Draft or Pay Order of a recognized Bank;
- (g) "Competent Authority" means the Zilla Parishad^ Panchayat Samiti or the Artha Sthayee Samiti authorized by a resolution of such Zilla Parishad or Panchayat Samiti, as the case may be, about any particular financial matter.
- (h) "Director" means the Director of Panchayat and Rural Development as referred to in (h) clause (6) of section 2;
- (i) "Executive Engineer" means an officer appointed or deputed to the Zilla Parishad and also includes the District Engineer of a Zilla Parishad, either appointed or deputed to the Zilla Parishad;
- (j) "Form" means a form appended to these rules, and includes a translation thereof in Bengali or Nepali;
- (k) "Joint Executive Officer" means a Joint Block Development Officer appointed as such by the State Government;
- (l) "Internal Audit Officer" means Samiti Accounts and Audit Officer and Parishad Accounts and Audit Officer in respect of Panchayat Samiti and Regional Accounts and Audit Officer in respect of Zilla Parishad.
- (m) "Rule" means a rule as part of this set of rules unless otherwise defined;
- (n) "Secretary" of the Zilla Parishad includes a Deputy Secretary of the Zilla Parishad',
- (o) "Section" means a section of the Act;
- (p) "Sthayee Samiti means a Sthayee Samiti referred to in section 124 or section 171, as the case may be;
- (q) "Zilla Parishad*" includes the Mahakuma Parishad as referred to in section 185 B;

- (r) "Zilla Parishad Fund*" includes all funds maintained by the District or Mahakuma Rural Development Cell of the Zilla Parishad.
- (s) The words and expressions used to these rules but not otherwise defined shall have the same meaning as in the Act.

3. The power to interpret these rules is reserved to the State Government.

PART II FINANCIAL ACCOUNTING

CHAPTER 1 GENERAL PROCEDURE

Key Word: Zilla Parishad on Panchayat Fund

4.

- (1) For every Zilla Parishad or Panchayat Samiti, there shall be constituted a Zilla Parishad or a Panchayat Samiti Fund bearing the name of such Zilla Parishad or Panchayat Samiti, in terms of Section 179 or Section 132 of the Act, as the case may be.
- (2) **The Fund referred to in sub-rule (1) shall be lodged with the Treasury having jurisdiction over the area where the Headquarter of the Zilla Parishad or the Panchayat Samiti, as the case may be, is located and kept in the Local Fund Account constituted in terms of Subsidiary Rules 439 of the Treasury Rules, West Bengal, Volume I, and shall be governed by such provisions of the Treasury Rules, West Bengal as may be applicable.**
- (3) **Notwithstanding the provisions contained in sub-rule (2), any part of the said Fund may be kept in such custody other than the Treasury or invested in such manner as the State Government may, by order, direct from time to time.**
- (4) Without prejudice to the provisions contained in sub-rule (2) and (3), Savings Bank account may be opened and maintained at one or more Public Sector Banks, Co-operative Banks or Postal Savings Bank for any specified programme or scheme, if so directed, by order, by the Central Government or any other authority or with the approval of the State Government, as the case may be.
- (5) **All sums received by or on behalf of the Zilla Parishad or the Panchayat Samiti from the State Government or collected through its own resources,**

shall be credited to the Local Fund Account and shall be vested with the Zilla Parishad or the Panchayat Samiti, in terms of sub-section (4) of section 179 or sub-section (4) of section 132, as the case may be.

- (6) **The Executive Officer shall operate such Local Fund Account or Bank account and shall be the Drawing and Disbursing Officer, in respect of the Zilla Parishad Fund in terms of sub-section (5) of section 179, and in respect of the Panchayat Samiti Fund in terms of sub-section (5) of section 132, as the case may be:**

Provided that the Executive Officer of the Zilla Parishad may authorize the Additional Executive Officer or the Secretary, by order, in terms of sub-section (5) of section 179, to operate such account or accounts. Such authorization may be partial, and governed by such terms and conditions as may be laid down in the said order:

Provided further that the Executive Officer may extend, modify or revoke such order at any time as he may deem fit.

- (7) Any donation, endowment or trust fund for special purposes made or created by a private person or a group of persons or an institution, shall be initially lodged in the Zilla Parishad Fund or the Panchayat Samiti Fund, as the case may be, in terms of section 179 or section 132, respectively, and may in accordance with the wishes of the donor, be placed in any Nationalized Bank, Co-operative Bank, or Post Office in one or more term deposits of any nature.
- (8) Any loan received by the Zilla Parishad or the Panchayat Samiti under clause (c) of sub-section (1) of section 179 or under clause (c) of sub-section (1) of section 132, or any sum received as gift or contribution or any income from trust or endowment, received under clause (g) of sub-section (1) of section 179 or clause (f) of sub-section (1) of section 132, shall be deposited in the Zilla Parishad or the Panchayat Samiti Local Fund Account, as the case may be:

Provided that any loan received from sources other than State Government received by the Zilla Parishad or the Panchayat Samiti may be transferred from the Local Fund Account and placed in any Nationalized Bank, Co-operative Bank or Post Office, with the prior approval of the State Government:

Provided further that the State Government may at any time, by order, authorize opening of a Bank account by a Zilla Parishad or a Panchayat Samiti, as the case may be, for any specific purpose for which Fund is allocated by a statutory organisation or a body corporate registered under the Companies Act, 1956.

5. (1) All sums receivable from any person by the Zilla Parishad or the Panchayat Samiti, including rents receivable from pond, ferry, fishery or any other asset or property of the Zilla Parishad or the Panchayat Samiti collected by a person, authorized by the Zilla Parishad or the Panchayat Samiti, shall be deposited in cash to the cashier on proper receipt,

for crediting the same as quickly as possible to the appropriate account of the Zilla Parishad or the Panchayat Samiti Fund, as the case may be:

Provided that such authorized person shall not keep in his custody at any point of time any amount exceeding rupees one thousand for more than one working day.

(2) All sums collected by a person authorized by the Zilla Parishad or the Panchayat Samiti, shall be remitted in full to the Fund and no portion thereof shall be appropriated directly towards expenditure of the Zilla Parishad or the Panchayat Samiti, as the case may be.

(3) In case money is tendered at the Headquarter of the Zilla Parishad or the Panchayat Samiti, the amount so tendered shall be received by the Cashier or in his absence, by any other official acting as Cashier duly authorized by the Zilla Parishad or the Panchayat Samiti in this behalf, by granting receipt in Form 2. The receipts for any sum exceeding rupees five thousand received at the Headquarter shall be countersigned by the Executive Officer or an officer authorized by him in this behalf.

(4) Any sum received on account of auction of pond, fishery, ferry or any other asset or property, or any or security deposit sum collected outside the Headquarter by Zilla Parishad or Panchayat Samiti, as the case may be, shall be realized in cash or by cheque by granting receipt to the party in Form 1.

(5) Any sum realized, as bungalow charges, by the chowkider or the caretaker shall be deposited to the cashier or any other authorized employee.

(6) In the event of receipt of an amount as referred to in sub-rules (4) and (5) at a place outside the Headquarter, of the Zilla Parishad or the Panchayat Samiti, by an officer, other than the Cashier, on being authorized by the Executive Officer, the amount so received shall be given to the cashier upon receiving a receipt in Form 2 from the Cashier, for credit to the Zilla Parishad or the Panchayat Samiti Fund, as the case may be. If unavoidable, the money shall be kept in the office of the Zilla Parishad or the Panchayat Samiti under double lock and proper guard and remitted to the Treasury link Bank in full on the following working day.

(7) If any fund is deposited in a civil court in favour of the Zilla Parishad or the Panchayat Samiti, such fund on obtaining the order of the court, shall be credited, by transfer to the Fund of Zilla Parishad or Panchayat Samiti, as the case may be. When in such cases, the civil court is situated at a place other than the Headquarter of the Zilla Parishad or the Panchayat Samiti, such fund may be withdrawn, on obtaining approval of the court, in cash and credited to the Zilla Parishad or the Panchayat Samiti Fund as soon as possible.

6. (1) Subject to such control as the Zilla Parishad or the Panchayat Samiti or the concerned

Artha Sanstha Sthayee Samiti may exercise from time to time, all cheques for payment out of the Zilla Parishad or the Panchayat Samiti Fund shall be signed by the Executive Officer of the Zilla Parishad or the Panchayat Samiti or by such other officer as may be authorized by him in this behalf, as the case may be, subject to such terms and conditions as may be specified by him.

(2) All expenditure out of the Zilla Parishad or the Panchayat Samiti Fund, by way of withdrawal, transfer, disbursement or deposit, shall be made under authorization, general or special, of the Zilla Parishad or the Panchayat Samiti, as may be appropriate, or of the Sthayee Samiti having jurisdiction:

Provided that the Executive Officer may, in case of an emergent situation, incur or commit to incur an expenditure on obtaining approval of the Sabhadhipati or the Sabhapati, as the case may be. The latter shall give his approval after making consultations as may be appropriate, subject to any order or any earlier decision of the Panchayat or the Sthayee Samiti having jurisdiction, and ensuring that the decision is placed for consideration in the next meeting of the Zilla Parishad, the Panchayat Samiti or the Sthayee Samiti as may be appropriate:

Provided further that when an authorization is made for expenditure relating to a work, programme or scheme on delineating its nature, and extent and the financial limit for each component thereof, separate authorization for each component of work or each item of expenditure is not necessary when such component of work or such item of expenditure is an integral part of the authorization made.

(3) Payment of bills preferred by a contractor or a supplier shall be made through account payee cheques:

Provided that payment of bills not exceeding rupees five hundred may be made in cash.

(4) All payments from the Zilla Parishad or the Panchayat Samiti Fund including grants or contributions made to a Panchayat Samiti or a Gram Panchayat, as the case may be other than recoupment of permanent advance or establishment cost including salaries and wages, shall be made through account payee cheques only.

7.

(1) All sums paid into the Bank attached to the Treasury for credit to the Local Fund Account of the Zilla Parishad or the Panchayat Samiti Fund, by any person including an employee shall be accompanied by a Challan in Form 3 (to be made available by the Zilla Parishad or the

Panchayat

Samiti), as the case may be. A copy of such receipted Challan shall be presented to the cashier for the purpose of accounting and record.

(2) Any sum accepted by cheque shall be deemed to have been provisionally made on the date _____ on which the said cheque is received in the office of Zilla Parishad or the Panchayat Samiti, on supposition that such cheque shall be duly honoured. The cheque shall be entered in the Cash Book on the date of receipt of the cheque. If, however, on a later date, the cheque is dishonoured on presentation to the Bank, the amount along with Bank charges shall be credited in the Cash Book showing that the payment has not been received. The drawer of the cheque shall be intimated of such dishonour in addition to such steps that may be taken for realization of the due amount along with Bank charges.

8. (1) Funds held by the Zilla Parishad or the Panchayat Samiti as Provident Fund Deposit, Endowment and those raised by loan or contribution for special purpose shall, on no account, be used _____ or appropriated for general purposes of the Zilla Parishad or the Panchayat Samiti.

(2) Funds raised by loan or received as special grant or contribution made for special purpose either by any person, any institution, any other local authority or by the State Government, shall be entered in the register concerned and a separate account shall be maintained in this behalf.

(3) No portion of any loan, special grant or contribution referred to in sub-rule (2), shall be appropriated, even temporarily for any purpose other than that for which it was intended, without the approval of the concerned person, institution, local authority or the State Government sanctioning such Fund. ;

(4) Subscriptions and donations for special purposes shall be recorded under the head "Subscriptions and Donations Received" in the ledger concerned. A separate account shall also _____ be maintained in a Subscriptions Register in Form 4.

(5) Amounts collected against demand for specific purposes on specified terms shall be recorded in Miscellaneous Demand and Collection Register in Form 5 A.

9. (1) All books of accounts and registers shall be bound in convenient volumes with their pages serially machine-numbered. Before using any register prescribed under these rules, the Executive Officer or any other officer as may be authorized by him, shall count the number of pages of each register and certify under his signature, at the front side of the volume, the number of pages contained in the volume. No account shall be prepared or maintained in loose sheets of papers or in loosely bound volume or any volume not certified.

(2) All entries including balancing of the account shall be made in legible handwriting in ink and shall be authenticated by the officials authorized in this behalf.

(3) All receipts of Fund shall be entered in the Cash Book on the basis of credit vouchers prepared in Form 6 with reference details of each such receipt. Similarly, all payments out of the Fund shall be entered in the Cash Book on the basis of debit vouchers prepared in Form 7 with reference to each such claim passed for payment. Such credit vouchers and debit vouchers shall be distinguishable by two different colours of paper and shall have two separate consecutive serial number year-wise.

(4) All corrections and alterations in accounts shall be neatly made in red ink and the officer authorized to maintain that register or record shall duly authenticate such corrections. No erasing or overwriting of an entry made in any record shall be made.

(5) No expenditure shall be incurred unless provided for in the budget estimates for the year.
Explanation. - Budget estimates include revised and supplementary budget and re-appropriation from one head to another.

(6) An expenditure of more than ten per centum in excess of the approved budget estimate, if required, shall have to be previously approved by the Sthayee Samiti and the Artha Sthayee Samiti concerned and then sanctioned by the Zilla Parishad or the Panchayat Samiti, as the case may be, and shall be included in revised and supplementary budget thereof:

Provided that this rule shall not prevent the Zilla Parishad or the Panchayat Samiti from altering the allotments by re-appropriation from any available Fund allocated for any other specific purpose, for any work already in progress, the total expenditure for which is included in the approved budget.

(7) The forms, registers, returns or reports approved by the State Government or in vogue under any other law for the time being in force, but not provided in these rules, and is not inconsistent with the provisions of the Act or these rules, shall apply as if such forms, registers, returns or reports are part of these rules.

(8)The Accounts Officer of the Zilla Parishad or the Panchayat Samiti, shall monitor and supervise all jobs relating to maintenance of accounts and other related work with respect to the Zilla Parishad or the Panchayat Samiti Fund, as the case may be, in the manner as may be directed by the State Government, by order.

10. (1) There shall be a common seal bearing the name of the Zilla Parishad or the Panchayat Samiti. The common seal shall be kept under the personal custody of the Sabhadhipati, Sabhapati, Executive Officer, and such office bearers as may be authorized by the Artha Sthayee Samiti, and shall be used in their presence in the following official records and transactions of the Zilla Parishad or the Panchayat Samiti: -

- (a) Receipt Book used for collection.
- (b) All lease documents or any other deed relating to land or ferry, or any other immovable property or proprietary right.
- (c) Agreement to which Zilla Parishad or Panchayat Samiti is a party.
- (d) All correspondences and documents where use of such common seal is required for transaction of business by the Zilla Parishad or the Panchayat Samiti as the case may be.

(2) Facsimile of any office bearer or officer shall always be kept in the custody of the person concerned.

11. (1) If any loss of money, stores or movable property held by or on behalf of the Zilla Parishad or the Panchayat Samiti is caused by defalcation or otherwise, and is detected in the Treasury or in the Zilla Parishad or the Panchayat Samiti or elsewhere, shall be immediately reported by the officer concerned to his immediate superior as well as to the Executive Officer of the Zilla Parishad or the Panchayat Samiti, as the case may be, even when such loss has been made good by the party responsible for it. The District Magistrate, Director, the State Government and the Examiner of Local Accounts through the State Government shall also be kept informed of such incident.

(2) The Executive Officer on receiving a report submitted to him under sub-rule shall bring the matter to the notice of the Sabhadhipati or Sabhapati, as the case may be, and through him to the Artha Sthayee Samiti with such comment as may be appropriate. A departmental inquiry or investigation shall be made on the

circumstances leading to defalcation or loss and a detailed report shall be submitted to the Artha Sthayee Samiti through the Sabhadhipati or Sabhapati, for consideration within one month from the date of such submission. The Executive Officer shall then report to the State Government, along with a copy of the resolution of the Artha Sthayee Samiti, particularly showing the steps taken to prevent its recurrence and disciplinary action including lodging of First Information Report in the local police Station, if Zilla Parishad or the Panchayat Samiti against the person responsible. The State Government shall send a report to the Examiner of Local Accounts along with copies of the enquiry report of the Executive Officer of the Zilla Parishad or Panchayat Samitis, as the case may be, so received by him

3) Any loss of immovable property such as building or other works caused by fire, flood, cyclone or any other natural calamity or as a result of any civil commotion shall be reported at once to the Director.

12.

Every elected office bearer, member, officer and employee of the *Zilla Parishad* or the *Panchayat Samiti* shall be responsible for any loss sustained by the *Zilla Parishad* or the *Panchayat Samiti* through fraud or negligence on his part or on the part of any other employee to the extent to which it may be shown that he was responsible for the loss by his own action or negligence. Detailed instructions for regulating the enforcement of such responsibility may be laid down, by order, by the State Government in this behalf.

13.

(1) Any loss of or damages to movable or immovable property, right or interest already vested or likely to be vested in due course with the Zilla Parishad or the Panchayat Samiti, as the case may be, caused by negligence, theft, misappropriation, any other process or any natural calamity as referred to in rule 11 shall be brought to the notice of the Artha Sthayee Samiti immediately. Artha Sthayee Samiti shall make a thorough enquiry of such loss, actual or estimated, to ascertain the cause and extent of such loss or damage, to fix up the responsibility and apportionment of such responsibility for the loss and damage and identify the steps required for recovery and restoration of such loss or damage. On receipt of the report, the Artha Sthayee Samiti shall adopt immediate measures to recover the loss or damage and place the matter for consideration in the next meeting of the Zilla Parishad or the Panchayat Samiti as the case may be.

(2) If the Artha Sthayee Samiti finds on careful consideration and after due diligence and care for recovery or restoration of the loss or damage, that the Panchayat body concerned unavoidably sustains certain loss or damage and the loss does not disclose a defect of system, the amendment of which requires the orders of the Government, or that there has not been any serious negligence on the part of any member or employee of Zilla Parishad or Panchayat Samiti and therefore no recovery of the loss is feasible from any

body, it will prepare a proposal on converting such loss or damage into monetary terms, for writing off the loss and place the proposal as a specific item of agenda in the next meeting of the Zilla Parishad or the Panchayat Samiti, as the case may be.

(3) If on receipt of the proposal referred to in sub-rule (2), the Zilla Parishad or the Panchayat Samiti finds that -

(a) the loss is not more than rupees one thousand, it may, on due consideration recommend and forward the proposal to the Director for writing of the loss. The Director on being satisfied, and subject to the provision in clause (c), may approve the proposal and direct for writing of the loss on making proper entries in the relevant records, or,

(b) the loss is more than rupees one thousand it may recommend and forward the proposal to the State Government through the Director. The Director may, if he deems fit, refer the proposal to the Zilla Parishad or the Panchayat Samiti, as the case may be, for further verification or information. If the proposal is submitted again after further verification or with more information, as the case may be, the Director shall forward the proposal to the State Government. The State Government subject to the provision in clause (c), may, direct accordingly, or,

(c) the loss is related to Fund assigned for any particular work or scheme out of any special grant or contribution, made by any Department of the Government or any private or statutory organisation or institution, such proposal, irrespective of the amount involved, shall be forwarded to the State Government and the State Government may on obtaining the concurrence of the said Department, organisation or institution, approve the proposal and direct that the loss be written off on making proper entries in the records.

(4) Any remission of revenue or rent of leased out land, ferry, pound, gardens, orchards, fisheries, tolls on bridges and taxes, rates and fees not exceeding rupees one thousand may be made by the Zilla Parishad only with prior approval of the Director in writing.

14.

(1) All sums remitted to the Treasury, in cash or by cheque, or otherwise by transfer to the credit of the Zilla Parishad or the Panchayat Samiti Fund and payments made by the Treasury on cheques or otherwise from the Zilla Parishad as the Panchayat Samiti Fund, shall be entered in the Pass Book specified in this behalf.

(2) The Pass Book shall remain in the custody of the Executive Officer or any other officer as may be authorised by him in this behalf. It shall be sent to the Treasury by the tenth day of the following

month or on such date as necessary, for updating the posting of entries up to the last working day of every month showing the balance of the Fund depicting different components of the Fund as is available.

(3) The Pass Book shall be examined from time to time by the Executive Officer. He shall reconcile and correct the entries made in the books of accounts and if any error is detected he shall immediately draw the- attention of the Treasury Officer to such discrepancy that may appear between the credits and debits shown in the Pass Book and between those recorded in the accounts of the *Zilla Parishad* or the *Panchayat Samiti*, as the case may be. The verification and reconciliation of the balances of Pass Book along with scheme wise statement as received from the Treasury and those of the Cash Book shall be undertaken once in a month and a verification certificate to that effect that the balance of the Cash Book agreed with that of the Pass Book shall be furnished by Executive Officer to the Treasury Officer every month when the passbook is sent to the Treasury for updating of entries.

15. Procedures as referred to in rule 14 shall be followed *mutatis mutandis* in respect of the Bank accounts opened and maintained by the Zilla Parishad or the Panchayat Samiti. Interest received on Funds shall be reflected in the Cash Book as accretion to the said Fund to which such interest relates. Reconciliation of the credits and debits shown in the Bank Pass Book with the accounts maintained by the Executive Officer shall be made and corrective measures as may be necessary shall be taken in the manner as laid down in sub-rule (3) of rule 14.

16. Verification or of balance by Zilla Parishad/ Panchayat Samiti.

The balance of the Treasury, Bank accounts and the cash balance shall be the balance of the Zilla Parishad Fund or the Panchayat Samiti Fund and shall be accepted as such by the State Government. Besides annual verification, monthly verification of balance shall be made by the Accountant and recording on the corresponding page of the Cash Book or the ledger that the balance has been verified with the Treasury Pass Book or the Bank Pass Book, as the case may be. If the transactions in the account are not verified and reconciled for three consecutive months, the defaulting Zilla Parishad or the Panchayat Samiti, as the case may be, shall not draw any Fund from that account either by cheque or otherwise until the account is verified. Any failure to observe this procedure shall be viewed as an irregularity in maintenance of accounts.

17. Overdrawal of balances and responsibility for overcharge

(1) No Zilla Parishad or Panchayat Samiti shall draw more than the balance or overcharge any particular component of a Fund at its credit in the Local Fund Account or the Bank account.

(2) Expenditure for which no provision has been made in the budget estimate of the current year or when such provision though made has been exhausted, shall not be incurred without re-appropriation of Fund in the manner prescribed by these rules.

(3) In case of any overcharge, resulting in wrongful loss to the *Zilla Parishad* or *Panchayat Samiti*, as the case may be, the responsibility for such overcharge shall lie primarily on the drawer of the charge and the sanctioning authority of such overcharge, and the amount of such wrongful loss may be recovered from such person responsible.

18. Funds remitted through Post Office.

(1) When money due from Zilla Parishad or Panchayat Samiti is paid by Postal Money Order, the cost of remittance shall, in the absence of any special rules or order to the contrary, be borne by the payee.

(2) When money is remitted to the Zilla Parishad or the Panchayat Samiti for payment of dues by means of Postal Money Order or when the amount of Money Order issued by Zilla Parishad or the Panchayat Samiti is returned unpaid, it shall be received on behalf of the Zilla Parishad or the Panchayat Samiti by such officer as may be authorized in this behalf. The amount received shall be accounted for in the Cash Book as also against the record of remittance by money order. The money thus received shall be credited to the Local Fund Account or any other account from which the Fund originated, without delay. All particulars in this behalf shall be kept recorded in a register in Form 8.

(3) When acknowledgement of Money Order is received back, it shall be carefully filed and preserved with the voucher.

(4) Acknowledgements not received within a month from the date of remittance shall be called for from the Postal authorities and the payee.

19. Withdrawal of Money from the fund

(1) Except for expenditure on salary bills for employees in regular establishment, expenditure may be incurred for any purpose, only when-

(a) sanction of the Zilla Parishad or the Panchayat Samiti or of the Sthayee Samiti

concerned has been obtained, is within budget provision, Is Included In the Annual Action Plan, is commensurate with the order of priority for taking up execution of the scheme and the appropriate authority is satisfied that the aforesaid requirements have been fulfilled, or

- (b) If prior sanction of the State Government is necessary for execution of the scheme or for incurring such expenditure, such sanction has been obtained, and
- (c) no violation of any financial propriety or norm as laid down in the Act or rules thereunder or as may be discernible by a man of ordinary prudence, is likely to take place.

(2) No scheme or programme shall be taken up for execution or no order for supply of any material or commodity shall be issued without identifying the Fund for meeting the liability incurred or likely to be incurred on this account; no expenditure shall also be incurred in anticipation of future availability of Fund.

(3) Any expenditure incurred shall be paid out of the available Fund and accounted for as soon as possible within the same financial year and they shall not be allowed to be carried forward to be paid out of the anticipated Fund for the next year.

(4) Each payment shall be made only after the preparation of debit voucher with a Pay Order, signed and dated by the Drawing and Disbursing Officer concerned specifying the amount payable both in figures and words.

(5) All bills for settlement and the cheques therefore shall be signed by the officer authorized in this behalf after the balance has been reduced under his dated signature in the ledger concerned.

20. Filling of Vouchers

(1) All debit vouchers and related supporting documents shall be stamped 'paid and cancelled' so that they cannot be used a second time.

(2) Vouchers and acquittance which are not required to be Submitted to the Treasury shall be filed and retained carefully in the office of the Zilla Parishad or the Panchayat Samiti as the case may be.

(3) Bills, which have been paid by cheque, shall be classified as (a) Salary and establishments bills, and (b) other bills which shall include contingent bills, contractor's bills and other bills. Other class of bills shall be kept in a separate guard file in sequential order of payment.

(4) Since a cash memorandum indicates only the person to whom payment is to be made, it cannot be treated as an acknowledgment of receipt of money from persons named therein,

and also it is not a receipt within the meaning of sub-section 22 of section 2 of the Indian Stamp Act, 1899 (Act 2 of 1899), a proper receipt shall have to be obtained against payment, in each case:

Provided that if it is not practicable to obtain receipt of any particular claim not exceeding Rs.500/- the cash memorandum shall be stamped "paid" and initialed by the Drawing and Disbursing Officer for being recorded as a voucher for audit purpose.

(5) The sub-vouchers, which have been paid in cash out of permanent advance, shall be separately filed, together with the recoupment vouchers, covering the expenditure.

21. Cash book

(1) The Zilla Parishad or the Panchayat Samiti shall maintain Cash Book in Form 9, in the debit side of which shall be entered all sums received under sub-section (1) of section 179 or section 132, as the case may be. Similarly, there shall be entered in the credit side of the Cash Book, all disbursement made by the Zilla Parishad or Panchayat Samiti. Following the double entry system of accounts, all the debit and credit entries in the Cash Book shall have a corresponding entry in the respective ledgers.

(2) The Cash Book shall be bound in convenient volumes and the pages serially machine-numbered. Each volume shall have at the beginning a certificate to the effect of the total number of pages in the volume mentioning the serial number of the first and last page.

(3) The Cash Book shall be maintained by the Cashier or any other authorized employee of the Zilla Parishad or the Panchayat Samiti as the case may be, and all such entries in the Cash Book shall be checked and verified by me Accountant by the Executive Officer, who shall authenticate each such entry by putting his initial against each.

(4) The Cash Book shall be closed and balanced each day and checked. The Cash Book shall indicate at the end of each day the closing balance (both in denominations of notes and coins) and on the closing day of each month, an analysis of cash balance, head of account wise. The officer authorized in this behalf shall verify the total of the Cash Book, physical cash balance and the cash analysis and sign it certifying its correctness.

(5) There shall be no erasing or overwriting of any entry made in the Cash Book. If any erroneous entry is detected, it shall be corrected in red ink after deleting the error. All such deletions shall be authenticated by the officer authorized by putting his initial and date against such rectification in the Cash Book.

(6) Entries of expenditure shall be made day to day in the expenditure side from details of debit vouchers. Corresponding entry shall be made in the Cash Book on the day on which

a cheque is signed by the officer concerned, keeping a note of delivery of the said cheque in the remarks column of the Cash Book as well as the relevant column of the cheque issue register in Form 10A, the same day.

(7) In case of remittance to the Treasury or to a Bank for deposit in the Zilla Parishad or the Panchayat Samiti Fund, entries shall be made day to day, in the receipt side from the duplicate copies of Challans received in case of the Treasury, or from the counterfoil of the Bank receipt, on the date of deposit, as the case may be:

Provided that in case of non-production of duplicate copies of Challans or counterfoils of Bank receipt, on the day of deposit of money in cash or cheque directly to the Treasury or Bank, for remitting to the Zilla Parishad or Panchayat Samiti Fund, the entries may be made on the basis of Pass Book issued by Treasury or Bank, as the case may be, on the date on which it is available.

(8) In case of grants received from the State Government by the Zilla Parishad or the Panchayat Samiti, as the case may be, entry shall be made on the receipt of the bill by the Treasury for transfer credit to Local Fund Account, on the basis of the original copy of Challan, cheque or any other communication which has the signature with official seal of Treasury Officer or any other officer authorized by him in this behalf, on the Bill Transit Register, as may be received by the Zilla Parishad or the Panchayat Samiti, on the day of deposit, as the case may be.

(9) In case of book adjustment by transfer credit of grants allotted to the Zilla Parishad or the Panchayat Samiti by the State Government, any Statutory body or Panchayat or any Government agency, entries in Cash Book shall be made on the date of receipt of the information through the Pass Book or relevant Treasury Challan or communication from the officer crediting the Fund with details of 'order number', date and nature of grants received and with a note on the margin as to the actual date of receipt of the same as per Pass Book, where relevant. Any cheque received in this behalf shall also be recorded in the register in Form 10.

(10) In case of direct remittance to the Bank or through the Treasury for payment against various dues or demands of the Zilla Parishad or the Panchayat Samiti, as the case may be, entries shall be made on the receipt side on the basis of the documents of such deposits.

(11) The Executive Officer may authorize an officer of the Zilla Parishad or the Panchayat Samiti, as the case may be, to sign against each daily transactions as well as daily balance of the Cash Book:

Provided that the Executive Officer may authorize for die aforesaid purposes such officer who is empowered under the law for the time being in force, to make financial transactions of the Fund of the respective Panchayat body:

Provided further that the officer signing cheque shall simultaneously authenticate the entry of such cheque in the payment side of the Cash Book.

(12) At the close of each month, the Bank account and the Load Fund account as reflected in the Cash Book, shall be reconciled with Pass Book of the Bank and of the Treasury. Statements on such reconciliation shall be prepared accordingly in Form 11 and shall be preserved in a register to be maintained for the purpose.

(13) The differences or the discrepancies detected in the statement as referred to in sub-rule (12), shall immediately be set right in case the mistake occurred in the Panchayat body. Otherwise, it shall immediately be brought to the notice of the Treasury Officer or the Manager of the Bank concerned and the discrepancies shall be reconciled. If the discrepancies still persist, the matter shall be brought to the notice of the District Magistrate by the Zilla Parishad or to the notice of the Sub-Divisional Officer by the Panchayat Samiti immediately for settlement of such discrepancies. It is necessary that the discrepancy shall be brought to the notice of the Treasury or Bank, as the case may be, in the month following the month of transaction and that should be settled by personal contact with the Treasury or the Bank at appropriate level.

(14) The Cash Book balance shall be analyzed at the close of the month showing balance of Fund and position of cash, scheme-wise, head-wise or purpose-wise, available for utilization.

22. Subsidiary Cash Book

(1) For any important scheme or programme, a subsidiary Cash Book may be maintained by the Zilla Parishad or the Panchayat Samiti in Form 12 when so directed by the Funding authority with respect to any scheme or programme or when the Panchayat body considers it necessary and expedient to maintain a subsidiary Cash Book in relation to a scheme or a programme.

(2) Provisions relating to maintenance of Cash Book as provided in rule 21 shall apply *mutatis mutandis* for maintenance of the subsidiary Cash Book.

(3) Total receipt and expenditure recorded in the Subsidiary Cash Book for every month shall be brought into the principal Cash Book by recording such receipt or expenditure on the last working day of the month for the purpose of calculating the total Fund and for classification of the Fund scheme-wise and head-wise.

(4) Cash drawn through self-cheque unless immediately disbursed may be recorded in the Liquid Cash Book by the cashier in Form 31, which shall be balanced, closed and physically verified at the close of a day's transaction by the Drawing and Disbursing Officer.

23. Security arrangement for carrying cash

Responsibility for fetching or carrying cash shall not be given to a member of the Group-D staff unless it is necessary. When the amount exceeds rupees five hundred, another employee shall accompany the Cashier. The Cashier who brings the money shall be provided with a leather bag fitted with a lock and chain, which can be secured to his body. When a sum of rupees twenty five thousand or above amount is involved, armed police escorts may be provided with the Cashier for additional protection.

24. General Ledger

(1) All financial transaction of the Zilla Parishad or the Panchayat Samiti, as the case may be, shall be recorded In the general ledger maintained as per Form 13 following the double entry system of book keeping.

(2) Each account maintained in the general ledger shall be totalled every month to facilitate preparation of monthly and annual Receipts and Payment Account of the Zilla Parishad or the Panchayat Samiti, as the case maybe. An illustrative list of heads of account by which Receipts and Payment Account of the Zilla Parishad or the Panchayat Samiti shall be prepared is furnished in ANNEXURE I.

(3) Each account in the general ledger shall show on the top of the left hand side, the budget provision if any in respect of that account made by the Government of India, the State Government, the Zilla Parishad or the Panchayat Samiti, as the case may be.

25. Issue of Cheques and Custody thereof.

(1) No officer or employee except those specifically empowered under these rules shall be authorized to draw or sign any cheque. Cheques for payment from Zilla Parishad Fund shall be signed

by the Executive Officer or such other officers as may be authorized by him in terms of sub-section (5) of section 179. Cheques for payment from Panchayat Samiti Fund shall be signed by the Executive Officer of the Panchayat Samiti, or any other officer as may be authorized by him, in pursuance of any law for the time being in force at any particular period of time.

(2) There shall be only one officer in & Zilla Parishad or a Panchayat Samiti to act as the Disbursing Officer at any given point of time: Provided that for District Rural Development Cell of the Zilla Parishad, a separate officer shall act as the Drawing and Disbursing Officer if not directed otherwise by the State Government, by general or special order.

(3) Requisition for Cheque Book to the Treasury or a Bank shall be for supplies only one Cheque Book at a time for a specified account of Fund. The requisition shall be signed by the officer authorized to draw cheques of the said account of the Treasury or the Bank:

Provided that if in a given account, it appears necessary for a Zilla Parishad to draw a large number of cheques simultaneously, more than one cheque book according to actual requirement may be requisitioned from the Treasury or the Bank, as the case may be.

(4) On receipt of a Cheque Book from the Treasury or the Bank, the officer authorized for the purpose shall carefully examine the number of cheque leaves it contains and shall record on the back of the Cheque Book a certificate of counting to the effect that "This book contains Cheques bearing no to ". Particulars of every Cheque Book shall be entered into the Register of Cheque Books in Form 14.

(5) Cheque Book shall be kept under lock and key in the custody of the officer authorized in this behalf who, when released of his charge, shall submit details of the unused pages of the Cheque Book to the satisfaction of the officer so appointed. A specimen signature of the latter shall at the same time be forwarded to the Treasury or the Bank where any part of the Fund is lodged.

(6) The Cheque Book in use may be given to the Accountant whenever required, but it shall be returned to the officer authorized for safe custody before the office is closed for the day and shall on no account be left anywhere except under the custody of the officer concerned.

(7) The officer in whose custody the Cheque Book remains shall periodically check the Cheque Book and the loss of an unused cheque shall be notified promptly to the Treasury officer or the Bank manager as the case may be, and the fact of such loss shall be noted in the remarks column of the Register of Cheque Books Issued in Form 14. A First Information Report shall also be lodged to the local Police Station in such cases.

(8) Whenever necessary, against Cheques issued by the Zilla Parishad, drafts may be purchased for payment at other places. In such cases, the payee's receipt may be obtained through any reliable agency and such receipt shall be obtained before delivery of the draft to the payee.

(9) No cheque shall be signed unless required for immediate delivery in settlement of a claim preferred, to such person, nor until the bill which it will discharge has been presented in complete and proper form, examined and passed for payment by an authorized officer. Retention of any signed cheque in the office shall be avoided. Date of issue of a cheque shall be the date for signing the cheque.

(10) The counterfoil of cheques shall be initiated by the officer who signs the cheque and by the Accountant or any other employee duly authorized in this behalf.

(11) All cheques shall have written across them in words, at right angles to the top a sum a little in excess of the amount for which they are issued. Thus **under rupees thirty*¹ only will mean that the cheque is for a sum a little less than rupees thirty.

(12) Correction, erasing and overwriting in a cheque shall not be made as a general rule. If, however, minor corrections are to be made, all such corrections shall be made by deleting the original entry relating to the amount, date or payee and the deletion shall be attested by the Drawing Officer with signature.

(13) Every cheque other than cheques involving expenditure on establishment, office expense honorarium or remuneration and travelling allowance of the Zilla Parishad or the Panchayat Samiti employees, office bearers and members shall be drawn in favour of the person to whom the money is actually due.

(14) Delivery of cheques shall be made only to the payee or his representative duly authorized by him in writing in this behalf.

(15) Cheques for payment of money to the officers of the State Government shall always be made "Account Payee only - not negotiable" or "Order" if required for administrative convenience.

(16) Payment of sums deducted at source on account of Income Tax, Profession Tax, recoveries on General Provident Fund, Loans etc. of the Zilla Parishad or the Panchayat Samiti employees shall be credited to the Treasury under appropriate head in accordance with rule* for transfer credit.

(17) Cheques drawn in favour of corporate bodies, firms, contractors and private persons shall be crossed by opting the words "Account Payees only - not negotiable".

(18) In case of a cheque issued against the Local Fund Account maintained with the Treasury, it shall remain valid for three months after the month of issue, but no cheque shall be payable after 30 days of the date of its encashment by the Treasury Officer.

(19) The Drawing Officer shall periodically verify from the Pass Book of the Treasury or Bank to ascertain whether the cheques issued have been encashed. If a cheque is not encashed within three months after issue, the Drawing Officer shall require the payee to explain sufficient reason for non-encashment of the cheque. On receipt of his reply or if no reply is received, he shall take appropriate actions in terms of rule 27.

(20) If a cheque is issued by the Zilla Parishad or the Panchayat Samiti in payment of any sum due from the Zilla Parishad or the Panchayat Samiti concerned and that cheque is honoured on presentation to the payee's Banker, payment shall be deemed to have been made on the date it is handed over to the payee or his authorized agent, or on the date on which it is posted, if the cheque is posted to the payee in pursuance of a request for payment by post.

(21) As soon as any amount is received by the Zilla Parishad or the Panchayat Samiti through a cheque, its particulars shall be recorded in the Register of Cheques Received in Form 10 and the amount shall be entered in cheque book on the same day. The receipt of such cheque shall be duly acknowledged by giving a receipt in Form 2 and the serial number of the receipt shall be entered in the Register in Form 10.

(22) As soon as a cheque is issued by the Zilla Parishad or the Panchayat Samiti, the particulars of the cheque issued shall be recorded in the Register of Cheques Issued in Form 10A and the amount shall likewise be entered in the cheque book.

26. Cancellation of cheques.

(1) When it is detected after a claim is passed for payment, by the appropriate authority and a cheque has been drawn accordingly, that the claim is not genuine or there is some other reason for withholding the payment, it shall be necessary to stop the payment. If the cheque is still in the possession of the Panchayat body, the cheque shall be cancelled and such cancellation shall be recorded on the counterfoil and the cheque and also in other books of accounts showing issue of such cheque.

(2) When the cheque, required to be cancelled on the ground as referred to in sub-rule (1), is no longer in possession of the Panchayat body, it shall immediately address the Treasury Officer or the Bank to stop payment of the cheque and on ascertaining that payment has been stopped, make necessary entry in the Cash Book and other account books.

(3) When the cheque is required to be cancelled on the ground as referred to in sub-rule (1), has already been encashed by the payee, it shall be necessary to direct the payee to refund the amount forthwith on stating the reasons for such decision. If the payee fails to make refund within the period stipulated in the communication, appropriate legal action shall be initiated against him for recovery of the amount. Steps shall also be taken simultaneously for fixing up responsibility for wrongful processing of an unlawful claim: Provided that any legal action against a person who received or encashed such cheque against a wrongful claim shall not debar the Zilla Parishad or the Panchayat Samiti from taking any other appropriate action against him.

(4) The fact of cancellation of a cheque drawn shall be recorded by stamping 'cancelled*' under initials of the drawer of the cheque, both on the cheque and its counterfoil and also across the payment order in the voucher.

27. Cheques lapsed or lost

(1) In case of cheque lapsed because of either non-delivery of the cheque or failure of the payee to encash the cheque, the reason of failure should be justified by the payee to the satisfaction of the Drawing and Disbursing Officer following which the old cheque shall be stamped 'Lapsed' and preserved with the counterfoil and a new cheque may be issued in lieu thereof, if so required. The number and date of the new cheque shall be recorded on the counterfoil of the lapsed cheque and the number and date of the lapsed cheque shall be entered in the counterfoil of the new cheque.

(2) The fact of the new cheque having been issued shall be entered on the date of issue in red ink in the Cash Book but not in the column for payment, a note being made at the same time against the original entry in the Cash Book and suitable note shall be sent to the Treasury.

(3)(a) In case a cheque is reported lost during the period of its validity, the fact shall be notified

to the Treasury/Treasury linked Bank or the Bank promptly; a certificate from the Manager of the Treasury linked Bank or the Bank as the case may be, shall be obtained as far as practicable in the following form:

**"Certified that Cheque number Dated
..... for**

**Rs reported by the Drawing Officer to have been drawn
by him on this Bank in favour of..... has not been
paid and shall not be paid It presented hereafter.**

Manager Treasury linked Bank / Bank

(Delete Inappropriate words)"

(b) On receipt of the certificate from the Treasury linked Bank or Bank, the officer concerned, if satisfied, shall draw a new cheque in lieu of the lost cheque and the procedure for cancellation of cheques shall be followed mutatis mutandis. The certificate obtained shall be preserved with the counterfoil of the cheque issued.

(4) A cheque if not encashed within three months or six months of its issue, as the case may be, without intimation and appearing in the list of outstanding cheques, such cheque shall be cancelled and the amount taken back to the account under appropriate head of account from which the cheque was drawn, after keeping note on the counterfoil and the voucher. If required a fresh cheque may be issued upon the request of the payee.

28. Destruction of Records.

(1) At the close of every year, the Executive Officer in consultation with the Sabhadhipati or the Sabhapati as the case may be, shall cause preparation of a list of records of the Zilla Parishad or the Panchayat Samiti that may be destroyed and arrange to place a proposal in the next meeting of Artha Sthayee Samiti for approval for destruction accordingly by the Executive Officer.

(2) While considering any proposal for destruction of records, the Artha Sthayee Samiti shall be guided by the rules, procedure contained in Bengal Records Manual read with Rules 53(a) of West Bengal Financial Rules Vol. I, and shall be subject to any other rules or instructions that may be issued by the State Government from time to time in this behalf. For destruction of records in the custody of Executive Engineer, the Artha Sthayee Samiti shall be generally guided by the rules in the Public Works Code of the State Government.

(3) No record shall be destroyed which is connected with office expenditure, with expenditure on projects, schemes, or works even though beyond the period of limitation, service matters, pension matters, Establishment pay bills and acquittance rolls that may be required for the purpose of audit and for maintaining accounts of Fund or records of any matter pending in a court of law or departmental proceedings or records relating to any transaction with the Treasury.

(4) Full details should be maintained permanently in a register in Zilla Parishad or Panchayat Samiti of all records destroyed from time to time.

PART II FINANCIAL ACCOUNTING

CHAPTER II Accounting of Revenues

29. Revenue from fixed demand

(1) Sources of revenue such as revenue from ponds, buildings and lands, produces of land, gardens and fisheries, tolls on bridges, roads and ferries or any other asset or property owned, vested or under the control of the Panchayat body concerned are usually leased out for fixed revenue. The recoveries for such leased out properties are to be considered as fixed demand and shall be maintained in the Demand and Collection Register in Form 5.

(2) A separate page of the Demand and Collection Register shall be set apart for each separate kind of revenue for which there is a fixed monthly, quarterly or annual demand. An index showing categorisation of each kind of demand and the corresponding pages shall be recorded at the beginning of the register.

(3) If the sources of revenue and the circumstances are different in nature, the columns in the Form may be modified by the Artha Sthayee Samiti, without losing its substantial character, under intimation to the Director to meet the local requirements.

(4) The Register in Form 5 shall be opened by bringing forward all arrears due from the lessees/tenants whose lease has terminated and has not been renewed. The entries shall be made serially, grouped according to the years for which the arrears are due, so that the total demand and realisation can be ascertained by totaling the respective entries.

(5) Below the entries relating to the arrear demand due, the demand of the current period shall be entered. These shall be grouped in such manner so that all ponds, ferries, lands, fisheries or any other asset or property come together in separate groups with sufficient space left after each group to insert any fresh lease granted, if any, during the year.

(6) Realisation in each month shall, likewise, be shown in relevant column and a grand total shall be shown for each quarter. The total realisation during the year shall also be shown.

(7) The security deposit of lease taken in part or whole shall be credited directly to the head of security deposit in the Cash Book.

(8) On expiry of the lease, the amount paid as 'security deposit' may be adjusted with the lease premium due and the balance if any may be refunded;

(9) When a lease agreement is cancelled for any reason and the pond, ferry or any other property is again leased out afresh, the up-to-date demand shall be worked out and reconciled with the up-to-date collection;

(10) If a leaseholder makes a submission for remission of revenue with respect to leasehold on ground of any natural calamity or any other unforeseen event beyond his control, the Artha Sthayee Samiti of the Zilla Parishad or the Panchayat Samiti may either accept his submission wholly or in part or reject it. The decision of the Artha Sthayee Samiti shall not be given effect to before the decision is ratified in pursuance of a specific item of agenda in a meeting of the Zilla Parishad or the Panchayat Samiti as the case may be;

(11) If ponds, ferries or other property of Zilla Parishad have been placed in charge of Panchayat Samiti in exercise of powers under section 159 of the Act, Demand and Collection Register of Rents, shall be kept by the latter in the same manner as are required by the Zilla Parishad and these shall be prepared and maintained in the Panchayat Samiti in accordance with these rules and the relevant procedure;

(12) In case the Panchayat Samiti directly undertakes settlement of any property on being so authorised by Zilla Parishad, the records shall be maintained with such modifications and the reports and returns shall be furnished in such form and periodicity as may be set forth in the agreement between the Zilla Parishad and the Panchayat Samiti without any prejudice to the generality of the provisions in this rule;

30. : Miscellaneous Demand

(1) For a demand not otherwise provided for in these rules, the Zilla Parishad or the Panchayat Samiti, as the case may be, shall maintain a Miscellaneous Demand and Collection Register in Form 5A.

(2) The register shall be opened by bringing forward all arrears.

(3) The entries shall be made serially, one below the other, grouping together same nature of demands according to the years for which the arrears are due.

(4) Any amount realised shall be shown in relevant columns and a grand total shall be shown for each quarter. The total during the year shall also be shown. Demand at the end of each quarter shall be worked out after adjustment against realisation.

(5) Other provisions in rule 29 relating to the Demand and Collection Register shall apply *mutatis mutandis* for maintenance of this register

31: Demand Notice

(1) A Demand Notice in duplicate in Form 15 shall be issued to the assessee or lessee over the

signature of the Executive Officer or any other officer authorised by him requiring the assessee or lessee to pay the dues mentioned in the notice by such date as may be specified in the said notice.

(2) The duplicate copy of the Demand Notice shall be filed with the case records and on receipt of the payment; necessary note shall be recorded therein over the signature of the officer referred to in sub-rule (2).

(3) If no payment is made within the specified date, appropriate action to recover the dues shall be taken.

32. Duplicate Carbon Receipt Books

(1) All collection shall be effected by means of Duplicate Carbon Receipt in Form 1 and Form 2, as the case may be.

(2) Each Duplicate Carbon Receipt Book shall have a number printed on it, which shall appear on each receipt form and its duplicate. Each receipt form and its duplicate shall bear another machine printed serial number for easy identification.

(3) Duplicate Carbon Receipt Books shall be obtained from an agency carefully selected by the Zilla Parishad from among the reputed printing firms in or outside the district. In order to obtain supply before the existing stock is exhausted, the Zilla Parishad shall process and place order for supply sufficiently ahead of time.

(4) Printing shall be undertaken by the agency in presence of a senior officer of the Zilla Parishad on maintaining utmost secrecy.

(5) Serial number to be printed on each Duplicate Carbon Receipt Book shall be pre-fixed with not less than six digit number selected at random. Such pre-fixing number shall be made known to the agency at the last moment and the officer present in the printing press shall ensure that before his departure from the press the printing block has been destroyed.

(6) On receipt of the stock of Duplicate Carbon Receipt Books, the Drawing and Disbursing Officer or his authorized officer shall check that the book number is entered on the cover and on every page and its duplicate of each Receipt Book.

(7) He shall sign a certificate on the cover of each Duplicate Carbon Receipt Book stating the number of receipt forms, in duplicate.

(8) A Stock Register of Receipt Books shall be maintained in Form 14, and it shall be kept under Lock and key. The key shall remain in the custody of the Drawing and Disbursing Officer or his authorized officer.

(9) The Drawing and Disbursing Officer or his authorized officer shall not approve a fresh requisition for Duplicate Carbon Receipt Books made by persons authorised to make collection until he has satisfied himself that used Duplicate Carbon Receipt Books have been received and the collections made therein have been duly accounted for.

(10) Before any Duplicate Carbon Receipt Book is issued, each receipt form and its duplicate shall be stamped with the seal of the Zilla Parishad or the Panchayat Samiti.

(11) The Drawing and Disbursing Officer or his authorized officer shall record in an Order Book the name of the Accountant or authorized employee who is responsible for keeping an account of the receipt and issue of Duplicate Carbon Receipt Books in a Register in Form 14.

(12) Duplicate Carbon Receipt Books shall be kept in the custody of the Drawing and Disbursing Officer or his authorized officer. Not more than one Duplicate Carbon Receipt Book shall, ordinarily, be at any time in possession of a person authorised to make collection.

(13) The Drawing and Disbursing Officer or his authorized officer shall keep a record of the name of the person to whom Duplicate Carbon Receipt Book has been issued in the Register in Form 14.

(14) At the time of deposit of collections made in such Duplicate Carbon Receipt Book, either for the entire book or any part thereof, a Payer's Certificate as to the amount paid by him shall be

obtained
over the Payer's signature at the bade of the page upto which collection is made.

(15) After the Accountant has satisfied himself that the Duplicate Carbon Receipts are in order and that the amount collected by them have been duly credited to Zilla Parishad or the Panchayat Samiti Fund, he shall report the fact to the Drawing and Disbursing Officer or his authorized officer who shall record on the back of the last receipt form used in each book the words, "Examined up to date and found in order**", with his signature in full and date. Before such recording, the Drawing and Disbursing Officer or his authorized officer shall satisfy himself that -

- (i) no page has been removed,
- (ii) there is no overwriting or erasing made in any receipt form,
- (iii) to each cancelled receipt form its duplicate is attached which has also been cancelled under attestation of the Officer in charge,
- (iv) all the amounts collected through the Receipt Book have been credited to *Zilla Parishad* or the *Panchayat Samiti* Fund as the case may be, *and*
- (v) all the amounts collected have been entered in the Ledger concerned as well as in the main Cash Book of the *Zilla Parishad* or the *Panchayat Samiti* Fund, as the case may be.

33. Inspection Bungalow Charges

(1) Bungalow charges shall be levied according to the orders issued in this behalf. They shall be checked with reference to the entries made by die visitors themselves in the Visitor's Book in Form 16, to be maintained in each bungalow, at the time of payment to the authorised employee of the *Zilla Parishad* or the *Panchayat Samiti* as the case may be. The visitors shall be issued receipt in Form-I for the amount paid to the authorized employee. The amount so collected shall be handed over to the cashier or any other authorised employee on obtaining a receipt in Form 2 as referred to in the proviso of sub-rule(1)of rule5.

(2) Amount paid in advance as bungalow charges may be collected by the Cashier at the Headquarters against receipt in Form 2 and accounted for against the bungalow concerned.

(3) The amount collected, as bungalow charges shall forthwith be credited in the usual manner to the respective *Zilla Parishad* or the *Panchayat Samiti* Fund.

34. Receipt on account of fruit bearing and other trees.

(1) A Register of trees in Form 17 shall be maintained in the Zilla Parishad and the Panchayat Samiti the total showing number of trees of each variety in each kilometer of road and in each Bungalow and on any other land in control and possession of the Zilla Parishad or the Panchayat Samiti, as the case may be.

(2) The register shall be updated from time to time preferably, every year, to accommodate new grown trees and old trees replaced.

(3) The Executive Engineer in the Zilla Parishad and one or more Sub-Assistant Engineers in the Panchayat Samiti may be entrusted with the responsibility for maintenance of the Register in Form 17 with the assistance of other available employees subject to the decision of the Artha Sthayee Samiti.

(4) The officer as referred to in sub-rule (3) shall prepare from time to time a list of fruits, trees or any other produces which should be sold in the best interest of the body and shall forward the list through his superior officer for approval of the Executive Officer or any officer authorised by him; he may conduct the sale on receipt of such approval in the manner as may be decided.

(5) After completion of the sale referred to in sub-rule (4), the amount collected shall be deposited in the Zilla Parishad or the Panchayat Samiti Fund in the usual manner; if the sale proceeds are partly received, a note of demand shall be kept in the Miscellaneous Demand and Collection Register in Form 5A of the Zilla Parishad or the Panchayat Samiti as the case may be, for monitoring of recoveries.

35. Subscription and Donations

(1) Gift and contributions for special purposes accepted by the Zilla Parishad or the Panchayat Samiti, as the case may be, shall be recorded in Form 4. These subscriptions or donations shall be credited to the Zilla Parishad or the Panchayat Samiti Fund in terms of clause (g) of sub-section (1) of section 179 and clause (f) of sub-section (1) of section 132, as the case may be.

(2) No portion of such amount shall be appropriated for any purpose other than those laid down in the terms and conditions of such subscriptions and donations.

(3) Donations accepted from private parties by the Zilla Parishad or Panchayat Samiti for the purpose of expenditure made on condition that they are to be placed in fixed deposit in a Bank or invested in Government securities for proper execution of a programme or scheme, may be so placed, deposited or invested by the Zilla Parishad or the Panchayat Samiti maintaining its proper account in the register in Form 4. Any gift or contribution received and accepted by the Zilla Parishad or the Panchayat Samiti shall be acknowledged by granting receipt in Form 1 or 2, as the case may be, and shall be duly accounted for in the register in Form 4.

36. Grants from the State Government.

(1) Grants for general purpose, with or without any conditions like grants in lieu of cess, land revenue grant, incentive grant sanctioned by the State Government in favour of the Zilla Parishad or the Panchayat Samiti may be allotted to the District Magistrate or any other officer in the district as may be specified in the order who shall draw the amount from the Treasury and place the same by transfer credit to the Zilla Parishad or the Panchayat Samiti Fund, as the case may be.

(2) When lump grant for different purposes including development work or for assigned schemes sanctioned by the State Government is placed with the Zilla Parishad or the Panchayat Samiti by means of a cheque, the Zilla Parishad or the Panchayat Samiti as the case may be shall deposit such cheque immediately in the Local Fund Account or the Bank account where Fund for the said work or scheme is normally lodged.

(3) Where any lump grant for different purposes including development works and for assigned schemes sanctioned by various departments of the State Government is allotted to the Zilla Parishad or the Panchayat Samiti, the concerned Executive Officer or an authorized officer shall draw the Fund in grant-in-aid bill form from the Treasury along with a Challan for transfer credit to the corresponding Local Fund Account, as the case may be.

(4) Utilisation certificate in respect of a grant-in-aid received by the Zilla Parishad or the Panchayat Samiti shall be furnished by the grantee to the authority sanctioning the Fund, within six months from the date of receipt of grant or before applying for further grant for the same purpose, whichever is earlier. The utilisation certificate shall be in such format and in such manner as may be directed by the authority sanctioning the grant. Copy of utilisation certificate and of the forwarding letter shall be retained for record.

PART II
FINANCIAL ACCOUNTING

CHAPTER III
Accounting of Advances and Deposits

37. Permanent advance

(1) A Zilla Parishad or a Panchayat Samiti may decide to maintain a corpus of permanent advances as and when necessary subject to recoupment, of such advances on presentation of bills showing details of expenditure incurred with supporting vouchers, for the purpose of incurring petty office expenses on various heads of account to meet instant requirements. For such purpose, a Zilla Parishad may place at the disposal of one or two officers such amounts which taken together shall not exceed rupees ten thousand, and a Panchayat Samiti may place at the disposal of one or two officers such amount which shall not exceed rupees three thousand, subject to rectification by the State Government: Provided that for selecting the officers for so authorising to hold permanent advance, the Zilla Parishad or the Panchayat Samiti shall keep into consideration the administrative and technical purposes. Provided further that officers so authorised and the ceiling limit for each permanent advance shall be kept limited to minimum level on careful consideration to emergent situations.

(2) Permanent advance, when first drawn, as duly sanctioned by the competent authority, shall be drawn by a bill out of the Fund of the Zilla Parishad or the Panchayat Samiti, as the case may be.

(3) Payments shall be made in cash from the permanent advance against bills or sub-vouchers duly passed for payment by the authority competent to pass such payment order and the statement of expenditure shall be encased or stamped as 'Paid in Cash out of Permanent Advance'.

(4) The bills, sub-vouchers or statements shall be serially numbered and entered in an Imprest Cash Register in Form 18, the classification of charges being carefully entered in the columns provided for the purpose.

(5) Recoupment of the permanent advance shall be made as and when necessary, care being taken to see that the imprest account has sufficient working balance to run petty office expenditure or to meet emergent requirement.

(6) The holder of imprest cash shall make payments from his permanent advance as may be required and for each payment, he shall obtain a bill duly acknowledged by the payee showing the amount of each bill or sub-voucher.

(7) The procedure for recoupment of permanent advance shall be as follows:

- (a) The holder of imprest cash shall compare the sub-vouchers with the entries in the Imprest Cash Register maintained for the purpose.
- (b) He shall deface the sub-vouchers by stamping them as "Paid and Cancelled" so that they may not be used again.
- (c) He shall initial each entry in the Imprest Cash Register and also the balance therein.
- (d) After the recoupment bill is enfaced with the payment order, the amount of recoupment shall be drawn in cash or by cheque in favour of the officer holding the advance, out of such head of account under which the relating expenditure may be booked and for this purpose more than one recoupment bill may be drawn at a time in favour of the officer, the aggregate amount of such bills being limited to the amount of permanent advance sanctioned.
- (e) The cheque in favour of an officer in recoupment of permanent advance shall be separately drawn and shall not be mixed with any other payment.
- (f) The recoupment shall cover the total expenditure from the date of last recoupment so that balance in hand after recoupment shall be the full amount of the permanent advance. The serial number of the sub-vouchers shall begin with the numerical number one.
- (g) The holder of imprest cash shall check the book balance of his permanent advance with the actual balance in his possession and shall sign a certificate in the imprest cash register, whenever the permanent advance is recouped, to the effect that the balance shown is correct and has been personally verified by him.

(8) On first receiving or taking charge of permanent advance, the holder of imprest cash shall sign and file an acknowledgement in these words: "I acknowledge to have in my possession a permanent advance of Rs (Rupees) in cash and / or paid sub-vouchers which sum is due from me to the Zilla Parishad or the Panchayat Samiti and I am personally accountable for the amount*'. The acknowledgement shall be kept in record.

(9) The permanent advance, when first drawn, shall be charged in the Cash Book to the head "permanent advances" with corresponding entries in the ledger.

(10) If the amount originally fixed for permanent advance is subsequently increased or decreased by the Zilla Parishad or the Panchayat Samiti, the original advance shall be repaid first and a fresh advance shall be drawn.

(11) The holder of imprest cash shall be responsible for safe custody of permanent advance money; and he shall at all times be ready to produce the total amount of the advance in vouchers or in cash or in both.

38. Other Advance and Advance Ledger

(1) All advances except for on account of permanent advance, to the officers or the employees of the Zilla Parishad or the Panchayat Samiti or to the contractors or other persons shall at the first instance be charged to the head 'Advance' in the Cash Book in Form 9. A separate Subsidiary Ledger of Advances in Form 19 may be opened, and a quarterly statement of outstanding advance against each individual should be prepared. The Executive Officer shall place the matter to the Artha Sthayee Samiti for instruction.

(2) Advance for execution of works to be carried out departmentally by the Zilla Parishad or the Panchayat Samiti may be sanctioned to any person placed in charge of the work other than technical officer for any specified component of the work for the amount required to make immediate payment of daily wages of the labourers engaged in a scheme within the ceiling limit of labour wage component of sanctioned estimated cost of work or scheme; no amount shall be sanctioned as advance for the cost of any material.

(3) Adjustment against an advance shall be realised from the person receiving the advance within a reasonable time as may be specified by the authority sanctioning any such advance, not exceeding thirty days from the date of drawal of advance. If the advance received cannot be utilised within the specified period or thirty days whichever is earlier, the person receiving the advance shall deposit the unutilized amount with adjustment vouchers, if any, within such specified days; along with a written explanation stating the circumstances under which the amount taken in advance could not be utilised.

(4) The written explanation referred to in sub-rule (3), shall be considered and accepted by the authority sanctioning the advance upon ensuring that the said person is not sanctioned any advance who fails to utilise Fund properly or utilise it at all on repeated occasions.

(5) When the previous advance is entirely or nearly exhausted or has not been utilised within the specified period, it may be adjusted by submitting detailed bills for the expenditure incurred or with cash or with both and fresh advance may be drawn, if required, for execution of the work in progress; further advance shall not be sanctioned until the previous advance drawn has been fully adjusted.

(6) Payment of advance for execution of works from the Zilla Parishad or the Panchayat Samiti Fund to the officer or employee including the contractors in charge of the work, of the Zilla Parishad or the Panchayat Samiti shall be regulated as follows:

- (i) An advance may be sanctioned only for such project or scheme under any programme when such project or scheme has been approved by the Sthayee Samiti of the Zilla Parishad or the Panchayat Samiti, as the case may be.
- (ii) Advance to a contractor shall be sanctioned only when such advance is necessary for procurement of such material or equipment which cannot be supplied by the Zilla Parishad or the Panchayat Samiti and the amount of advance sought for does not exceed the amount of security deposit made for the relevant scheme to the Zilla Parishad or the Panchayat Samiti, as the case may be, and the amount of advance sought for does not exceed the amount of security deposit made for the relevant scheme.
- (iii) All advance payments shall be sanctioned by the Artha Sthayee Samiti on receipt of a written prayer supported by an estimate recommended by the Executive Engineer in case of the Zilla Parishad or the Sub-Assistant Engineer in charge of the scheme in the Panchayat Samiti; such amount of advance shall be debited against such head of account under which related expenditure for such scheme is booked.

(iv) Any advance given to a contractor shall be adjusted proportionately against running bills and in no case adjustment shall be made after ninety days from the date of drawal.

(7) No advance out of Zilla Parishad or the Panchayat Samiti Fund shall be sanctioned in favour of any member of the Zilla Parishad or the Panchayat Samiti in connection with any scheme or programme.

(8) The member of the staff or any other person to whom an advance is made shall keep proper account of the amount advanced and shall submit detailed bills of the work within the specified period.

(9) Due to certain special nature of the materials required or of prevalent market conditions, it may sometimes be necessary to make advance payment for obtaining supply of a material from the manufacturer, distributor or authorised dealer. In such event, on the basis of appropriate resolution of the tender committee, Artha Sthayee Samiti may decide to make an advance payment recording the reasons therefor. All such advance payments shall be recorded in the ledger to ensure that the supply is effected by the scheduled date and the refund, if any, has been credited in the Zilla Parishad or the Panchayat Samiti Fund.

(10) The relevant account shall be debited with the actual value of work done upon receipt of detailed bills and proper vouchers for the expenditure incurred out of the advance taken.

(11) For adjustment of any advance under sub-rule (8), an order to adjust the expenditure shall be passed by the Executive Officer or any other officer authorised in this behalf in acceptance of detailed bills and vouchers put forward in support of the expenditures, as bills passed by him.

(12) The payment order under sub-rule (11) shall be as follows: "Passed for Rs
adjust

Rsby credit to advance account and debit tohead of account".

39. Review of advance and deposit account

(1) Each separate item in the advance account and the deposit account shall be reviewed by the Executive Officer or by any other Officer in his behalf at the end of each quarter.

(2) The Officer reviewing the accounts shall, at the same time, satisfy himself that steps have been taken to recover or adjust advances which have been outstanding for more than three months and to release the security deposit fully or in part when there is no reason to withhold such security deposit.

(3) When a deposit is outstanding for more than three years from the date of completion of the work and the depositor does not claim to take refund in spite of service of a notice or in case the whereabouts of a depositor are not known, the deposit may be adjusted as

'miscellaneous receipt' repayable on claim subsequently on obtaining the approval of the Artha Sthayee Samiti after considering the views of any other Sthayee Samiti concerned.

40. Accounting and investment of deposit (including security deposit)

(1) Security deposit received in cash or by Play Order or Demand Draft shall at once be entered in the Zilla Parishad or the Panchayat Samiti books of accounts and shall be placed to the credit of the Local Fund Account lying with the Treasury or Security Fund account lying with the Bank as the case may be like revenue. Separate schedule for Security Deposit shall be prepared in every month.

(2) All other forms of securities which can be pledged, issued by the Central Government or the State Government, Bond for immovable property and similar other instruments shall be recorded in the Register of Deposits of Valuable Securities for Works in Form 20 as enumerated in sub-rule 6 of rule 55.

(3) Certain part of the Fund, raised through own resources and efforts, of the Zilla Parishad or the Panchayat Samiti, as the case may be, not required for immediate use may be invested for purchase of any Bond or Debenture issued or loan raised by the Central or the State Government, Municipalities or other local bodies on obtaining prior sanction of the State Government. In order to move the State Government on the issue, Artha Sthayee Samiti shall adopt a resolution considering all the aspects of the issue involved; the minimum amount, which is required to be made available at short notice for making payments, shall be kept into consideration for the purpose.

(4) The entire transaction of such investments, if approved by the State Government, shall be recorded in the Register of Investments in Form 21.

(5) When the investment is converted into cash, necessary entries in all columns in the register referred to in sub-rule (4) shall be recorded in relevant columns under signature of the Executive Officer, or an officer authorised by him in this behalf.

41. Annual Verification of security

(1) Securities, which are in the custody of the Zilla Parishad or the Panchayat Samiti, shall be verified by the auditor at the time of audit

(2) The total amount of securities which may have been made over to the local Treasury for safe custody shall be verified by the Zilla Parishad or the Panchayat Samiti, as the case may be, every year and a certificate of verification shall be kept in record in the Register of Investments against the entry in respect of each such investment.

42. Raising of loan

(1) When a loan is raised by the Zilla Parishad or the Panchayat Samiti, as the case may be, in terms of section 182 or 135 on security of its own assets, subject to the provision of any law relating to the raising of loan by die local or statutory bodies or any other authorities for the time being in force, for the purpose of carrying out any of the provisions of the Act, it shall be its duty to guarantee repayment of principal and interest accrued on such loans within the stipulated time.

(2) Whenever a loan is taken or raised there shall be a 'Sinking Fund' for its repayment.

43. Appropriation of loans and borrowings, special grants and contributions

(1) For pepper recording on appropriation of Fund raised or received on loan or received as grants or subsidy or contributions from the State Government for assigned schemes or projects, or contributions made by individuals or other bodies for special purposes, separate ledger account as prescribed in these rules shall be maintained in Form 13 along with Appropriation Register in Form 13A.

(2) The amount involved shall be credited to the Fund on the date of actual receipt of cash or cheque in the office of die Panchayat body, or on the date of receipt of intimation or receipt of Challan from the Treasury, in respect of credit of the Fund to the Local Fund Account. The relevant entries will indicate the voucher number date and, the purpose.

(3) Separate heads of account shall be maintained for each kind of loan, grant or contribution received.

(4) Balance of each appropriation shall be shown in the ledger before any further appropriation is made.

(5) The Zilla Parishad or Panchayat Samiti shall maintain accounts of its own receipts as untied Fund augmented by way of license fees, rents, tolls, rates etc. and expenditure out of the said untied Fund item wise separately in Appropriation Register in Form 13B.

CHAPTER IV

Accounting of Properties and Stores

44. Accounting of Register in Immovable Properties

(1) Record of all lands, including roads, lands appurtenant to roads, sites of building, tanks, ferries, fisheries, buildings and any other property and interest in the possession of the Zilla Parishad or the Panchayat Samiti shall be kept in a Register of Immovable Properties in Form 22. The valuation of properties shall be done by competent valuation authority and pending the assessment of valuation, the cost of purchase or acquisition of property shall be noted in the register.

(2) If any plot of land shown in the said Register is sold, transferred or otherwise disposed of from the ownership and possession of the Zilla Parishad or the Panchayat Samiti, as the case may be, the entry for it shall be struck off and the facts in connection with the dispossession shall be stated in the 'Remarks' column under the initial of the Executive Officer or any other officer authorized by him in this behalf.

(3) The Executive Officer shall periodically, but not less than once a year, examine the Register of Immovable Properties and satisfy himself that the record is correct and complete in all details and he shall take such steps, as he may deem fit to have the boundaries of immovable properties verified.

Key Word: Stock Register of Movable Properties

45. Stock Register of Movable Properties shall be maintained in Form 23 in respect of each kind of movable properties of the *Zilla Parishad* or the *Panchayat Samiti*, as the case may be, in headquarters except for the articles for which separate stock register or ledger have been prescribed elsewhere in these rules.

46. Annual Verification of Properties

1. All movable properties of the *Zilla Parishad* or the *Panchayat Samiti* at the headquarters except stamps and stationery shall be verified annually by such officer of the *Zilla Parishad* or the *Panchayat Samiti* as may be specified by the *Artha Sthayee Samiti* for this purpose.
2. Movable properties in buildings away from headquarters shall be verified at least once in two years or at any earlier time as may be considered necessary in the manner as provided in sub-rule (1) and as may be decided by the *Artha Sthayee Samiti*.
3. In case of dispensaries, the verification shall similarly be made in respect of all items other than medicine medical instruments and appliances.
4. Stocks of medicines, medical instruments and appliances shall be verified by such medical officer as may be authorised by the *Artha Sthayee Samiti*.
5. The verifying officer shall satisfy himself that the balances in record are correct and shall sign the Stock Register with date and shall report the result to the Executive Officer who shall bring the fact to the notice of the *Sabhadhipati* or the *Sabhapati* as the case may be and on his advice, shall place it before the *Sthayee Samiti* concerned at the first available opportunity.
6. If, for any reason, it is not possible to verify the whole balance of one Form of property in one day, the verifying officer shall verify a portion of it each day and take such precaution that the portion already verified is secured from interference until he has certified the whole.

47. Indent of Stores

(1) Store for stationery, forms and registers shall be maintained by *Zilla Parishad* or *Panchayat Samiti* and purchase of stores shall be made in accordance with the definite requirements of the *Zilla Parishad* or the *Panchayat Samiti* and after due observance of procedure for purchase prescribed in these rules.

- (2) Periodical indents shall be prepared on the basis of a six months' requirements as far as stationeries are concerned.
- (3) For purchase of forms and registers annual indent may be prepared.
- (4) For purchases referred to in sub-rules (2) and (3), orders for supply may be regulated in such manner that any unnecessary accumulation of stock or any wrongful loss is avoided.
- (5) Orders for supplies required by the *Zilla Parishad* or the *Panchayat Samiti* shall be issued by the Executive Officer or an officer authorised by him after the indents are approved by the *Artha Sthayee Samiti*.
- (6) The suppliers concerned may furnish bills for payments without unnecessary delay after completion of supplies in accordance with the supply order. The date of completion of supplies, the date of receipt of the bill and the date of payment shall be noted on the office copy of the indent by the accountant at each stage. No bill for payment shall be entertained without any order for supply as referred to in sub-rule (5) is annexed therewith.
- (7) In case a supplier submits any bill for payment after sixty days, such claim shall not be entertained without the approval of the *Artha Sthayee Samiti*.
- (8) All supplies of stationery shall be entered in Register of stationery by an authorized employee in Form 26 showing the date of supply, Challan number, date, item, quantity, rate, particulars of users with date and balance in stock.. The same authorized employee shall also be responsible for maintaining stock of stationery.

PART II FINANCIAL ACCOUNTING

CHAPTER V Establishment Accounts

48. Classification of employees / posts

(1) Classification of the posts with scales of pay and other allowances as admissible and the employees working in those posts under the Zilla Parishad or the Panchayat Samiti shall be governed by such rules as may be prescribed, by the State Government.

(2) In absence of any specific provision on the matter, the rules applicable to the employees of the State Government under the West Bengal Service (Classification, Control and Appeal) Rules, 1971, shall apply.

49. Monthly pay bills and disbursement of salary

(1) Bills covering salary, wage, remuneration or honorarium shall be drawn with respect to the employees appointed against the sanctioned posts; when prior approval of the State Government is necessary, no bill shall be drawn unless approval is obtained.

(2) The salary bills for each month relating to a *Zilla Parishad* or a *Panchayat Samiti* shall cover the entire establishment and for the sake of administrative convenience may be sub-divided into:

- (i) General Establishment,
- (ii) Engineering Establishment,
- (iii) Medical Establishment, and
- (iv) Any other establishment that may be identified

It shall be prepared in Form 24A subject to necessary changes. The Drawing and Disbursing Officer shall draw the bill accordingly on obtaining the certificate at the Form signed by the Executive Officer or the officer authorised in this behalf. Establishment check Register shall be maintained in Form 24.

Explanation: Drawing and Disbursing Officer shall be either the Executive Officer or any other officer who may be authorised by the Executive Officer to act as such.

(3) For the purposes of proper adjustment of accounts, parts of an establishment which appertain to different major heads or minor heads, shall be regarded as distinct establishments and the name of the establishment shall be recorded in the salary bill under that particular establishment.

(4) In preparing the salary bill, the establishment shall be divided in such sections as may conform to the budgetary needs.

(5) Working certificates shall be issued with respect to the officers and employees of each establishment by such officers as may be authorised by the *Artha Sthayee Samiti* before such bills are drawn by the Drawing and Disbursing Officer.

(6) Bills for monthly pay and allowances of the employees may be signed at any time not earlier than seven days or as the State Government may determine by order, issued from time to time.

(7) If the first two days or more of a month are public holidays on which the transaction of the bank is closed, the Executive Officer of the *Zilla Parishad* may, at his discretion, direct the payment of monthly salary on the last working day before such holidays unless otherwise stipulated by the State Government.

(8) Notwithstanding the provisions under sub-rules (4) and (5), the *Artha Sthayee Samiti* may approve the drawal and disbursement of monthly pay and allowances for a specified month on any prior date, recording the reasons therefore.

(9) The duty of effecting and noting proper deductions to be made from pay bills on account of the Provident Fund and on other grounds, shall devolve on the Drawing and Disbursing Officer of the pay bill subject to such order as the *Zilla Parishad* or the *Panchayat Samiti* may pass with respect to any particular deduction.

(10) The Drawing and Disbursing Officer shall effect deductions from pay bills on account of statutory taxes and shall issue such returns and certificates as may be mandatory.

(11) When the pay of an employee is attached by an order of court of law, it shall be the duty of the officer receiving the attachment order to see that proper deduction is made in satisfaction of such order from the pay bill of the employee concerned.

(12) When the name of an employee of the *Zilla Parishad* or the *Panchayat Samiti* or of any officer on deputation appears for the first time in the salary bill, the bill shall be supported by an attested copy of the last pay certificate or if he is newly appointed under the *Zilla Parishad* or the *Panchayat Samiti* or is re-employed after superannuation, resignation or forfeiture of past service, a copy of the appropriate order of the head of the office showing his entitlements and suitable record shall be kept in the corresponding Service Book or Service Record.

(13) In case of transfer, the responsibility for furnishing the last pay certificate of the employee shall lie with the Drawing and Disbursing Officer.

(14) The monthly salary bill shall be supported by an absentee certificate covering the days of absence of the employee during the month.

(15) Monthly salary disbursed to any employee is subject to adjustment and may be recovered if on any later period, it is found that the employee concerned is not entitled to the pay and allowances disbursed to him or any part thereof for the reason of his absence from duty for which no leave has been granted to him or for any other reason as may be specified in an order issued by a competent authority.

(16) The entries in all the columns of the pay bill shall be added separately for each section and written in red ink. The totals shall be checked by the Drawing and Disbursing Officer.

(17) When a periodical increment is drawn by an employee, a periodical increment order or certificate shall be appended to the pay bill.

(18) Salary not disbursed within thirty (30) days of drawal shall be refunded to local fund account and in no case shall be allowed to remain there as undisbursed cash beyond thirty (30) days.

(19) The salaries of employees under permanent and temporary establishments shall be drawn in one bill and entries relating to the employees of such establishment that is retained for periodical sanction shall be shown in the bill quoting the sanction order and date of such posts.

(20) The disbursement on last admissible pay and allowances shall not be made to an employee of the *Zilla Parishad* or the *Panchayat Samiti* on retirement, resignation, dismissal, death or otherwise until the Drawing and Disbursing Officer has satisfied himself that there is no outstanding against him.

Explanation: In this rule pay shall include remuneration, honorarium or any other dues to any office bearer or member of the *Zilla Parishad* or the *Panchayat Samiti*.

(21) All deductions and recoveries from the salary bills shall be deposited to the respective funds, heads of accounts as the case may be within five working days from the date of drawal of the salary.

50. General instructions regarding preparation of bills

A bill shall be prepared in the following manner: -

- (a) The amount of each bill shall be written both in words and in figures. A fraction of a rupee shall not appear, the fraction being rounded off to the nearest denomination with respect to the amount payable.
- (b) Use of erasers, corrective fluids or overwriting in any bill shall not be resorted to.
- (c) All incorrect entries shall be deleted by scoring through such entries and correct entries shall be written near it; all deletions shall be authenticated by the Drawing and Disbursing Officer with dated signature or initial.
- (d) Transactions relating to State Government account involving fraction of a rupee shall be rounded off to nearest denomination as per the provisions of SR '93 of the West Bengal Treasury Rules, Volume I read with order No.5253-F dated the 31st May, 1990 of the Finance Department of the State Government.
- (e) No charge shall be drawn by the Drawing and Disbursing Officer unless it is specifically sanctioned by the competent authority.
- (f) The dates of payment shall be noted by the payee in their acknowledgements voucher, acquaintance rolls or similar other records. If, for any reason, such as illiteracy or presentation of receipts in anticipation of payment, it is not possible for the payee to note dates of payment, the dates of actual payment shall be noted by the Disbursing Officer on the documents under his initial either separately for each payment or in groups as may be found convenient.
- (g) When the Drawing and Disbursing Officer requires payment to be made through some other person or agency, he shall endorse an order or furnish such instruction on the bill as may be necessary, for payment to that person or agency.

51. Arrear Bills

(1) Arrears of pay and allowances shall not be drawn in the regular monthly pay bill but in a separate bill in the same form the amount claimed for each month is to be

separately entered with a reference of the bill from which the charge / claim was omitted or withheld or on which it was refunded by deduction or of any order of the competent authority granting a new allowance or an increase in pay. Arrears of dearness allowance sanctioned with effect from a retrospective date may be drawn in current bill.

- (2) When the arrear bills are drawn and paid, the number and date of the voucher shall be noted on the original bill for which the arrear relates, in order to prevent a second claim being entertained.
- (3) It shall be the duty of every Drawing and Disbursing Officer to arrange payment of a claim immediately after it becomes due. If however, for any reason a claim falls into arrear, the same may be drawn in the following manner:
 - (a) Claims of employees to arrears of pay, allowances, increments etc. and claims of persons not in the office which have been allowed to remain in abeyance for a period exceeding 1 Year but not exceeding 3 Years shall be sanctioned by the Executive Officer, unless the amount of claim is for Rs. 500/- or less.
 - (b) For a period exceeding 3 Years but not exceeding 6 Years shall be paid only after the same is verified and sanctioned by the Director of the Panchayat & Rural Development Department.
 - (c) For a period exceeding 6 Years but not time barred in accordance with the provisions of laws relating to limitations shall be investigated and sanctioned by the State Government. In all cases of sanction to arrear claims, it should be clearly indicated that the officers and staff would refund the amount, if subsequently found that he is not entitled to the claim. A declaration from the concerned employee to the effect should be obtained before sanction of such arrear.

These provisions shall not apply to the following categories of claims:

- (i) arrear pension payments,
 - (ii) arrear interest on Government securities,
 - (iii) any other claim on arrear payments which are governed by special rules or orders of the Government/the court.

A claim shall be deemed to have arisen from the date on which it has been sanctioned. In case of sanction accorded with retrospective effect, the period of one year or three years or six years as referred to shall be calculated from the date of sanction and not from the date on which the sanction takes effect.

No arrear claim shall be entertained when the records have been destroyed as a result of periodical destruction in pursuance of the order of the competent authority.

52. Provident Fund

Provisions relating to Provident Fund Scheme for the Panchyat employees for administering the Provident Fund of the employees shall be followed by the Zilla Parishad or the Panchayat Samiti.

53. Service Records

(1) A Service Book in a form substantially similar to that applicable to the employees of State Government with modifications, if necessary, shall be maintained for every employee of the *Zilla Parishad* or the *Panchayat Samiti* holding substantive, temporary or officiating post in the regular establishment.

(2) A Service Book shall be maintained from the date of his first appointment. It shall be kept in the custody of the head of the office and shall be transferred with the employee from one office to another.

(3) The Service Book shall be treated as contemporaneous record of the employee's service career and so, in addition to the name of the post held by him with the corresponding scale of pay and actual pay as admissible to him and periodical increments, sanction of leave of every description (other than casual leave), period of suspension from employment and all other interruptions/information of service with full details shall be recorded in his Service Book.

(4) Each entry shall be attested by the Executive Officer or any other officer as authorized by him in this behalf. The Executive Officer shall see that the entries are duly made and attested and the book contains no overwriting and that all corrections have been properly attested.

(5) (i) All entries on the first page of the Service Book as also the signature of the employee shall be attested by the head of the office under his official seal.

(ii) The date of birth by the Christian era as recorded in the Madhyamik or equivalent examination certificate shall be accepted and recorded in the Service Book. When an employee has not attained academic qualification upto Madhyamik or equivalent standard, other reliable and authentic documents including school leaving certificate, old documents having evidential value of his age may be accepted to the satisfaction of the Executive Officer.

(iii) The date of birth once declared and accepted at the time of entry into the service shall not be altered except under the order of the State Government:

Provided that the State Government shall not pass any order altering a date of birth unless there is sufficient ground to believe that the date presently occurring was erroneously recorded or was recorded on the basis of an incorrect document provided by the employee concerned in good faith:

Provided further that a date of birth shall not be altered to the disadvantage of an employee without giving the employee concerned an opportunity of being heard:

Provided also that when with respect to an employee, only the year can be determined, the first day of July of that year and when the year and month can be determined, the sixteenth day of the month in question shall be taken as the date of birth.

(6) The annual increment shall not be allowed without opening the Service Book of the concerned employee.

(7) At a fixed time every year, the Service Books shall be taken up for verification by the head of the office, or any other officer as may be authorised in this behalf, who, after satisfying himself that the service particulars of the employee concerned are correctly recorded shall record it in a certificate in the following form under his signature:

“Service verified from to on the basis of acquaintance roll and

other available records .

(8) The officer in recording the annual certificate of verification referred to in sub-rule (7) shall, in case any portion of service cannot be verified from the office records, obtain a statement in writing from the employee and also collect and make a record of evidence of his contemporaries for the excepted periods and on being satisfied, shall verify the period on the basis of evidences available and shall state in the verification certificate that such statement and record of evidence shall be attached to the Service Book.

(9) Before the pay bills are destroyed as per rules, the verifications of service shall be made with reference to pay bills and other records concerned and the fact of verifications shall be recorded under proper attestation, necessary particulars being noted therein.

(10) i) Certificates of personal character shall not be entered in a Service Book.

(ii) Punishments awarded to any employee after due process of law may be recorded in the Service Book if so directed by the Executive Officer.

(11) It shall be the duty of every Executive Officer to initiate action to make available the Service Book for inspection every year and to obtain their signatures thereon.

(12) For every employee for whom no Service Book is necessary, a service roll shall be maintained with the following particulars : -

- (i) appointment order with numbered and date, date of the resolution of *Artha Sthayee Samitee* and date of his appointment;
- (ii) name, father's name, caste/tribe, address, date of birth, height and personal marks of identification and academic qualification, if any;
- (iii) posts which he from time to time holds, and promotions, rewards and punishments awarded to him;

- (iv) absences from duty with or without leave;
- (v) interruptions in his service, if any, and
- (vi) every other incident in his service which may involve suspension of any portion of the service or may have, good or bad effect on his service career.

(13) The entries in the Service Roll under sub-rule (12) shall be signed by the head of the office or by such other officer as may be authorised by him in this behalf. The services of such employees shall be verified annually in the same manner as prescribed in respect of other employees for whom Service Books are maintained, and the certificate of verification shall be recorded by the verifying officer in the Service Roll.

54. Annual Establishment Return

(1) A detailed statement of regular establishment of the *Zilla Parishad* or the *Panchayat Samiti* as on the 31st day of March shall be prepared each year with reference to the pay bill for the preceding twelve months upto the last day of transactions in March. Such statement shall be prepared in the manner as laid down in sub-rule (2). In case of the *Zilla Parishad* it shall be submitted to the Director and in case of the *Panchayat Samiti* it shall be submitted to the District *Panchayat* and Rural Development Officer concerned, not later than the 15th day of May of that year.

(2) In preparing the Annual Establishment Return referred to in sub-rule (1) the following particulars, shall be incorporated: -

(i) The number and date of the Government order creating the post, name, designation, pay and scale of pay of every employee holding permanent appointment or officiating in substantive post, whether on duty or on leave or deputation or under suspension.

(ii) The date of birth and the date of appointment either on recruitment or on promotion to the present post in respect of each employee shall be entered in the appropriate columns of the return. The name of person officiating in a post shall be shown in appropriate column stating the name of person for whom he is officiating.

(iii) If any person on the establishment is a State Government pensioner, or is not a full-time employee of the *Zilla Parishad* or the *Panchayat Samiti*, the fact shall be noted in the return. And if he is an officer transferred from pensionable service of the State Government a note reading 'Contribution made to

State Government for pension' shall be entered against his name.

(iv) When the Annual Establishment Return is completed in accordance with the above instructions, it shall be carefully verified with the Service Book and other relevant records.

55. Security Deposit

(1) Subject to any special rule or order made by the State Government in this behalf, every employee who is entrusted with the custody of cash or stores shall be required to furnish security, in terms of rules and orders issued by the State Government for the time being in force relating to State Government employees of comparable categories, and to execute a security bond setting forth the conditions by which the *Zilla Parishad* or the *Panchayat Samiti* shall hold, refund or appropriate the security:

Provided that in absence of any rule or order of the State Government relating to any category of staff, the *Zilla Parishad* or the *Panchayat Samiti* may set forth the conditions.

(2) Employees who are required to furnish security shall deposit the amount of security on appointment to the post requiring such security.

(3) In case the whole amount of cash security is not furnished at a time, the employee shall bind himself by two sureties for the whole amount and the *Zilla Parishad* or the *Panchayat Samiti* may accept payment of the required security in installments by deduction at the rate of not less than 10% of gross salary to make up the entire amount of security in two years.

(4) When deductions are made monthly from the pay of an employee to cover the amount of his security, a Savings Bank account shall be opened with the Post Office in the name of the officer to whom the security is to be pledged for the deposit of amount realized monthly. The realization shall always be made in cash at the time of disbursement of the pay and the amount remitted forthwith for credit to the Post Office Savings Bank. The amount realized from deduction and paid to the Savings Bank account shall also be debited and credited in the Cash Book and Ledger.

(5) The security furnished shall be in one of the following forms: -

- (i) Cash.
- (ii) State Government Promissory Notes.
- (iii) Municipal Debentures.
- (iv) Port Trust Bonds of Kolkata.

- (v) Bond and or, Debentures of the State Financial Corporation.
- (vi) Post Office Savings Bank account / Time Deposit.
- (vii) National Savings Certificate.
- (viii) Term Deposit Receipts of recognised Banks approved by the State Government for the purpose.
- (ix) Fidelity Bonds of an Insurance Company approved by the Government
- (x) Stock Certificate of the State Government / Central Government.
- (xi) Kisan Vikas Patra certificate.
- (xii) Any other deposit in such schemes as may be approved by the State Government.

(6) When an employee furnishes security in the form of a Fidelity Bond of an approved insurance company, the bond shall, in all cases, be accepted subject to the form of the bond being scrutinized by the head of the office with such legal advice as may be necessary.

(7) Security furnished in cash in clause (i) of sub-rule (6) by an employee may be converted at the cost of the depositor, into any other interest bearing forms of security mentioned in sub-rule (6), with the consent of the depositor in writing.

(8) All security papers shall be kept in the safe custody of the head of office.

(9) A security deposit taken from an employee shall be retained for at least six months from the date of his vacating the post but a security bond shall be retained permanently or until there is no further necessity.

PART II

Chapter VI Office Expenses

56. Payment of office expenses

(1) Office expense includes all charges for maintaining and running the office other than those incurred for salary, wages, travelling expenses or public works. The office expenses of minor nature may ordinarily be met from imprest holder's permanent advance. In other cases, the Drawing and Disbursing Officer of the *Zilla Parishad* or the *Panchayat Samiti* shall draw cheque on bills for settlement of the claim of the supplier, and particulars of all bills drawn shall be entered in a register in Form 28.

(2) The office expenses may be broadly classified as, -

(i) ordinary office expenses requiring no special sanction,

(ii) office expenses for special purpose requiring prior sanction in a meeting of the *Zilla Parishad* or the *Panchayat Samiti*.

(3) Ordinary office expense shall include the following: -

(a) office expenses and miscellaneous charges (excepting unusual charges) which may be met from Permanent Advance,

(b) service postage and telegram charges,

(c) repairs to furniture,

(d) cost of remitting money,

(e) charges for telephone, fax and energy bills for lights, fans and other electrical appliances such as computers, photocopiers, duplicating machines, etc.

(f) funeral expenses, if admissible, and

(g) purchase of stationery articles used regularly in the office,

(h) other office expenses not included in items (a) to (g) not exceeding rupees two hundred.

(4) Office expenses for special purpose may include purchase of typewriter machine, duplicating machine, calculating machine and other office equipments for which prior sanction in a meeting of the *Zilla Parishad* or the *Panchayat Samiti* shall be necessary,

57. Accounting of Stamp and Postage

(1) Stamp and postage charges including fees for franking machines shall be drawn on the basis of amount sanctioned by the Drawing and Disbursing Officer if so authorised by the head of the office.

(2) In order to keep a check on the number and value of stamps expended for general business of the *Zilla Parishad* or the *Panchayat Samiti*, a Stamp Register shall be maintained in Form 25.

(3) The balance of stamps in hand shall be verified once in a month by the head of office or an officer authorised in this behalf who shall make a note of verification on the remarks column under his signature

58. Accounting of stationery articles

(1) Record of stationery articles shall be maintained in the Stationery Stock Register in Form 26.

(2) The stationary articles shall ordinarily be purchased annually or half-yearly after assessment of requirement based on actual consumption of previous year and the estimated quantity required for a particular year.

(3) The purchase shall be made on indents showing stock in hand and duly sanctioned by the *Artha Sthayee Samiti*.

(4) In the Register referred to in sub-rule (1), the entries relating to the receipt of articles on each occasion shall be recorded in black ink and those relating to issue in red ink.

(5) The issues shall be acknowledged in the Register under the initials of the receiving official on requisition to be accepted and signed by the officer-in-charge.

(6) The Register shall show the names of articles and quantities received or issued.

(7) The number and date of payment voucher alongwith the bill number and date of the supplier shall be recorded in the Register.

(8) When new supplies are received, the stock issued up-to-date shall be added, the balance drawn and the quantities of the new supplies added to the balance so as to determine the total quantity available for issue under each item.

(9) Stock shall be physically verified half-yearly by the Secretary of the *Zilla Parishad* or the *Panchayat Samiti* or any other officer authorised by him in this behalf and a certificate to that effect shall be recorded in the Register.

(10) The balance at the end of the year shall be verified with actual stock by the officer authorised for the purpose.

PART III

Chapter VII Public Works and Accounts

59. Functions of the Executive Engineer

Subject to the supervision and control of the *Zilla Parishad* the **Executive Engineer** of the *Zilla Parishad* shall be in-charge of all roads, buildings and other public works, within the jurisdiction of the **Zilla Parishad**. In case of appointment or deputation of more than one Executive Engineer, the work shall be divided among all the Executive Engineers of the **Zilla Parishad**.

60. Divergence of views in technical matters

All matters of professional details and works schedule, the District Engineer shall be Chief instructor to the Department of the State Government assigning the work or when the work is under consideration and has not been assigned by any Department of the State Government and is being funded by some untied fund available with the *Zilla Parishad*, subject to the opinion of other departments interested in the work. If any such opinion of a department is in variance with the work order issued by the *Zilla Parishad* or if any such order would cause the sanctioned estimate to exceed, the District Engineer may request the *Sabhadhipati* through the Executive Officer to submit the matter to the State Government department concerned, for review of its decision.

61. Control of subordinate officers

Without prejudice to the functional responsibilities of the subordinate Engineering Officers and the employees of the *Zilla Parishad* deployed in the Engineering section, the said officers and employees shall remain under the immediate control of the District Engineer and all orders to them with reference to works shall generally emanate from or be issued through the District Engineer.

62. Extent of responsibility.

The Executive Engineer shall be responsible for the accuracy of all reports, plans, designs, specifications and estimates prepared by him or by his subordinates and he shall attest them with his signature: Provided that no work shall be taken up by or on behalf of the *Zilla Parishad* if such work is beyond the technical competence of the *Zilla Parishad*.

63. Applicability of rates

Where no rate is specified the Executive Engineer shall adopt the current schedule of rates of the Public Works Department for building-works and construction and that of

Public Works Department (Roads) for roads, bridge-works etc. No rate shall be increased and no new rate shall be introduced without the prior approval of the *Zilla Parishad*.

64. Unusual occurrences

The District Engineer shall report immediately to the *Zilla Parishad* through the Executive Officer of any important incident, mishap or unusual occurrence connected with his professional duties and shall also report the actions so far taken by him in relation to such incident or occurrence.

65. Cases of emergency

The District Engineer may, with the approval of the Executive Officer and the *Sabhadhipati*, take up emergent repair works in his charge to prevent imminent damage or loss to a structure or work. Such action shall at once be reported to the *Sthayee Samiti* concerned for post-facto sanction.

66. Increase in estimate

Without prior sanction of the *Zilla Parishad* and of the State Government in the Department concerned, where necessary, the District Engineer shall not –

- (i) commence construction of a new work or repair work or expend any public fund, or
- (ii) make or permit any deviation from any approved design in course of execution except when the additional cost as the result of the deviation is limited to five per cent of the sanctioned estimate: Provided that in the cases involving quantitative increase in items already tendered, the supplementary work may be distributed to the working contractor by the Executive Engineer under the same tender within the limit of ten per cent of the tendered value of the work, subject to the overall financial restriction of five percent.

67. Need for revised estimate

Immediately on its becoming apparent, whether from increase of certain rates or from deviation from a design because of important structural alterations and material deviations from the original proposal that the estimated cost of a work is likely to be exceeded, the Executive Engineer shall report the fact to the Executive Officer and through him to the *Sthayee Samiti* concerned stating the nature and cause of the probable excess for future direction. Whenever there is a reason to anticipate that the estimate shall exceed by more than five per cent of its total amount, a revised estimate shall immediately be submitted for approval of the authority sanctioning the original estimate.

68. Functional modes of the Executive Engineer

(1) The Executive Engineer shall frequently inspect the outlying roads and works in progress and see that the work carried on by his subordinate officers or contractors, is according to specification and as per sanctioned plan. When on tour, he shall keep a note-book in which the distance travelled and any matters of special importance under his charge shall be noted. A copy of the note-book shall be forwarded to the Executive Officer or to the Additional Executive Officer and through him to the *Sabhadhipati*. The note shall contain inter-alia, the shortcomings or defective arrangements if any detected and the remedial measures to be taken. Relevant particulars of the works in progress and calling for remarks, the dates of inspection, the orders issued to subordinates, the check measures taken in respect to the faults entered in the measurement book, the accounts inspected and generally the details concerning his duties which may deserve comments, shall be entered daily. These note-books shall be considered as official records.

69. Procedure relating to accounts

The Executive Engineer of a *Zilla Parishad* shall –

- (i) take necessary steps for making the funds available for the works under his control, prepare accounts with respect to the fund received by him and submit the records to the Additional Executive Officer who shall finalize the accounts

of each scheme, keep them in safe custody for audit or for inspection by any other authority,

- (ii) exercise a thorough and efficient control and check over the expenditure in respect of works on buildings and roads and various other schemes of the *Zilla Parishad* entrusted upon him and carefully examine all records relating to such works and schemes,
- (iii) be responsible for the correctness, of the original records of cash and stores, receipts and expenditure relating to works, schemes and programmes of the *Zilla Parishad* and to ensure that the records of accounts as have been prepared and kept in safe custody;
- (iv) provide information in the cases of probability of excesses of actual over the estimated cost of work and report the fact immediately to the Executive Officer or the Additional Executive Officer and through him to the *Sabhadhipati* describing the nature and the causes of the probable excess and obtain sanction for the same from the competent authority;
- (v) be responsible for administering the grant made for public works in his control and with this object, keep a close watch over the progress of the expenditure with a view to ensuring that no excess is permitted to occur and that, if additional funds are necessary, proposal for the same is made in time;

70. Records to be maintained by the Executive Engineer

The **Executive Engineer** shall keep in safe custody, in his section the following documents with respect to his charge,

- (i) copies of all standard plans of buildings;
- (ii) plans of roads under his charge;
- (iii) complete plans, sections and elevation of every building, all bridges, culverts and other works as actually constructed with detailed

drawings showing thereon the modifications, if any, in different colours recording on it-

- (a) the name of the work,
- (b) the date of commencement,
- (c) the date of completion of work,
- (d) the estimated expenditure as also actual expenditure incurred,
- (e) the name of the officer entrusted with the work and
- (f) a certificate to the effect that the work has been executed as per the approved drawing and estimate. The boundaries of the ground attached to any such building or structure shall be distinctly shown in the drawing.

71. Functions and duties of Sub-Assistant Engineer

Subject to the supervision and control of the *Panchayat Samiti* through the Executive Officer, the Sub-Assistant Engineer of the *Panchayat Samiti*, shall be the officer-in-charge of all roads and buildings and other Public Works, the control of which is vested in the *Panchayat Samiti*. When more than one Sub-Assistant Engineer is appointed or deputed to the *Panchayat Samiti* the work shall be distributed among the Sub-Assistant Engineers by the *Panchayat Samiti*. The Sub-Assistant Engineer(s) shall remain responsible to the Executive Officer and through him to the *Panchayat Samiti* and also for accuracy of all reports, plans, designs and specifications and estimates prepared by him and shall attest the same with the signature:

Provided that no work shall be taken up by or, on behalf of the *Panchayat Samiti*, if such work is beyond the technical competence of the *Panchayat Samiti*.

72. Maintenance of record by the Sub-Assistant Engineer

The **Sub-Assistant Engineer** shall keep in his section the following documents with respect to his charge –

- (i) copies of all plans and estimates of buildings, roads, culverts under his charge with detailed drawing in each case showing the modifications thereon, if any, recording on it:

- (a) The name of the work,
- (b) The date of commencement of work,
- (c) The date of completion of work,
- (d) The estimated expenditure as well as actual expenditure incurred, and
- (e) a certificate to the effect that the work has been executed as per approved drawing and estimate.

While preparing the estimates for the schemes, the rules applicable for the Zilla Parishad, referred to in this chapter, shall be followed mutatis mutandis.

PART III

Chapter VIII Classification of Division of Public Works

73. Division of the operation of Public Works

(1) The Operations of Public Works are divided primarily into: -

- (i) original works,
- (ii) repairs or maintenance works and
- (iii) special Repairs.

(2) Original works comprise all new constructions, whether of entirely new works or of additions and alterations to existing works, except as hereinafter provided and also all repairs to newly purchased or previously abandoned buildings required for bringing them into use irrespective of source or nature of fund applied for such work.

(3) Repairs or maintenance include operations undertaken to maintain in proper conditions the buildings and works in ordinary use and also new works which are considered necessary to prevent damage or deterioration of the existing structure and to utilise profitably the existing structure but excludes the replacement or remodeling works which extends the existing covered area of the structure or making structural changes in the existing building.

(4) Without prejudice to the provisions in sub-rule (3) when a portion of an existing structure or other work not being a road surface, road bridge, embankment, ferry approach or protective work in connection with a road, is to be replaced or remodeled whether or not the change represents a genuine increase in the value of property, the work of replacement or remodeling, as the case may be, shall be classed as “original works”, the original cost of construction (which may be estimated, if not known) of the portion replaced or remodeled shall include the estimate for “original works” and excluded from “Repairs”. In all other cases the whole cost of the new work shall be charged to “repairs”.

Explanation: -(1) In case of immovable properties, the capital value of any portion of the property, which is abandoned or dismantled without replacement, shall be written off the value of the property in any proforma account of its cost.

(2) The expenditure of minor additions and alterations to the existing structure or other work up to the limit as may be specified in a meeting by the *Artha Sthayee Samiti*, may be classed, at the discretion of the District Engineer, as petty works expenditure and debited to “repairs”.

(3) When a portion of an existing road surface, road bridge, embankment, ferry approach or protective work in connection with a road is to be replaced or remodeled and the change represents a genuine increase in the value of the property, the whole cost of replacement or remodeling, as the case may be, shall be classed as “original works” and the cost or value of the portion replaced or remodeled shall not be debited to “repairs”.

(4) In addition to all repairs and renewals in materials similar to that pre-existing, the following items of road work shall be classed as “repairs” –

(i) ordinary repairs and maintenance shall include the surface painting and the necessary addition of stone chips, gravel or sand, but shall not include asphalt, concrete, premix asphalt macadam, bitumen grouting, bitumen semi-grouting, mix-in-place, cement concrete or cement macadam.

(ii) Special repairs shall include repair works which are neither periodical, or petty, or frequent, such as roofing on building, renewal of flooring of a building, new painting of a road, repairing of bridges caused by abnormal flood or other unforeseen circumstances.

PART III

Chapter IX Administrative Approval and Sanction

74. Administrative Approval and Technical Sanction

There are four stages in the administrative approval and technical sanction of a Public Work (i) administrative approval, (ii) expenditure sanction, (iii) technical sanction and (iv) appropriation or re-appropriation of funds.

75. Administrative Approval.

(1) Application for administrative approval shall be submitted to the competent authority accompanied by a preliminary plan, information as to the site and other details like cost-benefit ratio as may be necessary and the reasons therefor. If the work is not likely to cost more than rupees ten thousand detailed plans and estimates may be prepared and submitted to the competent authority to accord administrative approval. Administrative approval shall not be accorded until the concerned engineer has satisfied himself that the proposals are technically sound and the preliminary estimate in this respect is sufficiently correct. It shall also be necessary to mention a time-limit for implementation of the scheme keeping in mind the available machinery of the *Zilla Parishad* and the other agency involved.

Note: - Such applications with other papers shall be placed before the Executive Officer or the Additional Executive Officer who, on obtaining the consent of the *Sabhadhipati*, shall cause to place the proposal for administrative approval in terms of rule 79.

(2) The procedure noted in sub-rule (1) shall also apply to (i) modifications of the proposals originally approved and are likely to necessitate submission of a revised estimate; (ii) material deviations from the original proposals even though the cost of the same may possibly be covered by savings on other items, and (iii) cases where the detailed estimate, when prepared, exceed the amount administratively approved.

(3) Administrative approval shall be necessary in respect of works chargeable under the "repairs" except petty repairs referred to in rule 95.

76. Expenditure Sanction

Expenditure sanction means the concurrence of the competent authority to the expenditure based on the technically vetted estimate or a rough cost estimate. When the expenditure is within the budgetary provisions of the relevant head, the *Sthayee Samiti* concerned is competent to sanction; otherwise, the proposal shall be referred to the *Artha Sthayee Samiti* for sanction of fund, if necessary, by reappropriation. When the expenditure is required to be met out of any separate fund placed by the Government or any other authority, prior sanction of the authority from whom the fund has been received, shall be necessary for application of the fund.

77. Technical sanction.

For every work proposed to be carried out, except petty repairs, a detailed estimate shall be prepared for sanction by the competent authority. This sanction shall be known, as the technical sanction to the estimate. The financial limit for technical sanction of the scheme and estimate of work shall be such as may be notified by the State Government from time to time.

78. Commencement of the work

No work shall be commenced and no liability shall be incurred in connection with the work until administrative approval has been obtained, and detailed design and estimates have been sanctioned, expenditure sanction has been accorded and allotments of funds made and orders for the commencement have been issued in writing by the Executive Officer or any other officer authorised by him in this behalf. Mere provision in the budget estimate shall convey no sanction for the commencement of the work. The execution may be proceeded with when the provision made in the budget of the year, is actually available.

79. Approval of other Department before commencement of work

(1) Unless it is provided that a scheme or programme requires prior approval of the State Government, such approval may be accorded in the meeting of the *Zilla Parishad* or the *Panchayat Samiti* or, if within the competence of a *Sthayee Samiti*, by such *Sthayee Samiti* as the case may be. The certificate as to the soundness of the proposal and the correctness of the preliminary estimate and the technical sanction to

the detailed estimate shall be given by such officer as may be authorised in these rules or an order, general or special, of the State Government issued in this behalf.

(2) In case of projects for construction or reconstruction of bridges over a river or for works which may affect or alter the course of any river which is navigable at any time of the year, or in either bank of which there is any public embankment, and in case of projects for road embankment that is likely to affect the drainage or irrigation system of any major tract of the region, the approval of the State Government in the Department of Irrigation and Waterways Department shall be obtained before any specific action is taken for implementation of the project.

(3) Whenever a new road embankment or alteration in waterways or bridges or drainage openings in an existing road embankment is likely to affect or interfere with the pre-existing drainage through a railway embankment, concurrence of the appropriate authorities of the Indian Railways shall be obtained as regards the waterways to be provided by the new work.

(4) The technical and administrative sanction of the *Panchayat* body to an estimate for an original work which forms part of a larger project even though such estimate may in itself be within the limit available to the *Panchayat* body may sanction, shall be subject to the confirmation and approval of the same authority as the estimate for the entire project would be, and no such estimate for a part of a scheme shall be sanctioned unless the nature and approximate cost of the entire project is fully set forth in the report of the estimate projecting the anticipated time-frame for execution of the entire project:

Provided that subject to the availability of fund required for the purpose, a *Zilla Parishad* or a *Panchayat Samiti* may approve any scheme or project and sanction the related estimate of any amount that is within the technical competence of the machinery at the disposal of the *Zilla Parishad* or the *Panchayat Samiti*, the fund required is available with it and will be available before the scheme or project or any phase or segment of it and the approval or concurrence of the appropriate Department of the State or Central Government or any other authority necessary for implementation of the project has been obtained:

Provided further that in cases where the *Zilla Parishad* or the *Panchayat Samiti* considers a scheme or project beneficial for the development of the area and provides the *Zilla Parishad* or the *Panchayat Samiti* may secure technical support in the form of advice,

consultancy or performance for its execution from any department of the State Government or any private persons including firms or from both to such extent and in such manner as may ensure soundness of the scheme:

Provided also that when a private person or a firm is engaged in this behalf, his or its technical competence shall have to be beyond question and normal financial norms and procedure shall be observed at every stage.

PART III

Chapter X

Plans, Designs, Specifications and Estimate for works

80. Submission of documents for a work.

The papers to be submitted with the project for a work shall consist of (i) a report, (ii) a specification and detailed statement of measurements, (iii) quantities and rates together with an abstract statement showing the estimated cost of each item. In the case of a project consisting of several works, the report may be a single document for all the works, and likewise the specification, but details of measurement and abstracts may be prepared for each work, supplemented by a general abstract statement bringing the whole together. In the case of estimates for “repairs or maintenance”, only the specification and the detailed statement of measurements and quantities with the abstracts shall ordinarily be required. The report shall state in clear terms the object and reasons for the execution of the work estimated for, and explain any peculiarity, which require elucidation, including, where necessary, the reasons for the adoption of the estimated project or design in preference to others. Wherever necessary, drawings showing the proposals shall accompany the estimate and shall contain sufficient details to enable the entries in the estimate to be clearly understood.

81. Revised estimate.

The revised estimate of any project, as and when necessary, shall be accompanied by the original estimate as well as the modified statement in form 32.

82. Detailed measurement

The statement of detailed measurement shall include the measurements of land, approximate or detailed, as the case may be, for which compensation shall have to be paid, the areas of each description of land being separately shown.

83. Rates for estimate

The rates entered in the estimate shall agree with the schedule of rates adopted by the Public Works Department for similar nature of work unless different rate or rates for different items are prescribed. In the event the rate of any work, is not included in any of the prescribed schedule of rates, the Executive Engineer of Zilla Parishad shall prescribe a rate to be approved by the Artha Sthayee Samiti of Zilla Parishad. The Panchayat Samiti shall accept such rate to prepare the estimate of its work.

84. Fractions of rupees to be omitted

Fractions of rupees shall be omitted in the abstract of the estimate, in showing the total cost of each work and miscellaneous petty works may be entered without measurements, the estimated cost alone being given as a lump sum.

85. Preparation of estimates

Estimate shall include, in addition to the usual charge of 5% for unforeseen contingencies, all incidental expenditure, which can be foreseen, such as compensation for or cost of land, etc. The difference in the cost of material shall be provided in the estimate at the time of its preparation. The provision for contingencies shall not be diverted for any new work or repair, not provided in the estimate.

86. Public contribution in the estimate

Estimate on which it is intended to use voluntary labour or material received through public contribution, shall provide for the full market value of the work to be done, but a note of the reduction of cost, if any, to be effected thereby shall be made at the foot of the abstract of the estimate.

87. Public contribution in the estimate

Copies in quadruplicate of the report and other documents like abstract of estimates accompanied by the plans, drawings and other relevant documents shall be submitted in respect of works requiring administrative approval and technical sanction.

PART III

Chapter XI Contractors and Tenders

88. Works through Contractors

Where there is no prohibition to employ contractor for execution of a work, the *Zilla Parishad* or the *Panchayat Samiti* as the case may be may enter into contract in the manner as provided in these rules, with any contractor from the list of approved contractors of the corresponding class, maintained in the register of contractors, if the estimated value of the works does not exceed rupees ten lakh in case of general and sanitary and plumbing works and rupees four lakh in case of electrical works.

89. Category of contractors

There shall be a separate list of approved contractors for three categories of works, viz. (a) general works, (b) sanitary and plumbing works and (c) electrical works. In each category of works, three classes of contractors shall be enlisted according to the financial limit of estimated value of works as follows:

Category (a) – General Works

<u>Class</u>	<u>Financial limit of each contract</u>
(I)	above Rs. 5 lakh and up to Rs. 10 lakh
(II)	above Rs. 2 lakh and up to Rs. 5 lakh
(III)	up to Rs. 2 lakh

Category (b) – Sanitary and Plumbing Works

<u>Class</u>	<u>Financial limit of each contract</u>
(I)	above Rs. 5 lakh and up to Rs. 10 lakh
(II)	above Rs. 2 lakh and up to Rs. 5 lakh
(III)	up to Rs. 2 lakh

Category (c) – Electrical Works

<u>Class</u>	<u>Financial limit of each contract</u>
(I)	above Rs. 2.5 lakh and up to Rs. 4 lakh
(II)	up to Rs. 2.50 lakh
(III)	up to Rs. 0.50 lakh

Explanation. – (1) A contractor may be an individual, a co-operative society or a firm of any category,

(2) All the categories include both original works and repair works, and

(3) No contractor shall be enlisted unless he produces necessary credentials as may be required under any law in force for the time being.

90. Enlistment of contractors

The method for enlistment of contractors and promotion of contractors shall be as follows:

(1) Application from all intending contractors shall be invited by advertisement with the widest possible publicity fixing a date on which such applications shall reach the Executive Officer or any other authorized officer of the *Zilla Parishad*. The notice inviting such applications shall clearly state that the *Zilla Parishad* reserves the right to reject any application or to enlist an applicant in a class lower than the class for which he has applied for without assigning any reason whatsoever and that the decision of the *Zilla Parishad* in this behalf is final and binding.

(2) Those who may have already applied for enlistment without waiting for the advertisement shall, on the issue of advertisement, submit copies of their previous applications with full particulars as required under sub-rule 3 or shall furnish fresh applications with all the requisite particulars.

(3) Each applicant in his application shall furnish the following particulars:

- (i) the name and address of the person, firm or company with registration number where applicable;

- (ii) the extent of his own share in the firm, and the extent of shares of other partners or share-holders, if any, each partner being specifically designated by name, and address;
- (iii) the amount of his capital and the manner in which it is held. Necessary papers in support of the financial position shall also be furnished by the contractors applying for enlistment in class I and class II of the list of contractors for general works and in class I of the lists of contractors for sanitary and plumbing works and for electric works;
- (iv) specification of capital in tools and plant, if any;
- (v) employment of one Degree or Diploma Engineer for enlistment as class I or class II contractor as the case may be by him or by his firm or company along with labour force, if any, at his disposal with valid documentary evidence to the satisfaction of the authority;
- (vi) important works of Government, public bodies or private individuals executed by the applicant in the past. (Nature and value of each work executed and the year of execution shall be stated. Certificate of the authorities concerned as to the satisfactory and timely execution of the works may be furnished, where possible);
- (vii) any disability or disqualification imposed on him by the State Government or by any competent authority or any other body in the past and brief description of such disability or disqualification;
- (viii) the name of surety or sureties and the amount of security which the applicant for enlistment in class III of the general list of contractors, and in class II and class III of the lists of plumbing and electrical contractors can produce in support of his good conduct and behaviour as contractor in case he cannot furnish evidence of financial sufficiency and stability by bank reference.
- (ix) relationship, if any, with any member or employee of the *Zilla Parishad* or any *Panchayat Samiti* within the jurisdiction.
- (x) the plumbing license or the electrical license when the contractor is an applicant for enlistment in the list of

plumbing or electrical contractors as required under any law for the time being in force.

(xi) a copy of challan in Form 3 depositing a non-refundable enlistment fee of Rs. 3000/- for Class I contractor, Rs. 2000/- for Class II contractor and Rs. 1000/- for Class III contractor.

(xii) up-to-date clearance certificates with reference to Sales Tax, Income Tax, Profession Tax and *Panchyat* Tax or Municipal Tax as the case may be.

(4) After the applications for enlistment have been received, the *Zilla Parishad* or the *Artha Sthayee Samiti* shall consider all the applications in a meeting and pass appropriate orders for final enlistment. For a final decision, the *Zilla Parishad* may call for clarification or additional information from an applicant to its satisfaction. The *Zilla Parishad*, on approval of the applications for enlistment in a specified

CLASS	Security deposit for general works	Security deposit for sanitary & plumbing works	Security deposit for electrical works
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category and class shall direct that the name of the applicant be entered in the register of contractors on his depositing in Bank Draft or in Government security to the concerned fund a “registration fee” (non-refundable), as may be determined by the *Zilla Parishad*. Enlisted contractors shall deposit within one month a security, by way Bank Draft or in Government Security duly pledged in favour of the Executive Officer of *Zilla Parishad*, as detailed below, against which he would be eligible to submit tenders in all cases for any number of works within his class without having to deposit the earnest money alongwith each individual tender. Security deposit against registration may be refunded to him or his nominee or his successors in interest when he shall cease to be a contractor under the *Zilla Parishad* subject to any

I	25,000.00	25,000.00	10,000.00
II	12,500.00	12,500.00	10,000.00
III	5000.00	5000.00	1200.00

adjustment of any amount realizable from him. Thereafter, the contractor shall be liable to pay an annual non-refundable renewal fee, as may be determined by *the Zilla Parishad*, for the retention of his name in the register.

(5) Any *Sthayee Samiti* of the *Zilla Parishad* may recommend a proposal for striking off the name of any contractor from the register or downgrade his class of enlistment for unsatisfactory conduct or work on recording the reasons for such recommendation; the *Zilla Parishad* or the *Artha Sthayee Samiti* either on receipt of any such recommendation or on its own initiative, may consider the matter, on giving to the contractor concerned an opportunity for making a representation against the action proposed to be taken against him:

Provided that without prejudice to the action taken by the *Zilla Parishad* or *Artha Sthayee Samiti*, the *Zilla Parishad* shall also recover due if any from any contractor or any amount that in the opinion of the

Zilla Parishad or *Artha Sthayee Samiti*, should be compensated by him for causing wrongful loss to the *Zilla Parishad*.

(6) The revised classification, downwards or upwards, of an enlisted contractor may also be considered in a meeting of the *Zilla Parishad* or the *Artha Sthayee Samiti*. For this purpose, an enlisted contractor shall be eligible to apply for enlistment in higher class if he has completed satisfactorily at least two works during the current year or the last year of the class he belongs.

(7) On fresh enlistment of a contractor in higher or lower class in terms of sub-rule (5) or sub-rule (6), the security deposit shall be appropriately adjusted by him in commensurate with the class to which he is upgraded or downgraded.

(8) The enlistment of contractors shall be made from time to time as may be considered necessary by the *Zilla Parishad* on giving wide publicity in appropriate manner on each occasion.

(9) (i) The *Zilla Parishad* shall furnish to the *Panchayat Samitis* within the jurisdiction, a complete list of contractors of each category and class as they are recorded in the register of contractors. The *Zilla Parishad* shall supply from time to time any modification that may take place in the register of contractors.

(ii) The *Panchayat Samiti* shall then call upon each such enlisted contractors to intimate whether he wants to enlist his name in the register of contractors of that *Panchayat Samiti* on depositing in the *Panchayat Samiti* Fund a non-refundable enlistment fee of Rs. 2000/-. Thereupon the enlisted contractor shall be directed to deposit a registration fee (non-refundable) as may be determined by the *Panchayat Samiti* and Security Deposit referred to in sub-rule (4) in Bank Draft or in Government Security, pledged in favour of Executive Officer of Panchayat Samiti. The Security Deposit may be refunded to him, his nominee or his successor or successors in interest when he shall cease to be a contractor under the *Panchayat Samiti* subject to

adjustment of any realizable amount from him. Thereafter, the contractor shall be liable to pay an annual non-refundable renewal fee, as may be determined by the Panchayat Samiti, for retention of his name in the Register.

(iii) Any *Sthayee Samiti* of a *Panchayat Samiti* may recommend a proposal to strike off the name of any contractor from the Register or downgrade his class of enlistment for unsatisfactory conduct or work on recording the reasons for such recommendation; the *Zilla Parishad* or the *Artha Sthayee Samiti* may on receipt of any such recommendation consider the matter in the manner as provided in sub-rule (5); after resolving the matter to its logical end, the *Zilla Parishad* shall inform the *Panchayat Samiti* of the action taken and also keep other *Panchayat Samitis* within jurisdiction informed when considered necessary. In such case, the provision under sub-rule (7) shall apply in respect of *Panchayat Samiti*.

Procedure for placement of order

91.

(1) For procurement of any material or for execution of any work, general, sanitary or plumbing, when the estimated value of the material or service is not more than rupees five hundred, it is not compulsory to invite quotation or tender although in certain cases depending on nature of the material or service or the estimated value involved, the *Artha Sthayee Samiti* may consider it necessary to obtain quotations or spot quotations from any reputed firm.

(2) When the estimated amount for the materials to be procured or work to be executed involves an estimated value exceeding rupees five hundred but less than rupees twenty thousand, tender or quotation as may be considered appropriate shall be invited from the enlisted contractors. When such enlisted contractors are not available, appropriate reputed organisations may be selected by inviting quotation from at least three reputed organisations.

(3) When the estimated amount for the materials to be procured or work to be executed exceeds rupees twenty thousand but does not exceed rupees ten lakh in case of general, sanitary and plumbing work and rupees four lakh for electrical work or procurement of material or equipment, sealed tenders shall be invited from the enlisted contractors by giving at least fifteen days time when the amount put to tender is

upto rupees fifty thousand, at least twenty-one days time when the amount put to tender is upto rupees two lakh and at least thirty days time when the amount put to tender is above rupees two lakh, and such notice shall be displayed in the notice boards in the offices of the *Zilla Parishad*, District Magistrate, Sub-Divisional Officers and *Panchayat Samitis* and circulated well in advance in at least two newspapers published in the district:

Provided that for special nature of job open tender may be invited even though the estimated amount put to tender is within the competence of any class of contractor.

(4) If the estimated work-value exceeds maximum amounts for different nature of work or supply as prescribed in sub-rule (3), notice inviting open competitive tenders in sealed cover shall be published in at least two leading daily newspapers (English and Bengali or Nepali) widely circulated in the State or the region concerned well in advance. In addition, the tender notices shall be displayed prominently in the notice boards of the offices of the *Zilla Parishad* and others as delineated above. The contractors enlisted in class I category shall also be eligible to submit tenders in such cases if they fulfil all the requirements for such tenders.

(5) *Artha Sthayee Samiti* shall constitute a Tender Selection Committee with five to seven members. The committee shall consist of two Administrative Officers namely, Secretary and Deputy-Secretary, two Technical Officers namely, the Executive Engineers and Karmadhakshas of any two *Sthayee Samitis*, as may be determined by *Artha Sthayee Samiti* of *Zilla Parishad*. In case of the *Panchayat Samiti*, the Tender Selection Committee shall consist of two Administrative Officers namely, Executive Officer and Joint Executive Officer, two Technical Officers namely, Sub-Assistant Engineers and Karmadhakshas of any two *Sthayee Samitis*, as may be determined by *Artha Sthayee Samiti* of *Panchayat Samiti*. The Tender Selection Committee shall finalize the terms and conditions relating to a tender paper including the specifications of the materials and services indented for and the conditions and the manner for submission of tender paper. It shall evaluate antecedents and past records of the tenderers, their financial status, experience, standard and quality of earlier jobs performed, quality and specification of the materials or service offered and reasonability of rates quoted. This Committee shall there upon proceed to open the tenders received; examine each tender and make recommendations on them. Tenders submitted with any precondition shall be liable to be summarily rejected. The Tender

Committee shall be responsible for preparing comparative statement of the valid tenders and make recommendations to the *Artha Sthayee Samiti*. Subject to the decisions and directions of the general body, aforesaid *Sthayee Samiti* shall take final decisions on such matters relating to purchase, quotation, tender and other related matters. The *Artha Sthayee Samiti* may, however, on any specific matter, authorise the Tender Selection Committee to take final decision and advise placement of appropriate order.

(6) Normally, the lowest quotation or tender as the case may be, for the work, material or service indented for shall be accepted. However, on any of the grounds referred to in sub-rule (5), even the lowest tender (or any other tender) may be rejected and the lowest among the available tenders may be accepted. This must necessarily be accompanied by written notes explaining in clear terms why certain tenders are rejected specially if the lowest one is rejected and why some other tender is accepted. Such a note must be signed by all the members of the Tender Selection Committee and placed before the *Artha Sthayee Samiti*.

(7) A single tender shall not ordinarily be accepted on the first invitation to the tender. If on second invitation also, a single tender is received, the same may be accepted if the rate is either below the scheduled rate or at par with the scheduled rate and considered as favourable. But if the second tender is not found reasonable and the rate quoted therein is above the scheduled rate, fresh tender shall be invited.

(8) All work orders or supply orders shall be issued under the signature of the Executive Officer or any officer authorised by him in this behalf. The said officer shall sign such orders after being satisfied that all formalities including deposit of earnest money have been completed and different tax clearance certificates as might have been specified have been furnished by the tenderer, or if not furnished, the reason or reasons for non-submission have been explained and the explanations are acceptable.

(9) Without any prejudice to the generality of the other provisions in this rule, the following provisions shall apply for procurement of any material or for execution of any work.

- (i) Registered small scale industrial units of the State shall be given fifteen per cent price preference vis-à-vis large and medium scale industrial units and other small scale industrial units located outside the State.

- (ii) Industrial undertakings and organisations owned or managed by the State Government shall be given ten per cent price preference vis-à-vis other medium and large scale units within or outside the State and also small scale industrial units located in other States.
- (iii) State-based medium and large scale units shall be given ten per cent price preference over large and medium units and small scale units of other states.
- (iv) In the case of a tie in a tender or quotation offered by an industrial undertaking or an organisation owned or managed by the State Government and the State-based medium or large scale unit, preference shall be given to the industrial undertaking or organisation owned or managed by the State Government.
- (v) Purchases and work orders to units located outside the State shall be placed upon satisfaction that:
 - (a) items so purchased are not being manufactured within the State or
 - (b) State-based manufacturers of such items did not participate in the quotations or tenders invited for the purpose or
 - (c) the quality of specifications, or price of items so offered by the State-based units were beyond the acceptability level.

All such purchases and work orders shall be reported to the State Government immediately for confirmation.

- (vi) When a proposal under clause (v) is received by the State Government, it shall be carefully examined having regard to the justification given about the necessity of placing such order and if it is found that the procurement or execution of work from outside the State cannot be avoided due to compelling reasons, the supply order or the work order may be allowed to be placed as far as practicable, with the local brand or agent of the firm concerned. Records with respect to such matters shall be maintained with the State Government and may be placed before the committee constituted under No. 9600-F dated the October 4, 1990 of the Finance Department of this Government in this behalf.

- (vii) During acceptance of tender form of a State-based unit or organisation, it shall be ensured that the material or product offered conform to the ISI standard where such specifications are applicable.

Explanation: - 'State-based units' means such industrial or service units, which have corporate offices, or factory units within the State.

- (10) The provisions in this rule are applicable for purchase of stationary articles, office equipments and any other materials for maintenance of office establishment.

92. Splitting of big work into components

If splitting of big work into component parts is found essential for the sake of expeditious execution and administrative reasons, the matter shall be referred to the State Government for necessary approval.

93. Procedure for tender

Tenders shall be invited in the most open and fair manner by advertisement in local newspapers and by display of notice in English and vernacular in public places. The tender notice shall be signed by the Executive Officer of the *Zilla Parishad* or any other officer authorised by him or by the Executive Officer of the *Panchayat Samiti* as the case may be. The advertisement or the notice shall specify the date, hour and place along with the particulars of the officer concerned wherefrom the tender forms may be collected and submitted.

94. Procedure relating to Tender Form

- (1) The *Zilla Parishad* and the *Panchayat Samiti* shall procure and maintain a stock of blank tender forms for supply to the contractors as and when necessary. It is not necessary to assign any printed serial number to such forms, but since the forms shall be delivered on realisation of cost, total number of forms procured on each occasion shall be kept recorded in a Register of Tender Forms. The Register shall also show against each scheme the names and particulars of the contractor to whom a tender form along with the schedules and other documents as may be applicable for the scheme has been supplied and also the amount realised against the supply. On the form itself, a short name of the scheme and a handwritten consecutive serial number for

that scheme and also the amount realised shall be recorded. The procedure shall reveal the number of forms issued with particulars of contractors with respect to each scheme and amount realised for the purpose. The format for the Register of Tender Forms may be devised suitably by the *Zilla Parishad* or the *Panchayat Samiti* concerned to meet the requirements as prescribed. A committee consisting of Secretary or Deputy Secretary, Executive Engineer and Accounts Officer of the *Zilla Parishad* shall be entrusted with the job of maintaining the stock, issuance of the forms and the schedules on realisation of cost and maintenance of the register. In case of Panchayat Samiti a committee comprising Joint Executive Officer, Sub-Assistant Engineer and Accounts Officer of the Panchayat Samiti shall be entrusted with the job of maintaining the stock, issuance of the forms and the schedules on realisation of cost and maintenance of the register. Since the tender forms are priced materials, it is not necessary to grant any separate receipt to the contractor against realisation of the cost.

(2) Cost of Tender Forms with schedules and other documents relating to a particular scheme or work shall be determined by the *Zilla Parishad* or the *Panchayat Samiti* in a meeting of *Artha Sthayee Samiti*.

(3) The expenditure for procurement of tender forms and for preparation of the schedule and other documents may be met from out of the office expenses fund or the fund for administrative charges admissible and available for any programme or project as may be deemed appropriate by the *Zilla Parishad* or the *Panchayat Samiti*. The fund realised in this behalf shall be treated as the sale proceeds of tender for untied fund, earning of the *Panchayat body* concerned.

(4) The tender forms may be dropped at different places by the contractors and arrangements for the same shall be made by the *Zilla Parishad* or the *Panchayat Samiti* as the case may be. The closing date and time for accepting the tender at different places shall be the same and comparative statement and other documentations in respect of tender shall be done centrally in the Zilla Parishad or in the Panchayat Samiti, as the case may be.

95. Tender for petty work

Tenders for the petty works may be submitted in plain paper commonly known as “Work Order” system quoting the rates of the works, and the contractor whose tender is approved for acceptance shall be required to execute agreement.

96. Earnest money deposit tender

The earnest money shall be deposited by the tenderer before submitting the tender. The earnest money shall usually be 2% of the estimated value subject to a maximum of rupees twenty thousand unless otherwise stated in the notice inviting tender and the amount of Earnest Money shall be deposited in Bank Draft or Government Bonds or Securities duly pledged in favour of Executive Officer of Zilla Parishad or Panchayat Samiti, as the case may be. Without any prejudice to the provisions of rule 90 (4), tender without deposit of earnest money shall be summarily rejected as invalid. The earnest money to all unsuccessful tenderers shall be refunded after the comparative statement of tenders is prepared by the Tender Selection Committee. However, the earnest money of the three lowest tenderers may be kept until the decision about acceptance of any tender is taken by the *Zilla Parishad* or the *Panchayat Samiti* or the *Artha Sthayee Samiti* as the case may be:

97. Drawl of contract documents

(1) Whenever a work other than a petty work is proposed to be entrusted upon a contractor, the Executive Engineer or any other technical officer duly authorised by the *Zilla Parishad* or the *Panchayat Samiti* as the case may be, shall prepare contract documents to include:

- [a] a complete set of drawings showing the general dimensions of the proposed work, and as far as necessary, details of the various parts;
- [b] a complete specification of the work to be done and of the materials to be used, unless reference can be made to some standard specification;
- [c] a schedule of the quantities of the various descriptions of work and/or a schedule of probable items with rates;
- [d] a set of “conditions of contract” to be complied with as embodied in the prescribed form with modifications, if any, when the contract shall be finally executed:

Provided that the Executive Officer, Additional Executive Officer or any other officer as may be authorised by the *Zilla Parishad* or the *Panchayat Samiti* as the case may be, shall execute contract for public works in this behalf.

(2) The contract documents shall be prepared keeping in view the following guiding principles:

- (a) the terms of contract shall be precise and definite ensuring that there is no room for ambiguity or misinterpretation therein;

- (b) legal and financial advice as may be considered necessary, may be taken in the drafting of contract and before they are finally entered into;
- (c) standard form of contract as provided may be adopted whenever possible, the terms incorporated therein to be subject to adequate prior scrutiny and appropriate modifications with respect to each contract;
- (d) provision shall be made in the contract for safeguarding the property entrusted to a contractor;
- (e) In long term agreements and contracts enduring or likely to endure for a period of more than one year, provision shall be made for an unconditional power of revocation or cancellation of such contracts at any time on the expiry of 2 months' notice to that effect;
- (f) in an agreement for the execution of a work as a contract work, which shall be in writing, there shall be stipulation as to the quantity of work to be done during a specified period and the time within which it shall be completed; and
- (g) in the contract document, provision shall be made for conditions and time-frame for payment of running bills and monthly bills, release of security deposits and also penal provisions for failure to execute the work or execute it within the stipulated period.

98. Opening of tenders

All Tenders for a particular work, received in time shall be opened at such time and place, as mentioned in the advertisement, by the officer issuing the Tender Notice or any other officer authorised by him in the presence of such tenderers or agents authorised in writing by the tenderers to remain present. A tender opening register shall be maintained to keep on records of such details of tenders as required in the said register wherein the signature of tenderers present shall be obtained. In case, the last date of receipt or opening of tender happens to be a holiday, or for any unforeseen reason the tender cannot be received or opened, as the case may be, the tender shall be received or opened on the next working day at the same hour of the day and at the same venue.

99. Effect of opening tenders

Once the tenders are opened, no tenderer shall be allowed to offer fresh quotations unless each of the tenderers is given equal opportunity. If on any occasion, the Tender Selection Committee holds that offer of fresh quotations for one or more items of work, will serve the interest of the *Zilla Parishad* or the *Panchayat Samiti* better, for the purpose of giving equal opportunity to all the tenderers, where time permits, fresh tenders may be invited so as to leave no room for any complaint or grievance whatsoever. If, however, there is no time for re-tendering, a bid on the spot among all the tenderers may be the best method to distribute the work without any loss of time ensuring competitive spirit. The lowest bid in such cases may be accepted by the *Zilla Parishad* or the *Panchayat Samiti* as the case may be, if it remains within an excess of 5% of the amount put to tender.

100. Tender selection committee

The Tender Selection Committee shall submit its recommendation to the *Artha Sthayee Samiti* which may accept it, or send back to Tender Selection Committee for reconsideration or reject it assigning the reasons and advise Tender Selection Committee to proceed on inviting fresh tender

101. Discretionary authority for calling open tenders

Notwithstanding anything contained in these rules, if the competitive tenders for works confined to the enlisted contractors are not considered acceptable and *Artha Sthayee Samiti* holds that suitable tenders from the enlisted contractors may not come up, it may call tenders from the open market for such works wherein contractors enlisted in the appropriate class also participate.

102 Supplementary tender

(1) Supplementary tender shall be necessary in case of additional items of work not covered by original tender. Such additional items of work may be executed through the working contractor after obtaining from him a supplementary order, up to ten percent of the value of tender originally accepted.

(2) When the tendered items are replaced by alternative items, works arising out of substitution of tendered items shall require obtaining a supplementary order from the working contractor if such items of work can be executed out of the savings in the original tender. (3) In cases, where the substituted items can not be executed out of the savings in the original tender, the value of the substituted items distributed to the working contractor on a supplementary tender should not exceed ten percent of the tendered value. Substitution of any tender item must have the prior approval of the “competent authority”.

Explanation: - In cases where the majority of the items of any original tender are substituted due to change of specifications of the work, Government orders should be taken as to whether the new items should be executed through the contractor on a supplementary tender or fresh tenders should be invited for selection of another contractor.

103. Security Deposit

The successful tenderer who has deposited earnest money referred to in rule 96, shall be required to execute formal agreement in duplicate within seven days from the date of receipt of letter of acceptance failing which his tender will automatically stand rejected and his earnest money will be forfeited; he shall also be required to deposit within the stipulated period an additional sum in cash or Government securities which together with the earnest money already deposited, shall amount to two per cent of the cost as per tendered rates of the work or supplies for which the tender has been accepted. Such amount shall be held as security deposit. Failure to deposit this additional sum within the stipulated period shall entail forfeiture of the earnest money and the letter of acceptance of the tender shall be considered as automatically cancelled. Security deposit may be deducted from the payments due from time to time on account of work done and supplies made under a contract in such manner that final Security deposit comes to ten per cent of the value of work done or supplied with.

104. Release of security deposit

The security deposit of a contractor, comprised wholly of earnest money retained after the acceptance of his tender or of percentage deductions from subsequent bills for work done or supply made, or partly of the earnest money and partly of the percentage deductions from bills, shall not be refunded till the final bill for the relative work or supplies has been prepared and passed for payment or the period specified in the agreement in this behalf expires, whichever is later.

105. Power of the Executive Engineer to execute contract work

Notwithstanding any provision contained in these rules and subject to any decision of the *Sthayee Samiti* concerned, in order to meet any emergent situation that does not permit sufficient time for calling of tenders, the Executive Engineer in the *Zilla Parishad* or the Executive Officer of the *Panchayat Samiti* may, on consulting the Executive Officer and Sabhadhipati of the *Zilla Parishad* or the *Sabhapati* of the *Panchayat Samiti* as the case may be, and on recording the reasons in writing, distribute any original work upto rupees

five thousand and repair works upto rupees two thousand to the contractors borne in the approved lists of the appropriate category without calling for tenders, and selection of such agency may be made through negotiations keeping in mind the best interest of the *Panchayat Body* concerned; the procedure adopted for selection is to be recorded in writing. All such matters shall be placed before the *Sthayee Samiti* concerned in the next meeting.

PART III

Chapter XII Deposit works

106. Scope and extent of deposit work

(1) A *Zilla Parishad* or a *Panchayat Samiti* may, subject to such directions as may be given by the State Government in this behalf, undertake to execute deposit work for which the outlay is provided wholly or in part from: –

- (a) The funds of any Department of the State Government which are not related to that *Panchayat* body or does not constitute any part of the budget estimate of that *Panchayat* body;
- (b) The contributions from the public or private bodies or individuals.

(2) A *Zilla Parishad* or a *Panchayat Samiti* shall not undertake any deposit work that may be detrimental to its own programme of work or when the job requirement is beyond the competence of its machinery;

(3) Where a work is to be carried out partly from the fund out of the Budgetary Allocation of the *Panchayat body* concerned and the balance from the funds of the nature referred to in sub-rule (1), such contribution shall be realised as a lump sum or in instalments within such dates as may be decided upon. In consideration of the total fund, the plan, estimate and other related documents shall be drawn up by the *Zilla Parishad* or the *Panchayat Samiti* as the case may be, and the work shall be executed in accordance with the procedure laid down in these rules.

(4) The entire contribution shall be generally realised and placed in the Local Fund Account of the *Panchayat body* before any liability is incurred for the work; in other cases where the *Panchayat body* concerned is satisfied that the necessary fund shall be forthcoming as and when required, they may authorise the placement of fund in suitable installments within a stipulated time.

(5) When the *Panchayat body* undertakes to design and construct a work wholly from the sources referred to in sub-rule (1), the following procedure shall be observed: -

- (a) the design and estimate shall, be drawn up in consultation with the party or the parties depositing or administering the funds in commensurate with these rules. Technical sanction for the design and estimate shall be obtained from the

competent authority as specified for similar work executed by the *Panchayat body* out of its own fund;

(b) provision shall be made to cover the cost of departmental charges as may be determined in these rules;

(c) prior to commencement of work, written approval for the design and the estimate shall be obtained from the authority depositing or administering the funds. An acknowledgement shall be obtained to the effect that on undertaking the work, the *Zilla Parishad* or the *Panchayat Samiti* does not bind itself to complete the work within the estimated amount when the estimate for the work goes up for any reason unforeseen or beyond the control of the *Panchayat body* concerned or because of any material alteration in the design and that the funding authority agrees to finance any excess in amount that may be required;

(d) the necessary funds for the execution of the work shall be realised and paid into the Local Fund Account of the *Panchayat body* concerned either in lump sum or in such installments within such dates as may be decided upon;

(e) the executing *Panchayat body* shall not divert any fund meant for this purpose.

- (f) In cases where the fund is placed in instalments, the *Panchayat body* shall not be responsible for any increase in the cost or for any damage to an unfinished work that may be caused by stoppage of work for want of fund;
- (g) in undertaking a work, it shall be arranged that the extent to which the *Panchayat body* is responsible in regard to the execution of the work, is clearly understood by the parties for whom the work is executed and the officers of the *Panchayat body* to whom the work has been assigned;
- (h) where the work involves fund or technical competence of high order calling for a written agreement delineating different issues in clear terms or where there are any special circumstances rendering it necessary to have a written agreement, such agreement may be drawn up under legal advice meeting the expenses out of the project cost.

107. Apportionment of contribution fund

The fund deposited by the authorities referred to in sub-rule (1), of rule 106 shall be divided for accounting purpose in two parts, one representing the fund to be applied for the work expenditure actually required and the other on account of establishment charge on per centage basis on the expenditure as agreed upon which shall be treated as fund earned by the *Panchayat body*.

108. Inadmissibility of interest

No interest shall be admissible to any funding authority under any circumstances on the sum deposited at any time as contribution for a work.

109. Rate of Departmental charges

(1) The *Zilla Parishad* or the *Panchayat Samiti* as the case may be, may, for the purpose of covering the cost of establishment charge for execution of any work as referred to in sub-rule (1) of rule 107, charge an amount not exceeding fifteen per cent on the amount of expenditure actually incurred for the work:

Provided that the per centage charged may be determined by the *Artha Sthayee Samiti* in consideration of the magnitude of the work, technicalities involved, period of execution and the utility of the work in the overall development strategy for the area concerned.

(2) Notwithstanding anything in sub-rule (1) the *Artha Sthayee Samiti* shall not charge any amount less than five per cent of the actual expenditure of the work unless such expenditure is limited to rupees twenty thousand and the work constitutes a segment of the development plan prepared by the *Panchayat body* for its area.

(3) The amount recovered under sub-rule (1) or sub-rule (2) as the case may be shall constitute a part of fund generated by the *Panchayat body* on mobilization of its own resources.

110. Non-diversion of contributed fund

(1) The fund contributed for a work shall not be diverted for any other purpose, even temporarily, under any circumstances.

(2) On completion of the work, any excess fund received as contribution shall be refunded to the funding authority in the appropriate manner without any unnecessary delay.

(3) Contribution on account of one work shall, in no circumstances, be applied for meeting expenditure on account of another work, the contribution of which may be in arrears from the same funding authority without prior permission in writing of the funding authority.

PART III

Chapter XIII

Compensation for delay in execution of work

111. Execution of work without delay and compensation in case of delay

(1) The time limit for carrying out the work as specified in the tender papers and the agreement entered into thereon, shall be observed by the contractor and shall be calculated from the date on which the order to commence the work is communicated to the contractor. He shall ensure that the work proceeds throughout the stipulated period of the contract with all due diligence for maintaining the specified schedule of time at every stage of the work.

(2) The contractor entrusted with a work shall be liable to pay to the *Panchayat* body as compensation an amount not exceeding one per cent of the tendered value of work remaining unexecuted for each day of delay and without any prejudice to the generality of this provision, he shall be liable to make such payment on the tendered value of: -

- (i) the entire work when he fails to commence the work on or after the day of commencement of the work as specified in the work order or the agreement executed
- (ii) any distinct segment of the work when he fails to complete the work of that segment within one month from the date specified for its completion,
- (iii) Uncompleted part of the work if he fails to complete as per the work programme.

Provided that compensation not exceeding one per cent on any occasion as referred to in sub-rule (2) may be determined by the *Sthayee Samiti* in administrative control of the work (hereinafter referred to in this Chapter as *Samiti*) after giving an opportunity of hearing to the contractor.

(3) Any contractor aggrieved by the decision of the *Samiti* referred to in sub-rule (3) may prefer an appeal to the *Artha Sthayee Samiti* through the Executive Officer against the decision within seven days from the date on which such decision is communicated to him; subject to the provisions in sub-rule (5), the decision of the *Artha Sthayee Samiti* shall be final.

(4) Any contractor aggrieved by the decision of the *Artha Sthayee Samiti* referred to in sub-rule (3) may submit a review petition to the *Zilla Parishad* or the *Panchayat Samiti* as the case may be, through the Executive Officer concerned.

112. Deposit Actions when compensation charged amounts to the whole of Security

When under any provision of rule 111, the compensation charged against a contractor amounts to the whole of the security deposit pledged by the contractor for that work, irrespective of having been paid in full or to be paid in instalments, the *Samiti* may decide to adopt any one or more of the following courses as may be deemed to serve best the interest of the *Panchayat body*,

- (a) The *Samiti* may rescind the contract and advise the Executive Officer to communicate the decision to the said contractor;
- (b) On such communication referred to in clause (a) being made by the Executive Officer or any other officer of the *Zilla Parishad* on his behalf to the contractor, the latter shall not

take up any step in connection with the work and his security deposit will stand forfeited and be absolutely at the disposal of the *Panchayat body* concerned;

(c) The Executive Engineer of the *Zilla Parishad* or the Sub-Assistant Engineer of the *Panchayat Samiti* as the case may be, (hereinafter referred to as the Engineer-in-Charge) may be directed to complete the unexecuted portion of the work and for this purpose the Engineer-in-Charge shall employ labour and procure material to be paid direct from out of the fund of the *Panchayat body* concerned; the expenditure incurred on different items, for which the certificate of the Engineer-in-Charge shall be final and conclusive against the contractor, shall be debited against the bill of the contractor and the work done shall be credited in such manner and under such provisions of these rules as they would have been applicable if the work had been carried out by the contractor under the terms of the contract;

(d) The Engineer-in-Charge may be directed to measure up the work of the contractor; the uncompleted part of the work shall then be taken out of his hands and given to another contractor for completing the work; any amount of expenditure incurred in excess of the sum which would have

been paid to the original contractor if the whole work had been executed by him, shall be borne and paid by the original contractor and may be deducted from any money due to him from the *Panchayat body* under the contract or otherwise, or from his security deposit or any other fund available:

Provided that the Zilla Parishad or Panchayat Samiti may select the second lowest contractor from among the willing contractors who participated as tenderers for the work, or invite a fresh tender for residual work, as may be deemed best in the interest of the proper execution of the work, depending on the extent of work remaining unexecuted:

Provided further that in all cases of excess amount of expenditure incurred on this account, the certificate of the Engineer-in-Charge shall be final and binding.

(e) When any one or more of the courses referred to in clauses (a), (b), (c) and (d) are adopted by the Zilla Parishad or Panchayat Samiti, the contractor shall have no claim for compensation of any loss sustained by him by reason of his having purchased or procured any material or materials or entered into any engagement or made any advances on account of, or with a view to, executing the work or performing the contract; and when the contract is rescinded

under the aforesaid clauses, the contractor shall not be entitled to recover or be paid any sum for any work performed in the pursuance of the contract without measurement and on its basis certification of the work with the value payable thereof, by the Engineer-in-Charge.

113. Liability to pay compensation in case of continuance of contract

(1) If a Zilla Parishad or Panchayat Samiti does not exercise any of the provisions in clauses (a), (b), (c) or (d) of rule 112 even when the situation so arises, such non-exercise of the power shall not constitute a waiver of any condition referred to in rule 111 and if the contractor is declared to pay compensation of any amount or the whole amount of security deposit at any time after the aforesaid provisions became exercisable, his liability to pay compensation shall remain unaffected.

(2) If at any time, the Zilla Parishad or Panchayat Samiti decides to exercise the power referred to in clauses (a), (b), (c) or (d) of rule 112, it may also authorise the Engineer-in-Charge to take any of the following actions: -

- (a) He may take possession of any or all tools, plant, materials and stores in or upon the work or the site thereof or belonging to the contractor or procured by him and intended to be used for the execution of the work or any part thereof:

Provided that on taking possession of any such tools, plant, materials and stores, the *Panchayat Body* shall pay or allow for such payment in the account at the rates applicable under the contract or when no such rate is available in the contract, the current market rates as may be applicable:

Provided further that the rates certified by the Engineer-in-Charge for such purpose will be applicable and binding;

- (b) If the Engineer-in-Charge does not consider it necessary and expedient to take possession of any of the tools, plant, materials and stores, he may serve notice in writing to the contractor, his clerk, work foreman or any other authorised agent requiring him to remove such tools, plant, materials and stores from the premises within such time as may specified in the notice; or
- (c) If the contractor or his authorised agent does not remove such tools, plant materials and stores within the time specified, the Engineer-in-Charge may remove them from the premises or sell by auction to any person or organisation on account of the contractor and at his own peril in all respects and the certificate of the Engineer-in-Charge as to the expense on account of any such removal and the amount of proceeds and

expenses incurred on account of auction shall be conclusive against the contractor.

PART III

Chapter XIV Resolution of Disputes on Execution of Schemes

114. Measures for conciliation

(1) Without any prejudice to the right of any party to a contract to take recourse to any available legal process, effort shall be made to resolve any dispute arising out of a contract relating to execution of the work, maintenance of its quality, measurement of work done, quantity and quality of materials supplied and used, settlement of claims or any other incidental issues, by the process of conciliation and mutual discussion in a spirit of understanding and co-operation as soon as they arise in order to avoid future complications in continued execution of the scheme:

(2) The effort referred to in sub-rule (1) shall relate to the matters that cannot be clearly measured, specified or assessed or there is any doubt involved and may later lead to any confusion or difference of opinion on a matter which can clearly be measured, specified or assessed.

115. Mechanism for resolution of dispute

(1) When the dispute relates to any work valued at an amount not exceeding rupees ten lakh, either the authorised officer of the *Panchayat body* or the contractor may refer the matter through the Executive Officer to the *Artha Sthayee Samiti*. The *Artha Sthayee Samiti* shall in its meeting resolve the dispute on having heard the contractor and the officer concerned presenting their respective arguments on the matter or shall empower the *Sabhadhipati* or the *Sabhapati* as the case may be or the Executive Officer or any other member or officer to resolve the dispute on hearing both sides of the dispute; in the latter event, the resolution arrived at shall be placed again in the *Artha Sthayee Samiti* for final decision. The **Artha Sthayee Samiti** shall invite or consult a technical person not below the rank of an Executive Engineer for resolving the dispute.

(2) When the dispute relates to a work valued at an amount exceeding rupees ten lakh but not exceeding rupees twenty lakh: -

- (a) The dispute may be referred to a board of three persons having adequate experience and knowledge and not directly connected with the establishment or the contractors, and one of the members shall be a technical person not below the rank of a Superintendent Engineer. The panel shall be provided with the contract documents, plans and

specifications; they shall hold a hearing from both parties and shall make recommendations for resolving the dispute. Such board may be constituted on mutual agreement and may follow the principle and the manner laid down in sub-rule (3), or

- (b) If both parties agree, the *Artha Sthayee Samiti* shall, in a meeting, resolve the dispute having heard the contractor and the officer concerned on obtaining the views of one person who is eligible to be a member of the board referred to clause (a); the *Artha Sthayee Samiti* may also secure the presence of the aforesaid person in the meeting for resolution of dispute.

(3) When the work value of a contract exceeds rupees twenty lakh, a Dispute Review Board (hereinafter referred to as Board in this chapter) shall be set up before the construction begins. Each party, i.e., the ***Zilla Parishad*** or the ***Panchayat Samiti*** on one hand and the contractor on the other shall nominate one member. On acceptance of the members by the opposite party in each case, the two nominated members shall co-opt the third member not below the rank of a Chief Engineer to form the Board and shall inform both the parties. The Board shall be provided with the contract documents, plans and specifications to get themselves acquainted with the project procedures and the views of the

participants on any ill-defined issue that may require clarification. They shall be regularly kept informed of the progress and development of the scheme.

(4) When any dispute arising out of the contract is not resolved by mutual discussions by the parties it will be referred to the Board; it will then hold hearing when both parties will present their views with necessary justifications on the issue or issues involved. Either party will also furnish replies to the queries relevant to the issue, of the other party in presence of Board. The Board shall accordingly give recommendations for resolution of the dispute taking into consideration provisions of the contract agreement and other documents, records and evidences available.

(5) The Board shall furnish their recommendations in writing in clear and precise terms preceded by a recital of facts and relevant terms and conditions of the contract agreement and the reasons for drawing conclusions. The recommendations are of advisory nature and not binding; they shall be implemented on acceptance by both the parties that is the *Artha Sthayee Samiti* and the contractor. However, since both parties agreed to the formation of the Board and appeared before it to present their respective views, it is expected that both of them will accept it.

(6) Each Member of the board referred to in sub-rule (2) or sub-rule (3) shall be paid a retainer fee and a sitting fee for each sitting. The amounts of retainer fee and sitting fee shall be decided with respect to each contract separately by the parties on mutual agreement; the amount involved shall be shared alike by either party. The liability of the *Zilla Parishad* or the *Panchayat Samiti* on this account shall be met out of the project cost concerned.

Chapter XV

Work under schemes sponsored by the Government

116. Procedure for schemes sponsored by the Government

[1] In cases where the schemes are sponsored and funded by the State Government with the express objective of creating employment in the rural areas, the *Panchayat* bodies shall not execute any work through contractor. Such schemes shall be labour intensive and capable of being executed by the machinery of the *Zilla Parishad* or the *Panchayat Samiti* as the case may be, through the local labourers, skilled and unskilled adhering to the proportion of wage components in cash and kind and material components, as specified in the instructions issued by the State Government in this behalf from time to time.

[2] All schemes under the programmes referred to in sub-rule (1) shall be implemented in pursuance of the guidelines issued in this behalf as also without violation of any provision of the Act in course of implementation of such programmes.

[3] Subject to the instruction issued in this behalf by the State Government from time to time, the estimated cost of any work under such schemes unless provided in the guidelines for such schemes, shall be determined either at the rates prescribed in these rules after deducting ten per cent thereof, on the assumption that such portion deducted represents the contractor's profit, or at the rates arrived at on proper analysis of the market rates of the locality, whichever is lower.

[4] No fund received on this account shall be diverted at any time for any purpose other than the purpose or purposes for which the fund is meant; interest, if any accrued on the fund shall be reckoned as part of the same fund and shall be utilised for the purpose.

[5] Funds received on this account as also interest accrued thereon shall be utilised without any delay, preferably within a period of six months from the date of receipt of the fund.

117. Accounts and Reports

In cases where schemes are sponsored and partly or wholly funded by

the State Government or the Government of India, the accounts, reports and returns shall be prepared and submitted in terms of such guidelines and instructions as may be issued in this behalf from time to time. Violation of norms prescribed in the guidelines applicable for the execution of the scheme shall be interpreted as failure to execute the scheme and the Government of India or the State Government may recover the entire amount placed for the purpose or any part of it from the *Zilla Parishad* or the *Panchayat Samiti*, as the case may be.

Chapter XVI **System of Accounts in Engineering Establishment**

118. Features of accounts in Engineering establishment

(1) Subject to General Control of the **Zilla Parishad** or the **Panchayat Samiti** as the case may be, through the **Sthayee Samiti** authorised in this behalf and the **Executive Officer** and any other officer authorised by him in this behalf, the projects and schemes shall be executed under the direct supervision of the Executive Engineer of the Zilla Parishad or Sub-Assistant Engineer of the Panchayat Samiti, but all claims shall be settled and payments shall be made by the Drawing and Disbursing Officer of the **Zilla Parishad** or **Panchayat Samiti** as the case may be. On receipt of a claim for payment, the **Executive Engineer or Sub-Assistant Engineer** shall examine the claim, record necessary

certificates and forward the claim to the Executive Officer or any other officer authorised in this behalf with supporting documents and records. The Executive Engineer or Sub-Assistant Engineer shall be responsible for the correctness of the certificates. The Executive Officer or any other officer authorised in this behalf may call for any records for scrutiny before making any payment. The Executive Officer of the **Zilla Parishad** or the **Panchayat Samiti** may conduct any enquiry or investigation, if necessary, before making such payments. After pay order is made by the Executive Officer or the officer authorised by him, payment shall be made out of the fund of the Zilla Parishad or Panchayat Samiti, as the case may be.

(2) The **Executive Engineer** shall also realise such dues of the *Zilla Parishad* as specified hereinafter through his sub-ordinates and deposit them into the *Zilla Parishad* Fund under intimation to the official in charge of the maintenance of the Cash Book pertaining to the establishment.

(3) The **Executive Engineer** shall maintain accounts of all stores received and issued by him or by his sub-ordinates. Similarly, the **Sub Assistant Engineer** of Panchayat Samiti shall maintain accounts of all stores received and issued by him.

119. Receipt of Fund by the Executive Engineer

When money on any account is received by the **Executive Engineer of the Zilla Parishad** or his sub-ordinate on behalf of the *Zilla Parishad*, or **Sub-Assistant Engineer of the Panchayat Samiti**, it shall at once be brought to account in a ledger to be maintained by him for the purpose with such assistance as may be available, and a Receipt shall be granted to the person concerned. If the amount is realised by way of recovery from a payment made on a bill or any other voucher setting forth the particulars of the deduction, the fact of the recovery having been made by deduction from the payment voucher shall be clearly recorded on the receipt, if granted.

Explanations I: –

(1) Final acquittance against cheques drawn on private accounts in local Banks accepted in discharge of a claim shall not be granted to the payer until such cheques have been cleared.

Explanations II: –

(2) As an exception to this rule, earnest money received and then refunded to the contractors whose tenders are rejected, on the same day when the tenders are opened, need not pass through accounts, provided that the contractor concerned has given a stamped receipt for the money in the register of opening tenders maintained in the office and that the register is to that extent treated as a book of accounts.

Earnest money which is received prior to the date fixed for opening the tenders, or which for any reason cannot be refunded on that date, shall be brought to account in the ledger and refunded subsequently to the contractors under normal procedure.

Explanations III: –

(3) Tender forms shall be supplied in pursuance of the procedure prescribed in rule 94 and the sale proceeds for each day shall be entered in the ledger.

120. Payment received in Cash

If the **Executive Engineer of the Zilla Parishad or Sub-Assistant Engineer of the Panchayat Samiti**, receives money on behalf of the *Zilla Parishad or the Panchayat Samiti as the case may be*, such money shall not be mixed up with the Imprest or any other cash in his charge; but he shall deposit it at the earliest opportunity, to the Cashier for remitting in the appropriate account of the Zilla Parishad Fund or the Panchayat Samiti Fund, as the case may be.

121. Authority to accept certain fund

When so authorised by the Executive Officer subject to the decision of the *Artha Sthayee Samiti*, the Executive Engineer and his sub-ordinate officers of the Zilla Parishad or the Sub-Assistant Engineer concerned of the Panchayat Samiti shall realise the following dues on behalf of the *Zilla Parishad* or the *Panchayat Samiti* as the case may be:

- (i) Rents of roadside lands and tanks;
- (ii) Bungalow charges;
- (iii) Sale-proceeds of materials and produces;

- (iv) Fines or refunds from contractors;
- (v) Rents of buildings and lands.
- (vi) Ferry collection and other lease-rents of properties leased out;
- (vii) Sale proceeds of tender forms, earnest money and security deposit in respect of contractors/tenders; and
- (viii) Other collections as required by the *Zilla Parishad* or the *Panchayat Samiti*:

Provided that the Executive Officer may make authorisation in this behalf among as many officers as he may deem appropriate and may also withhold authority wholly or in part in favour of himself.

122. Maintenance of records on realization

Besides maintaining the consolidated records in the ledger in respect of all realisations made on behalf of the *Zilla Parishad* by the Executive Engineer or his sub-ordinate officers, a Demand and Collection Register for each item of collection, as necessary, shall be maintained by the Executive Engineer in Form 5. In case of Panchayat Samiti, Sub-Assistant Engineers shall maintain such Registers. The Executive Engineer shall ascertain that the amount collected is deposited through challans in the *Zilla Parishad* Fund at the earliest as possible. Any irregularity detected shall be recorded in writing and reported to the Executive Officer immediately. This provision shall also apply mutatis mutandis to the *Panchayat Samiti*.

123. Receipt Books

Duplicate Carbon Receipt Books in Form 1 shall be indented from the Executive Officer

or any other officer authorised in this behalf for use in the Engineering establishment. Such indent for Receipt Books shall be verified and signed by the Executive Engineer or Sub-Assistant Engineer before issue of any book from the stores of the *Zilla Parishad or Panchayat Samiti*. Normally more than one Receipt Book for any officer shall not be issued from the stores. The officer authorised shall also verify that the used Receipt Book issued earlier has been returned.

PART III

Chapter XVII Imprest Accounts

124. Maintenance of Imprest Accounts

A Permanent Advance or imprest may be granted by the *Zilla Parishad* to the Executive Engineer of such amount as the *Zilla Parishad* may, from time to time, fix in terms of sub-rule (1) of rule 37 within the ceiling limit of rupees five thousand. If necessary the Executive Engineer may give a sub-imprest not exceeding rupees five hundred to any sub-ordinate officer recouping this from his own imprest. The sub-imprest shall be treated as a part of the Executive Engineer imprest accounts.

125. Maximum limit of payment out of Imprest

All cash payment by the Executive Engineer and his sub-ordinate officers shall not exceed in a single voucher rupees one thousand and rupees two hundred respectively.

126. Procedure for recoupment

The general instructions and procedure for recoupment of Permanent Advance of the Executive Engineer shall be as laid down in rule 37 and the sub-imprest holder shall follow the same procedure for maintenance of imprest accounts and for recoupment as the imprest holder.

127. Maintenance of Imprest Cash Book

The Imprest Cash Book shall be maintained the totals and balances of the imprest and sub-imprest accounts submitted for recoupment shall be written in words and figures and all corrections in sub-vouchers shall be attested by the payee and those in the imprest or the sub-imprest accounts by the imprest holder or the sub-imprest holder in absence of which the Imprest Cash Book shall not be passed by the Executive Engineer.

128. Recoupment of sub-imprest

When a bill for recoupment of sub-imprest is received, the Executive Engineer shall, after carefully examining the propriety of the payments, clarity and accuracy of the entries, sufficiency of the vouchers and the totals of the accounts, reimburse the sub-imprest holder with the exact sum expended, so as to bring again the Sub-Imprest cash in hand upto the initial amount. The sub-vouchers shall be defaced by him so that they may not be used again.

129. Payment of sub-ordinate Officer's in imprest Cash Book.

The payment appearing in the sub-ordinate officer's imprest account shall, in abstract form be entered in the Executive Engineer's Imprest Cash Book. The amount remitted to his sub-ordinates shall be entered in red ink in the debit side of the Executive Engineer's own account in the Imprest Cash Book.

130. Payment to the sub imprest holders

The amount of each recoupment shall be separately paid to the **sub imprest** holders and shall not be mixed or adjusted with any other due.

131. Closure of Imprest Account

The Executive Engineer's imprest cash account shall be closed on the 27th or the next working day if it is a holiday, of every month in order to record the transactions upto that date in the corresponding monthly accounts of the *Zilla Parishad*.

132. Items in imprest account under objection

If any item in an imprest account appears to the recouping officer to be open to objection, the imprest shall nevertheless be recouped in full, on the contrary the item or items under objection may be entered in his Cash Book as 'item awaiting adjustment in the Imprest Account' under "Miscellaneous Advances" to be monitored under that Head until either the objection is removed or the amount is made good by the imprest holder.

PART III

Chapter XVIII Records of Accounts

133. Basis of Accounts

The following documents shall be maintained for Public Works Accounts, initial records upon which the accounts of works shall be based are:

- (i) Muster Roll,
- (ii) Measurement Book and
- (iii) Claim Voucher.

For work done by daily labour, the sub-ordinate officer in charge of the work shall prepare a muster roll, which shall show the work done in a specified manner and the amount payable on the account. For piecework and for contract work generally, the measurement of work done shall form the basis of account. From the Muster Roll the sub-ordinate officer shall prepare an abstract of work done and from the Measurement Book and Claim Voucher, he shall check or, if so arranged, prepare the bills and accounts of contractors and suppliers. Claim Voucher represents by means of a precise statement, a claim

against supply of any material or of any service rendered which forms the basis of payment.

134. Muster Roll

(1) The Muster Roll shall be the initial record of the labour employed each day on a work and shall be written up daily by the sub-ordinate officer authorised for the purpose. One or more muster rolls may be kept for each work, but muster rolls shall not be prepared in duplicate. It may be permissible, however, to keep one muster roll for labourers employed in several small works in which the total unpaid wages may conveniently be recorded as relating only to the largest work in the group.

(2) Notwithstanding the provisions in sub-rule (1), the *Zilla Parishad* or the *Panchayat Samiti*, for the purpose of implementation of any scheme or work sponsored and funded, fully or in part, by the Government of India, shall follow the guidelines and any subsequent order governing such scheme, shall make such use of format of the Muster Roll as may be provided in the guidelines or the orders and may prepare duplicate copies of Muster Rolls super-scribed the words 'original' or 'duplicate' as the case may be:

Provided that the duplicate copy of the Muster Roll shall not contain any order for payment.

135. Abstract of work done

For all large works or groups of work, an abstract of work done shall ordinarily be endorsed on the muster roll and the quantity of work done shall be compared with the cost of labour employed. Any deficiency in this respect shall be noted by the paying officer and clarified.

136. Work of petty nature

Where the work is of a petty nature and in consequence not subject to measurement, a certificate in lieu of the abstract of work done shall be furnished by the officer-in-charge of the work to the effect that the volume or extent of work done is worth the amount paid for it.

137. Closing of Muster Roll

The Muster Roll shall be closed immediately after the close of the work or the period for which it is kept and the labourers shall be paid as soon thereafter as possible.

138. Procedure for payment

The payment shall be made in presence of one or more members of the Beneficiary Committee where such Committee has been formed, member or members of the *Panchayat bodies* as may be available and the officers associated with the scheme. Both groups of members as may be available and the senior-most officer present on the spot shall put their signatures with date against the group of labourers to be paid on that date as token of identification. The amount paid on each date shall be noted in words as well as in figures at the foot of the Muster Roll. The disbursement certificate at the foot of the Muster Roll shall also be signed by the members of both the groups and by the officer witnessing the disbursement:

Provided that no fund shall be handed over to the Beneficiary

Committee or any member of the Committee at any stage and the

Beneficiary Committee shall not be put in charge of implementation of any scheme.

Provided further that if on any occasion no member of the Beneficiary Committee remains present, the payment shall be made in presence of and on obtaining signatures of the members of the *Panchayat body* along with the signature of the officer present.

139. Wages remaining unclaimed

Wages not claimed within three months of their falling due shall not be paid without written orders of the Executive Engineer of the *Zilla Parishad* or the Executive Officer of the *Panchayat Samiti* as the case may be and the wages not claimed within six months of their falling due shall not be entertained without approval of the *Artha Sthayee Samiti*.

140. Maintenance of measurement book

The description of the work shall be lucid, so as to admit of easy identification as also verification. Except for such work done through daily labour or such materials supplied or service rendered as does not require any quantification or measurement to ascertain whether the claim made is justified, payments for all works shall be made on the basis of measurements recorded in Measurement Books in accordance with the procedure laid down in rule 142. However, the detailed measurements may be dispensed with in relation to periodical repairs when the quantities are recorded and efficiently maintained as per procedure laid down.

141. Stock register for measurement book

Measurement books shall be numbered serially. A Stock Register of Measurement Books shall be maintained in Form 30 showing the serial number of each book, the names and designation of the sub-ordinate officer to whom issued, number of pages contained and their serial numbers, the date of issue and the date of its return, so that its eventual return to the issuing authority may be watched. Books no longer in use shall be withdrawn promptly from the subordinate officers, even though not completely used up.

142. Detailed measurements

In recording detailed measurements, the following general instructions shall be followed:

- (i) Detailed measurements shall be recorded only by the officer-in-charge of works to whom Measurement Books have been supplied for the purpose.
- (ii) All measurements shall be neatly taken down in the measurement books issued for the purpose and nowhere else.
- (iii) Each set of measurements shall commence with entries stating:
 - (a) In the case of bills for work done –
 - (1) Full name of work as given in estimate,
 - (2) Location of work,
 - (3) Name of contractor,
 - (4) Number and date of his agreement,
 - (5) Number and date of written order to commence work,
 - (6) Date of actual completion of work and

(7) Date of measurement.

(b) In the case of bills for supply of materials –

(1) Name of supplier,

(2) Number and date of his agreement or order,

(3) Purpose of supply in one of the following forms applicable to the case:

(i) “Stock” [for suppliers for the purpose of building up stock],

(ii) “Purchases” for direct issue for a specific work [here enter full name of work as given in estimate] and

(iii) “Purchases” [here enter full name of work or works as given in estimate] for issue to different contractors with dates of issue;

(4) Date of written order to commence supplies,

(5) Date of actual completion of supplies, and

(6) Date of measurement,

and shall end with the dated initial of the person recording the measurements.

A suitable abstract shall then be prepared which shall show, in the case of measurement for work done, the total quantities of each distinct item of work done and the total quantities of each distinct item of work relating to each sanctioned Sub-head.

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(iv) As all payments for works or supplies are based on the quantities recorded in the measurement book, it shall be incumbent upon the person taking the measurements to record the quantities clearly and accurately. He shall also work out and enter in the Measurement Book the figures for the "contents or area" column. If the measurements are taken in connection with a running contract account on which work has been previously measured, he shall be further responsible to see that [1] reference to the last set of measurement is recorded and [2] if the entire job or contract has been completed, the date of completion is duly noted in the prescribed place, in terms of clause (iii). If the measurements taken are the first set of measurements on a running account, or the first and final measurements, this

fact shall be noted suitably against the entries in the measurement book, and in the latter case, the actual date of completion shall be noted in the prescribed place.

(v) Entries in the measurement book shall be recorded in consecutive pages, and no blank pages shall be left or any page torn out. Any page left blank inadvertently shall be cancelled by drawing diagonal lines, the cancellation being attested and dated.

(vi) The entries shall preferably be made in ink but when entries had to be made in pencil, the pencil entries shall not be inked over but left untouched. The entries in the 'contents or area' column shall, however, be made in ink. No entry shall be erased. If a mistake is committed, it may be corrected by crossing out the incorrect words or figures and inserting the corrections, the correction thus made being initialed and dated by the officer. When any measurement is cancelled, the cancellation shall be supported by the dated initials of the officer ordering the cancellation or by a reference to his orders initialed by the officer who made the measurements on recording the reasons for cancellation.

(vii) Each measurement book shall be provided with an index, which shall be kept up-to-date.

(viii) All records maintained should be clear and specific so that it may be produced, if necessary, as evidence in a court of law.

143. Standard Measurements

In order to facilitate the preparation of estimates for periodical repairs, Standard Measurement Books of buildings and other constructions may be maintained. Where such standard measurement books are maintained, it shall be permissible to utilise them for the purpose of preparing contractors' bills for repairs, and it may not be necessary to take detailed measurements on each occasion. This system may, however, be adopted only if it has been specially authorised by the *Sthayee Samiti* concerned subject to directions of the *Zilla Parishad* or the *Panchayat Samiti* as the case may be. For efficient maintenance of the books, the following precautions shall be taken –

- (i) The Standard Measurement Books shall be numbered in an alphabetical serial A, B, C, etc.
- (ii) The entries of measurements and abstracts thereof in the Standard Measurement Books shall be certified by the Executive Engineer in the *Zilla Parishad* and the Executive Officer or any other officer authorized by him in the *Panchayat Samiti*.
- (iii) A report shall be obtained periodically from the Executive Engineer of the *Zilla Parishad* to the effect that all the Standard Measurement Books have been inspected by him,

that the entries therein have not been tampered with and that all corrections due to additions and alterations in the buildings have been made in the books and the latter are reliable and up-to-date records. Such report shall be obtained at the *Panchayat Samiti* from any Sub-Assistant Engineer and the Executive Officer.

- (iv) When a payment is based on standard measurements the Officer-in-charge of the repair works and the subordinate staff preparing the bill for payment shall be required to certify that the whole of the work or the portion of the work excluding previous running bill, as the case may be, has been done as per standard measurements and that it has not previously been billed for in any manner.

PART III

Chapter XIX

General Principles of works accounts

144. Review of measurements

The officer-in-charge of a work or the sectional officers having jurisdiction shall submit the measurement books in use to the Executive Engineer from time to time, so that at least once in three months the entries recorded in each book may be subjected to check by the Executive Engineer through the machinery at his disposal. However, the Executive Engineer shall frequently check the important works executed within his jurisdiction. The fact of such check shall invariably be noted over his signature and date both against the measurement entries in the measurement book and in the bills on which final payment is made. In *Panchayat Samiti*, the Executive Officer shall cause similar review to find out that measurement books are properly maintained.

145. Control over the work done

The Executive Engineer shall utilise the recorded transactions of the work for effective control. His personal knowledge of the machineries deployed for the execution of a work, or of the actual progress of work, shall be supplemented by a monthly comparison, of the cost as recorded in the accounts with the value received in terms of the work done. In the case of larger works, especially where the period of construction is a prolonged one, this monthly comparison may, for obvious reasons, be impossible unless the total cost is split up into convenient components in such a way that, as far as possible, the cost of each distinct component may be compared with the work done thereon. This comparison shall be made on the examination and review of the works abstract and the register of works.

146. Recoverable charges

In case of recoverable charges, it is to be seen that the contractors or others, on whose behalf the charges are incurred, do not get the benefit of any concession to which they would not have been entitled if they had themselves incurred the charges.

147. Payment through muster roll when work is done by contractor

The payment of daily labour through a contractor, instead of by muster roll, shall not be resorted to. In case of great emergency, it may sometimes be found impossible to employ labour otherwise than through a contractor. When it is possible, to determine the quantities of work done after its completion, or at intervals during its progress, it may be expedient to pay the contractor, at the rates, on the basis of work actually executed and measured. But if, as in the case of urgent repair of canal breaches, this method of payment may be found not practicable, it may be permissible to pay the contractor on the basis of numbers of labourers employed, day by day, his own profit or commission being either included in the rates allowed, or paid separately in lump-sum or at a percentage rate. When this course is adopted, a report of the numbers of labourers of each class employed day by day shall be made by the sub-ordinate officer in charge of the work daily to the superior officer identified for the purpose to enable the latter to keep a check on the expenditure and to deal with the contractor's claim when received. To avoid disputes with the contractors, they may be encouraged to sign the daily reports in token of their acceptance as correct. The use of the Muster roll or the Measurement Book shall not be permissible in such cases.

148. Detailed completion report

A detailed Completion Report, of all completed works shall be prepared before payment of the final bill in respect of such works and be submitted by the Executive Engineer or by the Sub-Assistant Engineer in charge of the work of the *Panchayat Samiti* to the Executive Officer for placement before the *Sthayee Samiti* concerned and through it, to the *Zilla Parishad* or the *Panchayat Samiti* as the case may be.

149. Maintenance of contractor's ledger

(1) The accounts relating to contracts shall be kept as personal accounts, and a separate folio shall be opened in the Contractors' Ledger for each contractor. The entries on the Debtor side shall show the payments made to the contractors and those on the Creditor side, the value of work done as shown in the Contractor's bills passed from time to time. The account shall encompass all transactions to which the contractor is a party, whether relating to one or several work or to materials purchased from him. The number and amount of each passed bill, the name of the work and the number and amount of each cheque shall be shown in the Ledger. The value of materials made over or labours supplied to a contractor shall be debited to his account and receipt for the value there-of taken from him in support of the debit. A

copy of the account duly signed by the Executive Engineer or the Engineer-in-Charge of the *Panchayat Samiti* shall be furnished to the contractor whenever he desires it.

(2) The Ledger shall be posted as bills are passed by the Executive Engineer and the pay orders are signed by the officer authorising the payment. The Accountant shall not pass contractors' bills without referring to the ledger. The ledger shall be closed and balanced monthly. When there are balances due to a contractor on more than one bill the amount due on each bill shall be detailed in the ledger. When there are balances outstanding from previous months not affected by the month's transactions, a list of such balances shall be given. The Executive Engineer's initials shall be obtained below each of these entries in token by his having satisfied himself that the balances are carried forward correctly. Similar action *mutatis mutandis* shall be taken at the *Panchayat Samiti*.

(3) Security Deposits shall not be recorded in the Contractor's Ledger.

150. Register of Bills

On receipt of contractor's bills, Muster Rolls and other bills for payment shall be entered in the Register of Bills in which the date of passing for payment and other particulars shall be entered at the appropriate time.

151. Works Abstract

An account of all the transactions relating to a work during a month shall be prepared in the Works Abstract. Ordinarily there shall be one Works Abstract monthly for each but if the estimate is for a large work, which is divided into several sub-works, it may be convenient to have a Works Abstract separately for each sub-work.

152. Register of works

(1) The register of works shall be permanent and collective record of expenditure incurred during a year on each work. The register of works shall be posted in the office monthly from works abstracts. A separate folio or set of folios shall be assigned to each estimate. When separate Works Abstracts are prepared for the sub-works, the transactions relating to each Works Abstract shall be posted separately and an abstract for the entire work shall be prepared on a separate folio or set of folios for comparing the cost of the work and its sub-works with the provision in the estimate. The Register of Works shall be indexed for ready reference.

(2) As soon as estimates are sanctioned, the amount of each sanctioned estimate, the allotment for the year and the name of work shall be entered in the Register of Works. Any addition or reduction in the appropriations made during the year shall also be noted therein. Each

sub-head in the estimate shall be numbered and the corresponding numbers entered in the register in the following manner -

- (i) excavation,
- (ii) earthwork,
- (iii) soiling and
- (iv) any other item of work.

(3) When, in case of emergency, or to prevent loss or damage, expenditure is incurred on items of work for which provision has not been made in the sanctioned estimate for the work, the amount shall be separately shown in the register of works, and not charged off against any other sub-head on which there may be a saving, and if sanction for such item of work has not already been obtained, it shall be applied for.

(4) Monthly progressive total of the expenditure shall be made in the Register of Works. The monthly total of the expenditure shall be written below the last 'Monthly Total of Progress' and the rate of progress of work shall be worked out under each sub-head.

(5) Amounts deducted from the contractor's bills for future payment shall be entered in the column "Due to Contractor" and when finally

paid a “minus “ entry shall be made in the same column in order to reduce the liability.

(6) (i) If materials are purchased on behalf of contractors and made over to them, the value of materials shall be entered in the column “Due from Contractors”. When the value is recovered by deduction from the contractor’s bills, the amount shall be deducted by a minus entry in the column “ Due from contractors”.

(ii) When, on account of bad work by a contractor, it is necessary to incur expenditure for the same work through departmental agency, the amount shall be entered in the column “Due from Contractor” and not under the sub-head to which the work belongs. When Contractor’s next bill is received, the amount shall be deducted from the total of his bill, but entire work done shall be included in the Register of Works under the appropriate sub-head and the “total value of work done” and deducted again as “due from contractor”, a minus entry being made in that column:

Provided that all minus entries in the Register of Works shall be in red ink.

(7) When materials are purchased for departmental works or for works for which the contract is for labour only, the value of such materials shall be entered in the column for “Materials at site”. When actually used, and not before, the value of the materials so used shall be included in the quantity of work done under the appropriate sub-head. The value shall be deducted from the total again by a minus entry under “materials at site”, which will thus only show the balance of unused materials.

(8) When a work is completed, a double line in red ink shall be drawn below the last entry and the following note made – “Work completed and completion report forwarded to the Executive Officer (or such officer as may be authorised by him) for placement before the *Sthayee Samiti* concerned”.

153. Transfer Entries

Transfer entries i.e. entries intended to transfer an item of charge from the account of a work in progress or of a regular head of account to the account of another work or head, may be necessary-

- (i) on the transfer of materials from one work to another, or

(ii) on the discovery of an erroneous charge, which should in a previous month or months, have been debited to some other estimate.

The Officer-in-Charge of a work or, in case of *Zilla Parishad*, if so directed by the Executive Engineer, the Accountant or any other member of the staff shall fill in the Transfer Entry Order and forward it for completing the record and approval by the Executive Engineer of the *Zilla Parishad* or the Executive Officer, *Panchayat Samiti* as the case may be.

154. Forms of bills and vouchers

The authorised forms of bills and vouchers shall be the following:

(a) First and Final bill.

(b) Running Account bill.

The Forms shall be used in such manners as have been provided in Civil Account Code and PWD Rules.

155. First and final bill

First and Final Bill shall be used for making payments both to the contractors, for work and to the suppliers when a single payment is made for a job or contract on its completion. A single form may be used for making payment to several payees, if they relate to the

same work (or to the same Head of Account in the case of supplies) and are billed for at the same time.

156. Running account bill

Running Account Bill shall be used for all running and final payments to the contractors or suppliers.

PART III

Chapter XX

Preparation, Examination and Payment of Bills

157. Contractor's bill

Contractor's bills shall be prepared by the Sub-Assistant Engineer in charge, after the measurements are entered in the measurement book. The bill together with the Measurement Book shall then be sent to the Executive Engineer in case of the *Zilla Parishad* or the Executive Officer in case of the *Panchayat Samiti* as the case may be for his scrutiny and check. Full rates as per agreement, catalogue, indent or other documents shall be allowed only if the quality of work done or supplies made is upto the stipulated specifications. When the work or supplies fall short of the standard under the agreement, it is permissible to make a final payment on deduction of appropriate amount as may be determined under the contract. Intermittent payment may be made if the contract is for longer period. If payment is made for an item of work which is not complete at the time of taking measurements, only such a fraction of the full rate may be allowed as is considered reasonable, with due regard to the work remaining to be done and the general terms of the agreement. The Executive Engineer of the *Zilla Parishad* or the Engineer-in-Charge of the *Panchayat Samiti* as the case may be shall be responsible for ensuring that the rates correctly represent the value of work done, particularly in the case of additional items of work not covered by the agreement.

Explanation-(1): If the contract agreement does not specify the rates to be paid for the several classes of work or supply, but merely states that the estimated rates, or a certain percentage of the estimated rates

will be allowed, it shall be ensured that the standard rates adopted are those of the sanctioned estimate which were in force at the time the agreement was executed or, if the agreement was preceded by a tender, on the date when the tender was signed by the contractor.

(2) If no sanctioned estimate is in existence at the time of signing the agreement or the tender, as the case may be, the rates payable for each item of work shall be specified in the agreement or tender notice since any reference to an estimate not yet sanctioned is meaningless and cannot be acted upon. Subsequent sanction to the original or the revised estimate shall have no effect on the terms of such an agreement.

(3) In cases where a work is distributed among different contractors, quoting same rates or otherwise, the percentage may be applied on the estimated amount of the respective portions of the work given out on each agreement.

(4) All rates not shown in the agreement or differing from the rates in the agreement shall be marked (by a red cross or otherwise) in the margin of the Measurement Book by the officer entering the rate so that such rates may be brought prominently to the notice of the scrutinizing officer.

(5) When payment at part rates is made for unfinished items of work, the following certificates shall be recorded on the bills over the

signature of the Executive Engineer in case of the *Zilla Parishad* or the Engineer-in-Charge in case of the *Panchayat Samiti*:

“Certified that the value of works for which part rates are allowed has been determined after considering the works remaining to be done under the terms of the agreement”.

(6) The calculation of ‘Contents’ or ‘Area’ in the Measurement Book and the claims in the bill shall be checked by the accountant under the supervision of the Executive Engineer in the *Zilla Parishad* or the Executive Officer of the *Panchayat Samiti* or any other officer of the *Zilla Parishad* or the *Panchayat Samiti* as the case may be, as may be authorised by the Executive Engineer or the Executive Officer in this behalf.

158. Preparation of bill with reference to measurement book

Before signing the bill, the officer concerned shall compare the quantities in the bill with those recorded in the Measurement Book and see that all the rates are correctly entered. When the bill is on a running account, it shall be compared with the previous bill. The memorandum of payments shall then be prepared, any recoveries that may be made on account of the work or supply of any material or on any other account being shown therein. The officer authorising the payment of the bill signed by the officer referred in sub-rule (5) of rule 159 shall, after all calculations in the bill have been checked arithmetically under his supervision, record a final pay order specifying, both in figures and words, only the net amount payable, though the payee shall be required to acknowledge in his acquittance the gross amount payable inclusive of the recoveries made from the bill.

Explanation- (1) Whenever fractions of a rupee occur in the totals of contractors bills or, in the case of supplies chargeable to more than one

estimate, in the totals chargeable to each estimate, fractions less than 50 paise shall be ignored and fifty paise or over shall be rounded off as one rupee.

Explanation- (2) If the contract is for the completed items of work and the contractor is required to obtain materials of any description from the authority issuing work order it shall be seen that this condition is being complied with and that necessary recoveries of the cost of materials supplied to him, are made in accordance with the rules.

159. Preparation of measurement book

From the measurement book, all quantities shall be clearly traceable into the documents on which payments are made. When a bill is prepared for the work or supplies measured, every page containing the detailed measurements shall be scored out by drawing a diagonal line in red ink, and when the payment is made an endorsement shall be made in red ink, on the abstract of measurements, giving a reference to the number and date of the voucher of payment.

Explanation I: - The document on which payment is made shall show, in the space provided for the purpose or if no such space is provided

160. Payment on running account

(1) Payments for work done or supplies made on a running account shall ordinarily be made monthly. Both the 'Quantities' and 'Amount' of each distinct item of work or supply shall be shown separately in the bill.

(2) Notwithstanding the provision in sub-rule (1) the details need not be reproduced in a subsequent bill if the details of all the items of that bill are contained in a single previous bill. Such payments shall be treated as payments on accounts, subject to adjustment in the final bill which shall be drawn, in the appropriate form, when the work or supply is completed or the running account is to be closed for other reasons. When a final payment is made on a running account, the payee, if he is able to write, shall record in his own handwriting that the payment is "in full settlement of all demands". If the payee is illiterate, or is unable to write beyond signing his name, these words may be recorded by the officer making the payment.

(3) A separate running account shall be maintained in respect of each contract. Transactions relating to two or more separate working estimates shall not be brought on to the same running account and, therefore, shall not be covered by a single contract. Transactions relating to two or more separate parts of the same working estimate for

which separate works abstracts are prepared, shall also appear in separate running accounts.

PART III

Chapter XXI

Issue of Materials of contractors

161. Contract for supply of materials

(1) When issue of materials to a contractor is considered necessary in the interest of the work, the contract shall specify the materials to be supplied for use on the work, the place or places of delivery, and the rates to be charged to the contractor for each description of material and the rates to be charged in respect of excess materials to the contractor; the contractor shall be responsible for obtaining all such materials required for the work and for making payment therefore, in cash or by deduction from his bills, at the rates specified, regardless of fluctuations in the rates in any way at any subsequent point of time.

Explanation–I: The rates (including the storage rates when the materials are to be issued from stock) to be charged to the contractors for materials to be supplied shall be stated in definite terms; vague references like “at stock rates” to be avoided and if intending

contractors had been told that the materials would be supplied at a certain rate or rates and asked to submit tender paper on that assumption, then such rate shall be adhered to in the contract.

Explanation–II: The rates to be allowed to the contractors for items of work shall be stated in definite terms. But if the contract provides for the payments to be made at a specified percentage below or above the rates entered in the sanctioned estimate of the work (or the schedule of rates) it shall be stated in clear terms in the contract and the deductions or additions, as the case may be, of the percentage shall be calculated on the gross and not on the net amount of the bills of the works done, and in fixing the percentage it shall be borne in mind that the calculations are so made.

162. Carriage charge

Carriage and incidental charges shall be borne by the contractors for moving the materials beyond the place where the contractor has agreed to take delivery thereof.

163. Manner of supply of materials

(1) All materials required for issue to a contractor under these rules, shall be made over to him, as soon as they are available and required, whether from stock or by purchase, transfer or otherwise and a dated

acknowledgement detailing full particulars of the materials including the rates and values chargeable to him shall simultaneously be taken from him. Affixing of revenue stamp in the acknowledgement shall not be necessary.

(2) When the materials are obtained by purchase, full details of the articles received shall at once be entered in a Measurement Book in the manner prescribed in these rules and also incorporated in the store account.

164. Recovery of cost of materials

Recovery from a contractor on account of the cost of materials issued to him for use on a work shall be made either by cash payment by the contractor or by deduction from the bill authorising a first and final payment or an on-account payment to him for the work. If a lump sum recovery be undesirable on any occasion, for reasons to be recorded in writing, the recovery may be effected in installments as the materials issued to the contractor are actually used in construction and the items of work in which they are used are paid for by an on-account payment

165.

Limit of materials to be supplied

Since the issue of materials to contractors shall be kept limited, as far as practicable, to the bonafide requirements, the Engineer-in-Charge shall make such arrangements, as may be deemed appropriate for limiting the total issue to a contractor in connection with a particular work to the estimated need of that work. Actual need shall be assessed more carefully when the rates at which any material is issued are lower than the prevailing market rates or the later are expected to rise appreciably. In such event, Accounts of Receipts, Issues and Balances of Materials shall be maintained for watching that the aggregate of the quantities of any or all materials issued to a contractor from time to time, for use on work, remains at par with the actual requirements of his work assessed, as far as practicable, subject to the limit of the estimate.

166. Prohibition to remove materials from work-site

Contractors shall be prohibited to remove, from the site of works, without prior written permission of the Executive Engineer in the *Zilla Parishad* or the Sub-Assistant Engineer-in-Charge of the scheme in the *Panchayat Samiti*, materials which have been issued to them for use on a work and a stipulation to this effect shall ordinarily be entered in the agreement made in this behalf. However, surplus materials which were originally procured by the contractors for themselves or were issued to them and charged to their accounts shall be the property of the contractors and the aforesaid Engineer with the consent of the contractor, may take over such materials for use on other works in progress under special order of the *Zilla Parishad* or the *Panchayat Samiti* as the case may be. If the materials were originally supplied by the *Zilla Parishad* or the *Panchayat Samiti*, the price allowed to the contractor on requisition shall not exceed the amount charged to the contractor, excluding the storage charges, if any.

167. Supply of tools and equipment

Tools and equipment lent temporarily to a contractor for use on works being executed or maintained by them subject to such conditions or directions as the *Artha Sthayee Samiti* may issue and it shall be ensured that the articles are returned without unnecessary delay and in good condition.

168. Issue of stores for departmental work

The Executive Engineer in the *Zilla Parishad* or the Sub-Assistant Engineer concerned in the *Panchayat Samiti* shall exercise strict control over issue of stores direct to works done departmentally, or by contractors whose agreements are for labour only, and he shall see that the issues may not exceed the reasonable needs for each work. On occasions where detailed accounts are not maintained, the aforesaid officer shall make his own arrangements for maintaining the control over the issues.

169. Transfer of materials to stock

- (1) Materials issued to works in excess of requirements may be transferred to stock of the *Zilla Parishad* at the discretion of the

Executive Engineer in charge provided they are serviceable and are required within a short period before such materials get damaged.

(2) All surplus materials at the site of works which have been completed or stopped or on which fund is not likely to be available for a considerable length of time, may, if such materials may be put to use on any other work within a reasonable time, be transferred to works in progress or brought on to the stock account at the issue rates originally charged to the works.

(3) Any surplus material that has not been transferred in terms of sub-rule (1) or sub-rule (2) before completion of the work for which the material was issued, shall not be taken back from the contractor and in exchange of such materials, appropriate amount as provided in the agreement executed or in the schedule of Rates applicable in this behalf, shall be realised from the contractor either in cash or by deduction from his bill.

Explanation I - This rule does not apply to surplus materials, which were originally procured by a contractor for himself or were issued to him in one installment within the estimated quantity and paid by him in cash immediately at one time.

170. Verification of unused stock

(1) Unused materials charged direct to works shall be verified at least once a year or at the time of completion of work, whichever is earlier, and a report of verification of the materials shall be prepared.

(2) Notwithstanding the provisions in sub-rule (1), verification of unused materials shall be made on completion of a work, but, on or before the completion of work, when no more materials are required for use in construction, steps shall first be taken to dispose of all surplus materials by transfer or otherwise, so that the accounts of the work may promptly receive such credits as may be admissible, and that the material cost of the work may represent the net cost of materials actually used in the constructions, and that the surplus balances awaiting clearance, may be reduced to the minimum.

171. Annual report of materials

A report shall be prepared annually about the value of materials at sites of all works, the accounts of which are open on the last day of the year.

172. Administration of Stores

Subject to the general supervision and control of the Executive Officer and the *Zilla Parishad* or the *Panchayat Samiti* as the case may be, the general administration of all stores except for the stores of stationeries, furniture and office equipments, of the *Zilla Parishad* shall be vested on the Executive Engineer and, of the *Panchayat Samiti* shall be vested on one of the Sub-Assistant Engineers as may be decided by the Executive Officer subject to any direction of the *Artha Sthayee Samiti* on whom primarily shall devolve the responsibility of arranging, in accordance with the rules and such instructions as may be issued by the *Artha Sthayee Samiti* from time to time, the acquisition of stores, their custody and distribution according to the requirements of works, and their disposal.

173. Maintenance of stores and store account

The officer referred to in Rule 172 or any of his sub-ordinate officers entrusted by him with the care, use or consumption of stores shall be responsible for maintaining correct records and preparing correct returns in respect of the stores entrusted to him.

174. Record of transactions

All transactions of receipts and issues shall be recorded, strictly in accordance with these rules, in the order of occurrence and as soon as they take place; adjustments on the basis of projected or anticipated requirements like debiting, to a work, the cost of materials not required, or in excess of actual requirements or debiting, to a particular work for which funds are available, the value of materials intended to be utilised on another work for which no allotment has been sanctioned or available or crediting the value of materials used on a work to avoid excess outlay over appropriation or any other irregular procedure shall not be resorted to. Any breach of this rule shall constitute a serious irregularity and the officer responsible shall be liable for any wrongful loss caused to the *Zilla Parishad* or the *Panchayat body* as the case may be.

PART III

Chapter XXII Stock and Stores

175. Custody of stock

The stock of the *Zilla Parishad* or of the *Panchayat Samiti* as the case may be, may be kept in a single store in the charge of a store-keeper or any other officer at Head Quarters as may be entrusted upon by the Executive Officer in consultation with the *Artha Sthayee Samiti* or may be kept in over more than one store within his jurisdiction, in the direct custody of any sub-ordinate officer. The stock, although maintained in more than one location, shall constitute the total stock of the *Panchayat* body and shall be under the overall charge of the Executive Engineer or the Sub-Assistant Engineer concerned of the *Panchayat Samiti* as the case may be.

176. Order for supply

All orders for supplies required for works to be executed shall be issued duly signed by

the Executive Officer or any other officer authorised by him in this behalf in pursuance of the decisions of the *Sthayee Samiti* concerned.

177. Examination of materials received in stock

All materials received from suppliers or from any officer or from works shall be examined and counted or measured, as the case may be, when delivery is taken. The record of the detailed count or measurement or weighment shall be kept in the Goods Received Sheet and immediately thereafter the total number of pieces or quantity of the material received shall be entered in the Bin Card and such acknowledgement as may have to be given to a supplier for stores received from him may be signed by the Executive Engineer or in case of *Panchayat Samiti*, Sub-Assistant Engineer or any other officer authorised by him with approval of the Executive Officer subject to any direction of the *Artha Sthayee Samiti*. Any stock that the store-keeper or any other authorised officer may be called upon to record in respect of the Receipt of Stores shall be in the following form.

**“ Received on.....and duly recorded in the Bin Card.
See Goods Received Sheet No. Dated.....
Signature”**

178. Cost of acquisition of stores

The cost of acquisition of Stores shall be debited to the Head of Accounts concerned, or the particular work for which they are required as soon as either of these is determined. Only in case of emergency to be determined by the *Sthayee Samiti* concerned, it may be kept in a Suspense Account pending clearance, as the materials are actually issued, by debit to specific Head of Accounts or works as immediately as possible within the same year.

179. Category of stores

(1) The classes of stores, namely, (i) Stock of General stores, (ii) Tools and plant, (iii) Road Metal and (iv) Materials charged direct to work shall fall in the following categories: -

i) Stores debited to suspense

ii) Stock

(2) Stores debited to final heads shall fall in the following categories: -

i) Tools and plant

ii) Road Metal

iii) Materials charged direct to work.

180. Goods Received Sheet

The Goods Received Sheet shall be printed in the form of booklets and serially numbered with the office copy stitched and counterpart perforated. It shall be prepared in triplicate (by carbon process), one copy being retained by the goods receiving officer and the other two sent to the Executive Engineer or the Sub-Assistant Engineer as the case may be, out of which one copy shall be passed on to the supplier and other to the Accountant for posting in the Priced Stores Ledger for the purpose of making payment in due course.

181. Payment for stock received

Payment for stocks received shall be made on the basis of entries recorded in the Goods Received Sheet. These sheets shall be treated as important records of accounts. A

Register for them shall be maintained under the control of the Executive Engineer or the Sub-Assistant Engineer in case of *Panchayat Samiti* showing the date of issue, serial number of each booklet, the name of Officer to whom the booklets are issued and the date of return of the used booklets with office copies, so that its eventual return to the Executive Engineer or the Sub-Assistant Engineer, in case of Zilla Parishad or *Panchayat Samiti* as the case may be watched.

182. Receipt of store materials

Stores purchased shall be entered, as soon as they are received and acknowledged by any authorised employee, in the Priced Stores Ledger of Purchases. Before passing the bill for stores supplied, the Executive Engineer at the *Zilla Parishad* or the Sub-Assistant Engineer in charge at the *Panchayat Samiti* shall see that the quantity of stores has duly been entered in the Register, and initialed by the officer in charge of the store and the certificate regarding the supply of stores on the bill has also been signed by the same person. The said officer shall review the Register periodically to see the stock position of different materials, whether there is any unnecessary accumulation of stock, whether any stock is likely to get damaged, the extent of committed liability against supply of materials and whether any supply remains unpaid for unusual period and, if so, for what reasons.

183. Issue of store materials

(1) Materials may be issued from stock for the following purposes:

- (i) For use on works by issue to contractor,
- (ii) For dispatch to the Engineer-in-Charge of scheme of or work or another store,
- (iii) For sale to contractors, or any other person under a prescribed procedure.

(2) They shall be issued only on receipt of a stores Indent signed by the Executive Engineer of the *Zilla Parishad* or the Sub-Assistant

Engineer in charge of the *Panchayat Samiti* or any other officer so authorised by him with the approval of the Executive Officer subject to any direction of the *Artha Sthayee Samiti*. The said officer may authorise an Engineer-in-Charge of a work to issue stock materials for the requirements of works under him against a consolidated indent for materials drawn during the month upto a specified limit not exceeding total quantity of materials in the sanctioned estimates.

184. Indent of stores

Indent of stores shall be prepared in quadruplicate (by carbon process), by the description of stores and other particulars being filled in. The fourth copy of the indent shall be retained as office copy and the other three (which shall be marked “Original”, “duplicate” and “triplicate”) given to the supplying office. Indents shall be the basis of all subsequent accounting records and shall be filled with due care and diligence.

185. Procedure for issue of materials

When issuing materials from stock, the officer in charge of the store shall examine the Indent and sign it in the space provided for the purpose, after entering in all the copies the quantity issued. An entry of the stores issued shall simultaneously be made in the Bin Card. The signature of the receiving the materials shall be obtained in the space provided for the purpose in the Indent. One copy of the Indent shall be retained in the store as a voucher in support of the entry in the Bin Card, the second being returned at once to the indenting officer. The third copy shall be sent to the issuing authority for arranging entries in the Register of Purchases:

Provided that the acknowledgment of materials shall be signed either by the person to whom they are ordered to be delivered or dispatched, or by a duly authorised agent of such person.

186. Maintenance of bin card

(1) A chronological record of the receipts, issues and the running balance of each article of stock shall be kept in the Bin Card and maintained at the place where the materials are stored. These Cards shall be posted from the Goods Received Sheets and the Stores Indents.

(2) As Bin Cards constitute the basic quantity record of stock transactions, care shall be taken for their proper maintenance and safe custody. All the Bin Cards shall be serially numbered and a register of Bin Cards shall be maintained.

(3) The officer referred to in **Rule 175** shall arrange to have the balances verified as per Bin Cards periodically with those shown in the Register of Purchases. Such verification shall always precede physical verification of any item at any time.

(4) As soon as a Bin Card is completed, it shall be returned to the officer referred to in **Rule 175** after carrying over the balance to the new card; on receipt of the Bin Card he shall cause checking of the entries of the completed Cards with the Register of Purchases and discrepancies, if any, shall be pointed out to the officer concerned for further action.

187. Accounts of stores

(1) A numerical figure for quantity of receipts, issues and balances shall be maintained for all stores, even though debited to final heads, with a view to controlling the balances efficiently until the stores are disposed of finally either by consumption on works or otherwise. The quantity account shall further be reconciled periodically with the value account except in the case of stores debited to final heads.

(2) The provisions contained in Chapter VI or elsewhere in these rules shall apply mutatis mutandis to the payment of bills of suppliers for stock received:

Provided that the claims shall be verified with reference to the corresponding entries in the Goods Received Sheet.

188. Issue rate of article

An issue rate shall be assigned to each article as it is brought on stock. This rate may be fixed on the principle that the cost to be charged to works on which the materials are to be used may as far as practicable match the actual cost of the stores and that subject to the provisions contained in Rule 189, there may be neither profit nor loss in the accounts for any particular material on ultimate analysis. The rate shall comprise in addition to actual price paid, the cost of carriage and other incidental charges, the storage charges which shall include proportionate expenditure for keeping initial accounts, for the custody of stock and for maintenance of the store or any other arrangement for storage:

Provided that where necessary, proportionate expenditure may be estimated as correctly as practicable on the basis of available figures.

189. Fixing of issue rate

(1) The issue rate of an article in stock shall be fixed at the beginning of each year. Normally, this rate shall remain constant throughout the year, but as purchases are made or contracts for supply of materials are entered into, variation in costs shall be watched and if there be any material variation in the purchase rates, the issue rate may be revised accordingly:

Provided that the issue rate shall generally not exceed the market rates:

Provided further that in the case of controlled articles, the issue rate shall be revised whenever there is a change in the controlled price.

(2) If the issue rate of the article of stock is appreciably less than the market rate, the issues to contractors and any sale shall be made at market rates.

190. Tools and Plant Ledger

The accounts of tools and plant shall be maintained in Tools and Plant Ledger. The expenditure on tools and plant shall be entered in the Register of Works in the same manner as works and repair. Each shall be shown in detail in the Tools and Plant Ledger maintained by the Executive Engineer or the Sub-Assistant Engineer of the *Panchayat Samiti* as the case may be, with such assistance as may be available to him and at the end of every year the Executive Engineer or the Executive Officer of the *Panchayat Samiti* shall verify or cause to be verified under his supervision, the entries in the Ledger by actual counting of the articles and certify the fact on the body of the ledger, any difference in balance at the end of year being fully explained.

191. Lending rate of tools

When the *Zilla Parishad* or the *Panchayat Samiti* after deciding in a meeting, lends its tools and plant to any contractor or any other person, it shall also prescribe where simultaneously the rates of hire and other charges in a schedule and charges accordingly shall be recovered from the persons taking on hire any tool or plant.

192. Checking of stock of road metal

The quantities of road metal received or expended during a month as shown in the road metal statement shall be checked by the Executive Engineer with such assistance as may be available to him with the respective vouchers in which the charge for collection and consolidation have been paid. The discrepancies, if any, shall be promptly reconciled by reference to the official concerned. Similar procedure shall be adopted by the Sub-Assistant Engineer authorised by the *Artha Sthayee Samiti* of the *Panchayat Samiti* under the supervision and direction of the Executive Officer.

193. Old stores

Materials received from buildings, culverts, bridges or any other construction dismantled or undergoing repairs shall: –

- (i) be brought on the stock accounts of the material with a reference to the official concerned by making entries in the Bin Card, or
- (ii) be sold at once by public auction or disposed of in any other lawful manner as may be decided by the *Zilla Parishad* or the *Panchayat Samiti* as the case may be.

(iii) materials, which shall be found serviceable, may be utilised for works in progress under the orders of the Executive Engineer or the Engineer-in-Charge of the *Panchayat Samiti* as the case may be. When transferred to some work in progress, they shall be shown as a receipt in the material-at-site account of the officer in charge for the work.

194. Loss of Stores

When stores are lost, stolen or destroyed, the fact shall at once be reported by the District Engineer to the Executive Officer who shall bring it to the notice of the *Sabhadhipati* or the *Sabhapati* as the case may be, Rule 11 shall be applied mutatis mutandis.

195. Unserviceable Stores

(1) When stores and tools and plant of any kind become unserviceable, or when on taking stock, any discrepancy is discovered between the book balance and the quantity actually in hand, a Report of the Survey of Stores shall be prepared and submitted to the *Zilla Parishad* or the *Panchayat Samiti*, as the case may be with the recommendation of the Executive Engineer or the Sub-Assistant Engineer in charge of the stores as the case may be as to the suggested course of action to the Executive Officer for decision of the *Zilla Parishad* or the *Panchayat Samiti* in a meeting.

(2) On receipt of the Report of Survey, if the *Zilla Parishad* or the *Panchayat Samiti* decides in a meeting to sell unserviceable stores, they shall be sold by public auction or any other manner beneficial to the *Panchayat* body under the supervision of such officer as may be decided in the meeting. Serviceable stores shall not ordinarily be sold. If, however, they cannot be utilised in any work, they may be sold in the similar manner. If any tool and plant cannot be used and disposed of, such tools and plant may be declared condemned by a Condemnation Board appointed by the *Artha Sthayee Samiti* comprising three members of the *Sthayee Samiti* with one or more technical officers. After being declared condemned, such tools and plant may be disposed of by public auction or any other lawful manner. If the condemned tools and plant have no scrap value, their value may be written off in terms of these rules.

196. Verification of stock

(1) The balance in stock of any stores shall be examined half- yearly by the Executive Engineer or in case of *Panchayat Samiti*, the Sub-Assistant Engineer in charge of such store or any other officer authorised by him in this behalf with the approval of the Executive Officer subject to any direction of the *Artha Sthayee Samiti*, to see whether the balance in hand represent the quantities as well as the value borne on the account books. Any discrepancy detected during the verification shall be fully examined, and the book balances set

right under orders of the *Zilla Parishad* or the *Panchayat Samiti* as the case may be.

(2) The *Zilla Parishad* or the *Panchayat Samiti* may, on certain occasions, direct that the Executive Engineer or the Sub-Assistant Engineer concerned as the case may be, shall personally verify the stock. In such case, the Executive Engineer or the Sub-Assistant Engineer may take assistance of other officers and employees excluding the officer or employees who are responsible for the custody of the stores, and it shall also include a certain component of surprise check.

Chapter XXIII

Works executed by the authorized executive engineers

197. Authorization by Zilla Parishad

(1) The Zilla Parishad shall authorize the Executive Engineers (which term includes any Division Level Engineer of equivalent rank) posted within the District under the Administrative Control of the Line Departments allotting funds to the Zilla Parishad, to perform specific functions and jobs and to discharge responsibilities relating to the allotted fund, for preparation of Plans and other related documents and implementation of the schemes commensurate with the rules, norms and schedules within their respective jurisdictions. Following

assignment of such authority by the Zilla Parishad, the authorized Executive Engineer shall discharge the aforesaid functions for and on behalf of the Zilla Parishad under its general supervision and control and shall exercise the powers and authority presently enjoyed by them in terms of the rules and orders of the Line Department for the time being in force and subject to monitoring and supervision of the Zilla Parishad. The Zilla Parishad shall also monitor and co-ordinate the Schemes and functions of the Officers of different Line Departments within the District to ensure optimum utilisation of the funds and services.

(1) The powers and authority entrusted upon the Zilla Parishad shall be generally exercised subject to general control and direction of the Zilla Parishad in its meeting, by such Sthayee Samiti as may be determined by the Artha Sthayee Samiti of the Zilla Parishad. The Sthayee Samiti concerned shall deliberate upon and take decisions with respect to all matters within its jurisdiction and may take steps or issue authorization to take steps for implementation of a Programme or Scheme. Decisions or resolutions of the Sthayee Samiti, shall, however, be placed before the general meeting of the Zilla Parishad for ratification. In the meeting, the Zilla Parishad may concur, modify or rescind any decision of the Sthayee Samiti, when the decision of the Zilla Parishad shall be binding. The modified decision of the Zilla Parishad shall not, however, invalidate in any manner, any

action taken in good faith in pursuance of the decision of the Sthayee Samiti and the Programme or Scheme already in the process of implementation may be brought to its logical completion so as to avoid any infructuous expenditure. The decision of the Zilla Parishad shall also govern all future decisions of the Sthayee Samiti concerned.

198. Modalities of functions

(1) The Authorized Executive Engineer and other officers and employees for the purpose of formulation of Plan and implementation of Schemes, shall discharge their duties and responsibilities with due sincerity in the same manner as they do with respect to the jobs relating to the Line Department.

(2) While the functional control over the Authorized Executive Engineer and other officers and employees for the purpose of implementation of the assigned Schemes shall be exercised by the Zilla Parishad, Administrative Control over them and powers and authority in the matter of invoking disciplinary action, transfer, posting, and annual confidential reporting of these Officers and the employees shall continue to rest with appropriate authority in the Line Department.

(3) The Schemes decided to be implemented by the Zilla Parishad, would necessarily have to be vetted by the Technical Officers of appropriate level in the Line Departments unless the

Technical Officers preparing the Scheme is himself vested with the authority to technically vet the same. The Authorized Executive Engineer shall obtain such technical vetting from the superior officers of appropriate authority in the Line Department.

(4) Power and authority kept vested with the Line Department under any rule, order, code, contract or similar other instruments, shall be exercised by the Zilla Parishad so far as they relate to formulation and implementation of any Plan or Scheme within the ambit of this Rule. When there is any provision in a contract for adjudication of any dispute in the matter of execution of work or any claim relating to the work, the Zilla Parishad may act as the Appointing Authority for such arbitrator and consult with the Department or the Chief Engineer of the Department concerned.

(5) The Line Department shall render assistance and service in the matter of design of structure, technical advice and other assistance of administrative and technical nature as and when so requested by the Zilla Parishad.

(6) The Zilla Parishad, with such assistance of the Panchayat Samiti and the Gram Panchayat having jurisdiction as may be considered necessary, shall form one or more Beneficiary Committee or Committees with local representatives and persons to supplement the supervision and monitoring of the work at site wherein

the field officers of the Authorized Executive Engineer may also be made members. The Committee shall work in an advisory capacity and shall issue any direction to the field level Officers or agencies or their authorized persons. In case of any grievance, objection or suggestion, they shall report immediately to the Authorized Executive Engineer or the Zilla Parishad.

199. Responsibilities for Departmental schemes

(1) The Authorized Executive Engineer shall continue to remain responsible as an officer of the Line Department for Execution of Programme or Scheme, not entrusted upon the Zilla Parishad and remaining under direct management of the said Department; for this purpose, he shall be governed and guided by the rules, codes and orders of the Line Department as may be applicable. Records and accounts of such Schemes and the Fund thereof shall be kept entirely separated and clearly distinguished from the records and accounts of the Fund coming from the Zilla Parishad.

(2) Notwithstanding the provision under clause (1), the Authorized Executive Engineer may subject to the directions of the Administrative Department, place such Programme and Schemes with their status and impact as envisioned, before the Zilla Parishad for their projection in the Integrated Development Plan of the Zilla

Parishad. The Authorized Executive Engineer may also seek recommendations of the Zilla Parishad or the Sthayee Samiti concerned on matters where local knowledge, assistance and participation are involved and where choice of selection of sites or beneficiaries are necessary.

(3) The Zilla Parishad may, after obtaining concurrence of the Line Department, ask the Authorized Executive Engineer with other Officers and staff in his establishment to execute any work or scheme. The Zilla Parishad may also seek technical advice and assistance from the Authorized Executive Engineer and his establishment on matters within the sphere of his specialized knowledge on a matter relating to the Plan and Programmes drawn up by or on behalf of the Zilla Parishad.

200. Functional procedures

(1) Immediately on receipt of any fund from a Line Department, the Artha Sthayee Samiti of the Zilla Parishad shall decide upon the Sthayee Samiti or Samitis that shall administer the fund and related schemes unless such decision already exists. The Sthayee Samiti concerned shall immediately convene an extended meeting of the Samiti inviting all the Authorized Executive Engineers to attend the meeting. They may also be requested to bring such

Schemes with rough cost estimate that are considered important by them. They may also be supplied with the names and particulars of schemes that were identified in the Zilla Parishad as important for that area. If there already exists a priority list of schemes approved by either the Line Department or the Zilla Parishad, the Sthayee Samiti shall adopt such list without any change in prioritization unless some new development call for revised priorities. In all such meetings, the Superintending Engineer of the concerned Circle in the Line Department may also be requested to attend the meeting as a special invitee and assist with his expertise.

(2) The Sthayee Samiti in its meeting on considering the lists of Schemes required to be executed on priority basis and on discussions of other aspects shall allocate fund earmarked to be utilized by each Authorized Executive Engineers and inform them accordingly. The Zilla Parishad shall maintain an Allotment Register, in Form 13A, separately for each Line Department, make entries of allocations made to the Authorized Executive Engineers and also maintain record of expenditure with Cheque No. and date from out of each such allocation separately as soon as a cheque is drawn out of the fund.

(3) On the basis of allocation(s) made, the Authorized Executive Engineer shall draw up Plans, estimates and other

documents within the limit of allocation and on the basis of priority list already drawn up. The Sthayee Samiti, on receipt of proposal(s) from the Authorized Executive Engineers may accord administrative approval for the Scheme, request the Authorized Executive Engineer to invite tenders for such schemes and take steps so that Zilla Parishad may release the required Fund immediately on receipt of the requisition from the Authorized Executive Engineer.

201. Subsidiary Cash Book

(1) Each Authorized Executive Engineer will maintain a **Subsidiary Cash Book** in his office, in **Annexure-I** for recording transactions pertaining to works. This subsidiary cash book will be closed at the end of each month. Total of each money column of the cash book will be brought forward at the bottom of the total of relevant money columns of the following month and added together to arrive at the cumulative total.

(2) A certified copy of the entries made in course of a month in **Subsidiary Cash Book** shall be submitted by the Authorized Executive Engineer to the Zilla Parishad at the closing hours of the last working day of the said month, for incorporation of the totals for that month in the **Main Cash Book** of the **Zilla Parishad**.

(3) The **Divisional Accountant or Divisional Accounts**

Officer posted in each Division (hereinafter collectively referred to as Accounts Officer) shall continue to perform all jobs relating to maintenance of accounts and other related works with respect to such schemes and funds in the same manner as they used to do earlier.

202. Register of Sale of Tender Forms & Schedules

Cash realized in the Office of the Authorized Executive Engineer for sale of Tender Forms and Schedules should be brought to account in a register and remitted to the Treasury Linked Bank at the earliest opportunity through challan for crediting to the local fund account of the Zilla Parishad. A statement showing particulars of remittances along with the original receipted challans shall be submitted to the Zilla Parishad for appropriate entries in their **main Cash Book**. Printed **money receipt book, tender forms, measurement books and bill forms** etc. will be supplied by the **Zilla Parishad** from out of the supervision charge component of the schematic fund allotted by the **Line Department** concerned or any other appropriate fund as may be decided by the **Zilla Parishad**.

203. Register of earnest money

Earnest money of successful tenderers received with tenders in favour of the concerned Authority of Zilla Parishad should be brought to account in a Register and remitted to the Treasury Linked Bank through challan for crediting to the account of Zilla Parishad. A statement of Earnest Money Deposit of successful tenderers along with the original receipted challan should be submitted to the Zilla Parishad for incorporation in the Cash Book. Banking instruments and other valuable securities submitted by the unsuccessful tenderers will be sent to the Zilla Parishad for endorsement regarding release in favour of tenderers. The Authorized Executive Engineer would return the same with endorsement of Zilla Parishad to the unsuccessful tenderers after obtaining the receipt.

204. Deduction of income tax and sales tax from bills

Zilla Parishad shall be responsible for making payment, on the basis of the

recommendations of the Authorized Executive Engineer, directly from their end on account of **Income Tax and Sales Tax** deducted from bills of the contractors or agencies by means of cheques drawn in favour of the appropriate authority. Zilla Parishad shall be responsible for issue of Tax Deduction Certificates in favour of the contractor or agency, to the Authorized Executive Engineer, for handing over to the contractor or agency concerned on proper receipt.

205. Refund of Security Deposits to the Contractors / Agencies

Zilla Parishad shall maintain a Register for recording the amount of **Security Deposits** deducted from the bills in a chronological order. While recommending refund of Security Deposit, the Authorized Executive Engineer shall also arrange to keep necessary notes in the Register as well as against the original entries in the **Cash Book** so as to avoid the risk of double refund. Against requisition from the Authorized Executive Engineer, Zilla Parishad will issue Cheque drawn in favour of the contractor or agency, to the Authorized Executive Engineer, for making over to the contractor or agency concerned on proper receipt.

206. Preparation, examination and passing of bills

(1) Bills of Contractors or Agencies will be prepared by the **Sub-Divisional Officer** or **Assistant Engineer in-Charge** of the **Sub-Division** in the manner as laid down in C.P.W.A. Code and submitted to the Authorized Executive Engineer.

(2) After Examination of the bills, the Accounts Officer attached to the Office of the Authorized Executive Engineer, will exercise his scrutiny as per codal provision and put his signature at the appropriate space of the bill and the Authorized Executive Engineer will sign with date for passing the amount referred to in the '**Pay Order**'.

(3) On making recommendation for the Payment of the bill, the Authorized Executive Engineer will simultaneously request the Zilla Parishad through a requisition (**Annexure-II**) for drawl of cheque equivalent to the amount payable to the Contractors or Agencies. Such requisition form shall be supported by an authenticated copy of the bill as checked and passed along with the copies of vouchers or other record as may be appropriate for the occasion. On the body of the requisition, the Authorized Executive Engineer shall record that the corresponding measurement books and other corroborative records are kept in his custody and may be produced for audit or any other purposes as and when necessary. The requisition form duly signed by the Accounts Officer and the Authorized Executive Engineer will be sent through a Transit Register (**Annexure-IV**).

(4) On receipt of the cheque the same will be handed over to the Contractor or Agency after obtaining his stamped acknowledgement on the bill itself.

(5) The Authorized Executive Engineer on retaining the original copy of the Bill with the payee's acknowledgement on its body for the purpose of production at the time of Audit or Inspection, as the case may be, shall send an authenticated copy of the receipted bill with the observation that the original copy is retained by him. Along with the

authenticated copy of the receipted bill, the Authorized Executive Engineer shall furnish a certified copy of the entries of Subsidiary Cash Book referred to in Rule 201 to the Zilla Parishad.

207. Acceptance of Tender and Execution of the Contract

(1) The **Authorized Executive Engineer** may accept for and on behalf of the Zilla Parishad lowest tender or any other tender as per rules and orders in force in the Line Department subject to their limitation of acceptance of such tender. All tenders costing more than the limit of their acceptance will be submitted to the **Superintending Engineer** concerned for scrutiny. The Superintending Engineer will send the tenders back to the Authorized Executive Engineer concerned with his observation and / or recommendation. The Authorized Executive Engineer will then submit the tenders with the observations of the Superintending Engineer to the Sthayee Samiti concerned of the Zilla Parishad for acceptance of the tender. The tenders costing more than the limit of their acceptance of the tender by the Superintending Engineer under the existing rules, he will make the scrutiny of the tender documents and send them back, with his observation regarding acceptance of the tender, to the Authorized Executive Engineer for submission to the Sthayee Samiti concerned of the Zilla Parishad. The Sthayee Samiti with such consultations as it may consider necessary, shall take a decision in the matter and inform accordingly. On receipt

of communication from the Sthayee Samiti or Zilla Parishad accepting the tender, the Authorized Executive Engineer may issue necessary **Work Order** to the agency. **Work order** in this behalf shall be issued only under the signature of the Authorized Executive Engineer.

(2) The Engineer in-Charge shall have power to make any alteration in, omission from, additions to or substitutions for the original specifications and such changes and consideration will constitute a supplementary agreement to main contract. Where the main contract is accepted by the Authorized Executive Engineer in his own capacity under the existing rules, such Supplementary Tenders would also be accepted by him, provided rules under Public Works Department code for execution of Supplementary or substitute items of work are fulfilled and the Sthayee Samiti concerned of the Zilla Parishad accords administrative approval to the proposal.

(3) Where the Authorized Executive Engineer executes a contract with an agency as per advice of the Zilla Parishad, supplementary claim of the agency for execution of changed items of work will be submitted to the Superintending Engineer of the Line Department concerned by the Authorized Executive Engineer with his recommendation for vetting. The vetted claim will then be placed to the Sthayee Samiti of the Zilla Parishad, for scrutiny and approval. On the basis of the decision of the said Samiti, the competent authority of

the Zilla Parishad will communicate the approved rate and advise the Authorized Executive Engineer of the Zilla Parishad, to accept the supplementary tender at approved rate. Final copy of the accepted supplementary agreement shall bear the signature of the Authorized Executive Engineer on behalf of the Zilla Parishad and the agency only, but the advice received from the Zilla Parishad shall be pasted with the original contract for scrutiny by Audit.

208. Compensation for delay in execution of works

A Regulatory Board will be constituted under each Zilla Parishad. The Regulatory Board apart will consist of Sabhadhipati as 'Chairman' and two senior officers of the Government posted in the District and not directly associated with the work in question. The decision of the Regulatory Board as to the amount of compensation shall be binding on the agency and it shall be liable to pay in case of failure to execute proportionate work in proportionate time. The Regulatory Board may be guided in this connection by appropriate provisions on the compensation because of delay in execution in respect of the Schemes executed by the Zilla Parishad.

PART V

Chapter XXIV Compilation of Accounts

209. Compilation of accounts

(1) A monthly receipt and payment accounts shall be prepared in Form 27 to ascertain the monthly position of the fund of *Zilla Parishad* or *Panchyat Samiti*, as the case may be. The monthly accounts shall be prepared within fifteen days of the

following month. The monthly receipts and payment accounts for the month of March shall become the annual receipts and payment accounts and it shall be prepared within 30th April of the following year. Copies of annual account shall be given to all members of Zilla Parishad and Panchayat Samiti, as the case may be and annual reports shall be placed in the meeting of the Zilla Parishad and Block Samsad for deliberation.

(2) On the receipt side of the receipts and payment account, the figures written shall include the total of receipts on different accounts showing breakup of receipts as current arrear year wise as well as the opening balances of the cash in hand, Local Fund Accounts and Banks Accounts; on the payment side of the receipts and payment accounts the figures written shall include the total of payment on each account as well as the closing balances of the cash in hand, Local Fund Accounts and Bank accounts. Balance under each group appearing under receipts and payments accounts should tally with the balances shown in schedule – I to receipts and payments accounts.

(3) The receipt and payment sides of the accounts shall then be totaled when both sides shall agree without any discrepancy.

(4) The cumulative total of the receipt side and the payment side with year wise breakup for arrear and advance are to be shown in the monthly receipt and payment accounts.

(5) The budget provision for each receipt and payment accounts head is to be shown in the receipt and payment accounts.

(6) The amount receivable and the amount payable for the current year and the previous year(s) under such item shall be shown separately as notes below the annual receipts and payments accounts.

210. Orders for Adjustment and Notes on Accounts

1) Final steps shall be taken after obtaining orders of the Executive Officer or an Officer authorised by him in the following matters

(a) refund of income,

(b) recovery of payments and

(c) rectification of wrong classification of accounts and transfer to and from suspense accounts.

2) The Annual Receipts and Payment Accounts shall be signed by the Executive Officer and placed before *Artha Sthayee Samiti* not later than 15th May of the following year. The Annual accounts shall be accompanied by:

(a) Explanatory notes showing shortfall in receipts or excess expenditure for the current year, previous year(s) and under each head of account if any and reasons for excess expenditure, if any, in each head of accounts.

(a) The Schedule setting forth the sums expended in each work under head "45 Public Works", comprising

- (i) Original works in civil buildings, communications, improvements of miscellaneous work for community use.
- (ii) Water supply and water works on construction of new tanks, and sinking of new tube wells.
- (iii) Drainage, Sanitation and Minor-Irrigation works.

Provided that the **Executive Engineer** in case of **Zilla Parishad** and the **Sub-Assistant Engineer** in case of the **Panchayat Samiti** shall furnish in writing the above details.

(3) Copies of the Annual receipts and payments accounts of the *Zilla Parishad* shall be forwarded to the Commissioner of the Division, Director and the State Government; *Panchayat Samiti* shall forward such copies to the Director, the *Zilla Parishad*, the District Magistrate and the Sub-Divisional Officer.

PART VI

Chapter XXV

Audit of Panchayat Samiti and Zilla Parishad

211. Internal audit

The objective of internal audit will be to assist the administration in the effective discharge of its responsibilities by furnishing it with objective analysis, appraisal, recommendations and pertinent comments. The internal audit officer should be concerned with review of all operations of *Zilla Parishad* or *Panchayat Samiti* with special reference to the financial propriety in implementation of the plan and program and also to

act as an aid to the administration by conducting management, operational and performance audit.

212. Procedure of internal audit

(1) The accounts of the funds of a *Panchayat Samiti* or a *Zilla Parishad* shall be organized, examined and audited periodically with regard to section 196A of the Act by the *Samiti Accounts and Audit Officer* and the *Parishad Accounts and Audit Officer* in respect of *Panchayat Samiti* and the Regional Accounts and Audit Officer in respect of *Zilla Parishad* within their respective jurisdiction at least once in every month.

(2) It shall be the duty of the *Parishad Accounts and Audit Officer* and the *Samity Accounts and Audit Officer* to visit the *Panchayat Samiti* and Gram *Panchayats* for the purpose of supervision of internal audit of accounts of the fund of the *Panchayat Samiti* and *Gram Panchayats* within their jurisdiction, process replies to the annual audit report and such other duties as may be assigned by order from time to time.

(3) It shall be the duty of the *Regional Accounts and Audit Officer* to supervise the accounting and audit of the *Panchayat* institutions in the division and process the reply to the annual audit report and such other duties as may be assigned by orders from time to time.

(4) The Executive Officer of the *Zilla Parishad* or the *Panchayat Samity*, as the case may be, shall produce or cause to produce before the *Regional Accounts and Audit Officer* or the *Parishad Accounts and Audit Officer* and or the *Samiti Accounts and Audit Officer* as the case may be, the Books of Accounts, Cash Book, Registers, cash,

records and documents and all other directly and or indirectly connected papers in possession of the *Zilla Parishad* or the *Panchayat Samiti*, as the case may be.

(5) While conducting the periodical internal audit of accounts of the fund of the *Zilla Parishad* and *Panchayat Samiti* It shall be the duty of the *Internal Audit Officer* to ascertain or verify that -

- (a) the accounts have been kept and are presented in proper manner as the case may be prescribed in these rules and the Act;
- (b) the particular items of receipts and payments are stated in sufficient detail;
- (c) the payments are supported by relevant vouchers incurred against proper authority;
- (d) all sums received under section 179 or 132 of the Act, as the case may be, have been properly brought into account and entered in the respective Cash Book;
- (e) the receipts and payments in all cases are authorized under the Act and the rules;
- (f) the total unpaid liabilities and whether that can be met out of the *Zilla Parishad* or *Panchayat Samiti* fund, as the case may be, when falling due;
- (g) the cash or imprest cash balance in the hands of the Drawing and Disbursing Officer and or imprest cash holder.

- (h) whether annual budget, supplementary or revised budget has been passed in the special meetings of the *Zilla Parishad* or the *Panchayat Samiti*, as the case may be, as required under the West Bengal *Panchayat* (Budget and Appropriation of funds) Rules, 1996, and the expenditure and accounts thereof, are in conformity with the budget proposals;
- (i) head' wise fund analysis statement to ascertain, whereabouts of fund and bank and Treasury Reconciliation Statement;
- (j) fund position showing opening balance, receipts, payments and closing balance of the appropriation registers;
- (k) whether there is any fund lying unspent for more than one year. If so, details of such fund, purpose of the fund and the reasons for delay in spending such fund shall be obtained;
- (l) the register of cheques, drafts etc. to ascertain details of receipt and payment and of unencashed cheques;
- (m) the maintenance of appropriation register (s) in the prescribed form;
- (n) the ledger accounts in respect of each head of account;
- (o) examine the advance register to verify adjustment thereof and prepare a list of advances lying unadjusted for more than one year and steps taken for utilization and or recovery of such unadjusted advance;

- (p) different stock registers and ascertain the opening balance, receipt, issue and closing balance thereof;
- (q) stock register of receipt books and demand and collection register;
- (r) the asset registers of durable and remunerative assets and register of properties – both movable and immovable;
- (s) resolution books of *Sthayee Samitis* and general body of *Zilla Parishad* or *Panchayat Samiti*, as the case may be;
- (t) whether all works done and all purchases made through tender committees;
- (u) scheme registers of different types of schemes and projects duly undertaken by the *Zilla Parishad* or *Panchayat Samiti*.
- (v) utilization certificates with reference to appropriation registers and accounts of work done through scheme registers;
- (w) whether meetings of *Panchayat Samiti*, *Samanway Samiti* and *Sthayee Samitis* are held regularly as per the provision of the Act.;
- (x) whether all sorts of expenditure stand duly ratified in the *Artha Sthayee Samiti* of *Zilla Parishad* or *Panchayat Samiti*, as the case may be;
- (y) the actions taken on the earlier internal audit reports, if no action is taken, obtain the reasons thereof;

- (z) the actions taken on the audit reports of the statutory auditor appointed under section 186 of the Act;
- (aa) whether any diversion of fund has been made from one scheme to another;
- (ab) whether the schemes implemented have been included in the annual action plan;
- (ac) whether schemewise beneficiary committee has been formed;
- (ad) whether the benefits are given as per guidelines to the Schedule Caste/the Schedule Tribe and the Other Backward Class members, physically handicapped persons, women and members of Below Poverty Line families;
- (ae) whether any committed liability without having any fund and other resources has been created. If so, the person who happens to be a party to a decision to execute a scheme or programme where the fund has not been clearly identified or placed or allotted shall be liable to be proceeded against on the charge of misdemeanor and or negligence of duty as a public servant for creating a committed liability of the *Panchayat body* without any resources to meet such liabilities.

(6) In order to assess the effectiveness of the various internal control system of different wings or cells of the *Zilla Parishad* or the *Panchayat Samiti*, **Internal Audit Officer** shall;

- (a) undertake checks in detail to ascertain whether records and reports reflect the actual state of operations and their results;
- (b) determine whether the controls are sufficient to safeguard, the assets of the *Zilla Parishad* or the *Panchayat Samiti* and to prevent fraud, misappropriation, embezzlement etc. and their proper accounts and record exist and are available for inspection;
- (c) check whether the established administrative plan, policies and procedures of the *Zilla Parishad* or the *Panchayat Samiti* as expressed in the minutes of the policy making bodies and authorities, orders and other written instructions are complied with;
- (d) undertake follow-up of the systems and procedures to verify that they are in effective operation and to detect unauthorized departure therefrom;
- (e) scrutinize all rules and orders of the *Zilla Parishad* or the *Panchayat Samiti* having financial implication;
- (f) scrutinize all major agreements relating to properties, works and revenues;
- (g) arrange for physical verification of assets and properties e.g. stores, furniture, equipment, books, etc. at suitable intervals and physical verification of cash and stock where deemed necessary;

- (h) extend all co-operations to **statutory auditor** in conducting audit of the accounts of the *Zilla Parishad* or the *Panchayat Samiti*.

213. Personal presence

(1) The Secretary and any other authorized official of the *Panchayat Samiti* or *Zilla Parishad* shall remain present in the *Panchayat Samiti* or *Zilla Parishad* Office, as the case may be on the date on which the internal audit officer is scheduled to visit the office.

(2) The Executive Officer of the *Panchayat Samiti* or the *Zilla Parishad*, and the ***Sabhapati*** of the *Panchayat Samiti* or the ***Sabhadhipati*** of the *Zilla Parishad* being ***Karmadhyaksha*** of ***Artha Sthayee Samiti*** shall remain present in the *Panchayat Samiti* or *Zilla Parishad* Office, as the case may be, on the date of visit of the concerned **internal audit officer**.

(3) The Executive Officer of the *Zilla Parishad* or the *Panchayat Samiti*, as the case may be, shall ensure personal appearance of the concerned technical and or non-technical official of the *Zilla Parishad* or *Panchayat Samiti* as the case may be, during the course of internal audit so that the irregularities noticed can be remedied.

214. Preparation of reports of internal audit and submission of replies in respect of Panchayat Samiti

(1) Within one month after inspection, the concerned internal audit officer shall prepare in each quarter internal audit reports, in quintuplicate incorporating therein all irregularities noticed by

him from the records and forward the first copy of such reports to the Executive Officer of the *Panchayat Samiti*, second copy to the concerned sub divisional officer, third copy to the Director of *Panchayats and Rural Development*, fourth copy to the *Parishad Accounts and Audit Officer* and fifth copy to be retained by him.

(2) As soon as possible after the receipt of the internal audit report or special report from the internal audit officer, the Executive Officer of the *Panchayat Samiti* in consultation with the **Sabhapati** shall place the internal or special audit reports in a specially convened meeting of the *Artha Sthayee Samiti* for comprehensive discussions with particular reference to the observations of the internal audit officer on any material irregularity and or impropriety, in expenditure or recovery of money due to the *Panchayat Samiti* and or any loss or wastage of money or other property belonging to the *Panchayat Samiti*.

(3) The entire internal audit report or special report shall always be made available in the office of the *Panchayat Samiti* to all members of the *Artha Sthayee Samiti*, who shall have access to it before the meeting.

(4) Thereafter the Executive officer of the *Panchayat Samiti* in consultation with the *Sabhapati* shall convene a special meeting of the *Panchayat Samiti* to consider the observations of the internal audit officer and recommendations or views of the *Artha Sthayee Samity* thereon keeping a record of the entire proceedings of the meeting.

(5) The Executive Officer of the *Panchayat Samiti*, as early as possible, and not later than one month after the meeting as stated in the preceding sub-rule (4) shall prepare itemwise replies with comments and forward the first copy to the internal audit officer,

second copy to the sub divisional officer and third copy to the *Parishad Accounts and Audit Officer*.

- (6) The Executive Officer of the *Panchayat Samiti* shall also send a report to the internal audit officer as to their failure for any remedial action stating reasons or explanation for such failure item by item.
- (7) The Executive Officer of the *Panchayat Samiti* shall forward the replies involving material irregularities, improprieties separately to the internal audit officer, the concerned sub divisional officer, the *Parishad Accounts and Audit Officer* and the *Executive Officer* of the *Zilla Parishad*.

215. Corrective measures to be taken by the internal audit officer of Panchayat Samiti

(1) When the internal audit officer is of the opinion that a *Panchayat Samiti* is making repeated defaults in maintenance of the books of accounts, registers and other connected papers despite his instructions, or when there is an irregularity, impropriety of such nature as to require the attention of the higher authorities, he shall submit a special report to the concerned sub divisional officer with copies to the Executive Officer of the concerned *Panchayat Samiti* and the *Zilla Parishad* and endorse a copy of the same to the *Parishad Accounts and Audit Officer* and the Director of the Department of *Panchayat and Rural Development*, Government of West Bengal, mentioning therein the specific defaults of the *Panchayat Samiti* and corrective measures suggested by him. The provisions of rule 214 shall apply *mutatis mutandis* in such cases.

(2) During the next visit to the *Panchayat Samiti*, the internal audit officer shall ensure through the Executive Officer of the *Panchayat Samiti* that all errors, defects and irregularities etc. as pointed out in the previous internal audit report and the statutory audit report have been rectified or necessary measures have been taken to rectify the same as soon as possible so that the same could be produced before the internal audit officer during the next quarter.

216. Preparation of reports and submission of internal audit replies in respect of the Zilla Parishad

(1) Within one month after inspection of the accounts of a *Zilla Parishad* the regional accounts and audit officer shall prepare, quarterly internal audit reports (in quintuplicate) incorporating therein all irregularities noticed by him in examination of records. The first copy of such report shall be furnished to the Executive Officer of the *Zilla Parishad*, the second copy to the concerned Divisional Commissioner, the third copy to the Director, the fourth copy to the State Government in the Department of *Panchayats* and Rural Development and the fifth copy to be retained by him.

(2) As soon as possible after the receipt of the internal audit Report and or special report from the internal audit officer, the Executive Officer of the *Zilla Parishad* in consultation with the *Sabhadhipati* shall place the same in a specially convened meeting to the *Artha Sthayee Samiti* for comprehensive discussion and in particular the observations of the internal audit officer on any material irregularity or impropriety in expenditure or recovery of money or other property belonging to the *Panchayat Samiti*.

- (3) The **internal audit report** or special report shall always be made available in the office of the *Zilla Parishad* to all members of the *Artha Sthayee Samiti*, who shall have access to go through it, before the meeting.
- (4) The Executive Officer of the *Zilla Parishad* in consultation with the *Sabhadhipati*, shall convene a special meeting of the *Zilla Parishad* to consider the observations of the internal audit officer and recommendations and views of the *Artha Sthayee Samiti* thereon keeping on record, the entire proceedings of the meetings.
- (5) The Executive Officer of the *Zilla Parishad*, as early as possible and not later than one month after the meeting as stated in sub-rule (4) shall forward the item wise replies with comments to the internal audit officer stating the actions taken or to be taken, endorsing copies to the Divisional Commissioner and the Director.
- (6) The Executive Officer of the *Panchayat Samiti* shall also send a report to the internal audit officer as to their failure for any remedial action stating reasons or explanation for such failure item by item.
- (7) The Executive Officer of the *Zilla Parishad* shall forward the replies to the audit involving material irregularities, improprieties separately to the Internal Audit Officer, Divisional Commissioner and Director.

217. Corrective measures to be taken by the Regional Accounts and Audit Officer

- (1) When the Regional Accounts and Audit Officer, is of the opinion that a *Zilla Parishad* is making repeated defaults in

maintenance of the books of accounts, registers and other connected papers therewith, despite his instructions, and also when there is an irregularity, impropriety of such nature so as to invite the attention of the higher authorities, he shall submit a special report to the Divisional Commissioner with copies to the Executive Officer of the *Zilla Parishad* endorsing a copy of the same to the Director mentioning therein the specific default of the *Zilla Parishad* and the corrective measures as required to be taken.

- (2) During the next visit to the *Zilla Parishad*, the **Regional Accounts and Audit Officer** shall ensure through the Executive Officer of the *Zilla Parishad* that all errors, defects and irregularities etc. as pointed out in the previous internal audit report and special report and the audit report of the statutory auditor, have been rectified or would be rectified by the *Zilla Parishad*, as soon as possible and shall be kept ready within the next two months for production before the Regional Accounts and Audit Officer for the next quarter.
- (3) In case of delay in submission of the replies, due to unavoidable circumstances the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, shall refer the matter to the District Magistrate or the Divisional Commissioner as the case may be, stating the reasons thereof, for condoning the delay.

PART VI

Chapter XXVI Statutory Audit

218. Procedure of Statutory Audit

The accounts of the *Panchayat Samiti* or a *Zilla Parishad* fund shall be examined and

audited by the auditor appointed by the State Government under sub-section (1) of Section 186 of the Act at least once a year and in such manner as the State Government may, instruct under sub-rule (1).

(1) In auditing the accounts of the fund it shall be the duty of the auditor to verify that:

- (a) the accounts have been kept and are presented in approved form and manner with due regard to these rules and any other rules not inconsistent with these rules and the Act;
- (b) the particular items of receipt and payment are stated in sufficient detail ;
- (c) the payments are supported by relevant vouchers and incurred against formal authority as per the rules and the Act;
- (d) all types of receipts are brought into the account and entered in the Cash Book;
- (e) the receipts and payments are such, as are authorised by these rules and the Act;
- (f) reconciliation of accounts with Bank(s) and Treasury are regularly done at least once in every month;
- (g) the auditor shall verify, the liquid cash balance in the hands of the **Drawing and Disbursing Officer** and or imprest cash holder, during the course of audit.

(2) Any person neglects or refuses directly or indirectly to comply with the requisition made by the auditor, the auditor shall have the right to refer the matter to the **District Magistrate, in case of a**

Panchayat Samiti or to the **Divisional Commissioner, in case of a Zilla Parishad** and thereupon the **District Magistrate or the Divisional Commissioner**, as the case may be, shall be competent to issue such direction to the person(s) neglecting or refusing to comply with the requisition made by the auditor, as he may think fit and such direction shall be binding on such person(s). For the purpose of audit, the auditor appointed under this Act shall have the authority for: -

(a) production of any document including internal audit report and or any information which may be necessary for the audit in course of inspection;

(b) any technical and or non-technical official accountable for any work done, or having the custody or control of any document, or having directly or indirectly by himself or his partner, any share or interest in any contract made with, by or on behalf of the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, shall be liable to make personal appearance before the audit, if so required;

(c) any person so appearing before the audit shall be liable to make or sign declaration in respect of any such document or to answer any question or prepare and submit any statement.

(3) it shall be the duty of the **Executive Officer as well as the Drawing and Disbursing Officer of the Zilla Parishad or the Panchayat Samiti**, as the case may be, to ensure the personal appearance of and or supply of the records, documents, explanation etc. for the work or job of the technical and or non-

technical official before the audit or immediately on the spot during the course of audit.

(4) if any person neglects or refuses to comply with the requisition made by the Auditor, the Auditor shall have the right to refer the matter to the **District Magistrate** in the case of a *Panchayat Samiti* or the **Divisional Commissioner** in the case of *Zilla Parishad* and there upon the **District Magistrate or the Divisional Commissioner**, as the case may be, shall be competent to issue such direction to the person concerned to comply accordingly.

(5) the auditor shall also take into consideration the observation on all the provisions as mentioned in **sub-rules (5) and (6) of rule 212.**

219. Preparation of report and follow up action

(1) Within two months from the date of completion of audit the auditor shall prepare his report in two parts. Part I shall contain the outstanding objections from the previous inspection report and Part II shall highlight the irregularities, indiscipline and improprieties, if any, noticed during the course of audit. **The auditor shall send his report to the *Sabhapati* or the *Sabhadhipati***, as the case may be, with a copy to the Executive Officer of the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, and a copy thereof to the State Government.

(2) The Auditor shall append to his report *inter alia* statement showing: –

- (a) the grants and grants-in-aid received by the *Panchayat Samiti* and the *Zilla Parishad* and the expenditure incurred there from ;
- (b) any material impropriety or irregularity observed in the expenditure or in the recovery of the money due to the *Panchayat Samiti* or the *Zilla Parishad* or in the accounts of the fund of the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be;
- (c) any loss or wastage of money or other property owned by or vested in the *Panchayat Samiti* or the *Zilla Parishad*.

(3) As soon as possible on receipt of the audit report, the Executive Officer of the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, in consultation with the ***Sabhapati*** or the ***Sabhadhipati***, the case may be, shall place within two months the audit report in a specially convened meeting of the ***Artha Sthayee Samiti*** of the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, for comprehensive discussions and in particular, the observations of the auditor on any material irregularity or impropriety in expenditure or recovery of money due to the *Panchayat Samiti* or the *Zilla Parishad* or any loss or wastage of money or other property belonging to the concerned ***Panchayat body***.

(4) The audit report shall be made available in the office of the *Panchayat Samiti* or the *Zilla Parishad*, , to all members of the *Artha Sthayee Samiti*, who shall have the access to go through it before the meeting.

(5) After discussions of the audit report in detail, the *Artha Sthayee Samiti* shall place recommendations on the actions to be taken by the *Panchayat Samiti* or the *Zilla Parishad* to remedy the defects or the irregularities, if any.

(6) The *Artha Sthayee Samiti*, shall also record in the minutes of the specially convened meeting the failure for any remedial action stating reasons or explanations for such failure item by item.

(7) Thereafter the Executive Officer of the *Panchayat Samiti* or the *Zilla Parishad* in consultation with the **Sabhapati** or the **Sabhadhipati**, as the case may be, shall convene a special meeting of the *Panchayat Samiti* or the *Zilla Parishad*, to consider the observations made by the auditor and the recommendations of the *Artha Sthayee Samiti* thereon keeping on record of the entire proceedings of the meeting.

(8) The Executive Officer of the *Panchayat Samiti* or the *Zilla Parishad* concerned, after the meeting, shall inform the auditor about the actions taken on the audit report appending therewith a statement giving item wise replies or comments on the audit or inspection notes in respect of the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be.

(9) The entire process of submission of replies to the auditor, as laid down in these rules, shall be completed within a period of two months from the date of receipt of the report.

(10) The Executive Officer of the *Panchayat Samiti* shall forward a copy of the replies alongwith the audit report or notes to the Director and also to the concerned sub divisional officer in triplicate stating therein the date and decisions of the *Artha Sthayee Samiti* meeting.

(11) The sub divisional officer with his comments on the audit replies shall forward the same in duplicate to the concerned District Magistrate who with his comments thereon shall forward one copy to the auditor in respect of the *Panchayat Samiti* audit report.

(12) If there is any note on material irregularities, improprieties requiring notice of the State Government, the District Magistrate shall, forward a copy of the said report with replies of the *Panchayat Samiti* with comments of the sub divisional officer concerned and of himself, to the State Government for further actions.

(13) The *Zilla Parishad*, after the meeting as mentioned in sub-rule (3), shall prepare and forward a statement containing the views and action taken against each audit note. One copy of such statement shall be sent to the Commissioner for onward transmission with his comments to the auditor, the second copy shall be send to the State Government and the third copy to the Director.

(14) In case there is any audit note in respect of the *Zilla Parishad* accounts of the fund requiring notice of the State Government, the *Zilla Parishad* shall furnish replies to such note in triplicate, to the State Government through the Divisional Commissioner who shall, while forwarding the replies to the State Government and the Director make specific comments, stating the present position thereof.

(15) If within two months as referred to in **section 191(1) of the Act**, no information is received by the auditor from the *Panchayat Samiti* or the *Zilla Parishad* concerned or if the reasons or explanation

given by it for not rectifying any defect or irregularities pointed out in the audit report is not considered sufficient by the auditor, the auditor may exercise the powers conferred upon him under **section 192** of the Act or may refer the matter to the **District Magistrate** in case of the *Panchayat Samiti* or to the **Divisional Commissioner** in case of the *Zilla Parishad* and thereupon the **District Magistrate or the Divisional Commissioner**, as the case may be, shall issue suitable direction to the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, in terms of **section 191 (2) of the Act** and take action as provided in **section 191 (2A) (i) and (ii) of the Act**.

220. Power of Auditor to surcharge

The auditor appointed under section 186(1) of the Act, shall have the power to surcharge in each and every case as provided in section 192 of the Act.

West Bengal Panchayat (Zilla Parishad and Panchayat Samiti) Accounts and Financial Rules, 2003

Key word: Form No. 1 [Rule 5(4)] Money Receipt

Form No. 1 [Rule 5(4)]

Money Receipt

.....**Zilla Parishad/Panchayat Samiti**

Book No

SI. No

Date-

Received from Sri/Smt. or M/s..... of

(Name in full)

(Full Address).....

Rs..... (Rupees.....only)

(in digit)

(in words)

by Cash/Cheque/Draft bearing No. & Date..... drawn
on.....Branch

on account of.....

Signature of Collector

Seal of Zilla Parishad
or Panchayat Samiti

The West Bengal Panchayat (Constitution) Rules, 1975

**CHAPTER I
Preliminary**

Key Word: Short title/ Preliminary

1. Short title: These rules may be called The West Bengal Panchayat (Constitution) Rules, 1975.

**CHAPTER I
Preliminary**

Key word : Definition/ Preliminary

2. Definition : (1) In these rules,—

(a) 'Act' means the West Bengal Panchayat Act, 1973 (West Bengal Act XLI of 1973);

²[(aa) 'Commission' means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal

State Election Commission Act, 1994 (West Bengal Act VIII of 1994)];

(b) 'Form' means a Form appended to these rules and includes a translation thereof in Bengali and Nepali ;

(c) 'Section' means a section of the Act;

[(d) 'Sub-divisional Officer' means an officer appointed as such by the State Government, and includes an Additional Sub-divisional Officer having jurisdiction.]

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

(3) The Bengal General Clauses Act, J899 (I of 1899) shall apply for interpretation of these rules as it applies for the interpretation of an Act of the West Bengal Legislative Assembly

⁴CHAPTER IA

Reservation of offices of chairpersons

2A. Reservation of offices of chairpersons

Reservation of offices at *Gram Panchayat* and *Panchayat Samiti*—(1) As soon as may be, but not later than six weeks before the date of poll appointed for any general election, the District Magistrate and District Panchayat Election Officer

⁴CHAPTER IA

Reservation of offices of chairpersons

2B. Reservation of offices of chairpersons

Reservation of offices at *Zilla Parishad* and *Mahakuma Parishad*: (1) As soon as may be, but not later than six weeks before the date of poll appointed for any general election, the Commission shall, by an order in Form ID, after previous

publication of the draft of the order in Form 1C not later than nine weeks before the date of poll, determine, from among the total number of the offices,

- (i) the Sabhadhipati, and
- (ii) the Sahakari Sabhadhipati.

of the Zilla Parishad and the Mahakuma Parishad in West Bengal, such number of offices reserved for—

- (a) the Scheduled Castes and the Scheduled Tribes as shall bear, as nearly as may be, the same proportion to the total number of the offices of the Sabhadhipati or the Sahakari Sabhadhipati, as the case may be, in West Bengal, as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in the Blocks under the jurisdiction of all Zilla Parishads and Mahakuma Parishad within West Bengal bears with the total population in the same areas,

- (b) women as shall constitute—

- (i) not less than one-third of the offices reserved under clause (a), and
- (ii) not less than one-third of the total number of offices of the Sabhadhipati or the Sahakari Sabhadhipati, as the case be, in West Bengal including the offices reserved under sub-clause (i) :

Provided that the number of the Scheduled Castes or the Scheduled Tribes or the total population in the Blocks of West Bengal shall be determined on the basis of the last preceding census of which the relevant figures have been published.

¹[Explanation : For the purposes of this sub-rule, figures upto the first place of decimal shall be taken for calculations and, for final determination of the number of seats to be reserved, the whole number obtained shall be raised by one if the digit

at the first place of decimal is not less than five while ignoring any digit below five at the first place of decimal].

(2) The ² [Commission), by an order in Form ID, after previous publication of the draft of the order in Form IC, shall declare from among the offices of the—

- (i) Sabhadhipati, and
- (ii) Sahakari Sabhadhipati

of the Zilla Parishads and the Mahakuma Parishads in West Bengal—

- (a) such offices to be reserved, by rotation, for the Scheduled Castes and the Scheduled Tribes as may be necessary to match the number determined under clause (a) of sub-rule (1)

Provided that—

- (i) the ²[Commission] shall assign consecutive serial numbers to all the Zilla Parishads and the Mahakuma Parishad in West Bengal following, as far as practicable, the sequence of the numbers assigned to the Legislative Assembly constituencies comprising parts of the districts ;
- (ii) for the purpose of reservation under clause (a) of sub-rule (1) ^subject to the provisions of item (vii)], the Zilla Parishad or the Mahakuma Parishad having within its jurisdiction the Scheduled Castes or the Scheduled Tribes population constituting more than five per cent of the total population of that area, shall be taken into consideration ;
- ⁴(iii) on assignment of numbers referred to in item (i), the Zilla Parishads and the Mahakuma Parishad shall be arranged in ascending number of serials and thereafter reservation of the offices of the Sabhadhipati and Sahakari Sabhadhipati for three successive terms of elections will be made in accordance with the roster as specified in column

(1), column (2), and column (3) for Sabhadhipati, and column (4), column (5), and column (6) for Sahakari Sabhadhipati, in the roster as specified in Schedule I following, mutatis mutandis, the manner laid down in items (iii), (iv) and (v) of the proviso to clause (a) of sub-rule (2) of rule 2A];

[(iv) ***

(v) ***]

- (vi) if, following the principle of rotation under those rules, any office is selected in any term of election for reservation of both the Scheduled Castes and the Scheduled Tribes, preference shall be given to reservation for the Scheduled Tribes and, thereafter, reservation for the Scheduled Castes shall be made of the office coming next in order;
- (vii) if the number of offices available for reservation by rotation falls short of the number determined under clause (a) of sub-rule (1), the "Commission" may, by order, include such other offices which were excluded earlier for reason of having the Scheduled Castes population or the Scheduled Tribes population, as the case may be, in that district or Mahakuma of not more than five per cent of the total population of that district or Mahakuma, as the case may be, to reach the number of the offices required for reservation, and such inclusion shall commence from the Zilla Parishad or the Mahakuma Parishad comprising the area having higher proportion of the Scheduled Castes population or the Scheduled Tribes population, as the case may be ;
- (b) such offices to be reserved by rotation for women as may be necessary to match the number determined under sub-clause (i) and sub-clause (ii) of clause (b) of sub-rule (1) :

Provided that such declaration of offices shall be made at first in respect of the offices determined under sub-clause (i) of clause (b) of sub-rule (1) and, then, in respect of the offices determined under sub-clause (ii) of clause (b) of sub-rule (1) :

Provided further that the total number of offices reserved for the Scheduled Castes and the Scheduled Tribes shall be taken into account while determining the number of offices to be reserved for women among them :

Provided also that such declaration shall be made in accordance with the roster as specified in—

- (i) Schedule A for the offices of the Sabhadhipati, and

(ii) Schedule B for the offices of the Sahakari Sabhadhipati :

Provided also that for the purpose of reservation of seats in accordance with the rosters as aforesaid, all offices available for reservation by rotation shall be arranged in the ascending order of numbers and another set of consecutive serial numbers, commencing from the figure one, shall be given to them so that reservation may be made on matching such consecutive serial numbers with the identical serial numbers in the roster.]

²[(3) For the purpose of reservation of the offices of the Sahakari Sabhadhipati, the provisions of sub-rule (3), and sub-rule (4) of rule 2A shall apply mutatis mutandis].

⁴CHAPTER IA
Reservation of offices of chairpersons

FORM 1

Key word : Reservation of offices of chairpersons (FORM 1)

* Rules 3(1), 4(1), 5(1), 6, 8(1), 9(1), 11(1), 12(1), 14(1), 14(3), 15(2), 16(2)]

¹[Form of notice of meeting for the taking of oath and/or for election of Pradhan/Upa-Pradhan of Gram Panchayat, Sabhapati/Sahakari Sabhapati of Panchayat Samiti, Sabhadhipati/Sahakari Sabhadhipati of ²[Mahakuma]/Zilla Parishad, Members/Karmadhyaksha of Sthayee Samiti of Panchayat Samiti/²[Mahakuma] Parishad/Zilla Parishad].

In pursuance of the provisions under rules *3(1), 4(1), 5(1), 6, 8(1), 9(1), 11(1), 12(1), 14(1), 14(3), 15(2), 16(2) of the West Bengal Panchayat (Constitution) Rules, ³[1975], notice is hereby given for a meeting of the
**.....

.....

..... Gram Panchayat*/Panchayat Samiti/²[Mahakuma]/Zilla Parishad/
Sthayee Samiti of**.....
..... Panchayat

Samiti* ²[Mahakuma] Zilla Parishad to be held at the time, place and on the date fixed below to take oath and/or to elect Pradhan* and Upa-Pradhan/Sabhapati and Sahakari Sabhapati/Sabhadhipati and Sahakari Sabhadhipati/Members of Sthayee Samiti/ Karmadhyaksha of Sthayee Samiti.

All members of Gram Panchayat*/Panchayat Samiti/²[Mahakuma] Zilla Parishad/Sthayee Samitis of Panchayat Samiti/²[Mahakuma]/Zilla Parishad are requested to attend.

Date Place Time
(1) (2) (3)

Date.....

Place.....

⁴[Prescribed authority and Block Development Officer/Sub-divisional Officer/
District Magistrate]

1.Heading subs by Notification No. 847/PN/O/I, dated 12.3.98

2. Amended by Notification No. I2932/I/Panch, dated 19.5.89

3. Subs by Notification No. 14364/Panch. dated 21.6.78

* Strike off the words and figures which are not applicable.

** Appropriate particulars of the election to be inserted here.

4. Subs. by Notification No. 847/PN/O/I, dated 12.3.98

⁴CHAPTER IA
Reservation of offices of chairpersons

¹FORM 1A

{ See rule 2A)

Key word: Reservation of offices of chairpersons¹FORM 1A

In exercise of the power conferred by *sub-section (1) of section 9, and sub-section (1) of section 98, of the West Bengal Panchayat Act 1973 (West Bengal Act

XII of 1973), read with rule 2A of the West Bengal Panchayat (Constitution) Rules, 1975,1, the District Magistrate and District Panchayat Election Officer of the district

of, for the purpose of reconstitution of the Panchayat following the next

general elections, hereby publish the draft of the order to determine for the offices ²[of Pradhan/Upa-Pradhan/Sabhapati/Sahakari Sabhapati of the Gram Panchayats/ Panchayat Samitis] *within the district, as specified in column (1) of the Schedule below, the total number of offices in the district specified in the corresponding entries in column (2) of the said Schedule, the number of offices in the district reserved for the Scheduled Castes, the Scheduled Tribes and women members specified in the corresponding entries in columns (3a), (3b) and (3c) respectively of the said Schedule, the offices reserved for the Scheduled Castes or the Scheduled Tribes specified in the corresponding entries in column (4), and the offices reserved for women specified in the corresponding entries in column (5), of the said Schedule, for the information of persons likely to be affected thereby.

The draft will be taken into consideration after two weeks from this day and any objection or suggestion with respect thereto which may be received by the undersigned before the date shall be duly considered.

THE SCHEDULE

District.....

Description of the office	Total Number of offices in the district	Number of offices to be reserved for			Name of the Gram Panchayats or Panchayat Samitis, offices of which are reserved for the Scheduled Castes or the Scheduled Tribes	Name of the Gram Panchayats or Panchayat Samitis, offices of which are reserved for women
		Scheduled Caste	Scheduled Tribe	Women		
(1)	(2)	(3)			(4)	(5)

--	--	--	--	--

.....

Signature of the District Magistrate and
District Panchayat Election Officer

-
1. Form 1A to 1D ins. by Notification No. 121-PN/O/I. Dated. 13.1..95
 2. Subs, by Notification No. 847/PN/O/I, dated 12.3.98
- * Delete the portion not applicable

CHAPTER IA
Reservation of offices of chairpersons
FORM IB
(See rule 2A)

Key word : Reservation of offices of chairpersons FORM IB

In exercise of the power conferred by *sub-section(1) of section 9, and sub-section (1) of section 98, of the West Bengal *Panchayat* Act, 1973 (West Bengal Act XLI of 1973), read with rule 2A of the West Bengal Panchayat (Constitution) Rules, 1975,1, the District Magistrate and District Panchayat Election Officer of the District of _____ for the purpose of reconstitution of the *Panchayats* following the next general elections, hereby determine, after previous publication of the draft of this order as required under the said rules, for the offices '[of *Pradhan/Upa-Pradhan/ Sabhapati/Sahakari Sabhapati* of the *Gram Panchayats/Panchayat Samitis*]' *within the district, as specified in column (1) of the schedule below, the total number of offices in the district specified in the corresponding entries in column (2) of the said Schedule, the number of offices in the district reserved for the Scheduled Castes, the Scheduled Tribes and the women members specified in the corresponding entries in columns (3a), (3b) and (3c) respectively of the said Schedule, the offices reserved for the Scheduled Castes or the Scheduled Tribes specified in the corresponding entries in column (4), and the offices reserved for women specified in the corresponding entries in column (5), of the said Schedule.

THE SCHEDULE
District.....

Description of the office	Total Number of offices in the district	Number of offices to be reserved for			Name of the Gram Panchayats or Panchayat Samitis, offices of which are reserved for the Scheduled Castes or the Scheduled Tribes	Name of the Gram Panchayats or Panchayat Samitis, offices of which are reserved for women
		Scheduled Caste	Scheduled Tribe	Women		
(1)	(2)	(3)			(4)	(5)

.....
Signature of the District Magistrate and District Panchayat Election Officer

1. 1. Subs, by Notification No. 847/PN/O/I, dated 12.3.98

* Delete the portion not applicable

⁴CHAPTER IA
Reservation of offices of chairpersons
FORM 1C
{ See rule 2B)

Key word: Reservation of offices of chairpersons (FORM 1C)

In exercise of the power conferred by *sub-section (1) of section 143 of the West Bengal Panchayat Act, 1973 (West Bengal Act XLI of 1973), read with rule 2B of the West Bengal Panchayat (Constitution) Rules, 1975,1, the State Election Commissioner, for the purpose of reconstitution of the Zilla Parishad and the Mahakuma Parishad following the next general elections, hereby publish the draft of the order to determine for the offices [of the Sabhadhipati/Sahakari Sabhadhipati

of the Zilla Parishad* and the Mahakuma Parishad within the State, as specified in column (1) of the Schedule below, the total number of offices in the State specified in the corresponding entries in column (2) of the said Schedule, the number of offices in the State reserved for the Scheduled Castes, the Scheduled Tribes and women members specified in the corresponding entries in columns (3a), (3b) and (3c) respectively of the said Schedule, the offices reserved for the Scheduled Castes or the Scheduled Tribes specified in the corresponding entries in column (4), and the offices reserved for women specified in the corresponding entries in column (5), of the said schedule, for the information of persons likely to be affected thereby. The draft will be taken into consideration after two weeks from this day and any objection or suggestion with respect thereto which may be received by the undersigned before that date shall be duly considered.

THE SCHEDULE
State of West Bengal

Description of the office	Total Number of offices in the district	Number of offices to be reserved for			Name of the Zilla Parishad/ Mahakuma Parishad, offices of which are reserved for the Scheduled Castes or the Scheduled Tribes	Name of the Zilla Parishad/ Mahakuma Parishad, offices of which are reserved for women
		Scheduled Caste	Scheduled Tribe	Women		
(1)	(2)	(3)			(4)	(5)

.....
Signature of the State Election
Commissioner

2. 1. Subs, by Notification No. 847/PN/O/I, dated 12.3.98

* Delete the portion not applicable

⁴CHAPTER IA
Reservation of offices of chairpersons

FORM 2

Key word : Reservation of offices of chairpersons FORM 2

[* Rules 3(2), 4(2), 5(2), 6, 8(2), 9(2), 11(2), 12(2), 14(1), 15(2), 16(2)]

Form of appointment of Presiding Officer for election of Pradhan* and Upa-Pradhan of Gram Panchayat/Sabhapati and Sahakari Sabhapati of Panchayat Samiti, Sabhadhipati/Sahakari Sabhadhipati of ¹[Mahakuma]\Zilla Parishad/ Members and Karmadhyaksha of Sthayee Samiti of Panchayat Samiti/Members and Karmadhyaksha of Sthayee Samiti of ¹ [Mahakuma]/Zilla Parishad.

In exercise of the powers conferred on me by rule(s) *[3(2), 4(2), 5(2), 6, 8(2), 9(2); 11(2), 12(2), 14(1), 15(2), 16(2)] of the West Bengal Panchayat

(Constitution) Rules, [1975]², I do hereby appoint Shri.....

.....(designation) to preside over the meeting for election of Pradhan* and Upa-Pradhan of **.....
.....Gram Panchayat/Sabhapati* and Sahakari Sabhapati of**.....
..... Panchayat Samiti/Sabhadhipati* and Sahakari Sabhadhipati

.of**.....¹ [Mahakuma]/Zilla Parishad/Members* and
Karmadhyaksha of Sthayee Samiti of*
.....Panchayat
Samiti/ Members*/[Karmadhyaksha
of*..... Sthayee Samitis
of*.....

Panchayat Samiti/[Mahakuma]/ Zilla Parishad.

Date

Place.....

.....

1. Amended by Notification No. 12932, dated 19.5.89
 2. Subs, by Notification No. 14364/Panch, dated 21.6.78
- * Strike off the words and figures which are not applicable.
** Appropriate particulars of the election to be inserted here.

⁴CHAPTER IA
Reservation of offices of chairpersons

FORM 3

[Rules 3(4)]
Form of oath or affirmation

Key word: Reservation of offices of chairpersons [FORM 3 [Rules 3(4)] Form of oath or affirmation]

I. A.B., ¹[] having been elected/appointed a member of the.....

.....*Gram Panchayat/ Panchayat Samiti/* ²[Mahakuma]/ *Zilla Parishad*, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully discharge the duties upon which I am about to enter.

Date.....

Place

_____ (Signature)

1. Omitted by Notification No. 11264/I/Panch, dated 23.5.86
2. Amended by Notification No. 12932, dated 19.5.89

⁴CHAPTER IA
Reservation of offices of chairpersons

¹[FORM 3A]
[Rules 4(6)]

Key word : Reservation of offices of chairpersons ¹[FORM 3A] [Rules 4(6)] Form of declaration of candidates for election of ²[Pradhan/Upa-Pradhan of Gram Panchayat]/Sabhapati and Sahakari Sabhapati of Panchayat Samiti / Sabhadhipati / Sahakari Sabhadhipati of Mahakuma Parishad/Zilla Parishad/ Karmadhyaksha of a Sthayee Samiti of Mahakuma Parishad/Zilla Parishad.

I, Shri
.....
.....,

having been proposed and seconded as a candidate for election to the office of ²[*Pradhan/Upa-Pradhan**]..... Gram

Panchayat] *Sabhapati/Sahakari
Sabhapati**..... Panchayat Samiti/*
Sabhadhipati/ Sahakari Sabhadhipati**
.....
.....

.....Mahakuma
Parishad/

Zilla Parishad*/Karmadhyaksha**.....Sthayee
Samiti..... Mahakuma Parishad/Zilla Parishad,
do

hereby declare that on being elected, I shall be a whole-time functionary of my office and that during the period for which I hold or am due to hold such office, I shall not hold any office of profit unless I have obtained leave of absence from my place of employment and I shall not carry on, or be associated with, any business, profession or calling in such manner as shall or is likely to interfere with due exercise of my powers, due performance of my functions or due discharge of my duties.

(Signature of Candidate)

1. Ins. by Notification No. 1658/I/Panch, dated 26.5.93

2.Ins. by Notification No. 847/PN/O/I, dated 12.3.98

* Strike off the words which are not applicable.

◆* Appropriate particulars of the election to be inserted here.

⁴CHAPTER IA
Reservation of offices of chairpersons

FORM 4

Key word: Reservation of offices of chairpersons FORM 4

*[Rules 3(7), 4(4), 5(4), 6, 8(6), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2)]

Form of declaration of result of an uncontested election in the office of Pradhan* and Upa-Pradhan of Gram Panchayat/Sabhapati and Sahakari Sabhapati of Panchayat Samiti/Sabhadhipati and Sahakari Sabhadhipati of \Mahakuma\Zilla Parishad/Members and Karmadhyaksha of a Sthayee Samiti of Panchayat Samiti/¹[Mahakuma]/Zilla Parishad,

In pursuance of the provisions of rules *3(7), 4(4), 5(4), 6, 8(6), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), of the West Bengal Panchayat (Constitution) Rules, [1975]², the following person(s) is/are hereby declared as duly elected Pradhan*/Upa-Pradhan/Sabhapati/Sahakari Sabhapati/Sabhadhipati/Sahakari Sabhadhipati/ Members /Karmadhyaksha of a Sthayee Samiti of a Panchayat Samiti/¹[Mahakuma]/Zilla Parishad.

Name of the Gram Panchayat/Panchayat Samiti/Zilla Parishad/Sthayee Samiti of Panchayat Samiti/ ¹ [Mahakuma]/Zilla Parishad	Name and address of the parsons(s) elected	Name of the office to which elected	¹ Name of the political party with whose symbol he was elected as member
(1)	(2)	(3)	(4)]

Date.....

Place.....

.....

...

Signature of the Presiding Officer

* Strike off the words which are not applicable.

1. Amended by Notification No. 12932/I/Panch, dated 19.5.89
2. Subs, by Notification No. 14364/Panch, dated 21.6.78
3. Ins. by Notification No. 847/ON/O/dated 12.3.98

⁴CHAPTER IA

Form 5

*[Rules 3(7), 4(4), 5(4), 6, 8(8), 9(3), 11(3), 12(2), 14(1), 15(2), 16(2)]

Form of Ballot Paper for election of Pradhan*/Upa-Pradhan of.....**

..... Gram Panchayat, Sabhapati VSahakari Sabhapati
of**.....Panchayat Samiti, Sabhadhipati*/ Sahakari Sabhadhipati
of**.....¹[Mahakuma] / Zilla Parishad Members*/Karmadhyaksha
of**.....Sthayee Samiti
of**Panchayat Samiti*/'[Mahakuma] /Zilla Parishad.

Serial No	Name(s) of candidate(s)	For mark (x) by voter
(1)	(2)	(3)
1.		
2.		
3.		
4.		
5.		

Date

Place.....
.....

Signature of the Presiding Officer

.....

* Strike off the words and figures which are not applicable.
 **. Appropriate particulars of the election to be inserted here.
 I. Amended by Notification No. 12932/I/Panch, dated the 19.5.89

4CHAPTER IA

FORM 6

[♦Rules 3(7), 4(4), 5(4), 6, 8(10), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2)]

Form of recording the number of valid votes in an election of Pradhan*/Upa-Pradhan of Gram Panchayat/Sabhapati/Sahakari Sabhapati of Panchayat Samiti, Sabhadhipati/Sahakari Sabhadhipati of ¹[Mahakuma]/Zilla Parishad, member/Karmadhyaksha of Sthayee Samiti of Panchayat Samiti/ ¹[Mahakuma]/Zilla Parishad.

In pursuance of the provisions under rule(s)¹ [*3(7), 4(4), 5(4), 6, 8(10), 9(3), 11(3), 14(1), 15(2), 16(2)] of the West Bengal Panchayat (Constitution) Rules, [1975]², the number of valid votes received by the person(s) in an election of Pradhan*/Upa-Pradhan of a Gram Panchayat, Sabhapati/Sahakari Sabhapati of a Panchayat Samiti, Sabhadhipati/Sahakari Sabhadhipati of ¹[Mahakuma]/Zilla Parishad, Member(s)/Karmadhyaksha of a Sthayee Samiti of Panchayat Samiti/ ¹[Mahakuma]/Zilla Parishad is recorded below :

Name of the Gram Panchayat*/ Panchayat Samiti/ Zilla Parishad/ Sthayee Samiti of Panchayat Samiti/ ¹ [Mahakuma]/ Zilla Parishad	Names contesting candidates	Nature of office for which election held	Number of valid votes secured
(1)	(2)	(3)	(4)
1.			
2.			
3.			
4.			
5.			

Date,.....
 Place,.....

.....

Signature of the Presiding Officer

*Strike off the words and figures which are not applicable.

** Appropriate particulars of the election to be inserted here.

1. Amended by Notification No. 12932/1/Panch, dated the 19.5.89

2. Subs, by Notification No. I4364/1/Panch, dated 21.6.78

⁴CHAPTER IA

FORM 7

*[Rules 3(7), 4(4), 5(4), 6, 8(11), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2)]

Key word : FORM 7

Form of declaration of result of an uncontested election in the office of Pradhan* and Upa-pradhan of Gram Panchayat/Sabhapati and Sahakari Sabhapati of Panchayat Samiti/Sabhadhipati and Sahakari Sabhadhipati of [Mahakuma]¹/Zilla Parishad/Members and Karmadhyaksha of a Sthayee Samiti of Panchayat Samiti/^x[MahakumdvZilla Parishad.

In pursuance of the provisions of rules *3(7), 4(4), 5(4), 6, 8(11), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), of the West Bengal Panchayat (Constitution) Rules, [1975]², the following person(s) is/are hereby declared as duly elected Pradhan*/Upa-Pradhan/Sabhapati/Sahakari Sabhapati/Sabhadhipati/Sahakari Sabhadhipati/Members/Karmadhyaksha of a Sthayee Samiti of a Panchayat Samiti/[Mahakuma]/Zilla Parishad.

Name of the Gram Panchayat*/ Panchayat Samiti/ Zilla Parishad/ Sthayee Samiti of Panchayat Samiti/ ¹ [Mahakuma]/ Zilla Parishad	Names contesting candidates	Nature of office for which election held	Number of valid votes secured
(1)	(2)	(3)	(4)
1.			
2.			

which reservation shall be made	Election	Election	election
1	2	3	4
1. 1.	1	-	-
2. 2.	1	2	1
3. 3.	1	2	3
4. 4.	1.3	2.4	1.3
5. 5.	1.4	2.5	3.1
6. 6.	1.4	2.5	3.6
7. 7.	1.4.7	2.5.1	3.6.4
8. 8.	1.4.7	2.5.8	3.6.1
9. 9.	1.4.7	2.5.8	3.6.9
10. 10.	1.4.7.10	2.5.8.1	3.6.9.2
11. 11.	1.4.7.10	2.5.8.11	3.6.9.1
12. 12.	1.4.7.10	2.5.8.11	3.6.9.12
13. 13.	1.4.7.10.13	2.5.8.11.1	3.6.9.12.2
14. 14.	1.4.7.10.13	2.5.8.11.14	3.6.9.12.1
15. 15.	1.4.7.10.13	2.5.8.11.14	3.6.9.12.15
16. 16.	1.4.7.10.13.16	2.5.8.11.14.1	3.6.9.12.15.2
17. 17.	1.4.7.10.13.16	2.5.8.11.14.17	3.6.9.12.15.1
18. 18.	1.4.7.10.13.16	2.5.8.11.14.17	3.6.9.12.15.18
19. 19.	1.4.7.10.13.16.19	2.5.8.11.14.17.1	3.6.9.12.15.18.2
20. 20.	1.4.7.10.13.16.19	2.5.8.11.14.17.20	3.6.9.12.15.18.1
21. 21.	1.4.7.10.13.16.19	2.5.8.11.14.17.20	3.6.9.12.15.18.21
22. 22.	1.4.7.10.13.16.19.22	2.5.8.11.14.17.20.1	3.6.9.12.15.18.21.2
23. 23.	1.4.7.10.13.16.19.22	2.5.8.11.14.17.20.23	3.6.9.12.15.18.28.21.1
24. 24.	1.4.7.10.13.16.19.22	2.5.8.11.14.17.20.23	3.6.9.12.15.18.28.21.24
25. 25.	1.4.7.10.13.16.19.22.25	2.5.8.11.14.17.20.23.1	3.6.9.12.15.18.28.21.24.2
26. 26.	1.4.7.10.13.16.19.22.25	2.5.8.11.14.17.20.23.26	3.6.9.12.15.18.28.21.24.1
27. 27.	1.4.7.10.13.16.19.22.25	2.5.8.11.14.17.20.23.26	3.6.9.12.15.18.28.21.24.27

I. Schedule A and Schedule B inserted by Notification No. 12I-PN/O/I, dated 13.1.95

1	2	3	4
28.	1.4.7.10.13.16.19.22.25.28	2.5.8.11.14.17.20.23.26.1	3.6.9.12.15.18.21.24.27

29.	1.4.7.10.13.16.19.22.25.28	2.5.8.11.14.17.20.23.26.29	3.6.9.12.15.18.21.24
30.	1.4.7.10.13.16.19.22.25.28	2.5.8.11.14.17.20.23.26.29	3.6.9.12.15.18.28.31
31.	1.4.7.10.13.16.19.22.25.28.31	2.5.8.11.14.17.20.23.26.29.1	3.6.9.12.15.18.28.31
32.	1.4.7.10.13.16.19.22.25.28.31	2.5.8.11.14.17.20.23.26.29.32	3.6.9.12.15.18.28.31
33.	1.4.7.10.13.16.19.22.25.28.31	2.5.8.11.14.17.20.23.26.29.32	3.6.9.12.15.18.28.31
34.	1.4.7.10.13.16.19.22.25.28.31.34	2.5.8.11.14.17.20.23.26.29.32.1	3.6.9.12.15.18.28.31
35.	1.4.7.10.13.16.19.22.25.28.31.34	2.5.8.11.14.17.20.23.26.29.32.35	3.6.9.12.15.18.28.31
36.	1.4.7.10.13.16.19.22.25.28.31.34	2.5.8.11.14.17.20.23.26.29.32.35	3.6.9.12.15.18.28.31
37.	1.4.7.10.13.16.19.22.25.28.31.34.37	2.5.8.11.14.17.20.23.26.29.32.35.1	3.6.9.12.15.18.28.31
38.	1.4.7.10.13.16.19.22.25.28.31.34.37	2.5.8.11.14.17.20.23.26.29.32.35.38	3.6.9.12.15.18.28.31
39.	1.4.7.10.13.16.19.22.25.28.31.34.37	2.5.8.11.14.17.20.23.26.29.32.35.38	3.6.9.12.15.18.28.31
40.	1.4.7.10.13.16.19.22.25.28.31.34.37.40	2.5.8.11.14.17.20.23.26.29.32.35.38.1	3.6.9.12.15.18.28.31
41.	1.4.7.10.13.16.19.22.25.28.31.34.37.40	2.5.8.11.14.17.20.23.26.29.32.35.38.41	3.6.9.12.15.18.28.31
42.	1.4.7.10.13.16.19.22.25.28.31.34.37.40	2.5.8.11.14.17.20.23.26.29.32.35.38.41	3.6.9.12.15.18.28.31

* Serial numbers shown under columns 2, 3 and 4 indicate the position of seats in the Schedule drawn up in ascending order of assigned serial number of seats.

** In the case of higher number of total seats available for reservation, same procedure may be followed by the prescribed authority commencing from first seat in first term of election, second seat in second term of election and third seat in third term of election, and selecting every third seat on each occasion and the first or the second seat as the occasion may arise.

⁴CHAPTER IA

[SCHEDULE B]

**Roster for reservation of offices of the Upa-Pradhan,
the Sahakari Sabhadhipati and the Sahakari Sabhadhipati
for Women by rotation (For the Scheduled Castes, the
Scheduled Tribes and the General Category)**

(See rules 2A, 2B)

Key word: [SCHEDULE B]

Total number of offices among which	Offices to be reserved in 1st term of General Election	Offices to be reserved in 2nd term of general Election	Offices to be reserved in 3rd term of General election
--	--	--	--

Observation shall be made			
1	2	3	4
43.	-	1	-
44.	2	1	2
45.	2	3	1
46.	2,4	1,3	2,4
47.	2,5	3,1	4,2
48.	2,5	3,6	4,1
49.	2,5	3,6,2	4,7,1
50.	2,5,8	3,6,1	4,7,2
51.	2,5,8	3,6,9	4,7,1
52.	2,5,8,1	3,6,9,2	4,7,10,3
53.	2,5,8,11	3,6,9,1	4,7,10,2
54.	2,5,8,11	3,6,9,12	4,7,10,1
55.	2,5,8,11,1	3,6,9,12,2	4,7,10,13,3
56.	2,5,8,11,14	3,6,9,12,1	4,7,10,13,2
57.	2,5,8,11,14	3,6,9,12,15	4,7,10,13,1
58.	2,5,8,11,14,1	3,6,9,12,15,2	4,7,10,13,16,3
59.	2,5,8,11,14,17	3,6,9,12,15,1	4,7,10,13,16,2
60.	2,5,8,11,14,17	3,6,9,12,15,18	4,7,10,13,16,1
61.	2,5,8,11,14,17,1	3,6,9,12,15,18,2	4,7,10,13,16,19,3
62.	2,5,8,11,14,17,20	3,6,9,12,15,18,1	4,7,10,13,16,19,2
63.	2,5,8,11,14,17,20	3,6,9,12,15,18,21	4,7,10,13,16,19,1
64.	2,5,8,11,14,17,20,1	3,6,9,12,15,18,21,2	4,7,10,13,16,19,22,3
65.	2,5,8,11,14,17,20,23	3,6,9,12,15,18,21,1	4,7,10,13,16,19,22,2
66.	2,5,8,11,14,17,20,23	3,6,9,12,15,18,21,24	4,7,10,13,16,19,22,1
67.	2,5,8,11,14,17,20,23,1	3,6,9,12,15,18,21,24,2	4,7,10,13,16,19,22,25,3
68.	2,5,8,11,14,17,20,23,26	3,6,9,12,15,18,21,24,1	4,7,10,13,16,19,22,25,2
69.	2,5,8,11,14,17,20,23,26	3,6,9,12,15,18,21,24,27	4,7,10,13,16,19,22,25,1
1	2	3	4
70.	2,5,8,11,14,17,20,23,26,1	3,6,9,12,15,18,21,24,27,2	4,7,10,13,16,19,22,25,28,3
71.	2,5,8,11,14,17,20,23,26,29	3,6,9,12,15,18,21,24,27,1	4,7,10,13,16,19,22,25,28,2
72.	2,5,8,11,14,17,20,23,26,29	3,6,9,12,15,18,21,24,27,30	4,7,10,13,16,19,22,25,28,1
73.	2,5,8,11,14,17,20,23,26,29,1	3,6,9,12,15,18,21,24,27,30,2	4,7,10,13,16,19,22,25,28,31,3

74.	2,5,8,11,14,17,20,23,26,29,32	3,6,9,12,15,18,21,24,27,30,1	4,7,10,13,16,19,22,25,28,31,2
75.	2,5,8,11,14,17,20,23,26,29,32	3,6,9,12,15,18,21,24,27,30,33	4,7,10,13,16,19,22,25,28,31,1
76.	2,5,8,11,14,17,20,23,26,29,32,1	3,6,9,12,15,18,21,24,27,30,33,2	4,7,10,13,16,19,22,25,28,31,34,
77.	2,5,8,11,14,17,20,23,26,29,32,35	3,6,9,12,15,18,21,24,27,30,33,1	4,7,10,13,16,19,22,25,28,31,34,
78.	2,5,8,11,14,17,20,23,26,29,32,35	3,6,9,12,15,18,21,24,27,30,33,36	4,7,10,13,16,19,22,25,28,31,34,
79.	2,5,8,11,14,17,20,23,26,29,32,35,1	3,6,9,12,15,18,21,24,27,30,33,36,2	4,7,10,13,16,19,22,25,28,31,34,3
80.	2,5,8,11,14,17,20,23,26,29,32,35,38	3,6,9,12,15,18,21,24,27,30,33,36,1	4,7,10,13,16,19,22,25,28,31,34,3
81.	2,5,8,11,14,17,20,23,26,29,32,35,38	3,6,9,12,15,18,21,24,27,30,33,36,39,1	4,7,10,13,16,19,22,25,28,31,34,
82.	2,5,8,11,14,17,20,23,26,29,32,35,38,1	3,6,9,12,15,18,21,24,27,30,33,36,39,2	4,7,10,13,16,19,22,25,28,31,34,4
83.	2,5,8,11,14,17,20,23,26,29,32,35,38,41	3,6,9,12,15,18,21,24,27,30,33,36,39,1	4,7,10,13,16,19,22,25,28,31,34,4
84.	2,5,8,11,14,17,20,23,26,29,32,35,38,41	3,6,9,12,15,18,21,24,27,30,33,36,39,42	4,7,10,13,16,19,22,25,28,31,34,4

* Serial numbers shown under columns 2,3 and 4 indicate the position of seats in the Schedule drawn up in ascending order of assigned serial number of seats.

** In the case of higher number of total seats available for reservation, same procedure may be followed by the prescribed authority commencing from second seat in first term of election, third seat in second term of election and fourth seat in third term of election, and selecting every third seat on each occasion and the first or the second seat as the occasion may arise.]

CHAPTER II

Election of Pradhan and Upa-Pradhan of Gram Panchayat

3. Election of Pradhan and Upa-Pradhan of Gram Panchayat

(1) As soon as may be after the constitution of Gram Panchayat is notified in the Official Gazette under sub-section (4) of section 4, but not later than twenty-one days from the date of publication of the notification or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf, the prescribed authority appointed for the purpose of sub-section (2) of section 9 shall call a meeting of all the members [referred to in clause (i) of sub-section (2A) of section 4] of such Gram Panchayat for the taking of oath and

for the election of a Pradhan and Upa-Pradhan of the Gram Panchayat, by fixing a date, place and time and causing a written notice to this effect in Form 1 to be ²[served on each of the members referred to in clause (i) of sub-section (2A) of section 4] of the Gram Panchayat at least [^]seven] days before the date fixed for the meeting.

(2) Such meeting shall be presided over by such officer as may be authorised by the prescribed authority in Form 2, and such officer shall not be entitled to vote at the election.

(3) On the date of the meeting if there is no quorum ⁴[consisting of one-third of the total number of members referred to in clause (i) of sub-section (2A) of section 4), subject to a minimum of three members,] the Presiding Officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of Gram Panchayat referred to in sub-rule (1) shall apply :

Provided that no quorum shall be necessary in an adjourned meeting.

(4) The members who are required to take oath under section 197 ⁵[and have not already made and subscribed such oath on affirmation] shall, before taking the seats, make and subscribe an oath or affirmation in Form 3 before the Presiding Officer.

⁶[(5)***]

(6) The Presiding Officer shall call upon the members present to propose and second, the names of the ⁷candidates eligible under order in Form IB for election] of the Pradhan of the Gram Panchayat. He shall record the names of the candidates proposed together with the names of the proposers and seconders. *[(6A)***]

[(6A) Commencing from the date on which section 7 of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997) comes into force, the Presiding Officer, on recording the names, shall call upon each candidate to furnish a written declaration in Form 3A to the effect that on being elected, he shall be a wholetime functionary of his office and that during the period for which he holds, or is due to hold, such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on, or be associated with, any business, profession or calling in such manner as shall, or is likely to, interfere with due exercise of his powers, due performance of his functions or due discharge of his duties. If the declaration in Form 3A is not received from any candidate, the Presiding Officer shall reject the candidature of such candidate on recording the reason and, thereafter, the list of candidates shall be made final. He shall reject any proposal after the list of candidates has been finalised by him].

²[7. (a) if only one candidate is proposed and seconded, the Presiding Officer shall, in Form 4, declare him to be duly elected to be the Pradhan of the Gram Panchayat :

^[Provided that when an office of the Pradhan is reserved for the category of persons belonging to the Scheduled Castes, the Scheduled Castes (Women), the Scheduled Tribes or the Scheduled Tribes (Women), and when—

- (i) there is only one seat or constituency of members reserved for the same category of persons in that Gram Panchayat, and
- (ii) only one candidate elected from the reserved seat referred to in clause (i) is proposed as candidate for election to the office of the Pradhan,

it shall not be necessary to second the candidature of that person and on being proposed, the Presiding Officer shall declare him, in Form 4, to be duly elected to be the Pradhan of the Gram Panchayat].

- (b) if more than one candidate have been proposed and seconded, the Presiding Officer shall cause to be prepared as many ballot papers as there are members present containing the names of candidates arranged in alphabetical order of their surnames in Form 5. The Presiding Officer shall put his signature with date on the back of each ballot paper and shall hand over one such ballot paper to each member present after writing the name of the member and obtaining his dated initial on the back of the ballot paper. The Presiding Officer shall also ask each member to record his vote by placing the mark 'X' in the place provided for the purpose in the ballot paper opposite to the name of the candidate for whom he intends to vote, and to return it to the Presiding Officer. Immediately after the ballot papers are received back, the Presiding Officer shall, in the presence of the attending members, count them and record the number against each candidate in Form 6. If requested by any member present, the Presiding Officer may, at the time of counting, show both sides of any ballot paper to the member or members; but he shall not allow any member to touch the ballot paper. The Presiding Officer may reject any ballot paper which, in his opinion, raises a reasonable doubt as to for whom the voter has cast his vole. A note to that effect shall be made by the Presiding Officer upon the ballot paper so rejected, and it shall not be included in the count. The Presiding Officer shall declare in Form 7 the candidate who has secured the largest number of votes to be duly elected to be the Pradhan of the Gram Panchayat. In the case of equal number of votes being recorded in favour of two or more candidates, selection shall be made from among such candidates by lot in such manner as the Presiding Officer may deem fit and, thereupon, the candidate thus selected shall be declared to be duly elected to be the Pradhan of the Gram Panchayat].

(8) After the election of the Pradhan, election of the Upa-Pradhan shall be held in the '[manner provided in sub-rule (6) and sub-rule (7)].

(9) The Presiding Officer shall forward the names of the Pradhan and the Upa-Pradlmn to the prescribed authority who shall publish the same in the locality in such manner as he may think fit. The prescribed authority shall forward the names of Pradhan and Upa-Pradhan to the District Panchayat Election Officer, '[the Commission, the Director of Panchayats and Rural Development and] the State Government for information. ^|The Director of Panchayats and Rural Development| shall publish the names of the Pradhan and the Upa-Pradhan in the Official Gazette.

(10)The papers relating to the election of the Pradhan or the Upa-Pradhan shall be sent by the Presiding Officer to the prescribed authority for safe custody. The prescribed authority shall keep the papers in safe custody for six months after which they may be destroyed.

CHAPTER III

Election of Sabhapati and Sahakari Sabhapati of Panchayat Samiti

4. Election of Sabhapati and Sahakari Sabhapati of Panchayat Samiti

(1) As soon as may be after the constitution of a *Panchayat Samiti* is notified in the Official Gazette under sub-section (3) of section 94 but not later than twenty-one days from the date of publication of the notification or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf, the prescribed authority appointed for the purpose of sub-section (2) of section 98 shall call a meeting of all the members preferred to in clause (ii) of sub-section (2) of section 94] of the Panchayat Samiti for the taking of oath and for the election of a Sabhapati and a Sahakari Sabhapati of the Panchayat Samiti, by fixing a date, place and lime and by causing a written notice to this effect in Form 1 to be '[served on each of the members, referred to in clause (ii) of sub-section (2) of section 94]. of the Panchayat Samiti at least 7 ²[seven] days before the date fixed for the meeting.

(2) Such meeting shall be presided over by such officer, not below the rank of a ³[group A officer] as may be authorised by the prescribed authority in Form 2, and such officer shall not be entitled to vote at the election.

(3) On the date of the meeting if there is no quorum ⁴[consisting of one-fourth of the total number of members referred to in clause (ii) of sub-section (2) of section 94], the Presiding Officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of Panchayat Samiti referred to in sub-rule (1) shall apply :

Provided that no quorum shall be necessary in an adjourned meeting.

(4)⁵[The members who are required to take oath under section 197 shall, before taking the seats, make and subscribe an oath or affirmation in Form 3 before the Presiding Officer).

⁶ [Provided that the members who have already made and subscribed such oath or affirmation, need not do so again].

⁷[(5)***1

(6) The Presiding Officer shall call upon the members present to propose and second the names of the ⁸ [eligible candidates for election] of the *Sabhapati* of the *Panchayat Samiti*. He shall record the names of the candidates proposed together with the names of the proposers and the seconders. He shall then call upon each candidate to furnish a written declaration in Form 3A to the effect that on being elected, he shall be a whole-time functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner as shall or is likely to interfere with due exercise of his powers, due performance of his functions or due discharge of his duties. If the declaration in Form 3A is not received from any candidate, the Presiding Officer shall reject his candidature on recording the reason, and thereafter the list of candidates shall be made final. He shall reject any proposal after the list of candidates has been finalised by him.

(7) The Presiding Officer shall then conduct the election of the Sabhapati in the same manner as laid down in sub-rules (7), (8), (9) and (10) of rule 3.

(8) After the election of the Sabhapati, the election of the Sahakari Sabhapati shall be held in the aforesaid manner.

CHAPTER IV-A¹

Election of Sabhadhipati and Sahakari Sabhadhipati of Mahakuma Parishad

5A. Election of Sabhadhipati and Sahakari Sabhadhipati of Mahakuma Parishad

(1) As soon as may be after the constitution of a *Mahakuma Parishad* is notified in the Official Gazette under sub-section (3) of section 185B but not later than ²[twenty one] days from the date of publication of the notification or within such further time as may be allowed by the District Panchayat Election Officer for reasons

to be recorded by him in this behalf, the prescribed authority appointed for the purpose of sub-section (2) of section 143, read with sub-section (6) of section 185B shall call a meeting of all the members referred to in clause (ii) of sub-section (3) of section 185B¹ of the *Mahakuma Parishad* for taking of oath and for the election of *Sabhadhipati* and *Sahakari Sabhadhipati* of the *Mahakuma Parishad* by fixing a date, place and time and by causing a written notice to this effect in Form 1 to be ⁴[served on each of the members, referred to in clause (ii) of sub-section (3) of section 185B¹ of the *Mahakuma Parishad* at least seven days before the date fixed for the meeting.

(2) Such meeting shall be presided over by such officer not below the rank of group 'A' officer, as may be authorised by the prescribed authority in Form 2, and such officer shall not be entitled to vote at the election.

(3) On the date of the meeting, if there is no quorum ⁵[consisting of one-fourth of the total number of members referred to in clause (ii) of sub-section (3) of section 185B¹, the Presiding Officer shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the prescribed authority and the provisions regarding notice to members of the *Mahakuma Parishad* as referred to in sub-rule (1) of this rule shall apply :

Provided that no quorum shall be necessary in an adjourned meeting.

(4) The Presiding Officer shall then conduct the election of the *Sabhadhipati* or *Sahakari Sabhadhipati* in the same manner as laid down ^A[in sub-rules (4), (6), (7) and (8)] of rule 4.

⁷[Provided that the Presiding Officer shall allow only such candidates for election who are eligible under the order if any, in Form ID referred to in rule 2B.]

CHAPTER V

Resignation of and filling up of casual vacancy in the office of the Pradhan and Upa-Pradhan of a Gram Panchayat, Sabhapati and Sahakari Sabhapati of Panchayat Samiti or Sabhadhipati and Sahakari Sabhadhipati of [Mahakuma]¹ Zilla Parishad

6. (1) As soon as may be but not later than thirty days from the date of any casual vacancy in the office of Pradhan or Upa-Pradhan, Sabhapati or Sahakari

Sabhapati or Sabhadhipati or Sahakari Sabhadhipati by reason of death, resignation, removal or otherwise, or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf ²the prescribed authority referred to in sub-rule (1) of rule 3, sub-rule (1) of rule 4, sub-rule (1) of rule 5, or sub-rule (1) of rule 5A] shall call a meeting of all the members ³[eligible to participate under rule 3, rule 4, rule 5 or rule 5A, as may be appropriate] for the election of a Pradhan or an Upa-Pradhan, a Sabhapati or a Sahakari Sabhapati, a Sabhadhipati or a Sahakari Sabhadhipati, as the case may be, by fixing a date, place and time and causing a written notice to this effect in Form 1 ⁴[to be served on each such member] at least ⁶[seven] days before the date fixed for such meeting.

⁶[(I A) Such meeting shall be presided over by such officer as may be authorised by the prescribed authority in Form 2 and such officer shall not be entitled to vote at the election].

(2) On the date of the meeting if there is no quorum, as provided in ⁷[sub-rule (3) of rule 3, sub-rule (3) of rule 4, sub-rule (3) of rule 5 or sub-rule (3) of rule 5A.]⁸ [the Presiding Officer] shall adjourn the meeting. The adjourned meeting shall be held on such date, place and time as may be fixed by the ⁹[prescribed authority] and the provisions regarding notice to members referred to in sub-rule (1) shall apply :

Provided that no quorum shall be necessary for an adjourned meeting.

(3) The ⁹[Presiding Officer] shall then conduct the election of the Pradhan or Upa-Pradhan, Sabhapati or Sahakari Sabhapati, or Sabhadhipati or Sahakari Sabhadhipati, as the case may be, in the same manner as laid down in¹⁰ [sub-rules (6), (7), (8) and (9)] of rule 3 "[and sub-rules (6), (7) and (8) of rule 4] as far as applicable.

(4) The papers relating to an election to fill a casual vacancy shall be kept in safe custody by the ¹¹[prescribed authority] for six months after which they may be destroyed.

CHAPTER VI

Number of members of Sthayee Samiti of Panchayat Samiti

Key word: Number of members of Sthayee Samiti of Panchayat Samiti

7.

The number of members of each *Sthayee Samiti* of a *Panchayat Samiti* to be elected by members of a *Panchayat Samiti* under clause (b) of sub-section (2) of section 124 shall be as follows :

Number of members of a Panchayat Samiti under section 94 (2)	Number of members of each Sthayee Samiti of Panchayat Samiti
(1)	(2)
² [15 and below 16 to 30 31 and above]	3 4 5

³[Provided that the number of members of a *Sthayee Samiti* already constituted shall remain unchanged for its unexpired term].

CHAPTER VII

Election of members of Sthayee Samiti of Panchayat Samiti

8. Election of members of Sthayee Samiti of Panchayat Samiti

(1) Within one week I mm the date of election of the Sabhapati of a Panchayat Samiti ⁴[or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf], the Sub-divisional Officer shall call a meeting of the members of Panchayat Samiti for election under clause (b) of sub-section (2) of section 124 of members of the Sthayee Samitis by fixing a date, time and place and by causing a written notice thereof in Form 1 to be served on each member of the Panchayat Samiti at least ⁵[seven] days before the date fixed for the purpose.

(2) Such meeting shall be presided over by such officer not below the rank of a ⁶[group A officer] as may be authorised by the Sub-divisional Officer in Form 2 and such officer shall not be entitled to vote at the election.

(3) If on the date of the meeting there is no quorum as provided for in sub-section (3) of section 105, the Presiding Officer shall adjourn the meeting which shall be held on a date to be fixed by the Sub-divisional Officer. The adjourned meeting shall be held on such date, place and time as may be fixed by the Sub-divisional Officer and the provisions regarding notice to members of Panchayat Samiti referred

to in sub-rule (1) shall apply :

Provided that no quorum shall be necessary for an adjourned meeting.

(4) There shall be as many receptacles as there are Sthayee Samitis to be constituted, each receptacle bearing a label mentioning the name of Sthayee Samiti for which it is meant. The Presiding Officer shall, as soon as may be, after the commencement of the meeting, satisfy all the members present that the receptacles are empty and shall then place them in the view of himself and the attending members.

(5) The election of Sthayee Samiti shall be conducted one after another in the same order as mentioned in sub-section (1) of section 124.

(6) The Presiding Officer shall call upon the members present to propose and second the names of candidates in conformity with the provisions of sub-section (3) of section 124 for election as members of a Sthayee Samiti. He shall record the names of the candidates proposed for the Sthayee Samiti, together with the names of their proposers and seconders. If the number of candidates proposed and seconded for a Sthayee Samiti is equal to or less than the number of seats prescribed under rule 7, the Presiding Officer shall declare them in Form 4 to be duly elected members of the Sthayee Samiti.

(7) When the number of candidates declared to be elected under sub-rule (6) is less than the number of seats prescribed, the Sub-divisional Officer shall call a meeting of members of the Panchayat Samiti for a fresh election to complete the number and the provisions regarding notice to members referred to in sub-rule (1) shall apply.

(8) If more than the prescribed number of seats are proposed and seconded for a Sthayee Samiti, the Presiding Officer shall cause to be prepared as many ballot papers in Form 5 as there are members present, each ballot paper bearing the name of the Sthayee Samiti and containing the names of the candidates ²[in the alphabetical order of] their surnames for election to the Sthayee Samiti.

^(9) The Presiding Officer shall put his signature with date on the back of each ballot paper and shall hand over a ballot paper to each member present after writing the name of that member and obtaining his dated initial on the back of the ballot paper. He shall then ask each member to record his vote by placing the mark 'X' in the place provided for the purpose in the ballot paper opposite to the name of the candidate

or candidates for whom the member intends to vote and then place it in the receptacle bearing the label of the Sthayee Samiti concerned.]

⁴[(10) Immediately after voting is over, the Presiding Officer shall, in the presence of the attending members, take out the ballot papers from the receptacle, count them and record the number thereof in Form 6. On being requested by any member present, the Presiding Officer may, at the time of counting, show both sides of any ballot paper to the member or members ; but he shall not allow any member to touch the ballot paper.]

(11)The Presiding Officer may reject may ballot paper which, in his opinion, raises a reasonable doubt as to for whom the voter cast the vote, after recording a note to this effect on the ballot papers so rejected. He shall in Form 7 declare the prescribed number of candidates who have secured the larger number of votes in order of merit to be duly elected as members of the *Sthayee Samiti* concerned.

(12)In case of an equal number of votes recorded in favour of two or more candidates, selection shall be made of such candidates by lot in such manner as the Presiding Officer shall deem fit and thereupon the candidates thus selected shall be declared to be duly elected as member of the *Sthayee Samiti*

(13)As soon as election of members to all the *Sthayee Samitis* is completed in the aforesaid manner, the Presiding Officer shall forthwith forward the names of elected members of all the *Sthayee Samitis* to the *Sabhapati* of *Panchayat Samiti* and to the Sub-divisional Officer for publication in their offices. The Sub-divisional Officer shall forward the names of elected members of all the *Sthayee Samiti* to the '[District Panchayat Election Officer, the Director of Panchayats and Rural Development, the Commission] and the State Government for information. ²[The Director of Panchayats and Rural Development shall] publish the names of the members of the *Sthayee Samiti* in the Official Gazette.

(14)The papers relating to the election of members to *Sthayee Samitis* of the *Panchayat Samiti* shall be sent to the Sub-divisional Officer for safe custody. The Sub-divisional Officer shall keep the papers in safe custody for three months after which they may be destroyed.

CHAPTER VIII

Election of Karmadhyaksha of a Sthayee Samiti of Panchayat Samiti

9. Election of Karmadhyaksha of a Sthayee Samiti of Panchayat Samiti

(1) Within one week from the ³[dale of completion of elections of all the members] of a Sthayee Samiti under clause (b) of sub-section (2) of section 124 ⁴[or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf] the Sub-divisional Officer

shall call a meeting of the members of each Sthayee Samiti other than members appointed under clause (c) of sub-section (2) of that section by fixing a date, place and time and by causing a notice thereof in Form 1 to be served on each member to the Sthayee Samiti at least [^]seven] days before the date fixed for the election of a Karmadhyaksha.

(2) The election meeting shall be presided over by an officer not below the rank of '[group A officer] as may be authorised by the Sub-divisional Officer in Form 2. Such officer shall not be entitled to vote at the election.

(3) The election of the Karmadhyaksha of the Sthayee Samiti shall be conducted in the same manner as laid down under ²[sub-rules (3), (6) and (7)] of rule 3 as far as applicable :

³[Provided that not less than one half of total number of elected members] of the Sthayee Samiti shall form a quorum for the meeting:

⁴[Provided further that] no quorum is necessary in an adjourned meeting.

(4) The Presiding Officer shall send the name of the Karmadhyaksha of each Sthayee Samiti to the Sub-divisional Officer who shall forward the same to the Sabhapati of the Panchayat Samiti as also to the District Panchayat Election Officer, ⁵[the Director of Panchayats and Rural Development, the Commission] and the State Government for information. ⁶[The Director of Panchayats and Rural Development] shall publish the name of the Karmadhyaksha in the Official Gazette.

(5) The Presiding Officer shall send the papers relating to the election of Karmadhyaksha to Sthayee Samitis of a Panchayat Samiti to the Sub-divisional Officer for safe custody. The Sub-divisional Officer shall keep the papers in safe custody for three months after which they may be destroyed.

(6) The name of the Karmadhyaksha along with the names of members of each Sthayee Samiti shall then be published in the offices of the Sub-divisional Officer and the Panchayat Samiti.

CHAPTER IX

Election of members of Sthayee Samiti of ⁷ [Mahakuma]/ Zilla Parishad

Key word : Election of members of Sthayee Samiti of ⁷ [Mahakuma]/ Zilla Parishad

10. The number of ⁸[members of] each *Sthayee Samiti* of a *Zilla Parishad* to be elected by the members of the *Zilla Parishad* under clause (b) of sub-section (2) of section 171 shall be as follows:

Number of members of a <i>Zilla Parishad</i> under section 140(2) ⁹ [or section 140(5)(a)]	Number of members of each <i>Sthayee Samiti</i> of <i>Zilla Parishad</i>
(1)	(2)
30 and below	3
31 to 60	4
61 and above	5

¹⁰[10A. The number of members of *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* or any other *Sthayee Samiti*, that may be constituted, of the *Mahakuma Parishad* to be elected by the members of the *Mahakuma Parishad* under sub-clause (ii) of clause (c) of sub-section (7) of section 185B, shall be three].

CHAPTER X

Election of members -of Sthayee Samitis of ²[Mahakuma] Zilla Parishad

11. Election of members -of Sthayee Samitis of ²[Mahakuma] Zilla Parishad

(1) Within one week from the date of election of the *Sabhadhipati* of a *Zilla Parishad* ³[or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf], the District Magistrate shall call a meeting of the members of the *Zilla Parishad* for election of members of the *Sthayee Samitis* by fixing a date, time and place and by causing a written notice thereof in Form 1 to be served on each member of the *Zilla Parishad* at least ⁴[seven] days before the date fixed for the purpose.

(2) The election meeting shall be presided over by an officer not below the rank of a ⁵[group A officer] authorised in this behalf in Form 2 by the District Magistrate. Such officer shall not be entitled to vote at this election.

(3) The election shall be conducted, as far as possible, in the manner as laid down under sub-rule (3) to (12) of rule 8.

(4) As soon as election of members to all *Sthayee Samitis* is completed the Presiding Officer shall forward to the District Magistrate and the *Sabhadhipati* of the *Zilla Parishad* the names of the candidates elected as members of each *Sthayee Samiti* for publication in their offices. The District Magistrate shall forward these names of elected members of *Sthayee Samitis* to the District Panchayat Election Officer,⁶[the Director of Panchayats and Rural Development, the Commission] and the State Government for information. ⁷f The Director of Panchayats and Rural Development shall] publish the names of the members of the *Sthayee Samiti* in the Official Gazette.

(5) The papers relating to the election of members to the *Sthayee Samitis* shall be sent to the District Magistrate for safe custody. The District Magistrate shall keep the papers in safe custody for three months after which they may be destroyed.

11A. Election of members -of Sthayee Samitis of ²[Mahakuma] Zilla Parishad

11A. (1) Within one week from the date of election of *Sabhadhipati* of a *Mahakuma Parishad* or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf the District Magistrate shall call a meeting of the members of the *Mahakuma Parishad* for election of members of the *Sthayee Samitis* by fixing a date, time and place and by causing a written notice thereof in Form 1 to be served on each member of the *Mahakuma Parishad* at least seven days before the date fixed for the purpose.

(2) The meeting shall be presided over by an officer not below the rank of a group 'A' officer authorised in this behalf in Form 2 by the District Magistrate. Such officer shall not be entitled to vote at this election.

(3) The election shall be conducted, as far as possible, in the manner as laid down under sub-rules (3) to (12) of rule 8.

(4) As soon as election of members to all *Sthayee Samitis* is completed, the Presiding Officer shall forward to the District Magistrate and the *Sabhadhipati* of the *Mahakuma Parishad*, the names of the candidates elected as members of each *Sthayee Samiti* for publication in their offices. The District Magistrate shall forward the

names of elected members of *Sthayee Samitis* to the District Panchayat Election Officer, [the Director of Panchayats and Rural Development, the Commission and] the State Government for information. ²[The Director of Panchayats and Rural Development shall ¹ publish the names of the members of the *Sthayee Samiti* in the Official Gazette.

The papers relating to the election of the members to the *Sthayee Samitis* shall be sent to the District Magistrate for safe custody. "[The District Magistrate shall keep the papers in safe custody for three months after which they may be destroyed.]

CHAPTER XI

Election of Karmadhyaksha of *Sthayee Samiti* of \Mahakuma\Zilla Parishad

12. Election of Karmadhyaksha of *Sthayee Samiti* of \Mahakuma\Zilla Parishad

12. (1) Within one week from the ⁵[date of completion of elections of all members] of *Sthayee Samiti* under ¹¹[sub-clause (ii) of clause (c) of sub-section (7) of section 185B or under clause (b) of sub-section (2) of section 171, as the case may be]⁷ [or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf! the District Magistrate shall, by a notice in Form 1, call a meeting of the members of each *Sthayee Samiti* other than the members appointed under clause (c) of sub-section (2) of that section for the election of Karmadhyaksha. Such notice shall specify the date, time and place of the meeting and shall be served at least "[seven] days before the date fixed for the meeting.

(2) The election meeting shall be presided over by such officer, not below the rank of a ⁹[group A officer] as may be authorised in this behalf, in Form 2 by the District Magistrate. Such officer shall not be entitled to vote at the election.

(3) The election of Karmadhyaksha of a *Sthayee Samiti* shall be conducted in the same manner as laid down under [sub-rules (4), (6) and (7)] of rule 4 as far as applicable :

Provided that not less than one half of the elected members]² of a *Sthayee Samiti* shall form a quorum for the meeting :

Provided further that no quorum shall be necessary in an adjourned meeting.

(4) The Presiding Officer shall send the name of the Karmadhyaksha of each Sthayee Samiti to the Sabhadhipati of the \Mahakuma Parishad or Zilla Parishad as the case may be] and the District Magistrate who shall forward the same to the District Panchayat Election Officer, ⁴[the Director of Panchayats and Rural Development, the Commission) and the State Government for information. "[The Director of Panchayats & Rural Development shall] publish the name of Karmadhyaksha in the Official Gazette.

(5) The Presiding Officer shall send the papers relating to the election of Karmadhyaksha to a Sthayee Samiti of a \Mahakuma Parishad or Zilla Parishad as the case may be] to the District Magistrate for safe custody. The District Magistrate shall keep the papers in safe custody for three months after which they may be destroyed.

(6) The names of Karmadhyaksha along with the names of the members of each Sthayee Samiti shall then be published in the offices of the \Mahakuma Parishad or Zilla Parishad as the case may be] and the District Magistrate.

CHAPTER XII

Resignation of and filling up of casual vacancy in the office of the Karmadhyaksha or any member of a Sthayee Samiti of a Panchayat Samiti or a ⁶[Mahakuma Parishad] or Zilla Parishad

13. Resignation of and filling up of casual vacancy in the office of the Karmadhyaksha or any member of a Sthayee Samiti of a Panchayat Samiti or a ⁶[Mahakuma Parishad] or Zilla Parishad

[13. (1) The Karmadhyaksha or any other member of Sthayee Samiti of a Panchayat Samiti may resign his office by giving notice in writing to the Sabhapati [who shall cause the notice to be placed within a period not exceeding one month before the Panchayat Samiti in its meeting] and on such resignation being accepted by the Panchayat Samiti, the Karmadhyaksha or such member shall be deemed to have vacated his office.]

(2) The Karmadhyaksha or any other member of a Sthayee Samiti of [the

Mahakuma Parishad] or a Zilla Parishad may resign his office by giving notice in writing to the Sabhadhipati ²[who shall cause the notice to be placed within a period not exceeding one month before the Mahakuma Parishad or the Zilla Parishad, as the case may be, in its meeting], and on such resignation being accepted by the Mahakuma Parishad or Zilla Parishad, the Karmadhyaksha or such member shall be deemed to have vacated his office.]

CHAPTER XII

Resignation of and filling up of casual vacancy in the office of the Karmadhyaksha or any member of a Sthayee Samiti of a Panchayat Samiti or a ⁶[Mahakuma Parishad] or Zilla Parishad

14. Resignation of and filling up of casual vacancy in the office of the Karmadhyaksha or any member of a Sthayee Samiti of a Panchayat Samiti or a ⁶[Mahakuma Parishad] or Zilla Parishad

14. (1) Any casual vacancy in the office of the Karmadhyaksha of a Sthayee Samiti of a Panchayat Samiti or ¹[Mahakuma Parishad] or a Zilla Parishad by death, resignation, removal or otherwise shall be filled by election in the manner laid down in rules 9 or 12 as the case may be.

(2) When a casual vacancy in the office of a Karmadhyaksha of a Sthayee Samiti of a Panchayat Samiti occurs, the Sub-divisional Officer shall, by a notice in Form 1, [^]call, within fifteen days from the date of the casual vacancy or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf, a meeting] of the members of the Sthayee Samiti for election of a Karmadhyaksha.

(3) When a casual vacancy in the office of Karmadhyaksha of a Sthayee Samiti of ¹[Mahakuma Parishad] or a Zilla Parishad occurs, the District Magistrate shall, by a notice in Form 1, ³[call, within fifteen days from the date of the casual vacancy or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in this behalf a meeting of the members] of the Sthayee Samiti for the election of a Karmadhyaksha.

____ CHAPTER XII

Resignation of and filling up of casual vacancy in the office of the Karmadhyaksha or any member of a Sthayee Samiti of a Panchayat Samiti or a ⁶[Mahakuma Parishad] or Zilla Parishad

15. Resignation of and filling up of casual vacancy in the office of the Karmadhyaksha or any member of a Sthayee Samiti of a Panchayat Samiti or a ⁶[Mahakuma Parishad] or Zilla Parishad

15.(1) Any casual vacancy in the office of an elected member of a Sthayee Samiti of a Panchayat Samiti shall be filled by a fresh election.

(2) When a casual vacancy in the office of an elected member occurs, the Sub-divisional Officer shall, within thirty days ⁴[or within such further time as may be allowed by the District Panchayat Election Officer for reasons to be recorded by him in writing in this behalf], by a notice in Form 1, call a meeting of the members of the Panchayat Samiti for the election of a member. The Provisions of rule 8 shall, as far as may be, apply to such election.

16. Resignation of and filling up of casual vacancy in the office of the Karmadhyaksha or any member of a Sthayee Samiti of a Panchayat Samiti or a ⁶[Mahakuma Parishad] or Zilla Parishad

16.(1) Any casual vacancy in the office of an elected member of a Sthayee Samiti of ¹[Mahakuma Parishad or] a Zilla Parishad shall be filled by a fresh election.

(2) When a casual vacancy in the office of an elected member occurs, the District Magistrate shall, within thirty days ⁵[or within such further time as may be allowed by the District Panehayal Election Officer for reasons to be recorded by him in writing in this behalf], by a notice in Form 1, call a meeting of the members of the ¹[Mahakunui Parishad or] Zilla Parishad for the election of a member. The provisions of rule 11 shall, as far as may be, apply to such election.

_____ ²CHAPTER XIII

**Removal of a member of Sthayee Samiti of a Panchayat Samiti or
[Mahakuma]/Zilla Parishad**

**17. Removal of a member of Sthayee Samiti of a Panchayat Samiti or
[Mahakuma]/Zilla Parishad**

17. (1) The Sub-divisional Officer may, after giving an opportunity to show cause, by order, remove a member, other than members referred to in clause (a) and (c) of sub-section (2) of section 124, from office if he is absent from three consecutive meetings of a Sthayee Samiti without the leave of the Sthayee Samiti.

(2) The District Magistrate may, after giving an opportunity to show cause, by order, remove a member, other than the members referred to in [clauses (i), (iii) and (iv) of sub-section (3) of section 185B] or in clauses (a) and (c) of sub-section (2) of section 171, as the case may be, from office if he is absent from three consecutive meetings of a Sthayee Samiti of the [Mahakuma or] Zilla Parishad without the leave of the Sthayee Samiti.

(3) Any member of a Sthayee Samiti of a Panchayat Samiti who is removed from office under sub-rule (1) may, within thirty days from the date of the order, appeal to the District Magistrate against the order of such removal.

(4) Any member of a Sthayee Samiti of [the Mahakuma or] a Zilla Parishad who is removed from office under sub-rule (2) may, within thirty days from the date of the order, appeal to the Divisional Commissioner against the order of such removal.

(5) The District Magistrate or the Divisional Commissioner, as the case may be, may stay the operation of the order made under sub-rule (1) or sub-rule (2), as the case may be, till the disposal of the appeal and may, after giving notice of the appeal to the Sub-divisional Officer or the District Magistrate, as the case may be and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order. The order passed by the District Magistrate or the Divisional Commissioner, as the case may be, on such appeal shall be final.

(6) A member of a Sthayee Samiti of a Panchayat Samiti or [Mahakuma Parishad or] a Zilla Parishad may, at any time, be removed from office by a resolution of the Panchayat Samiti or the [Mahakuma Parishad or a] Zilla Parishad, as the case

18 (1) The Sub-divisional Officer may, after giving an opportunity to show cause, by order, remove a Karmadhyaksha of a Sthayee Samiti of a Panchayat Samiti, other than the Karmadhyaksha referred to in the first proviso to sub-section (1) of section 125, from office if he fails to convene the meetings of the Sthayee Samiti for three consecutive months.

(2) The District Magistrate may, after giving an opportunity to show cause, by order, remove a Karmadhyaksha of a Sthayee Samiti of '[the Mahakuma Parishad or] a Zilla Parishad, other than the Karmadhyaksha referred to in the second proviso to sub-section (1) of section 172. from office if he fails to convene the meetings of the Sthayee Samity for three consecutive months.

(3) The Karmadhyaksha of a Sthayee Samiti of a Panchayat Samiti who is removed under sub-rule (1) may, within thirty days from the date of the order, appeal to the District Magistrate against the order of such removal.

(4) The Karmadhyaksha of a Sthayee Samiti of¹ [the Mahakuma Parishad or] Zilla Parishad who is removed under sub-rule (2) may, within thirty days from the date of the order, appeal to the Divisional Commissioner against the order of such removal.

(5) The District Magistrate or the Divisional Commissioner, as the case may be, may stay the operation of the order made under sub-rule (1) or sub-rule (2) as the case may be, till the disposal of the appeal and may, after giving notice of the appeal to the Sub-divisional Officer or the District Magistrate, as the case may be and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order. The order passed by the District Magistrate or the Divisional Commissioner, as the case may be, on such appeal shall be final.

(6) (a) The Karmadhyaksha of a Sthayee Samiti of a Panchayat Samiti or '[the Mahakuma Parishad or] a Zilla Parishad when required in writing by not less than three members, other than the members appointed under clause (c) of sub-section

(2) of section 124 ¹[or under sub-clause (iii) of clause (c) of sub-section (7) of section 185B] or under clause (c) of sub-section (2) of section 171, as the case may be, to call a meeting of the *Sthayee Samiti* for the ²[sole purpose of removal! of the *Karmadhyaksha* shall do so fixing the date of such meeting within fifteen days, after giving intimation to the Sub-divisional Officer or the District Magistrate, as the case may be and seven days' notice to the other members of the *Sthayee Samiti* having right to vote, failing which the members as aforesaid may call a meeting after giving intimation to the Sub-divisional Officer or the District Magistrate, as the case may be and seven days' notice to the *Karmadhyaksha* of the *Sthayee Samiti* and all other members of the *Sthayee Samiti* having right to vote. Such meeting shall be held in the office of the *Panchayat Samiti* or [^][the *Mahakuma Parishad* or] the *Zilla Parishad*, as the case may be, on such date and at such time as the members calling the meeting may decide.

⁴[(b) The *Karmadhyaksha* of the *Sthayee Samiti* may be removed from office by a resolution of the *Sthayee Samiti* at a meeting referred to in clause (a), carried by at least half of the existing members having the right to vote, subject to a minimum of three members].

(c) The *Karmadhyaksha* of the *Sthayee Samiti* though present in the meeting referred to in clause (a) or clause (b) shall not preside over the meeting and the other members present shall elect one from amongst themselves to preside over such meeting. The person presiding shall not have a second or casting vote even in case of equality of votes.

West Bengal Act XXI of 2003

THE WEST BENGAL PANCHAYAT ELECTIONS ACT, 2003.

Part I Chapter I Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the West Bengal *Panchayat* Elections Act, 2003.

(2) It extends to the whole of West Bengal, except the areas referred to in sub-section (2) of section 1 of the West Bengal *Panchayat* Act, 1973.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. Definition.

In this Act, unless the context otherwise requires,—

- (1) "article" means an article of Constitution;
- (2) "Assistant *Panchayat* Electoral Registration Officer" means an officer appointed as such under sub-section (3) of section 6 of the West Bengal State Election Commission Act, 1994;
- (3) "Assistant *Panchayat* Returning Officer" means an officer appointed as such under sub-section (3) of section 6 of the West Bengal State Election Commission Act, 1994;
- (4) "cognizable offence" has the same meaning as in clause (c) of section 2 of the Code of Criminal Procedure, 1973;
- (5) "Commission" means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;
- (6) "Constitution" means the Constitution of India;
- (7) "corrupt practice" has the same meaning as specified in section 123 of the Representation of the People Act, 1951;
- (8) "District *Panchayat* Election Officer" means an officer appointed as such by the State Election Commissioner under sub-section (1) of section 6 of the West Bengal State Election Commission Act, 1994;
- (9) "election" means the election to fill a seat or seats in a *Gram Panchayat*, *Panchayat Samiti* and *Zilla Parishad* or *Siliguri Mahakuma Parishad*, as the case may be;
- (10) "elector", in relation to a constituency of a *Gram Panchayat*, *Panchayat Samiti*, *Zilla Parishad* or *Siliguri Mahakuma Parishad*, means the person whose name is entered in the electoral roll of that *Gram Panchayat*, *Panchayat Samiti*, *Zilla Parishad* or *Siliguri Mahakuma Parishad*, for the time being in force, and who is not subject to any of the disqualifications mentioned in section 16 of the Representation of the People Act, 1950;
- (11) "local party" means a party recognized as such by the Commission;
- (12) "member" means a person elected at an election to fill seats in a *Gram Panchayat*, *Panchayat Samiti*, *Zilla Parishad* or *Siliguri Mahakuma Parishad*,

- (13) "notification" means a notification published in the *Official Gazette*;
- (14) "Presiding Officer" includes any polling officer when performing any of the functions of a Presiding Officer;
- (15) "polling station" in relation to an election means the place for taking poll of that election;
- (16) "*Panchayat* area" means the territorial area of a *Panchayat* as referred to in clause (e) of article 243 of the Constitution;
- (17) "*Panchayat* Electoral Registration Officer" means an officer appointed as such by the State Election Commissioner under sub-section (1) of section 6 of the West Bengal State Election Commission Act, 1994 and includes an Assistant *Panchayat* Electoral Registration Officer;
- (18) "*Panchayat* Returning Officer" means an officer appointed as such by the State Election Commissioner under sub-section (1) of section 6 of the West Bengal State Election Commission Act, 1994 and includes an Assistant *Panchayat* Returning Officer;
- (19) "prescribed" means prescribed by rules made under this Act;
- (20) "prescribed authority" means an authority appointed by the State Government, by notification, for all or any of the purposes of the Act;
- (21) "public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881;
- (22) "qualifying date" means the date specified as such by the Commission by notification for the purposes of this Act;
- (23) "recognized political party" means a National party or a State party recognized as such by the Election Commission of India by notification for the time being in force;
- (24) "sign" in relation to a person who is unable to write his name, means to authenticate in such manner as may be prescribed;
- (25) "State Election Commissioner" means the State Election Commissioner referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;
- (26) "State Government" has the same meaning as in the West Bengal *Panchayat* Act, 1973;

(d) such person is a woman and is an elector in relation to that *Gram Panchayat*, in the case of a seat reserved for Women;

(e) such person is an elector in relation to that *Gram Panchayat*, in the case of any other seat.

Part II
Qualifications and Disqualifications
Chapter II
Qualifications

6. Qualifications for membership of a Zilla Parishad or the Siliguri Mahakuma Parishad.

A person shall be qualified to be chosen to fill up a seat in a *Zilla Parishad* or the *Siliguri Mahakuma Parishad*, if –

(a) such person is a citizen of India and his name is included in the electoral roll prepared in accordance with such rules made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for purposes of an election pertaining to any Block within the District and is not less than twenty-one years of age on the date fixed for scrutiny of the nomination papers of an election;

(b) such person is a member of any of the scheduled castes and is an elector in relation to that *Zilla Parishad* or the *Siliguri Mahakuma Parishad* in the case of a seat reserved for the Scheduled Castes;

(c) such person is a member of any of the scheduled tribes and is an elector in relation to that *Zilla Parishad* or the *Siliguri Mahakuma Parishad* in the case of a seat reserved for the Scheduled Tribes;

(d) such person is a woman and is an elector in relation to that *Zilla Parishad* or the *Siliguri Mahakuma Parishad* in the case of a seat reserved for Women;

(e) such person is an elector in relation to that *Zilla Parishad* or the *Siliguri Mahakuma Parishad* in the case of any other seat.

The West Bengal Panchayat

(Gram Panchayat Administration) Rules, 2004.

Part-II

Gram Panchayat Administration

Chapter II

Meeting of a Gram Panchayat

7. Presiding member to verify the service-return of the office copy of the notice of the list of business.—On the date of meeting, the Pradhan, the Upa-Pradhan or the presiding member, as the case may be, shall verify the service-return of the notice containing the list of business in the office copy and on being satisfied that the notice has been duly served on all the members, the business shall be taken up by him for discussion. If the notice is not served on any one of the members, the meeting may be postponed and the Pradhan or the Upa-Pradhan may fix another date by giving fresh notice of seven days on all the members in Form 3.

8. Adjournment of meeting for want of quorum.—If, within one hour from the time appointed for holding a meeting of a Gram Panchayat, quorum is not formed, the meeting shall be adjourned and may be held on another date to be fixed by the Pradhan or the Upa-Pradhan. The members shall be informed of the date, place and time of the adjourned meeting by a fresh seven days' notice in Form 3. No quorum shall be necessary for such adjourned meeting. No business other than that included in the list of business for transaction at the original meeting shall be brought before or transacted at an adjourned meeting.

9. Note to be kept of the failure to hold meeting for want of quorum.—When a meeting of a Gram Panchayat is not held for want of quorum, the Pradhan or the Upa-Pradhan or the Secretary of the Gram Panchayat shall make a note to that effect in the attendance Register-cum-minute book referred to in rule 10.

10. Minute book of meeting.—(1) An attendance Register-cum-minute book in Form 2 shall be maintained by the Secretary of the Gram Panchayat 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-minute book and shall be read out before the meeting is concluded. The person who presides over the meeting shall thereafter put his signature.

11. Resolution pressed for division.—If there is difference of opinion on any resolution, it shall be put to vote. Every such resolution shall be recorded in the minute book recording the names of the members voting for or against the resolution.

12. Manner of voting.—When a question is put to vote, the presiding member shall decide the manner in which the member shall cast their votes:

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

13. Voting by proxy prohibited.—No vote shall be given by proxy and no member shall vote if he is not present in person at the time of voting.

14. Language in which minutes are to be recorded.—The minute of the proceedings of a meeting shall be recorded either in Bengali or in Nepali or in English.

15. Person responsible to record the minute.—The proceedings of a meeting shall be recorded by the Secretary of the Gram Panchayat or, in his absence, by the Sahayak of the Gram Panchayat or in their absence by such employee, other than a Gram Panchayat Karmee of the Gram Panchayat, or in their absence by such member of the Gram Panchayat as may be authorised by the presiding member in this behalf.

**The West Bengal Panchayat
(Gram Panchayat Administration) Rules, 2004
Part-II
Gram Panchayat Administration
Chapter III
Report on the work of the Gram Panchayat**

16. Report on the work of the previous year and the proposed work of the following year.—(1) The Gram Panchayat shall prepare a report showing the work done during the previous year under different project or programme or scheme and the receipts from different sources and the expenditure incurred for each type of work. Any work done which cannot be classified under any specific head shall be shown under the head "Miscellaneous work" The report shall show the amount of fund placed at the disposal of the Gram Panchayat under section 22 of the Act and the amount spent for the performance of any function under section 20 or for making any provision under section 21 of the Act. The amount spent on miscellaneous work, if any, shall be shown separately in the report. The report shall be in Form 3A.

(2) The Gram Panchayat shall also prepare a report in Form 3A on the work proposed to be done during the following year, indicating therein the anticipated receipts from different sources and the nature of work proposed to be executed.

(3) The reports under sub-rules (1) and (2) shall be brought before a meeting of the Gram Panchayat and shall be accepted for discussion in the annual meeting of the Gram Sansad in the month of May or soon thereafter.

(4) After discussions in the meeting of the Gram Sansad, the Gram Panchayat shall consider the objections and recommendations, if any, of the Gram Sansad, and if necessary, revise the report accordingly. The Gram Panchayat shall adopt the revised report by a resolution.

(5) The reports as aforesaid shall be submitted to the prescribed authority and to the Panchayat Samiti concerned by the 31st May of each year.

Chapter IV **Control of building operations**

17. Application in Form 4.—(1) Subject to the provisions of rule 20, any person intending to erect a new structure or a new building or to make any addition to an existing structure or building in any area within the jurisdiction of a Gram, shall, for obtaining prior permission in writing of the concerned Gram Panchayat, make an application, in duplicate, in Form 4 to the Gram Panchayat. The Secretary or any other employee of the Gram Panchayat authorised by the Pradhan in this behalf, shall receive the application, in duplicate; retain one copy of it and return the other copy noting thereon the date of receipt under his signature and the seal of the Gram Panchayat.

(2) An application in Form 4 shall be submitted along with a plan in duplicate, of the proposed structure or building, a site plan in duplicate, copy of records of right, and copy of such other records showing title and interest of the applicant in respect of the land as may be necessary.

(3) Copies of Form 4 shall be supplied on demand by the Gram Panchayat to any intending applicant at a non-profit making price to be fixed by the committee referred to in sub-rule (1) of rule 10 of the West Bengal Panchayat (Gram Panchayat Miscellaneous Accounts and Audit) Rules, 1990; the Secretary shall maintain the accounts of the stock of Form 4.

(4) Notwithstanding anything contained in sub-rule (3) any person may submit his application in Form 4 under sub-rule (1) in manuscript, typewritten or otherwise mechanically prepared copy of the Form.

18. Payment of fees.—(1) No application under this rule shall be considered by a Gram Panchayat unless such application is accompanied by a receipt of the fees paid by the applicant at such rate as may be applicable under rule 34. The Secretary or any other employee of the Gram Panchayat, authorised by the Pradhan in this behalf, shall receive the fee tendered in cash and shall immediately grant a formal receipt therefor.

(2) The fee referred to in sub-rule (1) shall not be refunded to the applicant under any circumstance.

19. Exemption from permission.—(1) No permission of the Gram Panchayat shall be necessary for erection of any thatched structure, tin shed, or tile shed, without brick wall, covering an area not exceeding eighteen square metres, and such structure or shed does not cover more than three-fourth of the total area of the land including the land appurtenant thereto.

(2) Permission of the Gram Panchayat shall not be necessary for repair of an existing structure or building unless,

- (i) 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 ground level or upper level.

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

20. Construction proposal to pre-suppose civic amenities.—(1) With effect from such date and with respect to such Gram or Grams as may be specified by the State Government by notification, a plan for new structure or building within the jurisdiction of a Gram Panchayat shall have reasonable provision for,

- (a) 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,
- (b) sanitary facilities including garbage disposal facility, and
- (c) access road or passage to the plot as referred to in rule 21.

(2) If a Gram Panchayat is of 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 Gram Panchayat may, by a written notice to the owner of the plot-holder as also the users of such private drain, require

- (i) the owner of the plot-holder to connect his house drain with such private drain, and
- (ii) the owner of such private drain to permit such connection with 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. If any dispute arises between the owners and the users in the discharge of the joint responsibilities, it shall be referred to the Pradhan, and his decision in such dispute shall be final and binding on the owners.

Explanation.— For the purposes 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.

21. Approach road or passage for building.—(1) With effect from such date, and with respect to such Gram or Grams, as may be specified by the State Government by notification, every structure or building shall have an approach road or passage from a public road and the minimum width of such passage or road shall be one and eight-tenth metres.

(2) If an existing passage or road over which the public have a right of way, is less than one and eight-tenth metres 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 front set-back of nine-tenth metre on either side of the road after leaving in the middle a clear passage of one and eight-tenth metres and a rear set-back of one and eight-tenth meters:

Provided that if a Gram Panchayat is of the opinion that an existing building or part thereof should be set-back to allow a regular passage or road of not less than one eight-tenth metres in pursuance of any development plan, the Gram Panchayat, after giving the owner of such building an opportunity of being heard, may refer a proposal through the Panchayat Samiti to the Land Acquisition Collector for acquisition of the land in question:

Provided 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 nine-tenth metre 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 Gram Panchayat.

(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,—POT the purposes of this rule, "public road"^{9*} means a National Highway referred to in the National Highway Act, 1956 (48 of 1956) or a Highway within die meaning of the West Bengal Highway Act, 1964 (West Ben. Act XXVIII of 1964) or* road maintained by the Zilla Parishad or any other road normally used for vehicular traffic.

22. Restriction on construction over tank and water body.—(1) A Gram Panchayat 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, or
- (b) for 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 recreation purpose, or
- (h) for ethnic purpose, or
- (i) for production of micro and macro organism, or

(j) for production of aquatic flora and fauna:

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

(2) In case of illegal filling of any tank, pond or other water body, marshy land or abandoned brick field or sand quarry, coal mine, mineral quarry or any other water area, the Gram Panchayat shall immediately report the matter to the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti and the Police Station for taking appropriate action.

23. Maximum coverage of residential building.—The maximum building coverage of an individual plot 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 set-back spaces. The *Gram Panchayat* 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.

24. Construction of residential building.—(1) Subject to such order as may be issued by the State Government in this behalf, any structure or a building within the jurisdiction of a Gram Panchayat shall be erected or constructed with a set-back of at least nine-tenth metre from each side of the plot. In doing so, there shall be a minimum perpendicular distance of one and eight-tenth metres from the side of any proposed new building to the side of an existing building.

(2) 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 shall be allowed.

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

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

(5)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.

(6)The height of all habitable and multipurpose rooms shall not be less than two and six-tenth 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.

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

25. Prohibition of dry latrine.—A *Gram Panchayat* 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.

26. 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 *Gram Panchayat* 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.

27. Manner of processing of an application. - (1) On presentation of an application under sub-rule (1) of rule 17 the Pradhan or the Upa-Pradhan or any other member authorized by the Gram Panchayat 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 Gram Panchayat for granting or, as the case may be, refusing permission for the erection or construction applied for.

(2) A Gram Panchayat shall, when granting permission under sub-rule (1) specify a reasonable period 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, it shall not be continued thereafter without allowing an extension of such period. The Gram Panchayat 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 in case of delay in completion of the work.

(3) When a Gram Panchayat refuses permission under sub-rule (1),

(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 two 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 fee as referred to in rule 34.

(4) As soon as may be, after the Gram Panchayat grants or refuses permission under sub-rule (1), the Pradhan or the Upa-Pradhan or the person 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. The applicant shall be informed of the grounds of refusal and further actions that may be taken by him in this regard.

(5) Subject to the provisions of rule 28 and rule 29, communication to the applicant under sub-rule (2) shall be made by the Gram Panchayat within a period of sixty days from the date of receipt of the application under sub-rule (1) of rule 17.

28. Construction within the Kolkata metropolitan area,—(1) Notwithstanding anything contained in these rules, any application made under sub-rule (1) of rule 17 pertaining to the Kolkata metropolitan area as defined in the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) shall be subject to the provisions of any rule made, or any order or direction of a competent authority issued, under the West Bengal Town and Country (Planning and Development) Act, 1979.

(2) An application under sub-rule (1) shall, within a period of thirty days from the date of receipt of the application, be forwarded by the Gram Panchayat with its comments to the Zilla Parishad having jurisdiction and the Zilla Parishad, on receipt of such application and comments of the Gram Panchayat, shall, on a reference of the matter to the Kolkata Metropolitan Development Authority, if necessary, return the application and other documents within a period of thirty days from the date of such receipt, with its approval or comments as the case may be, to the Gram Panchayat for action under sub-rule (4) of rule 27.

29. Restriction for construction in the vicinity of airport or prohibited area.—No person shall erect near or in the vicinity of any airport or of a prohibited area, notified as such by a competent authority under any law for the time being in force, any structure or building, tending to hazard aviation or security, as the case may be. The Gram Panchayat, on receipt of such application under sub-rule (1) of rule 17, shall cause an examination and enquiry under sub-rule (1) of rule 27, and forward the application within thirty days from the date of its receipt to the Zilla Parishad with comments; the Zilla Parishad on receipt of the application and the comments of the Gram Panchayat, shall—

- (a) approve the proposal and the plan with or without any modification, or
- (b) refuse the proposal and the plan, and return the application and other papers within thirty days from the date of its receipt by the Zilla Parishad to the Gram Panchayat for appropriate action within ninety days from the date of receipt of the application.

30. Right of applicant if the permission or refusal is not communicated within time-limit—If permission or refusal under sub-rule (5) of rule 27, rule 28 or rule 29 as the case may be is not communicated by the Gram Panchayat within the prescribed time limit it shall be presumed that the Gram Panchayat 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.

31. Permission for construction of building for commercial or institutional purpose – (1) Gram Panchayat 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, or
- (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 three-fifth of the total plot area.

(4) In the case of a proposed building on a total land measuring between four thousand square metres, and twenty-five thousand square metres, the Gram Panchayat shall be handed over management and control of not less than one-sixteenth of the total land 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 Gram Panchayat 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.

32. Grounds for withholding or refusing permission.—(1) A Gram Panchayat may withhold or refuse permission under sub-rule (1) of rule 27, 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 in the manner laid down in these rules;
- (c) any information or document required by the Gram Panchayat under the Act or the rules thereunder has not been duly furnished;
- (d) the proposed structure or building 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 Gram Panchayat or any other local authority.

(2) When a Gram Panchayat takes a decision under sub-rule (1), the procedure laid down in sub-rules (3), (4) and (5) of rule 27 shall, in so far as they are applicable, be followed.

33. Inspection of structure or building under construction.—(1) The Pradhan or the Upa-Pradhan or any other person authorised by the Pradhan in this behalf, may, at any time and without notice, inspect any structure or building in respect of which permission under sub-rule (1) of rule 27 has been given, while the work is in progress.

(2) If, on making an inspection under sub-rule (1), the Pradhan or any other person as aforesaid 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 these rules, the Pradhan 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.

(3) Without prejudice to the provisions of section 23 or any other law for the time being in force, the Pradhan, 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 Gram Panchayat, 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 Gram Panchayat to keep a watch on the premises, shall be realized from the person undertaking the unlawful erection or construction through the Public Demand Recovery Act.

34. Rate of fee for application.—Any person who makes an application under sub-rule (1) of rule 17, shall pay or cause to be paid a fee in cash to the Gram Panchayat as provided in the Table under these rules.

35. Construction of park and garden – with effect from such date and with respect to such Gram or Grams as may be specified by notification, a Gram Panchayat shall endeavour to construct at least one park and garden in a vested land in every constituency of the Gram Panchayat and, for the said purpose, the Gram Panchayat shall submit proposal to the competent authority for earmarking a particular vested land.

36. Construction of public drains—With effect from such date and with respect to such Gram or Grams as may be specified by notification, a Gram Panchayat shall endeavour to construct and maintain, where it considers necessary, a system of drainage within its predominantly residential area and sufficient outfall in or outside such residential area and, for this purpose, the Gram Panchayat may make use of any vacant land either under its management or as a result of set-back of any structure or building:

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

Provided further that for building a system of drainage, a Gram Panchayat shall ensure unhindered use of any approach passage or road.

37. Collection and disposal of solid waste.—(1) With effect from such date and with respect to such Gram or Grams as may be specified by notification, a Gram Panchayat 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 Gram Panchayat 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 of dead animals, 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 Pradhan may, on giving adequate publicity, specify.

(4) The Gram Panchayat 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 Gram Panchayat.

38. Appeal against the decision of the Gram Panchayat.—(1) If, on receipt of an application under sub-rule (1) of rule 17, which has not been referred to the Zilla Parishad under rule 28 or rule 29 as the case may be, a Gram Panchayat refuses to grant permission to the erection of any structure or building, an aggrieved person may prefer an appeal to the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti within ninety days from the date of communication of such order of refusal. The Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti or any other officer not below the rank of Secretary of Panchayat Samiti, on being authorised, 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 17, which has been referred to the Zilla Parishad under rule 28 or rule 29 as the case may be, a Gram Panchayat or a Zilla Parishad as the case may be 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 the refusal to grant such permission. The Divisional Commissioner shall decide the matter after giving notice to the parties concerned and his decision in the matter shall be final:

Provided that if the Gram Panchayat fails to communicate its decision, whether in the affirmative or in the negative, within sixty days from the date of receiving the application, the applicant may prefer an appeal before the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti:

Provided further that while taking action under rule 28 or rule 29 as the case may be, the Gram Panchayat shall do so under intimation to the applicant.

Part-II
Gram Panchayat Administration
Chapter V
Disposal of appeal against the order of the Gram Panchayat
regarding sanitation, etc.

39. Manner of disposal of appeal by the prescribed authority,—When an appeal has been preferred under the proviso to sub-section (1) of section 24 or the proviso to sub-section⁴ (1) of section 26 or the proviso to sub-section (1) of section 27, the prescribed authority shall give at least 15 days' notice of the appeal to the Gram Panchayat before disposing of the same.

Part-II
Gram Panchayat Administration
Chapter VI
Joint Committee

40. Appointment of Joint Committee and its duties.—(1) Subject to the previous approval of the Panchayat Samiti or Samitis, two or more Gram Panchayats may combine to appoint a Joint Committee consisting of such representatives as may be chosen by the respective Gram Panchayats for the purpose of transacting any business or carrying out any work in which they are jointly interested.

(2) The Gram Panchayats which combine to form a Joint Committee shall subscribe to a written instrument that shall be drawn up for this purpose. The Pradhan of each such Gram Panchayat shall sign the instrument.

(3) The written instrument, referred to in sub-rule (2), shall contain the following:—

- (a) the specific purpose for which the Joint Committee is formed and the conditions on which the Joint Committee may frame schemes binding on the constituent Gram Panchayats;
- (b) the period for which the Joint Committee is to function;
- (c) the number of members to be sent to the Joint Committee by each of the Gram Panchayats intending to form the Joint Committee and the term of office of such members;
- (d) the financial and administrative powers, including the power to supervise the construction of any joint work, which the Joint Committee shall exercise;
- (e) the power which the constituent Gram Panchayats shall exercise in relation to any joint scheme.

(4) The Joint Committee shall, from time to time, make such report of progress of work to the constituent Gram Panchayats as may be required by them.

(5) The constituent Gram Panchayats may frame or modify rules regarding the constitution of the Joint Committee and the term of office of the members thereof and the method of conducting business.

Part-II
Gram Panchayat Administration
Chapter VI
Joint Committee

41. Manner of resolving the difference of opinion between the constituents Gram Panchayats.—If any difference of opinion arises between the constituent Gram Panchayats forming the Joint Committee, it shall be referred to the Director of Panchayats and Rural Development, and his decision thereon shall be final and binding on each of the constituent Gram Panchayats.

Part-II
Gram Panchayat Administration
Chapter VII
Delegation of functions by Zilla Parishad and of financial powers by Gram Panchayat

42. Delegation of functions to Gram Panchayat by Zilla Parishad.—(1) A Zilla Parishad may delegate any of its functions to a Gram Panchayat and such function delegated by the Zilla Parishad shall relate to the area of the Gram Panchayat concerned. Any delegation of function relating to an area outside the territorial jurisdiction of a Gram Panchayat shall be void and inoperative.

(2) Before delegating any of its functions to a Gram Panchayat, the Zilla Parishad shall communicate its intention to the Gram Panchayat concerned. The Gram Panchayat after receiving such communication from the

Zilla Parishad shall intimate its willingness or otherwise to discharge the function on behalf of the Zilla Parishad. The Zilla Parishad shall delegate the function only when the Gram Panchayat expresses its willingness in writing.

(3) The Zilla Parishad shall make available the necessary funds and technical assistance to the Gram Panchayat for performing the function delegated by it.

(4) The Zilla Parishad and the concerned Panchayat Samiti shall have the power to supervise the work undertaken by the Gram Panchayat in performing any function delegated to it under this rule.

(5) The order of delegation shall be operational and effective on completion of its communication by a competent authority of the Zilla Parishad to the Pradhan of the Gram Panchayat concerned. Copies of such communication shall be sent to the District Magistrate, District Panchayat and Rural Development Officer, the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti concerned and such other authorities as the Zilla Parishad may deem fit and proper

43. Delegation of financial powers to Pradhan by Gram Panchayat—The Gram Panchayat shall, while delegating any financial power to a Pradhan or while withdrawing or modifying such power, forthwith give intimation thereof to the prescribed authority and the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti concerned:

Provided that for exercise of the powers conferred under clauses (a), (b) and (c) of sub-section (1) of section 34 and sub-section (5) of section 45, it is not necessary to have such powers delegated to the Pradhan by the Gram Panchayat.

Part-II
Gram Panchayat Administration
Chapter VIII
Powers, functions and duties of Pradhan and Upa-Pradhan

44. Powers, functions and duties of Pradhan and Upa-Pradhan.—(1) The Pradhan shall have, in addition to the powers and functions conferred and imposed on him by or under the Act, the following powers and functions, namely: -

(a) The Pradhan shall be responsible for custody of the seal of the Gram Panchayat;

(b) Subject to the prior approval of the Gram Panchayat, the Pradhan shall have the power to enter into any contract relating to work and expenditure of the Gram Panchayat.

(i) The Pradhan, when authorized by the Gram Panchayat in a meeting, may suspend any employee of the Gram Panchayat in the exigency of public interest or if it is expedient from the administrative point of view, and the reasons for suspension shall be recorded in writing. Immediately after the suspension, the Pradhan shall send a detailed report mentioning the reasons for such suspension along with the views of Gram Panchayat recorded in a meeting to the concerned Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti. On receipt of such report from the Pradhan, the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti shall forthwith issue a show-cause notice to the suspended employee and upon receiving a reply to the show-cause notice,

the Block Development Officer and ex-officio Executive Officer shall, after due consideration of the reply and the report of the Pradhan along with the views of the Gram Panchayat, initiate disciplinary proceedings against the concerned employee:

Provided that the Block Development Officer and the ex-officio Executive Officer of the Panchayat Samiti may revoke the order of suspension and reinstate the delinquent employee, if the allegation levelled against the employee is not substantiated.

- (ii) Subject to the approval of the Gram Panchayat, the Pradhan may recommend to the concerned Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti for initiation of a disciplinary proceeding against the Executive Assistant, Secretary, the Job Assistant, the Sahayak and the Gram Panchayat Karmees;
- (c) (i) The Pradhan may grant casual leave to the staff of the Gram Panchayat in the manner
- and to the extent as has been specified in the West Bengal Service Rules, Part-I,
- (ii) The Pradhan may, subject to the approval of the Gram Panchayat, recommend any other kind of leave, including earned leave, commuted leave, leave not due, maternity leave or quarantine leave in the manner and to the extent as indicated in the West Bengal Service Rules, Part I for the staff of the Gram Panchayat to the concerned Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti.

(2) The Upa-Pradhan shall exercise such powers and perform such functions as the Pradhan may, from time to time, delegate to him by order in writing:

Provided that no financial power or function shall be delegated to the Upa-Pradhan by the Pradhan without approval of the Gram Panchayat.

Part-II
Gram Panchayat Administration
Chapter IX
Method of recruitment, conditions of service and duties
of employees of a Gram Panchayat

45. Creation or abolition of any post in a Gram Panchayat.—A Gram Panchayat shall neither create nor abolish any post, nor revise the pay scale of any of its employees. If any Gram Panchayat or the Pradhan creates or abolishes any post, or revises the pay scale of any of its employees, such creation or abolition of post or such revision of pay scale shall be void ab initio and no liability, financial or otherwise, on account of such decision shall devolve on the State Government. In the event of any Gram Panchayat violating these provisions, the State Government may discontinue disbursement of grant towards establishment costs to such defaulting Gram Panchayat.

46. Employees of a Gram Panchayat.—(i) Subject to such general or special order as may be issued by the State Government from time to time, there shall be the following categories of employees in a Gram Panchayat in the number as indicated below:—

- (i) Executive Assistant—One
- (ii) Secretary—One
- (iii) Job Assistant—One:

Provided that the State Government may by order authorise appointment of Nirman Sahayak on such terms and conditions as may be specified in the Order against any post of Job Assistant in one or more Gram Panchayats from time to time

(iv) Sahayak—One

(v) Gram Panchayat Karmee—number to be determined in the following manner—

- (a) in a Gram Panchayat where the number of members elected in the preceding general election was not more than ten—two Gram Panchayat Karmees, and
- (b) where the number of members elected in the preceding general election exceeded ten—three Gram Panchayat Karmees:

Provided that the State Government may, by general or special order, make fresh determination of the number of Gram Panchayat Karmees in a Gram Panchayat at any time.

47. Appointing Authorities of Gram Panchayat employees.—Subject to the provisions of the Act and the rules made thereunder, the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti shall appoint the Executive Assistant, Secretary, Job Assistant, Sahayak and Gram Panchayat Karmee of a Gram Panchayat, in such manner, as may be determined by the State Government from time to time:

Provided that the appointing authority shall make no appointment without the recommendations of the Recruitment Committee constituted for such purpose, unless there is a direction to the contrary from the State Government or any court. At least three months before the date on which a vacancy is likely to arise, the Pradhan of a Gram Panchayat shall inform the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti of such vacancy for consideration of the Recruitment Committee.

48. Qualifications, age and period of probation.—(1) No person shall be appointed as an Executive Assistant of a Gram Panchayat, whether in a permanent or temporary capacity, except in the manner as laid down in the West Bengal Panchayat (Recruitment and Conditions of Appointment of the Executive Assistant of Gram Panchayat) Rules, 2003 and amendment of such rule as may be made from time to time.

(2) No person shall be appointed as a Secretary, Job Assistant or Sahayak of any Gram Panchayat, whether in a permanent or temporary capacity, unless he is ordinarily a resident of the district in which the Gram Panchayat is situated and he has passed the Madhyamik examination under the West Bengal Board of Secondary Education or any equivalent examination with 50% marks in aggregate; with such other additional academic or vocational attainment as an essential or preferable qualification, as may be specified by the State Government from time to time.

(3) No person shall be appointed as a Gram Panchayat Karmee, whether in a permanent or temporary capacity, unless he is ordinarily a resident of the Panchayat Samiti area within which the Gram Panchayat is comprised and he has passed the annual examination of the standard eight under any recognised institution.

(4) The minimum age for recruitment to the post shall be eighteen years. The upper age limit shall be such as may be determined by the State Government, by general or special order, from time to time. The upper age limit shall be relaxable in case of candidates belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and exempted categories in terms of the rules and orders issued from time to time by the Backward Classes Welfare Department or the Labour Department:

Provided further that the State Government may relax, by general or special order, the upper age limit of any person or class of persons.

(5) 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 evidence in support of his 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 5.

(6) The appointing authority may at any time review the order accepting the date of birth under sub-rule (4) and modify the same, and it shall not be modified to the disadvantage of the employee unless he has been given an opportunity of making any representation.

(7) A Gram Panchayat employee 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 by the appointing authority and made permanent on satisfactory completion of the period of probation for one year

Provided that for confirmation of the employees of a Gram Panchayat in the manner not 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 further that the appointing authority may extend the period of probation by one year 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.

49. Procedure for selection and constitution of Recruitment Committee.—(1) As soon as may be from the date of receipt of information of any vacancy in the post of the Executive Assistant, Secretary, Job Assistant, Sahayak or Gram Panchayat Karmee, the appointing authority shall, determine the nature of vacancy following a roster to be maintained for each Block or District, as the case may be, in pursuance of the reservation policy as laid down by the State Government from time to time and place the same before the concerned Recruitment Committee.

(2) On determination of the vacancy under sub-rule (1), the Recruitment Committee shall place requisition to the appropriate Employment Exchange for names of the candidates eligible under rule 48:

Provided that when the candidature of a person who is entitled to appointment under any order in force issued by the State Government or under any order of a competent court, is under consideration for filling a vacant post, the Committee shall not place requisition for that post to the Employment Exchange.

(3) For the purpose of determination of vacancy for both reserved and unreserved vacancies in case of direct recruitment or promotion, the procedure as laid down in the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 or rules framed thereunder or notification or orders, as may be issued from time to time by the State Government in the Backward Classes Welfare Department and Labour Department, shall be followed.

(4) When any vacant post is to be filled in from the candidates of exempted category, the Recruitment Committee shall send requisition to the concerned District Panchayat and Rural Development Officer, who shall nominate the available candidate to the concerned Recruitment Committee. On receiving the list of names the Recruitment Committee shall verify the candidature *vis-a-vis* eligibility criteria required for the post and on being satisfied, may ask the appointing authority to issue the appointment letter after observance of the necessary formalities of verification of antecedents and physical fitness:

Provided that if the District Panchayat and Rural Development Officer fails to sponsor any name owing to non-availability of such candidate and communicate the matter in writing, the Recruitment Committee shall take up the matter with the appropriate Employment Exchange.

Note.—The Recruitment Committee shall have the discretion to determine whether the candidate sponsored may be required to pass any written or oral or both kinds of tests of the nature specified in the Annexure.

(5) Subject to the provisions made hereunder, the appointment to the posts of the Executive Assistant, Secretary, Job Assistant, Sahayak and Gram Panchayat Karmee shall be made from the merit list prepared by the appropriate Recruitment Committee.

(6) For the purpose of recruitment through Employment Exchange or by promotion or otherwise to fill up the posts of the Executive Assistant, Secretary, Job Assistant, Sahayak

and Gram Panchayat Karmee, the Recruitment Committee shall consist of the following members:—

- (i) The Sub-divisional Officer .. Chairman
- (ii) The District Panchayat and Rural Development Officer .. Member
- (iii) The Sabhapati of the concerned Panchayat Samiti .. Member
- (iv) The Pradhan of the concerned Gram Panchayat.. Member
- (v) The Block Development Officer and ex-officio Executive Officer
of the Panchayat Samiti concerned Member-Secretary:

Provided that for the purpose of recruitment in Darjeeling hill areas, one representative of the Darjeeling Gorkha Autonomous Hill Council shall substitute the Sabhapati of the concerned Panchayat Samiti at serial (iii) in sub-rule (6):

Provided further that three members of the Recruitment Committee referred to in sub-rule (6) shall form quorum for a meeting but no meeting shall take place in the absence of both the Chairman and the Member-Secretary respectively.

(7) (i) The Recruitment Committee shall hold written test followed by oral test of the candidates and shall prepare a merit list of not more than three candidates for each vacancy in each category arranged in the descending order of merit on the basis of such written and oral test:

Provided that if two candidates secure equal marks on the basis of combined result of written test and oral test, the candidate who is senior in age shall be placed next above the other candidate.

(ii) Subject to any direction that may be issued by the State Government or any other competent authority in this behalf, the Committee shall devise its own procedure for setting the question papers, evaluation of answer scripts and issues relating to the selection and ensure impartiality and fairness in the entire process of selection.

(iii) In the event of more than one candidate securing equal marks in written test, more than five candidates, up to such candidate securing equal marks as of the fifth candidate in the descending order of merit, may be included in the select list to be called for interview in order to maintain transparency and natural justice.

50. Offer for appointment—(1) The appointing authority on receipt of the merit list of the suitable candidates shall issue appointment orders subject to their having good antecedents and being medically fit for the job. The antecedents of the candidate(s) in the merit list depending on the number of vacancies, may only be verified on the basis of police verification report and arrangement for his medical examination shall then be made by a competent medical officer of any State Government hospital.

(2) If the first candidate in the merit list does not respond to the process of appointment at any stage within one month or is found to have adverse antecedent and/or medical reports, his candidature shall be cancelled forthwith and the second and the third candidate in the merit list may be called up by turn for appointment. The merit list of candidates shall remain valid till the joining of appointed candidate to the post and no longer.

51. Appointment on compassionate ground.—(1) Subject to the existing orders and such orders as may be issued by the State Government from time to time, the wife or son or daughter or any other near relation of a regular employee of a Gram Panchayat may be appointed on compassionate ground to any available vacancy earmarked for the exempted

category in the Gram Panchayat, Panchayat Samiti or the Zilla Parishad, within the same district on fulfilment of the eligibility criteria relating to educational qualification, age, and other conditions as required under the existing rules, orders and notifications.

(2) The District Panchayat and Rural Development Officer shall maintain a list of candidates eligible for appointment in the posts of the Gram Panchayat, Panchayat Samiti or the Zilla Parishad on compassionate ground prepared on the basis of the date of receipt of the application.

52. Conditions of service including leave, transfer, training, discipline and control.—(1) There shall be an attendance register in the Gram Panchayat office in which all the employees of the Gram Panchayat shall be required to record their attendance, which may be supervised and endorsed by the Pradhan, or in his absence by the Upa-Pradhan, or by the Executive Assistant in the absence of both Pradhan and Upa-Pradhan.

(2) The Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti shall be the disciplinary authority for all the employees of Gram Panchayat.

(3) Casual leave not exceeding fourteen days in one English calendar year may be granted to the staff of the Gram Panchayat by the Pradhan. 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 Gram Panchayat 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, Part 1. Any such leave to employees shall be granted by the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti on the recommendation of the Pradhan subject to the approval of the Gram Panchayat and shall be recorded by the sanctioning authority in the Service Book of the employee concerned:

Provided that no leave of any kind shall, however, be claimed by the employees as a matter of right and the sanctioning authority may refuse any prayer of leave at any time in the interest of public service. At the time of retirement on superannuation, or otherwise, termination of service, encashment of earned leave of an employee for admissible period may be sanctioned by the Block Development Officer on the recommendation of the Gram Panchayat in the manner as may be laid down by an order of the Government from time to time.

(4) Service Books and other records of all employees of the Gram Panchayat shall be recorded, authenticated and maintained by the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti or by the Extension Officer of Panchayat, if authorised by the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti.

(5) The employees of a Gram Panchayat may be transferred within the Panchayat Samiti area by the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti, within the district by the District Magistrate or subject to any direction given by him, by the District Panchayat and Rural Development Officer, and from one district to another, by the Director of Panchayats and Rural Development. Transfer from one district to another district may be made, if specifically recommended by the District Magistrate, on the ground of administrative expediency. They may be allowed joining time in case of transfer as may be specified by the Government by order:

Provided that the employees of the Gram Panchayat other than the Gram Panchayat Karmees may be transferred after every five years.

(6) Whenever a post falls vacant on account of leave, training, transfer, suspension or otherwise of any employee, the Gram Panchayat may direct another employee to discharge

temporarily the duties of such employee in addition to his normal duties. If the Gram Panchayat does not find a suitable person in its establishment for such arrangement, the Block Development Officer and the ex-officio Executive Officer of the Panchayat Samiti may be informed of the situation who may direct an employee of an adjoining Gram Panchayat to act as such temporarily, in addition to his normal duties in the vacant post.

(7) The employees of a Gram Panchayat shall attend training course in any institution or any other training camp whenever he is called upon to do so by the competent authority. The Gram Panchayat 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.

(8) (a) The Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti may place an employee of a Gram Panchayat within the jurisdiction of the concerned Panchayat Samiti, under suspension, when—

- (i) a disciplinary proceeding or departmental enquiry against him is contemplated or is pending,
- (ii) he has been detained in 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

- (iii) he has been implicated in a proceeding initiated against him in charge of a criminal offence involving moral

turpitude punishable with imprisonment for a period of more than six months.

(b) During the period of suspension, such employee shall be entitled to subsistence allowance and to pay and allowance on reinstatement in respect of the period of suspension at such rate as is admissible to a Government servant on an identical or comparative scale of pay under rules 71 and 72 of the West Bengal Service Rules, Part 1:

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.

(9) The Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti may start proceedings at any time against an employee of a Gram Panchayat, for imposition of the following penalties:—

- (i) censure;

- (ii) withholding of increments or promotion;

- (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Gram Panchayat by negligence, dereliction of duty or breach of orders;

- (iv) reduction to a lower stage in the time scale of pay, for a specified period;
- (v) reduction in rank and service which shall ordinarily be a bar to the promotion to the higher post or cadre for a specified period;
- (vi) compulsory retirement;
- (vii) removal from service; and
- (viii) dismissal from service which shall ordinarily be a disqualification for future employment:

Provided that for initiating a proceeding, the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti shall serve or cause to be served a notice 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 which he should not have done 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 Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti shall also invite and consider the views of the Gram Panchayat on the charges framed and misconduct alleged against such an employee:

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

Provided also that for initiating and concluding the disciplinary proceedings against the employees of a Gram Panchayat in matters and in manners not provided in these rules or the Act, the provision of the West Bengal Services (Classification, Control and Appeal) Rules, 1971, shall apply mutatis mutandis.

Note.—An officer who conducts the preliminary enquiry or investigation of the case shall not be appointed as the presenting officer in the disciplinary proceedings.

(10) (i) In conclusion of the proceedings against any employee, the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti may impose upon such employee any penalty which are mentioned at serial (i) to serial (iii) in sub-rule (9) and may, in appropriate cases, recommend to the Sub-divisional Officer for imposition of such penalties as referred to at serial (iv) to serial (viii) in sub-rule (9).

(ii) If the Sub-divisional Officer after due consideration of the recommendations as aforementioned, is of the opinion that a penalty as specified at serial (iv) to serial (viii) of sub-rule (9) should be imposed on the charged employee, he shall—

- (a) furnish to the employee a copy of the report of the inquiring authority and a statement of his findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority;
- (b) serve a notice stating the punishment proposed and the grounds thereof and calling upon him to submit within a specified time the reply, if any, to the proposed punishment on the basis of the evidence adduced during the enquiry. The Sub-divisional Officer shall consider the representation Panchayat employee, in response to the notice and determine as to what penalty, if any, should be imposed on the Gram Panchayat employee and pass appropriate orders on the case and shall serve or cause to serve the orders upon the said employee and other concerned authorities.

(11) The Sub-divisional Officer, if he is satisfied with the recommendation of the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti, may, after giving the employee an opportunity of being heard, remove or dismiss him from service.

(12) An appeal shall lie to the Sub-divisional Officer against an order under sub-rule 10(i) in respect of penalties as mentioned at serial (i) to (iii) in sub-rule (9) within one month from the date of communication of the order. The decision of the Sub-divisional Officer shall be final.

(13) An appeal shall lie to the District Magistrate against an order under sub-rule 10(ii) in respect of penalties as mentioned at serial (iv) to (viii) in sub rule (9) within one month from the date of communication of the order. The decision of the District Magistrate shall be final.

(14) Notwithstanding the provisions in sub-rule (9), the District Magistrate or the Director of Panchayats and Rural Development may, at any time, initiate proceedings against the employees when the provisions of this rule shall apply mutatis mutandis.

53. Pay and allowances.—The pay and allowances, including travelling allowances, of the employees of a Gram Panchayat shall be such as may be determined by the State Government.

54. Superannuation.—(1) The date of compulsory retirement of the employees of a Gram Panchayat is the date on which he attains the age of 60 years, or such age, as may be determined by the State Government.

(2) The employees of a Gram Panchayat may retire prematurely, owing to personal reason or on health ground, from service by giving written notice of not less than three months to the appointing authority.

55. Duties of the employees of a Gram Panchayat.—(A) Executive Assistant.—The Executive Assistant of the Gram Panchayat shall be in charge of the office of the Gram Panchayat. He shall act under the direct supervision of the Pradhan (or in his absence, the Upa-Pradhan) and shall be responsible to the Gram Panchayat through the Pradhan or the Upa-Pradhan, as the case may be. Notwithstanding anything contained in any other rules, order or notification, the Executive Assistant shall, subject to the direction and control of the Gram Panchayat and the Pradhan,—

- (a) remain in executive charge of administrative including establishment functions and financial operation of the Gram Panchayat,
- (b) be the custodian of the Cheque Book and Pass Book for the Bank Account(s) and Post Office Savings Account(s) and the Cheque Book Register and all entries by the Executive Assistant in the Cheque Book Register shall be countersigned and authenticated by the Pradhan,
- (c) prepare the Cheque for encashment out of Gram Panchayat Fund, under the direction of the Pradhan subject to the resolution of the Gram Panchayat, put his

signature in the counterfoil of the cheque in token of preparation of the cheque (in case of absence of the counterfoil of the cheque, he shall put his signature on the cover slip of the cheque book against the corresponding cheque number) and place it for the signature of the functionaries referred to in section 45(5) of the Act,

- (d) authenticate all entries in the cash book (to be written by the Secretary) and vouchers in support thereof,
- (e) perform the work relating to the implementation of programmes or schemes as may be prescribed and subject to the decision taken by and control of the Gram Panchayat,
- (f) Prepare the annual budget of the Gram Panchayat in due time,
- (g) supervise the preparation of demand list in respect of tax and license fees levied by the Gram Panchayat and take all steps for collection of revenue,
- (h) be responsible for allotting duties to the Gram Panchayat Karmees,
- (i) supervise the recording or noting of the resolutions adopted in the Gram Sansad and the Gram Sabha meeting,
- (j) produce the Cheque Book, Cheque Book Register and Pass Book for the Bank Account (s) and Post Office Savings Account(s) before the Auditors or inspecting officers as and when required,
- (k) perform such other duties relating to the Gram Panchayat and the State Government as the Pradhan or the

Upa-Pradhan or the State Government may direct from time to time.

(ii) Secretary.—Notwithstanding anything contained in any other rules, order or notification, the Gram Panchayat Secretary shall, subject to the direction and control of the Gram Panchayat and the Pradhan, perform the following duties:—

- (a) prepare list in respect of tax and license fees levied by Gram Panchayat,
- (b) maintain cash book and books of accounts,
- (c) prepare the monthly, quarterly, half-yearly and annual statement of accounts and placing the same before the Gram Panchayat,
- (d) assist the Executive Assistant towards preparation of Budget of the estimated receipts and disbursement of Gram Panchayat under the direction of Pradhan in due time,
- (e) keep all records of the Gram Panchayat in safe custody and produce the same in

the meeting of the Gram Panchayat, Gram Sabha and Gram Sansad, excepting the Cheque Book, Pass Book(s) and the Cheque Book Register,

- (f) oversee payments of wages to labours engaged in various programmes under implementation by the Gram Panchayat,
- (g) record the resolution of the meeting held in the Gram Panchayat, Gram Sabha and Gram Sansad,
- (h) produce all records before the Auditors or inspecting officers as and when required,
- (i) submit to the appropriate authority all grant-in-aid bills in due times,
- (j) perform duties for encashment of cheques and disbursement of fund,
- (k) maintain all registers relating to all categories of Gram Panchayat employees,
- (l) perform such other duties in respect of the work of the Gram Panchayat and of the State Government as the

Pradhan or the Upa-Pradhan or the State Government may direct.

(iii) Job Assistant.—Notwithstanding anything contained in any other rules, orders or notifications, the Job Assistant shall, subject to the direction and control of the Gram Panchayat and the Pradhan, perform the following duties:—

- (a) prepare plans and estimates for work or projects in conformity with the financial and technical guidelines prescribed by the appropriate authority and in accordance with the decisions of the Gram Panchayat,
- (b) prepare measurement sheet, muster roll, token and acquittance roll,
- (c) watch and supervise the process of actual execution of work to ensure the technical standard prescribed for the work,
- (d) collect and compile progress of work, project and programmewise supported by muster rolls, tokens and measurement sheets,
- (e) submit collected and compiled reports, returns and relevant records in office of the Gram Panchayat,
- (f) submit completion report and utilisation report, project and programmewise, in respect of the work programme executed by the Gram Panchayat, and
- (g) carry out any other duties as may be assigned from time to time by the Pradhan or the Upa-Pradhan or the State Government.

(iv) Nirman Sahayak.—Notwithstanding anything contained in any other rules, orders or notifications, the Nirman Sahayak shall, subject to the direction and control of the Gram Panchayat and the Pradhan, perform all the duties of the Job Assistant and any other duty as may be assigned from time to time by the Pradhan or the Upa-Pradhan or the State Government.

(v) Sahayak.—Notwithstanding anything contained in any other rules, order or notification, the Sahayak shall, subject to the direction and control of the Gram Panchayat and the Pradhan, perform the following duties:—

- (a) assist the Executive Assistant in matters of financial administration if and when required,
- (b) assist the Secretary to facilitate the proper maintenance of accounts and records, including vouchers of financial transactions made in and by the Gram Panchayat and encashment of the cheque,
- (c) assist the Secretary in recording the resolutions of the meetings held in the Gram Panchayat, Gram Sabha and Gram Sansad,
- (d) any other duty as may be assigned by the Pradhan or the Upa-Pradhan, or the State Government, from time to time.

(vi) Gram Panchayat Karmee—Notwithstanding anything contained in any other rules, order or notification, the Gram Panchayat Karmee shall, subject to the direction and control of the Gram Panchayat and the Pradhan, perform the following duties:—

- (a) discharge the duties pertaining to the functions of the Messenger Peon, Office Peon and Helper, and keeping watch of the Gram Panchayat office at night, if considered necessary by the Gram Panchayat on arrangement of shift duties,
- (b) perform such other duties as may be assigned to him from time to time by the Pradhan or the Upa-Pradhan or the Executive Assistant.

56. Duties, rights and obligations of the employees of a Gram Panchayat.—(1) In the discharge of his official duties if any employee of a Gram Panchayat, referred to in rule 55, is called upon to deal with or decide a matter in which he or a relation of his is financially interested, he shall, at the earliest possible opportunity, bring the facts to the notice of the Pradhan or Upa-Pradhan and also of the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti.

(2) No employee shall, without the previous sanction of the authority, to whom he is sub-ordinate, 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 in pursuance of any object whatsoever.

(4) An employee is prohibited from having any pecuniary transaction with any supplier or any other person in any way connected with any transaction of the Gram Panchayat or any other Gram Panchayat within a Block.

(5) An employee shall not, except with the previous sanction of the Gram Panchayat, be engaged in any trade or undertake any employment other than his public duties. An employee may undertake 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 provided that his official duties do not suffer thereby. In pursuance of his honorary or occasional work or by his 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 or hatred 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. The Gram Panchayat 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 stand as a candidate, or interfere or canvasses 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 organisation:

Provided that an employee, who is qualified to vote at such an election, may exercise his right to vote, 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 Gram Panchayat.

(8) No employee shall, except with the prior sanction of the authority to whom he is subordinate, 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 one thousand rupees in value:

Provided that the movable or immovable properties owned by the members of the family of the employee, which are either acquired by them from out of their own funds 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 enjoy full democratic right except being a member of any political party.

(11) An employee of the Gram Panchayat, other than a Gram Panchayat Karmee, shall submit to the concerned Block Development Officer and ex-officio 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) All employees of a Gram Panchayat shall be guided by open performance report and the report on attendance, performance and efficiency, accountability and integrity shall be termed Annual Performance Report. The Extension Officer of Panchayat shall initiate Annual Performance Report of the Gram Panchayat employees at the end of financial year not later than 30th April of that year in the format as given in Annexure II for Group B, C and D employees of the State Government and place the same to the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti for acceptance. Appraisal on attendance, performance and efficiency and accountability and integrity of Gram Panchayat employees shall be done by the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti in such manner, as may be directed by the State Government, by any general or special order, from time to time.

Part-II
Gram Panchayat Administration
Chapter X

Imposition of Taxes, Fees and rates by a Gram Panchayat

57. Imposition of tax etc. on land and building.—The maximum rates of tax on persons who are the owners or occupiers of land or buildings or both according to the estimated total annual value shall be as follows:

(i) at the rate of one percentum of the annual value of such land and buildings when the annual value does not exceed rupees one thousand, and (ii) at the rate of two percentum of the annual value of such land and buildings when the annual value exceeds rupees one thousand;

Explanation I—(a) The annual value in relation to any land or buildings means an amount equal to six percentum of the market value of such land or building at the time of assessment.

(b) Market value in relation to any land or buildings or both means an amount to be determined on the basis of the records or valuation list maintained by the Block Land and Land Reforms Officer and Sub-Registrar or District Registrar, or in any other manner as may be directed by the State Government.

Explanation 2.—For determination of ownership and the market value of the land or building or both, the Gram Panchayat shall conduct field survey and may collect self-declaration of the individual assesses about area and valuation of land or building or both and take up the matter with the Block Land and Land Reforms Officer and Sub-Registrar or District Registrar within the 1st September of each year and maintain a register in Form 6 annexed to this rule containing details of land and building together with the market value so determined. The register so prepared shall be updated every year. Fresh determination of market value of land or building or both shall be done after five years or after constitution of newly elected body in a Gram Panchayat whichever is earlier with the assistance of Gram Unnayan Samiti, wherever constituted.

58. Fees, rates, tolls etc.—(1) A Gram Panchayat may levy fees, rates and tolls within the meaning of section 47 of The West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973) subject to the maximum rates as annexed to this rule.

(2) A Gram Panchayat may issue provisional certificate of registration for running trade, whole sale or retail within its jurisdiction in Form 11, unless such registration or such trade is prohibited under any law for the time being in force, on realisation of a fee, subject to the maximum rates as annexed to this rule:

Provided that running of such trade is subject to renewal of its registration annually by the Gram Panchayat on realisation of a fee within the maximum limit as annexed to this rule.

(3) A Gram Panchayat may issue registration certificate to the owner of a vehicle [not registered under the Motor Vehicles Act or otherwise] against collection of a registration fee, subject to the maximum rates as annexed to this rule and shall levy fee as per annexure appended to this rule in Form 7 and maintain record thereof in Form 8.

59. Assessment List.—The Artha O Parikalpana Upa-Samiti of a Gram Panchayat shall, by the 1st September of each year, determine the total assessable annual value of the person concerned on which he shall be liable to pay the tax during the following year. The assessment list consisting of four parts shall be prepared in Form 9 on the basis of Register in Form 6 and submitted to the Gram Panchayat by the 7th September of each year.

60. Approval of the Assessment List.—(1) The assessment list prepared under rule 59 shall be approved by the Gram Panchayat at a meeting within the 30th September.

(2) A duplicate copy of the assessment list so approved shall be sent to the Extension Officer of Panchayat not later than the 5th October of each year who may call for Register in Form 6 from the Gram Panchayat concerned as maintained under Explanation-2 of rule 57 and if he finds that the assessment so made is inequitable, excessive or may fall short of the financial requirements of the year concerned, he shall advise the Gram Panchayat, not later than the 20th October of the same year, to revise the assessment list and the Gram Panchayat shall prepare a revised list accordingly. If the Gram

Panchayat is dissatisfied with the findings of the Extension Officer of Panchayats, it may refer the matter to the District Panchayat & Rural Development Officer within fifteen days against such findings. The decision of the District Panchayat & Rural Development Officer in this regard shall be final.

(3) The Gram Panchayat shall display the revised assessment list together with defaulters' list by not later than the 10th November of the year at two conspicuous places within the jurisdiction of the Gram Panchayat and in the half-yearly meeting of the Gram Sansad for information and deliberation together with a notice in Form 10 mentioning that objections, if any, to the list should be filed with the Gram Panchayat within ten days from the date on which the list is so displayed.

(4) The Gram Panchayat shall hear and decide on the objection by not later than the 5th December of the year.

(5) The assessment list, if revised or modified after hearing, shall be displayed at the same conspicuous places and in the meeting of the Gram Sabha by not later than the 15th December of the year with a notice mentioning that appeals, if any, may be preferred to the District Panchayat and Rural Development Officer within ten days from the date on which the list is so displayed.

(6) Appeals preferred to the District Panchayat and Rural Development Officer shall be disposed of by not later than the 15th January of the following year.

(7) If any revision is made on the appeal, the assessment list so revised shall finally be adopted and displayed at similar conspicuous places by the Gram Panchayat by the 31st January of the year.

(8) If a Gram Panchayat, under circumstances beyond its control, fails to comply with the time schedule prescribed for one or more stages for the preparation and approval of its assessment list, the Gram Panchayat shall adopt a resolution recording the reasons for its failure and shall fix up the dates by which each of the incomplete stages of action for preparation and approval of the assessment list shall be completed by the Gram Panchayat.

(9) The Gram Panchayat shall take steps to strictly adhere to the revised time schedule for final adoption of the assessment list and revised time schedule shall be intimated immediately to the Extension Officer of Panchayat.

61. Method and time of payment of tax etc.—(1) The tax so determined shall be payable in equal quarterly instalments. The instalment on account of each quarter shall be due on the first day of such quarter.

(2) Every person liable to pay a sum assessed upon him as tax etc. within fifteen days from the date on which the said sum becomes due, pay or tender the same at the office of the Gram Panchayat or to the Collecting Sarkar.

62. Method of recovery of arrear tax and other dues.—(1) Immediately after the 15th day from the date on which the instalment referred to in sub- rule (1) of rule 61, becomes due, the Gram Panchayat shall prepare a list of persons who have failed to pay their respective dues in consultation with Form 7 under sub-rule (2) of rule 9 of the West Bengal Panchayat (Gram Panchayat Miscellaneous Accounts and Audit) Rules, 1990.

(2) The copy of the list so prepared shall be published in two conspicuous places within the jurisdiction of the Gram Panchayat. If any of the defaulters does not pay the sum due or show sufficient cause to the Gram Panchayat, within 15 days from the date of publication of the list, the procedure as prescribed in these rules for recovery of arrear dues may be adopted by the Gram Panchayat.

(3) A copy of such defaulters' list shall be placed in the half-yearly and annual meeting of the Gram Sansad for deliberation.

63. Remuneration and commission of the Collecting Sarkar.—The Collecting Sarkar of the Gram Panchayat shall be entitled to a fix monthly remuneration as may be decided by the State Government from time to time. The allowance shall be paid by the Gram Panchayat out of its own fund and equivalent amount shall be paid to the Gram Panchayat fund as grants-in-aid out of the State Budget.

Part-II
Gram Panchayat Administration
Chapter XI
Upa-Samitis and Gram Unnayan Samitis of a Gram Panchayat

64. Constitution of Upa-Samitis.—Every Gram Panchayat shall, as soon as may be within three months following the first meeting, constitute Upa-Samitis under sub-section (2) of section 32A of the Act.

65. Sanchalak.—Within one week from the date of constitution of the Upa-Samiti, the members referred to in clauses (a) and (b) of sub-section (3) of section 32A of the Act shall elect in a meeting one member from themselves as Sanchalak of each Upa-Samiti.

66. Subjects to be dealt by Upa-Samitis.—The Upa-Samiti of a Gram Panchayat shall deliberate upon and deal with the subjects specified below against the corresponding entry of the Upa-Samiti specified in the column (2) of the Table:

Sl. No.	Upa-Samiti	Subjects of Upa-Samiti
(1)	(2)	(3)
1.	Artha 0 Parikalpana	(i) Finance, (ii) Budget, (iii) Accounts, (iv) Audit, (v) Taxation, (vi) Resource-mobilization, (vii) Establishment and office management, (viii) Preparation of Gram Panchayat Plans, (ix) Implementation, monitoring and evaluation of all Poverty Alleviation including Employment Generation Programmes, (x) Food Security and Public Distribution Programme, (xi) Preparation of resource inventory and database of the Gram Panchayat Planning, (xii) Disaster control management, (xiii) Management of hat, bazar, ferry-service of Gram Panchayat, (xiv) Coordination of works assigned to different Upa-Samitis and any other work not entrusted with any other

		Upa-Samiti.
2.	Krishi O Pranisampad Bikash	(i) Agriculture and agro-industries, (ii) Horticulture, (iii) Agri-marketing, (iv) Irrigation including small irrigation, (v) Water resources development, (vi) Social forestry, (vii) Soil conservation, (viii) Apiculture, (ix) Sericulture, (x) Animal resources development, (xi) Fisheries, (xii) Water-shed development, (xiii) Co-operative movement, (xiv) Provident Fund for Landless Agricultural Labourers etc..
3.	Subjects of Upa-Samiti	(i) Literacy campaign, (ii) Sishu Siksha Karmasuchi, (iii) Madhyamik Siksha Karmasuchi, (iv) Primary education, (v) Mass education, (vi) Rural library, (vii) Mid-day Meal Programme, (viii) Rural water supply, (ix) Rural dispensaries and health clinic, (x) Public health and sanitation, (xi) Immunisation and family welfare programmes, (xii) Prevention of communicable diseases etc.
4.	Nari O Sishu Unnayan	(i) Self-help groups formed under various programmes including Swarna Jayanti Gram Swarozgar Yojana, (ii) Integrated child development scheme, (iii) National social assistance programme, (iv) Social welfare and welfare of women and children, (v) Welfare of weaker communities including old and handicapped people.
5.	Shilpa O Parikathamo	(i) Cottage & small scale industries, (ii) Rural artisans, (iii) Infrastructure development, (iv) Indira Aawas Yojana, (v) Construction of rural roads, culverts and rural housing, (vi) Rural electrification and generating alternative energy resources.

67. Powers of Upa-Samiti.—(1) Every Upa-Samiti shall prepare schemes and perform the functions of the Gram Panchayat in relation to the subjects allotted to it within its budgetary provisions. It shall also be responsible for implementation of the works and schemes of the Gram Panchayat and those assigned to it by different departments of the

State Government relating to the subjects specified in column (3) of the Table under rule 66:

Provided that the financial limits to which an Upa-Samiti is competent to execute works and schemes undertaken by the Gram Panchayat, shall be such as may, from time to time, be fixed by the Gram Panchayat or by the State Government.

(2) For every item of expenditure exceeding its financial limit, each Upa-Samiti shall prepare proposal and place to the Gram Panchayat for approval. It shall be the duty of each Upa-Samiti to carry out the decision of the Gram Panchayat on such proposal.

(3) An Upa-Samiti shall not alter the budgetary allocation of funds made by the Gram Panchayat according to the subjects allotted to it.

68. Functions and duties of Upa-Samitis.—(1) When any scheme is assigned by any department of the State Government or by the Panchayat Samiti or by the Zilla Parishad or executed from its own resources, the Gram Panchayat shall forward the contents of the scheme to the appropriate Upa-Samiti for drawing up a detailed plan for its execution.

(2) While forwarding the scheme, the Gram Panchayat may, issue direction to the Upa-Samiti of the manner in which the plan for its execution shall be drawn up.

(3) The Upa-Samiti shall cause preparation of plan and estimate of the work by taking assistance of any official of the State Government, the statutory Board, the Corporation or any other official receiving the grant, financial assistance, or the remuneration from the State Government, who shall render all assistance in this regard as may be necessary and proceed to execute the scheme.

69. Meeting of a Gram Sansad.—If there is no quorum in a meeting, the meeting shall be adjourned to be held at the same place and hour on the seventh day after the date of such meeting. Attendance of at least one-twentieth of the total number of members shall form a quorum for the adjourned meeting.

70. Constitution of Gram Unnayan Samiti.—(1) Each Gram Sansad shall in an extraordinary meeting convened by the Gram Panchayat within such period of time as may be notified by the State Government for the purpose, shall constitute a Gram Unnayan Samiti.

(2) The Gram Unnayan Samiti may constitute the functional committees, consisting of three to four members and invite any other member of Gram Sansad having technical knowledge to assist the Gram Unnayan Samiti and/or any of the functional committees.

(3) The tenure of the Gram Unnayan Samiti and its functional committees shall be the same as that of the Gram Panchayat. The Gram Sansad shall review the performance of the members of the Gram Unnayan Samiti every year in its annual meeting and may renew the

membership of the existing members or replace all or any of the members, other than the members as referred to in rule 72 (a) and (b), by electing new members.

(4) The Gram Sansad may elect the members by simple majority determined by raising of hands or by division. The result of the election shall be recorded in a register by the presiding officer appointed by the Gram Panchayat from its employees, other than the Gram Panchayat Karmees, for the purpose of meeting, read over for information of the members and signed by the presiding officer before the meeting is closed.

71. Extra-ordinary meeting of a Gram Sansad.—(1) The extra-ordinary meeting of a Gram Sansad for constitution of the Gram Unnayan Samiti shall be convened by the Gram Panchayat giving clear fifteen days notice specifying the date, time and the venue which shall be a place within the jurisdiction of the Gram Sansad.

(2) The notice for the extra-ordinary meeting shall be deemed to have been served if a public announcement to that effect is made either by beat of drums or through public announcement system or by distribution of leaflets.

(3) The presence of at least one-fifth of the Gram Sansad members shall form a quorum for the meeting failing which the meeting shall be adjourned.

(4) The adjourned meeting shall be held on the 7th day after the date of such meeting and the attendance of at least one-tenth of the total members shall form a quorum.

(5) The members attending the meeting shall record their attendance in a register.

(6) The Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti, if feels necessary, may appoint an observer not below the rank of an extension officer for such meeting who shall submit a report to him in writing under seal and signature within a week on the proceedings of the meeting.

(7) In case of any dispute on election of members in Gram Unnayan Samiti, the Gram Panchayat shall refer the matter to the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti for decision.

72. Members of a Gram Unnayan Samiti.—A Gram Unnayan Samiti shall consist of the following members, namely:—

(a) the member or members of the Gram Panchayat elected from the particular Gram Sansad, ex-officio;

(b) the person or persons securing the second highest votes in the preceding Panchayat election;

(c) one member from a non-governmental organization, either registered or otherwise recognized by the State Government and other community based organisations

like the Samabay Krishi Unnayan Samiti, Village Education Committee, Anganwari Center, Managing Committee of the Shishu Shiksha Kendra, Water-Shed Committee, Water-User Committee, Forest Protection Committee, if being member of the Gram Sansad and operating in the Gram Sansad area, to be elected to the Gram Unnayan Samiti:

Provided that the membership shall remain restricted to three non-governmental organisations or other community based organizations;

- (d) one member from a self-help group, functioning in the Gram Sansad area for at least six months, having a bank account and all the members of the group being members of the Gram Sansad, to be elected to the Gram Unnayan Samiti:

Provided that the membership shall remain restricted to three self-help groups of which at least two shall be from the women led self-help groups;

- (e) one serving or retired Government employee residing in the area and being a member of the Gram Sansad to be elected to the Gram Unnayan Samiti;
- (f) one serving or retired teacher residing in the area and being a member of the Gram Sansad to be elected to the Gram Unnayan Samiti;
- (g) another ten members or one per cent of the total members of the Gram Sansad, whichever is higher, to be elected from the remaining members of the Gram Sansad:

Provided that not less than one-third members of the Gram Unnayan Samiti shall be women.

73. The Chairperson and the Secretary of a Gram Unnayan Samiti.—(1) The Gram Panchayat member elected from a Gram Sansad shall be the Chairperson of the Gram Unnayan Samiti:

Provided that in the event of there being two elected members from any constituency, the member senior in age shall be the Chairperson.

(2) The Gram Unnayan Samiti shall have a Secretary to be selected by the Gram Unnayan Samiti from amongst its members in its first meeting.

74. Functions of a Gram Unnayan Samiti.—(1) The functions of a Gram Unnayan Samiti shall be to help and assist the Gram Sansad in the preparation and implementation of its perspective plan for five years and annual plan as a part of the same, for achieving the economic development and social justice. Such perspective plan and annual plans as adopted by the Gram Sansad may be the basis of the Gram Panchayat plan. In doing so, the Gram Unnayan Samiti shall—

- (a) identify the need of the Gram Sansad area with the participation of villagers, prepare the budget for the Gram Sansad',
- (b) receive and utilize fund for the Gram Sansad and maintain records accordingly;
- (c) prepare the half-yearly and annual report on income and expenditure and on the activities of the Gram Unnayan Samiti during the last six months or one year, as the case may be, and present in the meeting of the Gram Sansad;
- (d) help the Gram Panchayat to make an assessment of the tax and realisation thereof;
- (e) mobilize local resources to augment the Gram Panchayat and the Gram Sansad fund;
- (f) identify local, natural, physical and human resources which are lying unutilised or under-utilized and also suggest measures and mobilize public opinion within the Gram Sansad for optimum utilization of resources so unutilized and under-utilized;
- (g) prioritise the projects and schemes for implementation with the available resources in consultation with the villagers.

(2) The Gram Unnayan Samiti shall promote the livelihood opportunities for all adult members of the Gram Sansad through proper and planned utilization of the available resources including the greater access to credit from the financial institution of the Gram Sansad fund and its repayment.

(3) The Gram Unnayan Samiti shall plan, implement and monitor development of sports and cultural activities.

(4) The Gram Unnayan Samiti shall help village-level functionaries to extend their outreach, to spread awareness among people about livelihood, health, nutrition, education, abolition of disparities based upon gender, utilization and repayment of credit, including the protection of environment and ensure the participation of all in reaching the goals related to those areas.

(5) The Gram Unnayan Samiti shall ensure preparedness to prevent and tackle the natural calamities, epidemic or diseases and to organize storage of grains to provide food security during lean months and natural calamities.

(6) The Gram Unnayan Samiti shall promote and nurture neighbourhood groups and user groups of the poor for their social and economic development and act as an information centre, data bank and facilities reaching to the various services to the people.

(7) The Gram Unnayan Samiti shall report on the progress or problems of various activities to the Gram Sansad and Gram Panchayat and if necessary, seek intervention of the Gram Panchayat in resolving the problems or disputes and to promote participation of all Gram Sansad members in the Gram Sansad meetings.

(8) The Gram Unnayan Samiti shall mobilize people around the Gram Sansad for expansion of social opportunities and in the process link up the activities of the Gram Sansad with those of the concerned Gram Panchayat.

(9) The Gram Unnayan Samiti shall take a consensus decision for performing its functions. In case of difference of opinion among its members, the matter shall be decided by the majority decision

Part-II
Gram Panchayat Administration
Chapter XII
Repeal and Savings

75. Repeal and Savings—(1) On the coming into force of these rules, such of the provisions of the West Bengal Panchayat Rules, 1958 relating to a Gram Panchayat and the provisions of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 1981 and the West Bengal Panchayat (Recruitment and Conditions of Service of Gram Panchayat Karmees) Rules, 1995 is hereby repealed:

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

(2) On the coming into force of these rules such of the provisions of the West Bengal Panchayat Rules, 1958 and the West Bengal Panchayat (Gram Panchayat Administration) Rules, 1981 and the West Bengal Panchayat (Recruitment and Conditions of Service of Gram Panchayat Karmees) Rules, 1995 or any other rules, as are inconsistent with these rules shall be deemed to have been amended notwithstanding anything to the contrary contained elsewhere in these rules.

The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004
ANNEXURE 1

Declaration of Assets as they stood as _____
Name (in full) of Officer _____ Service
_____ Designation _____ now

appointed as _____

Substantive
Special

pay
pay

A—Immovable Property

(1) LANDS

SI. 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 & manner of acquisition	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

(2) HOUSES

SI. No.	Precise Location	Extent of interest	Value	In whose name (wife, child, dependent other, relation or benamdar) the asset is	Date & manner of acquisition	Remarks
(1)	(2)	(3)	(4)	(5)	(8)	(9)

Date:

Signature of Declarant

(3) IMMOVABLE PROPERTIES OF OTHER DESCRIPTION

(Including Mortgages and such other rights)

SI. No.	Brief Description	Extent of interest	Value	In whose name (wife, child, dependent other, relation or benamdar) the asset is	Date & manner of acquisition	Remarks
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(1)	(2)	(3)	(4)	(5)	(6)	(7)
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B – Movable Property

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

SI. 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 & manner of acquisition	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

(2) OTHER MOVABLE

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

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

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

Date:

Signature

of Declarant

**The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004
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 & 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 %)

A. Performance and efficiency

60

**Grading with the correspondence 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 and 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 Authority

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

C. Accountability

Marks - 15

Grading with the corresponding marks : 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

The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

FORM1

[See rule 5(1)]

Form of notice of ordinary meeting of Gram Panchayat

.....Gram Panchayat [By Special Messenger]

To
Sri/Smt.....
.....
.....

Notice is hereby given that to transact the undermentioned business, the next meeting of the.....Gram Panchayat will be held at.....(place) at.....a.m./p.m. on the.....day of.....20.....

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

List of business:

- 1.....
2.
- 3.....
- 4.....

Dated, this.....day of.....20.....

Secretary,
.....Gram Panchayat.

The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

FORM 1A

[See rule 5(1)]

Form of notice of emergent meeting of Gram Panchayat

.....Gram Panchayat [By Special Messenger]

To
Sri/Smt.....

.....

.....

Notice is hereby given that the next emergent meeting of the.....Gram Panchayat will be held at.....(place) at.....a.m./p.m. on the.....day of.....20.....to transact the undermentioned business.

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

Business:

1.....

Dated, this.....day of.....20.....

Secretary,
.....Gram Panchayat.

The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

FORM IB

[See rule 5(1)]

Form of notice for requisitioned meeting of the Gram Panchayat by the Pradhan

..... Gram Panchayat [By Special Messenger]

To

Sri/Smt.....

Notice is hereby given that a requisitioned meeting of the Gram Panchayat as required by the members in their

letter received on (date), shall be held at the office of the Gram Panchayat at
..... (place)

at..... a.m./p.m. on the day of..... (month) 20 to transact the following business.

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

Business:

1.....

Dated :..... (Place)

This day of.20.....

Copy forwarded to the Block Development Officer (prescribed authority).....
..... Block.

Pradhan/Upa-Pradhan-in-Charge/Secretary

The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

FORMIC

[Senile 5(1)]

Form of notice for requisitioned meeting of the Gram Panchayat by the requisitionist members

..... Gram Panchayat

To

Sri/Smt

Notice is hereby given that since the Pradhan/Upa-Pradhan-in-Charge has failed to convene a meeting in

accordance with law as required by us, the undersigned members, by a letter served on *the* Pradhan/Upa-Pradhan-

in-Charge on(date), a requisitioned meeting shall be held at the office of the Gram Panchayat

at (place) at..... a.mVp.m. on the..... day of (month)

20.....to transact the following business.

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

Business:

1.....

Dated :(Place)

Requisitionist members

This..... day of20 1.

2.

3.

4.

Copy forwarded to the

1. Pradhan.....Gram Panchayat.

2. Block Development Officer (prescribed authority)

.....Block.

The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

FORM 2

[See rule 10(1)]

Form of attendance register and minute book for the meeting of Gram Panchayat

.....Gram Panchayat

- (1) Date of meeting:
- (2) Place of meeting:
- (3) Time of meeting:.....
- (4) Name of meeting: Ordinary/Emergent

Sl. No.	Name of	Signature or *LTI of	Time of	Attested by (in case

*Left thumb impression

The West Bengal Panchayat

(Gram Panchayat Administration) Rules, 2004

FORM 3

[See rule 8]

Form of notice for adjourned meeting of Gram Panchayat

[By Special Messenger]

.....Gram Panchayat

To

Sri/Smt.....

.....

.....

.....

Notice is hereby given that the meeting of the..... Gram Panchayat, which was adjourned on the.....day of. 20 will be held at(place)ata.m./p.m. on theday of20.....to 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 adjourned meeting.

Dated, this.....day of.....20.....

Secretary,

..... Gram Panchayat.

The West Bengal Panchayat

(Gram Panchayat Administration) Rules, 2004

FORM 3A

[See rules 16(1) & (2)]

Report on the work ofGram Panchayat for the year.....

Heads of receipts Actual receipts during the year Anticipated receipts during the following

(1)

(2)

(3)

1. Opening balance

2. Contribution by the State Government—

(a) for maintenance of—

(i) *Gram* Panchayat Karmees

(ii) Executive Assistant/Secretary/Job Assistant/Nirman Sahayak/Sahayak

(iii) Tax Collecting Sarkars

(b) for development work.

(c) in the form of incentive grant.

(d) in the form of matching grant.

(e) for fixed travelling allowance for members of Gram Panchayat.

(f) for honorarium for Pradhan, Upa-Pradhan & Sanchalaks.

3. Contribution/Grant from Central/State Government for any other special purpose—

(a)

(b)

(c)

4. Tax Revenue—

(a) Tax on land and buildings under section 46(1)(a)

(b) Rates and fees—

(i) fees on registration of vehicles under section 47(1)(i)

(ii) fee for providing sanitary arrangements under section 47(1)(iii)

(iii) water rate under section 47(1)(iv)

(iv) lighting rate under section 47(1)(v)

- (v) conservancy rate under section 47(1)(vi)
- (vi) fees on registration for running trade under section 47(1)(vii)
- (vii) tolls on vehicles under section 47(1)(viii)
- (via) tolls for ferry under section 47(1)(ix)
- (ix) sanitary rates for maintenance of public latrine under section 47(1)(xi)
- (x) rate for clearance of common drains under section 47(1)(xii)
- (xi) fees for use of burning ghat under section 47(1)(xiv)
- (xii) fees on registration of deep tubewell/mini-deep tubewell/shallow tubewell for supply of water for
commercial purpose under section 47(1)(xv)
- (xiii) fees on sale proceeds of produces sold in village market under section 47(1)(xvi)
- (xiv) fees for display of poster, banner, hoarding under section 47(1)(xvii)

(c) Additional stamp duty on—

- (i) transfer of immovable property under section 46(5)(a)
- (ii) payment for admission to any entertainment under section 46(5)(b)

5. Receipts from State Government under section 22 for performance of functions assigned to the Gram Panchayat or for making provision for duties of the Gram Panchayat—

- (a)
- (b)
- (c)

6. Receipt in respect of management of estates and all interest therein vested in the State.

7. Receipts from properties and remunerative assets created by the Gram Panchayat.

8. Contribution/Grant by Zilla Parishad, Panchayat Samiti or any other local authority.

9. Receipts from gifts and contributions and income from trust or endowment.

10. Receipts on account of fines and penalties.

11. Receipts on account of recovery of cost of demolition of building.
 12. Receipts on account of recovery of cost of works carried out.
 13. Receipts for acting as the agent of the Zilla Parishad.
 14. Loans and advances—
 - (i) from Central/State Government
 - (ii) from financial institution and other sources
 - (iii) on miscellaneous items
 - (iv) receipts on Deposits and Advances
 16. Miscellaneous receipts, if any, not classified above.
- Total income.....

**Report on the work of.....Gram Panchayat for the
year.....**

Heads of expenditure Anticipated expenditure during the	Actual expenditure during the year	following year
(1)	(2)	(3)
1. Cost of its own administration—		
(a) Salary and allowances, etc. of—		
(i) Executive Assistant		
(ii) Secretary		
(iii) Job Assistant		
(iv) Nirman Sahayak		
(v) Sahayak		
(vi) Gram Panchayat Karmees		
(b) Contingency.		
(c) Honorarium.		

(d) Collection charges for rates, fees, etc.

2. Expenditure on obligatory duties under section 19—

(a)

(b)

(c)

3. Expenditure on functions assigned to the Gram Panchayat under section 20—

(a)

(b)

(c)

4. Expenditure on discretionary duties under section 21—

(a)

(b)

(c)

5. Control of building operations.

6. Maintenance and repair of public streets, waterways, etc.

7. Improvement of sanitation, etc. under section 24.

8. Epidemic control.

9. Performance of functions delegated by the Zilla Parishad.

10. Management of estates and all interests therein vested in the State.

11. Miscellaneous Work Loans and Advances.

12. Repayment of loans, interest, etc.

13. Refund of Deposit and Advance.

14. Miscellaneous expenditure.

Total Expenditure:

Closing Balance:

The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

FORM 4
[See rule 17]

Form of application for permission to erect structure or building or to make an addition or alteration to an existing structure or building in a Gram

(To be submitted in duplicate)

..... Gram Panchayat

To

The Pradhan

....., Gram Panchayat

I hereby apply for permission to erect a new structure/building/to make addition/alteration to an existing structure/

building as mentioned in column 1 of the table below on a land covered by C.S7R.S. plot Nos..... 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 as indicated in column 2 of the said table.

Nature of structure/building	Fee to be paid (in Rupees)
1. Thatched, tin, tile or asbestos shed without brick wall covering an area of more than 18 square metres but not more than 40 square metres	30.00
2. Thatched, tin, tile or asbestos shed without brick wall covering an area of more than 40 square metres	60.00
3. Boundary wall made of brick or cement concrete if the bounded area is not kept as vacant plot but is used or likely to be used as stack yard or for any commercial or institutional purpose, either on open or by erecting temporary shed when the bounded area is— (i) not more than 40 square metres (ii) more than 40 square metres	30.00 50.00
4. Any brick-walled one-storeyed structure or building covering an area of not more than 40 square metres	100.00 150.00

5. Any brick-walled one-storeyed building or structure covering an area of more than 40 square metres	250.00 60.00
6. (i) Any brick-walled two-storeyed structure or building covering an area of not more than 40 square metres on the ground floor (ii) Additional fee for each floor above first floor	400.00 150.00
7. (i) Any brick-walled two-storeyed structure or building covering an area of more than 40 square metres on the ground floor (ii) Additional fee for each floor above first floor	500.00 150.00
8. (i) Any one-storeyed workshop or structure or building covering an area of not more than 100 square metres (ii) Additional fee for each floor above the ground floor	1000.00 300.00
9. (i) Any workshop, shed or one-storeyed structure or building for commercial or business purpose covering an area of more than 100 square metres (ii) Additional fee for each floor above the ground floor	60.00
10. Any remodelling of existing structure or building, increasing the existing area of the structure or building— (i) by one-fifth of the existing covered area (ii) by more than one-fifth of the existing covered area	 100.00 200.00

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 at a distance of at least nine-tenth metre from all sides of boundaries.

4. I am enclosing two 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 Gram Panchayat.

6. I also hereby declare that I am not erecting any structure/building within Kolkata metropolitan area or near or in the vicinity of any aerodrome tending to hazard or near any other prohibited area.

Or,

I also hereby declare that the structure/building I am proposing to erect lies within Kolkata metropolitan area or near or in the vicinity of an aerodrome or a prohibited area and the proposed construction/building plan has been prepared keeping this point under consideration.

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

8. I also hereby undertake to make payment of further fee as may be directed by the Gram Panchayat in accordance with the rule and procedures.

(Strike out the words not applicable)

Signature.....

.....

Name in block

letters.....

...

Address.....

.....

Date.....

.....

The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004.

FORMS

[See rule 48 (5)]

I, having been selected for appointment as

.....of the.....Gram Panchayat, 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.

3)								
4)								
5)								
6)								
7)								
8)								
9)								
10)								

Dated: _____

Assistant/Secretary

Executive

_____ Gram Panchayat

**The West Bengal Panchayat
(Gram Panchayat Administration) Rules, 2004.**

FORM 7

[See rule 58 (3)]

**Registration Certificate for vehicles
and/or other equipments**

[Not registered under the Motor Vehicles Act]

<p>.....Gram Panchayat</p> <p>Registration Certificate No.....</p> <p>Registration of vehicle/ equipment for the year.....</p> <p>..... The</p> <p>.....Gram Panchayat hereby grants Registration Certificate to Sri/ Smt.....</p> <p>.....</p> <p>in village.....</p> <p>.....</p> <p>under rule 58 (3) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004. This Registration Certificate shall remain in force up to.....</p> <p>Registration fee received Rs.</p> <p>(.....) vide Miscellaneous no.....</p> <p>dated.....</p> <p>.....</p> <p style="text-align: center;">Signature of Pradhan</p>	PERFORATION	<p>.....Gram Panchayat</p> <p>Registration Certificate No.....</p> <p>Registration of vehicle/ equipment for the year.....</p> <p>..... The</p> <p>.....Gram Panchayat hereby grants Registration Certificate to Sri/ Smt.....</p> <p>.....</p> <p>in village.....</p> <p>.....</p> <p>under rule 58 (3) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004. This Registration Certificate shall remain in force up to.....</p> <p>Registration fee received Rs.</p> <p>(.....) vide Miscellaneous no.....</p> <p>dated.....</p> <p>.....</p> <p style="text-align: center;">Signature of Pradhan</p>
--	--------------------	--

.....Gram Panchayat	Gram Panchayat
Dated:		Dated:
Seal:		Seal:

Registration of vehicle/equipment for the year..**Gram Panchayat**

Registration Certificate No.....

Registration of vehicle/equipment for the year..

The.....Gram Panchayat

hereby grants **Registration Certificate** to Sri/Smt.

for owning the vehicle/equipment (description)

in village The.....Gram Panchayat

hereby grants **Registration Certificate** to Sri/Smt.

for owning the vehicle/equipment (description)

in village

under rule 58 (3) of the West Bengal *Panchayat (Gram Panchayat Administration) Rules, 2004.*

This **Registration Certificate** shall remain in force up to..... w

I under rule 58 (3) of the West Bengal *Panchayat*
(*Gram Panchayat* Administration) Rules, 2004.
This **Registration Certificate** shall remain in
force up to.....

i

Registration fee received Rs
Rs

)vide

Miscellaneous Receipt No
dated
dated

Signature of Pradhan
.....Gram Panchayat
.....Gram Panchayat

Dated:
Seal:
Seal:

Registration fee received

)vide

Miscellaneous Receipt No

Signature of Pradhan

Dated:

West Bengal Panchayat (Panchayat Samiti Administration) Rules, 1984

CHAPTER I

Preliminary

1. Short title: These rules may be called the West Bengal Panchayat (Panchayat Samiti Administration) Rules, 1984.

2. Definitions:

(1) In these rules,—

- (a) “the Act” means the West Bengal Panchayat Act, 1973 (West Ben, Act, XLI 1973);
- (b) “Form” means a form appended to these rules and includes a translation thereof in Bengali or in Nepali;
- (c) “section” means a section of the Act.

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

(3) The Bengal General Clause Act, 1899 (Ben. Act I of 1899) shall apply for interpretation of these rules as it applies for the interpretations of an Act of the West Bengal Legislative Assembly.

CHAPTER II

Meeting of Panchayat Samiti

1. Notice how to be served:

- (1) The notice for a meeting, other than an adjourned meeting or a requisitioned meeting, shall be signed and sent by the Secretary to all the members of the Panchayat Samiti. The notice for an ordinary 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 and that for an emergent meeting shall be sent by special messenger. The notice for a requisitioned meeting shall be sent by registered post with acknowledgment due by the Sabhapati or the requisitioning members, as the case may be.

- (2) The notice for all meetings except an emergent or a requisitioned meeting shall be in Form 1; while such notice for an emergent meeting or a requisitioned meeting shall be in Form 1A or in Form 1B, as the case may be.
2. Resolutions pressed for division: If there is difference of opinion on any resolution, it shall be put to vote. Every such resolution shall be recorded in full in the Minute Book together with the number of member voting for or against the resolution.
3. Manner of voting: When a question is put to vote, the presiding member shall decide the manner in which the members shall cast their votes:

Provided that any resolution for the removal of the Sabhapati or the Sahakari Sabhapati from his office shall be decided by secret voting.

CHAPTER III

Report on the work of the Panchayat Samiti

1. Preparation of report by Panchayat Samiti:
- (1) The Panchayat Samiti shall prepare a report in Form 2 showing therein under different heads the work done during the preceding year and the work proposed to be done during the current year. Any work done which cannot be classified under the given heads shall be shown under the head "Miscellaneous work".

Copies of report mentioned in sub-rule (1) shall be forwarded of the Zilla Parishad, the District Panchayat Officer and also to the Director of Panchayats by the 30th June of each year.

CHAPTER IV

License for hat or market

1. Application for license:

- (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 3 to the Panchayat Samiti for license. The owner or lessee of an existing hat or market shall make such an application for license within the time fixed by the Panchayat Samiti.
- (2) If the hat or market consist of shops or stalls exceeding thirty in number for sale of goods, the application for license for such hat or market shall be accompanied by a lay-out 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 water;
 - (c) the number and location of latrine and urinals;
 - (d) the place for dumping of refuse, rubbish or sewage; and
 - (e) the nearest stand for vehicles.

2. Grant of license:

- (a) Before a license is granted for such a hat or market, the layout plan shall require the approval of the Sanitary Inspector of the area. If the Sanitary Inspector suggests any alteration or improvement in the lay-out plan no license shall be granted until and unless the said lay-out plan is revised so as to include such alteration and improvement.
- (b) If the license 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 Sanitary Inspector and the license shall not be granted until such alteration and improvements are effected within the time-limit.

3. Terms and conditions of license:

- (1) The licensee of a hat or market shall be required to make proper arrangements for—
 - (a) clearance and drainage of 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 dis-infection of such water-supply with such disinfectant as may be directed by the Sanitary Inspector or any other officer of the Panchayat Samiti when any contamination is suspected or discovered;
 - (d) construction and maintenance, where necessary, of sufficient number or privies and urinals for the use of persons attending the hat of market with such separate accommodation for each sex as may be directed by the Sanitary Inspector;
 - (e) collection, removal and disposal of refuse, rubbish, sewage or night-soil at such intervals as the Sanitary Inspector may direct;
 - (f) bringing to the notice of the Sanitary Inspector or such other officer as may be authorized 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 diseases occurring within the precincts of a hat or market;
 - (g) providing sufficient lighting arrangement for every part of the hat or market at night; and
 - (h) supply of wholesome food at reasonable prices.

- (2) No person shall expose 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 leprosy or any contagious disease shall prepare or help in the preparation of or expose any article for sale in a hat or market.
 - (4) Nor privy or urinal shall be constructed or allowed to stand within a radius of twenty meters 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 meats, 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.
4. Penalty for establishing or holding hat or market without license or for violation of conditions for license: Where a hat or a market is established or held without a license or in violation of any condition of license, the owner or the licensee of such hat or market shall be liable to such penalty as the Panchayat Samiti may provide under the bye-laws made by it under section 223.
 5. Form of license for hat or market: The license granted by a Panchayat Samiti for a hat or market shall be in Form 4.
 6. Fees for license for hat or market: The licensee shall pay for the license to the Panchayat Samiti such fee, not exceeding the amount prescribed in sub-rule (6) of rule 11, as the Panchayat Samiti may upon considering the size and importance of the hat or market provide in the bye-laws made by it under section 223.

CHAPTER V

Maximum rate of tolls, fees and rates to be levied by a Panchayat Samiti under section 133

1. The following maximum rates are prescribed for levy of tolls, fees and rates by a Panchayat Samiti:

(1) toll bar established by a Panchayat Samiti on any road other than a kutchra road or on any bridge vested in it or under its management referred to in clause (a) of sub-section (1) of section 133:

- (i) Motor car: Re. 0.50
- (ii) Motor bus: Re. 1-00
- (iii) Motor lorry: Re. 1-00
- (iv) Cycle rickshaw: Re. 0.10
- (v) Cycle cart: Re. 0.15
- (vi) Power-driven two-wheeled vehicle: Re. 0.20

(2) ferry established by a Panchayat Samiti or under its management referred to in clause (b) of sub-section (1) of section 133:

- (i) for each person above the age of five years without a load or with a load not exceeding 40 Kg.: Re. 0-10
- (ii) for each person with a load exceeding 40 Kg.: Re. 0-15
- (iii) for each cattle: Re. 0-10
- (iv) for each bicycle, hand cart, cycle cart: Re. 0-15

- (v) for each power-driven two-wheeled vehicle, rickshaw, bullock cart:
Re. 0-50
- (vi) for each motor car or carriage drawn by animal: Rs. 3-00
- (vii) for each motor bus or lorry: Rs. 8-00

Provided that each driver and passenger of a vehicle shall pay a separate toll for himself in addition to the toll of the vehicle;

(3) annual fee on the owner for registration of a vehicle which is kept or is used in the ordinary course of business within or which is let for hire within or outside the jurisdiction of the Panchayat Samiti deferred to in sub-clause (i) of clause (c) of sub-section (1) of section 133:

- (i) One Bicycle: Rs. 4-00
- (ii) One Cycle cart: Rs. 6-00

(4) fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within the jurisdiction of the Panchayat Samiti as may be specified by the State Government by notification referred to in sub-clause (ii) of clause (c) of sub-section (1) of section 133:

- (i) for visitors above the age of twelve: Re. 0-25 per head
- (ii) for animals: Re. 0-25 per animal
- (iii) for boats and other vehicles: Rs. 2-00 per vehicle
- (iv) for vendors and tradesmen plying trade without stall: Rs. 2-00 per vendor or tradesman
- (v) for vendors and tradesmen plying trade in stalls: Rs. 5-00 per vendor or tradesman

- (5) annual fee for license for carrying on any trade or business declared by the State Government by notification to be offensive or dangerous referred to in sub-section (iii) of clause (c) of sub-section (1) of section 133—Rs. 250-00;
- (6) annual fee for license for a hat or market referred to in sub-clause (iv) of clause (c) of sub-section (1) of section 133—Rs. 2,000-00;
- (7) water rate, where arrangement for supply of water for drinking, irrigation or any other purpose is made by the Panchayat Samiti within the jurisdiction referred to in sub-clause (v) of clause (c) of sub-section (1) of section 133—5 per cent of the annual value of the land or building or both appertaining to such holding.
- (8) lighting rate, where arrangement for lighting of public streets and places is made by the Panchayat Samiti within its jurisdiction referred to in sub-clause (vi) of clause (c) of sub-section (1) of section 133—5 per cent of the annual value of the land or building or both appertaining to such holding.

CHAPTER VI

Powers, functions and duties of the Sabhapati

1. Powers, functions and duties in respect of schemes assigned by a department of Government: The Sabhapati shall have the following powers over Gram Panchayat in respect of schemes assigned to Gram Panchayat by a department of Government:
 - (1) A Sabhapati may call or cause to be called from a Gram Panchayat such information, report, register or records as may be deemed fit in respect of schemes assigned to Gram Panchayat and the Gram Panchayat shall supply the same. The action taken on the materials so received shall be laid by the Sabhapati in a meeting of the Panchayat Samiti.
 - (2) The Sabhapati shall have general power of supervision in respect of financial and administrative matters relating to schemes assigned to Gram Panchayats.

(3) If a Gram Panchayat fails to carry out the directions of the Sabhapati in the matter of execution of assigned schemes, the Sabhapati may, with the approval of the Panchayat Samiti in a meeting, withhold release of grant sanctioned by the Government for the purpose to the Gram Panchayat concerned for a period not exceeding three months in anticipation of approval of the assigning department of Government. The Sabhapati shall forthwith report or cause to report such withholding of grant to the assigning department of Government for approval. In case the approval of the assigning department in respect of the action taken by the Sabhapati does not reach the Panchayat Samiti within three months of such withholding of grant, the Sabhapati with the approval of the Panchayat Samiti in a meeting shall release the grant in favour of the Gram Panchayat as contemplated in the order of assignment of the department of Government. During the period of withholding of such grant by the Sabhapati the schemes assigned to Gram Panchayats shall be executed by the Sabhapati of the Panchayat Samiti in the manner decided in a meeting of the Panchayat Samiti.

(4)

(a) The Sabhapati shall collect or cause to be collected from the Gram Panchayats monthly progress report of work in respect of schemes assigned to Gram Panchayats and keep the concerned Sthayee Samiti informed about the progress of work.

(b) The Sabhapati shall submit or cause to be submitted each month a consolidated report of progress received from the Gram Panchayats with its comments thereon to the Zilla Parishad.

2. Powers, functions and duties in respect of schemes financed by Panchayat Samiti out of its own resources: The Sabhapati shall have the following power over Gram Panchayats in respect of schemes financed by Panchayat Samiti out of its own resources and assigned to Gram Panchayats for execution:

- (1) The Sabhapati may, with the approval of the Panchayat Samiti in a meeting and with the consent of the concerned Gram Panchayat, entrust to it any scheme for execution.
 - (2) When a scheme has been assigned by a Panchayat Samiti to a Gram Panchayat for execution, the Gram Panchayat shall furnish to the Sabhapati such periodical progress report and comply with such directions as the Sabhapati may require or issue in connection with execution of scheme by the Gram Panchayat.
3. Relationship of Sabhapati with Executive Officer: The Sabhapati shall exercise the powers under clause (c) of sub-section (1) of section 118 through the Executive Officer of the Panchayat Samiti.

CHAPTER VII

Meeting of Sthayee Samiti

1. Meeting of the 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 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.

2. Preparation of list of business: A list of business to be transacted at every meeting of the Sthayee Samiti, except an adjourned meeting, shall be prepared by the Secretary of the Sthayee Samiti under the guidance of the Karmadhyaksha. The same shall be entered in the book of agenda of meetings to be maintained for the purpose and countersigned by the Karmadhyaksha.

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.

3. Notice for meeting: At least seven clear days' notice of all meetings except an emergent or a requisitioned meeting shall be given to all members in Form 1. At least three clear days' notice for emergent meeting shall be given to all members of the Sthayee Samiti in Form 1A. Seven clear days' notice for a requisitioned meeting shall be given in Form 1B:

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

4. Notice how to be served:

- (1) (a) Notice for meeting other than a requisitioned meeting shall be signed and sent by the Secretary of the Sthayee Samiti to all the members of the Sthayee Samiti. 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 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.

5. Quorum: Two members of a Sthayee Samiti other than the official members appointed under clause (c) of sub-section (2) of section 124 shall form a quorum for a meeting of the Sthayee Samiti:

Provided that no quorum shall be necessary in an adjourned meeting.

6. 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 Government by the Karmadhyaksha through the Sabhapati of the Panchayat Samiti and the Department of Panchayats.
7. Officers, though not members of the Sthayee Samiti, are to attend the meetings: Any officer of the State Government at the District, Sub-divisional or Block Level, who is concerned with any item of the agenda of the meeting of the Sthayee Samiti and who is competent to implement the decisions of such Sthayee Samiti on such item- shall be invited to attend such meeting.
8. Attendance Register of Members:
 - (1) An Attendance Register for all meetings except for a requisitioned meeting shall be maintained in Form 5. 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. In the case left thumb impression is put, it shall be attested by any other member.
 - (2) In case of a requisitioned meeting every member attending the meeting shall sign his name or put his left thumb impression on a plain sheet of paper substantially in the manner indicated in Form 5.
9. Adjournment for want of quorum: If within half an hour from the time appointed for the meeting no quorum is present, the meeting shall stand adjourned. The meeting shall be called again on a further date to be fixed by the Karmadhyaksha.
10. Fresh notice for adjourned meeting: The members of the Sthayee Samiti shall be informed of the date and time of the adjourned meeting by clear seven days' notice in Form 6. An adjourned meeting shall not transact any business save those which were on the agenda of the original meeting.

11. Presiding over the meeting of Sthayee Samiti: All meetings of the Sthayee Samiti shall be presided over by the Karmadhyaksha. In the absence of the Karmadhyaksha the members of the Sthayee Samiti shall elect one of the members to preside over the meeting.

12. Requisitioned meeting for discussion on works or programmes:

(1) The Karmadhyaksha when required in writing to call a meeting by not less than three members other than the members appointed under clause (c) of sub-section (2) of section 124, shall do so within seven days after giving seven clear days' notice to all the members of the Sthayee Samiti, failing which the members aforesaid may call a meeting after giving intimation to the Executive Officer of the Panchayat Samiti and seven clear days' notice to the members of the Sthayee Samiti.

(2) The item of discussion shall relate only to works or programmes of the Sthayee Samiti.

13. Minute Book:

(1) Proceedings of all the meetings of a Sthayee Samiti except that of a requisitioned meeting shall be entered in the minute book to be kept for the purpose and shall be read out before the meeting is concluded. The person presiding over the meeting shall then sign it.

(2) The proceedings of the meeting shall be recorded by the Secretary of the Sthayee Samiti or in his absence by another person authorised by the member presiding over the meeting.

(3) In case of a requisitioned meeting the proceedings of the meeting shall be recorded by the member presiding over such meeting on sheet or sheets of plain paper. Before the meeting is concluded, the member presiding over such meeting

shall read out the proceedings of the meeting and then put his signature on each sheet of paper.

(4) The minutes of the proceedings shall be recorded either in Bengali or in English:

Provided that the minutes of the proceedings may be recorded in Nepali in hill areas.

14. Mode of arriving at decisions in the meeting t All matters coming before a Sthayee Samiti shall be decided by consensus. In case there is any difference of opinion amongst the non-official members, the matter shall be referred to the Panchayat Samiti at its next meeting whose decision on the subject shall be final.

West Bengal Panchayat (Panchayat Samiti Administration) Rules, 1984

CHAPTER VIII

Powers, functions and duties of Sthayee Samiti

1. Subjects to be dealt with by Sthayee Samitis: A Sthayee Samiti of a Panchayat Samiti specified in entries in column (2) of the Table below shall deliberate and deal with the subjects specified in the corresponding entry in column (1) of the said table.

THE TABLE

(1)

(1)	(i) Finance, (ii) Budget, (iii) Accounts, (iv) Audit, (v) Taxation, (vi) Mobilisation of resources, (vii) Administration and Establishment, (viii) Co-ordination and supervision including the scheme assigned by different departments of Government.	Artha O Sanstha Sthayee Samiti
-----	--	--------------------------------

(2)	(i) Public Health, (ii) Sanitation, (iii) Rural Water Supply, (iv) Nutrition, (v) Dispensaries, Health Centres and Clinics, (vi) Family Welfare	Janasasthaya Sthayee Samiti
(3)	(i) Roads including bridges, culverts and drains, (M) Public buildings, (Hi) Works and properties, (iv) Rural housing	Purta Karya Sahayee Samiti
(4)	(i) Agriculture, (ii) Agro-Industries, (iii) Irrigation including small irrigation, (iv) Social forestry, (v) Soil conservation, (vi) Horticulture, (vii) Marketing, (viii) Go-operative movement	Krishi, Sech O Samabaya Sthayee Samiti
(5)	(i) Primary Education, (ii) Social Education, (it) Adult literacy, (iv) Recreation (v) Information and mass communication, (vi) Games and Sports, (vii) Youth Services	Shiksha Sthayee Samiti
(6)	(i) Cottage and Small Scale Industries, (ii) Hand-looms, (iii) Village Industries, (iv) Industrial estates, (v) Relief, (vi) Unemployment assistance and pension, (vii) Social Welfare including welfare of women and children, (viii) Tribal welfare and welfare of weaker communities and handicapped groups.	Khudra Silpa, Tran O Janakalyan Sthayee Samiti
(7)	(i) Preparation and implementation, monitoring and evaluation of Panchayat Samiti, Plans, (ii) Integrated Rural Development Programme, (iii) Assisting in the implementation of land reform programme, (iv) Small Savings, (v) Preparation of resource inventory and data base of Panchayat Samiti Planning, (vi) Management of hat, bazar, ferry assigned by Government to Panchayat Samiti	Unnayan Parikalpana O Bhumi Sanskar Sthayee Samiti
(8)	(i) Fisheries, (if) Animal husbandry, (m) Poultry, (iv)	Matsya O Pasupalan

2. Powers of Sthayee Samiti:

- (1) Every Sthayee Samiti shall exercise the powers and perform the functions of the Panchayat Samiti in relation to the subjects allotted to it within their financial limits subject to any direction of the Panchayat Samiti. It shall also be responsible for the implementation of the works and schemes of the Panchayat Samiti and those assigned to it by different departments of Government relating to the subjects specified in rule 29:

Provided that—

- (a) the financial limits up to which a Sthayee Samiti shall be competent without reference to the Panchayat Samiti to accord administrative and financial sanction to works and schemes undertaken by the Panchayat Samiti shall be such as may, from time to time, be fixed by the State Government,
- (b) each Sthayee Samiti shall also consider every item of expenditure exceeding the maximum limits of its authority and place it with its recommendation to the Panchayat Samiti and it shall be its duty to carry out the decision of the Panchayat Samiti on such items and execute the schemes according to such decisions,
- (c) before according administrative approval and financial sanction to a scheme each Sthayee Samiti shall obtain the views of Artha O Sanstha Sthayee Samiti and in case of disagreement the scheme shall be placed before the Panchayat Samiti in a meeting for a decision,
- (d) every item of cost of expenditure sanctioned by every Sthayee Samiti shall be forwarded to the Artha O Sanstha Sthayee Samiti for information,
- (e) a Sthayee Samiti shall not be competent to alter budgetary allocation of funds already made by the Panchayat Samiti within the subjects allotted to it.

- (2) In case of any doubt as to whether a particular scheme or work comes within the purview of the subjects allotted to a Sthayee Samiti and in case of difference on this point between two or more Sthayee Samitis the matter shall be referred to the Panchayat Samiti in a meeting for decision.
- (3) Every Sthayee Samiti shall submit to the Panchayat Samiti a quarterly review of the progress of works and schemes dealt with by the Sthayee Samiti in Form 7. Such report shall be placed in the next meeting of the Panchayat Samiti.
- (4) The Secretary of the Sthayee Samiti shall forward the copy of the proceedings of every meeting of the Sthayee Samiti to the Sabhapati.
- (5) The Artha O Sanstha Sthayee Samiti shall, in addition to the subjects allotted to it, have the following powers and shall perform the following functions:—
 - (a) to frame budget and supplementary budget of the funds of the Panchayat Samiti and submit the same to the Panchayat Samiti for consideration in its meeting,
 - (b) to prepare and submit annual administrative report in Form 8 for information of Panchayat Samiti in its meeting,
 - (c) to consider the budget of the Gram Panchayats and forward the same to the Panchayat Samiti with its opinion,
 - (d) to recommend, in consultation with the concerned Sathayee Samiti, grants from the funds raised by the Panchayat Samiti to Gram Panchayats,
 - (e) to recommend levy of tolls, fees and rates,
 - (f) to recommend transfer of properties, schemes and works,
 - (g) to recommend grant of license under the Act:

Provided that—

- (1) every item, of cost of expenditure sanctioned by a Sthayee Samiti shall be forwarded by the Artha O Sanstha Sthayee Samiti to the Panchayat Samiti,
 - (2) the Artha O Sanstha Sthayee Samiti shall submit to the Panchayat Samiti monthly accounts of receipts and expenditure, quarterly review of general financial position of the Panchayat Samiti and the annual administrative report.
3. Function of Sthayee Samiti in respect of scheme assigned to Panchayat Samiti for execution by the State Government:
 - (i) Before any scheme assigned by any department of Government is taken up for execution by the Panchayat Samiti, the Panchayat Samiti shall forward the contents of the assigned schemes to the appropriate Sthayee Samiti for drawing up detailed plan for its execution. While forwarding the scheme the Panchayat Samiti may issue 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 plan and estimate of the scheme prepared by the appropriate Block level officer of the concerned department who shall render all assistance in this regard.
 - (ii) The Sthayee Samiti shall then proceed to execute the scheme.
4. Function of Sthayee Samiti in respect of execution of schemes of Panchayat Samiti:

Before any scheme to be executed from its own resources is sanctioned by the Panchayat Samiti, the Sthayee Samiti concerned shall of its own motion or under the direction of the Panchayat Samiti cause the plan and estimate of the same prepared by the appropriate Block level officer who shall render all assistance in this regard. The Sthayee Samiti shall then consider the scheme and if it exceeds the financial power of the Sthayee Samiti as laid down by Government from time to time, it shall submit the scheme with its recommendations to the Panchayat Samiti for orders. Any scheme sanctioned by the Panchayat Samiti in a meeting shall then be referred to the Sthayee Samiti for causing execution thereof by the concerned Block level officer with a

direction to submit periodical progress reports of its execution to the Panchayat Samiti.

5. Co-ordination between Panchayat Samiti, its Sthayee Samitis and Block level officers for execution of schemes: There shall be proper co-ordination between the Panchayat Samiti, its Sthayee Samitis and Block level officers in all matters relating to planning, execution and administration of development work.

CHAPTER IX

Honoraria and Leave of Sabhapati and Sahakari Sabhapati

1. Honoraria and leave of Sabhapati and Sahakari Sabhapati:

- (1) The Sabhapati and Sahakari Sabhapati of a Panchayat Samiti shall be paid out of the Panchayat Samiti fund such honoraria and allowances as may be determined by the State Government from time to time:

Provided that the Sabhapati or Sahakari Sabhapati shall be entitled to the honoraria and allowances during his leave of absence duly granted under sub-rule (2).

- (2) A Panchayat Samiti shall by a resolution in a meeting may grant leave of absence to its Sabhapati or Sahakari Sabhapati for any period not exceeding three months in aggregate in a year reckoned according to British Calendar Grant of such leave shall forthwith be reported by the Executive Officer of the Panchayat Samiti to the Executive Officer of the Zilla Parishad and the District Panchayat Officer:

Provided that absence of the Sabhapati or Sahakari Sabhapati for not more than five consecutive days from his duties shall not be construed as his absence from duties of his temporary inability to act.

FORM 1

[See rules 3(2) and 19]

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

..... Panchayat Samiti

..... Sthayee Samiti

To

.....

.....

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 19.....

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

List of business:

1.....

2.....

3.....

etc. ,.....

Dated this..... the day of 19.....

Secretary

Panchayat Samiti/Sthayee Samiti

Form 1A

[See rules 3(2) and 19]

Form of notice of emergent meeting of the Panchayat Samiti/Sthayee Samiti

..... Panchayat Samiti/

..... Sthayee Samiti

To

.....

.....

Notice is hereby given that an emergent meeting of the Panchayat Samiti/ Sthayee Samiti will be held at a.m./p.m. on the day of 19..... to transact the following business.

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

Business:

1.....

Dated this day of 19

Secretary

Panchayat Samiti/Sthayee
Samiti

Form 1B

[See rules 3(2) and 19]

Form of notice of requisitioned meeting of the Panchayat Samiti/Sthayee Samiti

..... Panchayat Samiti/

..... Sthayee Samiti

To

.....

.....

Notice is hereby given that an requisitioned meeting of the Panchayat Samiti/ Sthayee Samiti will be held at a.m./p.m. on the day of 19..... to transact the following business.

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

Business:

1.....

Dated this day of 19

Sabhapati/Karmadhyaksha/Members requisitioning the meeting

FORM 2

[See rule 6]

Report of the work done by the Panchayat Samiti in the district of during the year ending

A—Work done or proposed to be done by the Panchayat Samiti with own resources

Nature of Scheme	Physical achievement during the year ending 31 st March	Money value of the work done	Work proposed to be taken up during the year beginning with 1 st April	Money value of the work proposed to be taken up	Remarks
1	2	3	4	5	6

B—Promotional activities of the Panchayat Samiti

Nature of activity	Number of beneficiaries during the year ending 31 st March	Remarks
1	2	3

C—Work done under the scheme assigned to Panchayat Samiti

Nature of Scheme	Name of the department assigning the scheme	Amount received from the department during the year ending 31 st March	Physical achievement during the year ending 31 st March	Money value of the work done	Work proposed to be taken up during the year beginning with 1 st April	Money value of the work proposed to be taken up	Remarks
1	2	3	4	5	6	7	8

D—Flow of fund to the Gram Panchayat through the Panchayat Samiti for execution of
different assigned schemes by Gram Panchayat

Nature of Scheme	Amount received during the year ending 31 st March	Name of the department sanctioning the allotment	Amount sub-allotted to the Gram Panchayat during the year ending 31 st march	Remarks
1	2	3	4	5

(i) In part “A” and “C” of the report—

- (a) 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 tubewell”, Resinking/ Repair of tubewell”, etc., shall be shown separately.
- (b) under the columns “Physical achievement” and “Work proposed to be taken” the length of road in kilometer, 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 “D” 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”, etc., shall be indicated.

FORM 3

[See rule 7(1)]

Form of application for license for holding hat/market

To

The Sabhapati,

..... Panchayat Samiti,

District:

I hereby apply for license for use of the place covered by C.S. plot No.....of.....mouza of J.L. No..... in police-station.....in the.....district of.....the boundaries of which are given below for the purpose of holding of a hat/market for the period from.....to.....

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

*A lay-out 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.

Signature

.....

Address

.....

Date
.....

Boundaries:

East:

West:

North:

South:

*Strike out if not applicable.

FORM 4 [See rule 11]

Form of license for holding hat or market inPanchayat Samiti area

(COUNTERFOIL)

(FOIL)

License for holding hat/market
in Panchayat Samiti area

License for holding hat/market in
Panchayat Samiti area

License No.:

License No.:

Year:

Year:

Name of licensee:

The Panchayat Samiti hereby grants

to this license under section

Address :

117 of the West Bengal Panchayat Act, 1973

License fee: Rs.

(West Ben. Act, XLI of 1973), for the use of

Boundaries of the hat/market—

the place covered by C. S. plot Nos. of

East:

Mauza J.L. No..... police

West:

station.....in the district

North:

of..... the boundaries of which

South:

Comprising C.S. plot Nos.

Mauza:

J.L. No.

District:

Police-station:

are given below for the-purpose of holding a hat/market subject to the terms and conditions noted in the enclosure and acknowledges to have received in consideration thereof the sum of Rs..... being the license fee..... for the year.....Boundaries:

East:

West:

North:

South:

Sabhapati

Office of the Panchayat Samiti

District :

Dated :

This license will be in force until.....

(Seal)

Comprising C. S. plot Nos.

Mauza J.N. No. Police

station [Sabhapati] Executive

Officer Office of the Panchayat

Samiti District. Dated This license

will be in force until

(Seal)

Terms and conditions of license on holding hat/market

(Enclosure to the foil of License No..... dated.....)

1. The license of every hat/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 purposes in sufficient quantities for the needs of persons attending the hat/market;
- (iii) adequate dis-infection of such water-supply with bleaching powder or such other disinfectant as may be directed by the Sanitary Inspector or any other

officer of 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 Sanitary Inspector;
 - (v) the collection, removal and disposal of refuse, rubbish, sewage or night-soil at such intervals as the Sanitary Inspector may direct;
 - (vi) 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/market;
 - (vii) the supply of light for every part of the hat/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/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 contagious disease shall prepare or help in the preparation of expose any article for sale in a hat/market.
 4. No privy or urinal shall be constructed or allowed to stand within a radius of twenty meters from any place in a hat/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/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/market.
7. Where a hat or market is established or held without a license or in violation of any condition of license, 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.

.....

[Executive Officer]

(Sabhapati)

Panchayat Samiti

FORM 5

[See rule 24]

Form of attendance register for the meetings of Sthayee Samiti of Panchayat

Samiti Sthayee Samiti

1. Date of meeting:
2. Place of meeting:
3. Time of meeting:

4. Nature of meeting: * Ordinary/Emergent

Sl.	Name of the member	Signature/ Left thumb impression of the member	Time of arrival	Attested by (in case of illiterate members only)
-----	--------------------	--	-----------------	--

* Strike out which is not applicable.

FORM 6

(See rule 26)

Form of notice of adjourned meeting of Sthayee Samiti of Panchayat
Samiti..... Sthayee Samiti

To

.....
.....

Notice is hereby given that the meeting of the Sthayee Samiti which was adjourned on the..... day of..... 19.....will be held at (place) at..... a.m./p.m. on the..... day of 19..... to transact the list of business which were on the agenda of the meeting, dated.....

He is requested to make it convenient to attend the said meeting. Dated this.....day of..... 19...

Secretary,

..... Sthayee
Samiti

FORM 7

[See rule 32(3)]

Report on the work done by the..... Sthayee Samiti of thePanchayat 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

Counter signed

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 32 (5) (b);]

Annual Administrative report of the..... Panchayat Samiti in the district
of..... for the year.....

TABLE 1

Constitution

1. Area of the Panchayat Samiti: (in square kilometer)
2. Population :.....
3.
 - (a) Number of elected members:
 - (b) Number of members appointed under section 210:
4. Number of Gram Panchayats under the Panchayat Samiti:
5. Number of meeting of the Panchayat Samiti held during the year:

TABLE 2

Income

1. Opening balance:
2. Tolls, fees and rates—
 - (a) Toll-baron road
 - (b) Toll in respect of ferry:

- (c) Fee on registration of vehicle:
- (d) Fee for providing sanitary arrangement:
- (e) Fee for license for dangerous and offensive trades:
- (f) Fee for license for hat and market:
- (g) Water rate:
- (h) Lighting rate:

3. Fine for breach of bye-laws:

4. Receipts from State Government or Zilla Parishad for execution of

Scheme/programmes assigned to Panchayat Samiti:

(i)

(ii)

Name of the scheme/programme

Amount of receipt

(1)

(1)

(2)

(2)

(3)

(3)

5. Receipts from State Government for maintenance of staff and establishment cost including T.A./D.A. of members and honorarium to Sabhapati and Sahakari Sabhapati:

6. Contributions and grants, if any, made by Zilla Parishad or any other local authority:

7. Receipts from gift or contribution from any trust or endowment :

8. Receipts in respect of schools, hospitals, dispensaries, buildings, institutions or works vested in, constructed by or place under the control and management of the Panchayat Samiti:
9. Loans, if any:
10. Any other receipt from the State Government:
11. Receipts from the State Government or Zilla Parishad for sub-allotment to Gram Panchayat for execution of assigned schemes/programmes by the Gram Panchayats:
12. Miscellaneous receipts :

TABLE 3

Expenditure

1. Establishment charges—
 - (a) Staff salary:
 - (b) T.A./D.A. of members:
 - (c) Honoraria to Sabhapati and Sahakari Sabhapati:
 - (d) Contingent expenditure:
 - (e) Any other establishment charge :
2. Expenditure for execution of schemes/programmes:

	(i)	(ii)
Name of the Scheme/Programme	Amount of Expenditure	
(1)	(1)	

(2) (2)

(3) (3)

(4) (4)

3. Contribution made to Gram Panchayats, if any:

4. Sub-allotment to Gram Panchayats for execution of assigned schemes/ programmes by Gram Panchayats:

5. Interest and repayment of loans, if any:

6. Miscellaneous:

7. Closing balance:

TABLE 4

(1)	(2)
Name and brief description of the scheme/programme	Physical achievement
(1)	(1)
(2)	(2)
(3)	(3)
(4)	(4)

**Rules on Powers, Functions and-Duties of the Executive Officer and the Secretary of
the Panchayat Samiti**

NOTIFICATION

No. 5108-AZP/3R-3/79.—3rd May 1980.—In exercise of the power conferred by section 224 of the West Bengal Panchayat Act, 1973 (West Bengal Act XLI of 1973), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules—

RULES

1. Short title: These rules may be called the West Bengal Panchayat (Powers, Functions and Duties of the Executive Officer and the Secretary of the Panchayat Samiti) Rules, 1979.
2. Interpretation: Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the West Bengal Panchayat Act, 1973 (West Bengal Act XLI of 1973).
3. Powers, functions and duties of the Executive Officer of the Panchayat Samiti:
 - (1) The Executive Officer of the Panchayat Samiti (hereinafter 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 progress of various development activities in the Block as also with the problems and difficulties, if any, experienced in the working of the Panchayat Samiti from time to time.
 - (2) The Executive Officer shall obtain orders from the Sabhapati in writing on important issues arising out of the sanctions and decisions of the Panchayat Samiti and its Sthayee Samitis and on matters falling within the powers of Sabhapati.

- (3) The Executive Officer shall submit a quarterly statement of accounts to the Artha-O-Sanstha Sthayee Samiti and such statement of accounts shall, after audit and verification by such Sthayee Samiti, be laid before the Panchayat Samiti.
- (4) All correspondences of the Panchayat Samiti shall normally be carried on by the Executive Officer.
- (5) The Executive Officer shall—
 - a) have the custody of the records of the Panchayat Samiti;
 - b) exercise administrative control and supervision over the office of the Panchayat Samiti, the staff borne on the establishment of the Panchayat Samiti and such officers or other employees serving under the State Government as it may place at the disposal of the Panchayat Samiti;
 - c) sign the cash book and examine the Panchayat Samiti Pass issued by the Treasury/Bank from time to time;
 - d) be responsible—
 - (i) for the proper maintenance of accounts of the Panchayat Samiti,
 - (ii) to the Sabhapati and through him to the Panchayat Samiti for the management of the office of the Panchayat Samiti,
 - (iii) for securing 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;
 - (e) issue necessary directions to the Block level officers for the execution of the schemes and works according to the orders of the Panchayat Samiti and its Sthayee Samitis.;

- (f) obtain progress reports from the Block level officers about the execution of such schemes and works and submit the same to the Panchayat Samiti and its Sthayee Samitis with his comments.
- (6) The Executive Officer shall be responsible to the Panchayat Samiti and its Sthayee Samitis through the Sabhapati in all matters relating to—
- (a) budget,
 - (b) contributions and grants made by the Central or the State Government or by any local authority,
 - (c) loans,
 - (d) custody of the Panchayat Samiti fund in Treasury/Bank,
 - (e) receipts on account of tolls, rates and fees levied by the Panchayat Samiti and all other sums received by or on behalf of the Panchayat Samiti,
 - (f) progress of expenditure,
 - (g) creation of posts,
 - (h) framing of by-laws, and
 - (i) imposition of fines and penalties by the Panchayat Samiti.
- (7) The Executive Officer shall attend the meetings of the Panchayat Samiti. He shall also attend the meetings of the Sthayee Samitis of the Panchayat Samiti as far as possible.
- (8) The Executive Officer with the previous permission of the Sabhapati shall, on request, supply any information or make available for perusal any record to any member of the Panchayat Samiti or any of its Sthayee Samiti.

- (9) It shall be the duty of the Executive Officer for the purpose of the preparation of the budget of the Panchayat Samiti to collect, in consultation with the various Block level Officers, necessary figures of probable receipts and expenditure of the Panchayat Samiti under various heads. He shall draw up a draft budget in the prescribed form with explanatory notes and circulate copies thereof to the members of the -Artha-O-Sanstha Sthayee Samiti at least three days in advance of the date fixed for consideration of the draft budget by the Artha-O-Sanstha Sthayee Samiti. The draft budget of Panchayat Samiti together with the recommendation of the Artha-O-Sanstha Sthayee Samiti shall then be placed by the Executive Officer before the Panchayat Samiti and, on the adoption, shall be submitted to the Zilla Parishad.
- (10) At least two months in advance of the date prescribed for the preparation of the budget of a Gram Panchayat the Executive Officer shall put up before the Artha-O-Sanstha Sthayee Samiti of the Panchayat Samiti proposals indicating the resources which the Panchayat Samiti can make available to each Gram Panchayat during the budget year. The proposals with the recommendations of the Artha-O-Sanstha Sthayee Samiti shall then be placed by the Executive Officer at a meeting of the Panchayat Samiti and on the recommendations of such Sthayee Samiti being accepted by the Panchayat Samiti, each Gram Panchayat shall be informed accordingly to enable it to prepare its budget.
- (11) On receipt of the budget from the Gram Panchayat the Executive Officer shall scrutinise it and place it before the Artha-O-Sanstha Sthayee Samiti of the Panchayat Samiti. The budget with the recommendations of the Artha-O-Sanstha Sthayee Samiti shall then be placed by the Executive Officer before the Panchayat Samiti for its approval.
- (12) The Executive Officer shall inspect 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 the office and works of the Gram

Panchayats and the institutions managed by them. The Executive Officer shall submit reports of his inspections to the Sabhapati.

4. Delegation of powers, functions and duties by the Executive Officer—

Notwithstanding anything contained in rule 3, the Executive Officer may, by order in writing, delegate all or any of his powers and functions under sub-rule (3) clauses (a) and (c), and sub-clause (i) of clause (d), of sub-rule (5) and sub-rule (8), of rule 3 to the Secretary of the Panchayat Samiti:

Provided that the Executive Officer may at any time withdraw all or any of such powers and functions delegated to the Secretary.

5. Powers, functions and duties of the Secretary of the Panchayat Samiti:

- (1) The Secretary of the Panchayat Samiti (hereinafter referred to as the Secretary) shall work under the overall control of the Executive Officer and shall be responsible to the Panchayat Samiti for his work.
- (2) The Secretary shall carry on routine correspondence of the Panchayat Samiti. He shall, however, keep the Executive Officer informed of the correspondences made by him.
- (3) The Secretary shall call the meetings of the Panchayat Samiti. The list of business to be transacted at every meeting of the Panchayat Samiti shall be prepared by the Secretary under the guidance of the Executive Officer and the Sabhapati or the Sahakari Sabhapati of the Panchayat Samiti. The Secretary shall also attend the meetings of the Panchayat Samiti.
- (4) The Secretary shall exercise such of the powers, perform such of the functions and discharge such of the duties of the Executive Officer as may be delegated to him by the Executive Officer under rule 4.
- (5) The Secretary shall render all such assistance as may be required by the Executive Officer in the discharge of his responsibilities.

Rules on Condition of Service of the Secretary of Zilla Parishad

No. 341 AZP.—29th January 1979.—In exercise of the power conferred by section 224 of the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules, namely:

RULES

1. Short title: These rules may be called the West Bengal Panchayat (Terms and Conditions of Service of the Secretary of Zilla Parishad) Rules, 1978.
2. Interpretation: Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973).
3. Conditions of service of the Secretary of Zilla Parishad appointed from the State Service:
 - (1) The terms and conditions of service of the Secretary of the Zilla Parishad appointed by the State Government from the State Service (hereinafter referred to in this rule as the said Secretary) shall be as follows:—
 - (i) The service of the said Secretary shall continue to be governed by the West Bengal Service Rules.
 - (ii) Notwithstanding anything contained in any other rules,-
 - (a) the conduct of the said Secretary shall be governed by the West Bengal Government Servants' Conduct Rules, 1959, and
 - (b) the said Secretary shall continue to be under the disciplinary control of the State Government.

- (iii) The application of the said Secretary for any leave other than casual leave shall be forwarded to the State Government through the Executive Officer of the Zilla Parishad and such leave shall be governed by the leave rules under the West Bengal Service Rules, Part I.
- (iv) The authority to grant the said Secretary casual leave shall be the Executive Officer of the Zilla Parishad and the authority to grant him other kinds of leave shall be the State Government.
- (2) During the period of employment of the said Secretary under the Zilla Parishad he shall be treated as being on deputation to foreign service and, for such period, the Zilla Parishad shall make necessary contribution towards pension and leave salary of the said Secretary at the rates to be fixed by the Accountant-General, West Bengal.
- (3) During the period of deputation the said Secretary shall be entitled to draw his basic pay under the State Government as may be admissible to him from time to time plus such deputation allowance as may be fixed by the Home Department of the State Government. He shall also draw dearness and other compensatory allowances as admissible under the relevant rules of the State Government. The expenditure on account of pay and all such allowances including deputation allowance of the said Secretary shall be borne from the Zilla Parishad fund.
- (4) The said Secretary shall be entitled to joining time as admissible under the rules of the State Government. The pay during the joining time (both ways) shall be borne from the Zilla Parishad fund.
- (5) The said Secretary shall be entitled to travelling allowances for his journey to the place of posting to join his appointment as Secretary of the Zilla Parishad and on his reversion to the State Government under the relevant rules of the State Government. The expenditure on this account shall be borne from the Zilla Parishad fund. Travelling allowances for his journeys in connection with his duties as Secretary of the Zilla Parishad during the period of his deputation shall

be regulated by the relevant rules of the State Government and shall be borne from the Zilla Parishad fund. The Executive Officer of the Zilla Parishad shall be the controlling officer in respect of the travelling allowance bills of the said Secretary.

4. Conditions of service of the Secretary appointed from other than the State Services Notwithstanding anything contained in rule 3, the terms and conditions of service of the Secretary of the Zilla Parishad appointed from other than the State Service shall be governed by such rules, orders, bye-laws and notifications as may be made or issued from time to time in this behalf.

**Rules on Powers, Functions and Duties of the Executive Officer and the Secretary of
the Zilla Parishad**

No. 342 AZP.— 29th January 1979.—In exercise of the power conferred by section 224 of the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules, namely:

RULES

1. Short title: These rules may be called the West Bengal Panchayat (Powers, Functions and Duties of the Executive Officer and the Secretary of the Zilla Parishad) Rules, 1978.
2. Interpretation: Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973).
3. Powers, functions and duties of the Executive Officer of the Zilla Parishads:
 - (1) The Executive Officer of the Zilla Parishad (hereinafter referred to as the Executive Officer) shall prepare the agenda along with suitable notes on various items for the meetings of the Zilla Parishad.
 - (2) The Executive Officer shall be responsible for taking necessary action on the decisions arrived at in the meetings of the Zilla Parishad and shall keep the Sabhadhipati posted with the progress of various development activities in the district as also with the problems and difficulties, if any, experienced in the working of the Zilla Parishad from time to time.
 - (3) All correspondence of the Zilla Parishad shall normally be carried on by the Executive Officer.
 - (4) The Executive Officer shall—

- (a) have the custody of the records of the Zilla Parishad;
 - (b) exercise administrative control and supervision over the office of the Zilla Parishad the staff borne on the establishment of the Zilla Parishad and the staff working in institutions or engaged in works transferred by the State Government to the Zilla Parishad;
 - (c) sign the Cash Book daily and examine the Zilla Parishad Pass Book issued by the Treasury/Bank from time to time;
 - (d) be responsible—
 - (i) for the proper maintenance of accounts of the Zilla Parishad
 - (ii) for securing co-ordination between the Zilla Parishad its Sthayee Samitis and the district level officers in all matters relating to the planning and execution of schemes and works approved by the Zilla Parishad and its Sthayee Samitis,
 - (iii) for issuing necessary directions to the district level officers for execution of schemes and works according to the order of the Zilla Parishad and its Sthayee Samitis,
 - (iv) for obtaining progress reports from the district level officers about the execution of such schemes and works and submitting the same to the Zilla Parishad and its Sthayee Samitis with his comments,
 - (v) for preparing quarterly reports of expenditure of the Zilla Parishad and submitting the same to the Artha-O-Sanstha Sthayee Samiti and
 - (vi) for implementing decisions arrived at in the meetings of the Zilla Parishad and its Sthayee Samitis.
- (5) The Executive Officer shall be responsible to the Zilla Parishad and its Sthayee Samitis through the Sabhadhipati in all matters relating to—

- (a) planning and development pertaining to the district,
 - (b) budget,
 - (c) contributions and grants made by the Central or the State Government or by any local authority,
 - (d) loans,
 - (e) custody of the Zilla Parishad fund in Treasury/Bank,
 - (f) receipts on accounts of tolls rates-and fees levied by the Zilla Parishad and all other sums received by or on behalf of the Zilla Parishad,
 - (g) progress of expenditure,
 - (h) creation of posts,
 - (i) framing of bye-laws, and
 - (j) imposition of fines and penalties by the Zilla Parishad.
- (6) The Executive Officer shall attend all the meetings of the Zilla Parishad. If, for any reason, he cannot attend any meeting, he shall depute the Secretary of the Zilla Parishad to attend it. The Executive Officer shall also attend the meetings of the Sthayee Samitis as far as possible.
- (7) The Executive Officer with the previous permission of the Sabhadhipati shall, on request, supply any information or make available for perusal any record to any of its Sthayee Samitis.
- (8) It shall be the duty of the Executive Officer for the purpose of the preparation of the budget of the Zilla Parishad to collect, in consultation with the various district level officers and with reference to the State Plan budget pertaining to the district, necessary figures of the probable receipts and expenditure of the Zilla Parishad

under various heads. He shall draw up a draft budget in the prescribed form with explanatory notes and circulate copies thereof to the members of the Artha O Sanstha Sthayee Samiti at least three days in advance of the date of meeting fixed by such Sthayee Samiti for consideration of the draft budget. The draft budget of the Zilla Parishad with die recommendations of the Artha O Sanstha Sthayee Samiti shall then be placed by the Executive Officer before the Zilla Parishad and, on its adoption, shall be submitted to the State Government.

(9) At least two months in advance of the date prescribed for the preparation of the budget of a Panchayat Samiti the Executive Officer shall put up before the Artha O Sanstha Sthayee Samiti of the Zilla Parishad proposals indicating the resources which the Zilla Parishad can make available to each Panchayat Samiti during the budget year. The proposals with the recommendations of the Artha O Sanstha Sthayee Samiti shall then be placed by the Executive Officer at a meeting of the Zilla Parishad and on the recommendations of such Sthayee Samiti being accepted by the Zilla Parishad, each Panchayat Samiti shall be informed accordingly to enable it to prepare its budget.

(10) On receipt of the budget from the Panchayat Samiti the Executive Officer shall scrutinise it and place it before the Artha O Sanstha Sthayee Samiti of the Zilla Parishad. The budget with the recommendations of the Artha O Sanstha Sthayee Samiti shall then be placed by the Executive Officer before the Zilla Parishad for its approval.

(11) The Executive Officer shall inspect the institutions under the management of the Zilla Parishad and any work undertaken by the Zilla Parishad or a Sthayee Samiti thereof. He shall inspect the offices and works of the Panchayat Samitis and the institutions managed by them. The Executive Officer shall submit reports of his inspections to the Sabhadhipati.

4. Delegation of powers, functions and duties by the Executive Officer:

Notwithstanding anything contained in rule 3, the Executive Officer If. may, by order

in writing, delegate all or any of his powers and functions under sub-rules (1) and (3), clauses (a), (b) and (c), and sub-clauses (i) and (v) of clause (d), of sub-rule (4) and sub-rules (7) and (11), of rule 3 to the Secretary of the Zilla Parishad:

Provided that the Executive Officer may at any time withdraw all or any of such powers and functions delegated to the Secretary.

5. Powers, functions and duties of the Secretary of the Zilla Parishad:

(1) The Secretary of the Zilla Parishad (hereinafter referred to as the Secretary) shall exercise such of the powers, perform such of the functions and discharge such of the duties of the Executive Officer as may be delegated to him by the Executive Officer under rule 4.

(2) The Secretary shall render all assistance to the Executive Officer in the discharge of his responsibilities. Such assistance may be utilised by the Executive Officer in any matter to be dealt with by him.

West Bengal Gram Panchayat

(Members' fixed Traveling Allowance Rules, 1979)

NOTIFICATION

No. 16012 Panch.—17th August, 1979.—In exercise of the power conferred by section 224 of the West Bengal Panchayat Act, 1973 (West Ben. Act. XLI of 1973), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules, namely:

RULES

1. Short title: These rules may be called the West Bengal Gram Panchayat (Members' Fixed Traveling Allowance) Rules, 1979.
2. Interpretation: Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973).
3. Fixed traveling allowance: Every member of a Gram Panchayat shall be entitled to a fixed, traveling allowance of rupees five per month for attending the meetings of the Gram Panchayat:

Provided that no such allowance shall be admissible unless such member attends such meeting at least once in a month.

Explanation: "Month" shall mean a month reckoned according to the English calendar.

4. Attendance register: There shall be maintained an attendance register in respect of every meeting of a Gram Panchayat, and a member of the Gram Panchayat attending such meeting shall subscribe his signature in such attendance register.

Total Rs. _____ Rupees (in words)

Certified that the members above named have been paid the fixed traveling allowance as shown above.

Date.....

Signature of Pradhan/Upa-Pradhan Gram Panchayat

NOTIFICATION

No. 1194/I/Panch/3R-4/88

Dated: 16.1.1989

In exercise of the power conferred by section 224, read with sub-section (4) and (5) of section 18SA of the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of section 224 of the said Act, the following rules, namely: —

RULES

The West Bengal Panchayat (Determination and Apportionment of Properties, Funds and Liabilities and Officers and Employees of the Darjeeling Zilla Parishad between the Darjeeling Gorkha Hill Council and the Siliguri Mahakuma (Parishad) Rules, 1989.

1. Short title—These rules may be called the West Bengal Panchayat (Determination and Apportionment of Properties, Funds and Liabilities and Officers and Employees of the Darjeeling Zilla Parishad between the Darjeeling Gorkha Hill Council and the Siliguri Mahakuma (Parishad) Rules, 1989.
2. Definitions—
 - (1) In these rules unless the context otherwise requires—
 - (a) "the Act" means the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973);
 - (b) "Council" has the same meaning as in the Act;
 - (c) "Mahakuma Parishad" has the same meaning as in the Act;
 - (d) "Prescribed authority" has the same meaning as in the Act;
 - (e) "Section" means a section of the Act

- (2) All other words and expressions used herein and not defined shall have the meanings respectively assigned to them in the Act.
- (3) The Bengal General Clause Act, 1899 (Bengal Act I of 1899), shall apply for interpretation of these rules as it applies for interpretations of an Act of the State Legislature.
3. Appointment of prescribed authority—The State Government shall appoint as prescribed authority an officer, not below the rank of Divisional Commissioner, for the purpose of carrying out the functions of determinations and apportionment of properties, funds and liabilities and officers and employees of the Darjeeling Zilla Parishad between the Council and the Mahakuma Parishad as provided in the Act.
4. Principle of determination and apportionment—The prescribed authority shall, as soon as possible, determine and apportion the properties, funds and liabilities of the Darjeeling Zilla Parishad between the Council and the Mahakuma Parishad on the Principle of equity and convenience:

Provided that the immovable properties of the Zilla Parishad shall be apportioned, irrespective of the valuations, on the basis of location of such properties within the jurisdiction of either the Council or the Mahakuma Parishad and, on such apportionment, the apportioned property and the liability in respect of such property shall devolve upon the Council or the Mahakuma Parishad, as the case may be:

Provided further that the available schematic funds for any programme shall be apportioned to the Council or the Mahakuma Parishad in the proportion of the total amount of balance fund required to complete, according to approved estimates, all on-going schemes located within the jurisdiction of either the Council or the Mahakuma Parishad:

Provided also that the available non-schematic fund of the Zilla Parishad, which should be applied first for meeting the arrear liabilities of the Zilla Parishad as on the date immediately preceding the date on which it stands dissolved under sub-section XI) of section 185A, shall be apportioned by the prescribed authority in the ratio of three to one in consideration of the number of sub-divisions in each area:

Provided also that the office equipment, vehicles, road-rollers and other machinery and implements shall be appointed between the Council and the Mahakuma Parishad in the ratio of three to one, taking into consideration the immediate requirement and the scope of purposeful utilisation of such equipment, vehicles, road-rollers and other machineries and implements by the Council and the Mahakuma Parishad and also taking into consideration the fact that the Council and the Mahakuma Parishad should have, as far as practicable, minimum office equipment, vehicles, road-rollers and other machineries to carry on the immediate work without interruption. Upon such apportionment, the equipment, vehicles road-rollers and other machineries and implements together with all liabilities shall devolve upon the Council or the Mahakuma Parishad, as the case may be.

5. Officers and employees of the Darjeeling Zilla Parishad shall be placed by the prescribed authority under the Council or the Mahakuma Parishad in consideration of the option obtained from each officer and each employee in such manner as may be devised by the prescribed authority and, upon such placement, such officer or employee shall become an officer or employee of the Council or the Mahakuma Parishad, as the case may be:

Provided that an option exercised by an officer or an employee under this rule shall be final unless the option is allowed to be modified by the prescribed authority for reasons to be recorded by him in writing.

6. Transitional provisions—

- (1) In case the Zilla Parishad is dissolved under section 185A of the Act in consequence of the Council coming into office and before determination and apportionment of properties, Hinds and liabilities and officers and employees of Darjeeling Zilla Parishad by the prescribed authority under those rules, such properties, funds and liabilities shall be held in custody by the District Magistrate having jurisdiction who shall also act as the Controlling and Drawing and Disbursing Officer of the officers and employees of the dissolved Zilla Parishad until such determination and apportionment is completed by the prescribed authority.

- (2) In case the Mahakuma Parishad is not constituted at the time when the determination and apportionment under these rules are completed by the prescribed authority, the properties and funds so apportioned in favour of the Mahakuma Parishad not constituted and any other fund subsequently released by any competent authority in favour of the Mahakuma Parishad not constituted shall be held in custody and the officers and employees placed under the Mahakuma Parishad shall be under the administrative control of the District Magistrate having jurisdiction who shall apply the property and fund held in custody by him for immediate need, including disbursement of pay and allowances of the officers and employees and running of on-going schemes, maintain separate and complete records of all transactions, and make over charges of all properties and fund to an officer authorised in this behalf by the Mahakuma Parishad, as soon as the Mahakuma Parishad is constituted.

NOTIFICATION

No. 22964/I/Panch/2B-3/86.

Dated: 16.9.1986

In exercise of the power conferred by section 224, read with sub-section (1A) of section 223, of the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of section 224 of the said Act, the following rules, namely:—

THE WEST BENGAL PANCHAYAT (PUBLICATION OF BYE-LAW) RULES, 1986

1. Short title— These rules may be called the West Bengal Panchayat (Publication of Bye-law) Rules, 1986
2. Manner of publication of bye-law.—Any bye-law to be made or amended by a Zilla Parishad or a Panchayat Samiti at a meeting, shall be published in the following manner, namely:—
 - (1) the draft bye-law together with a notice specifying the date on or after which the draft will be taken into consideration with a view to its final adoption, shall be written both in English and in Vernacular of the district or the locality concerned and deposited in the office of the Zilla Parishad or the Panchayat Samiti, as the case may be.
 - (2) Copies of the draft and the notice in vernacular shall also be posted in a conspicuous position at the following places within the district, namely:—
 - (I) The office of the Gram Panchayat, the Panchayat Samiti and the Zilla Parishad;
 - (II) the office of the District Magistrate and Collector;
 - (III) the office of the Sub-divisional Magistrate;

- (IV) the Court of the District Judge;
- (V) the Court of the Munsif;
- (VI) the office of the Sub-Registrar;
- (VII) the police-station and the police outpost;
- (VIII) the other public places, if any, as may be selected by the District Magistrate:

Provided that in the case of a bye-law to be made or amended by a Panchayat Samiti, the draft and the notice shall be posted only at such places hereinbefore mentioned as relate to the said Panchayat Samiti or lie within its jurisdiction:

Provided further that the draft and the notice shall be deemed to have been duly published if there has been substantial compliance with the provisions of this sub-rule, and any inadvertent omission to post up the draft and the notice in one or more places shall not invalidate the requirement of these rules.

- (3) While posting up copies under sub-rule (2), a public proclamation shall be made by beat of drum and or otherwise at the district and Block headquarters, notifying the fact that copies have been so posted up and that the original is open to inspection in the office of the Zilla Parishad or the Panchayat Samiti, as the case may be.
- (4) The notice referred to in sub-rule (1) shall allow a minimum period of six weeks for objections and suggestions by the public in regard to the draft bye-law.
- (5) After considering the objections and suggestions, if any, received under sub-rule (4), the Zilla Parishad or the Panchayat Samiti, as the case may be, shall finally adopt the bye-law at a meeting and forward the same with the objections and suggestion, if any, for the approval of the State Government through the Commissioner of the Division concerned in the case of a bye-law made by a Zilla

Parishad or through the District Magistrate in the case of a bye-law made by a Panchayat Samiti; as the case may be.

- (6) The Commissioner of the Division or the District Magistrate, as the case may be, may, on receipt of the bye-law from the Zilla Parishad or the Panchayat Samiti, as the case may be, recommend to the State Government for the approval of the same and, in the case of disagreement in respect of any bye-law, the Commissioner of the Division or the District Magistrate, as the case may be, shall give his views with reasons as to which provisions of the bye-law he recommends for the approval of the State Government and which provisions he does not.
- (7) After considering the bye-law to be made or amended by the Zilla Parishad or the Panchayat Samiti and the recommendations of the Commissioner of the Division or the District Magistrate, as the case may be, the State Government may approve the bye-law and accord the approval by notification.
- (8) After the approval of the State Government is accorded, the Zilla Parishad or the Panchayat Samiti, as the case may be, shall publish the same at the places referred to in sub-rule (2).

