

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 of privies and urinals for the use of persons attending the hat or 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) No 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 kutchha 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.

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) Coordination 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) Veterinary Services	Matsya O Pasupalan Sthayee Samiti

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 it's 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 in-formation,
 - (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, it 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

Address :

..... this license under section 117 of

License fee: Rs.

the West Bengal Panchayat Act, 1973 (West

Boundaries of the hat/market—

Ben. Act, XLI of 1973), for the use of the place

East:

covered by C. S. plot Nos. of Mauza

West:

..... J.L. No..... police station.....in

North:

the district of..... the boundaries of

South:

which are given below for the-purpose of

Comprising C.S. plot Nos.

holding a hat/market subject to the terms and

Mauza:

conditions noted in the enclosure and acknow-

J.L. No.

ledges to have received in consideration

District:

thereof the sum of Rs..... being the license

Police-station:

fee..... for the year.....Boundaries:

Sabhapati

East:

Office of the Panchayat Samiti

West:

District :

North:

Dated :

South:

This license will be in force until.....

Comprising C. S. plot Nos. Mauza

(Seal)

..... 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)

By order of the Governor

Sd/- D. Bhattacharya

Secretary to the Govt. of West Bengal

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.

By order of the Governor,

Sd/- N. R. Halder

Joint Secretary to the Govt. of ' West Bengal