WEST BENGAL PANCHAYAT (GRAM PANCHAYAT ADMINISTRATION) RULES, 2004

Registered No. WB/SC-247 Äolkata AGRAHAYANA 2] Extraordinary Published by Authority TUESDAY, NOVEMBER 23, 2004 [SAKA 1926 PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc. GOVERNMENT OF WEST BENGAL DEPARTNIENT OF PANCHAYATS AND RURAL DEVELOPMENT 63, N. S. Road, Kolkata.700 001 NOTIFICATION No. 3865/PN/O/I/3R-5/2003, dated the 23rd November, 2004.—In exercise of the power conferred by section 224 of the West Bengal Panchayat Act, 1973 (West Bengal Act XLI of 1973) (hereinafter referred to as the said Act), the Governor is pleased hereby to make, after previous publication as required by sub-section (l) of the said section, the following rules, namely:— The West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004, 1. 2

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PART 1 PRELIMINARY 5 l. Short title and commencement.—(l) These rules may be called the West Bengal Panchayat (Granz Panchayat Administration) Rules, 2004. (2) They shall come into force on the date of their publication in the Official Gazette

2. Definition.—(l) 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 LI of 1973); (b) "District Panchayat and Rural Development Officer" means an officer appointed as such by the State Government; (c) "employee" means all categories of officials or staff of a Gram Panchayat; (d) "Form" means a form appended to these rules and includes a translation thereof in Bengali or Nepali: (e) "Requisitioned meeting" means a meeting convened or held in terms of the second proviso to sub-section (l) of section 16 of the Act. (2) The words and expressions used in these rules, but not otherwise defined, shall have the same meanings respectively assigned to them in the Act

PART 11 GRAM PANCHAYAT ADMINISTRATION CHAPTER 1 Leave of Pradhan, Upa-Pradhan, etc

3. Leave of the Pradhan, Upa-Pradhan and other members.—A Gram Panchayat, by a resolution at a meeting, may grant leave of absence to its Pradhan, Upa-Pradhan or any other member for a period not exceeding three months in a year reckoned according to the English Calendar. The sanction of such leave shall forthwith be reported to the Block Development Officer and ex-officio Executive Officer of the Panchayat Samiti and the District Panchayat and Rural Development Officer: Provided that the absence (other than the absence from the meeting of the Gram Panchayat) of the Pradhan or the Upa-Pradhan for not more than five consecutive days from his duties without intimation shall not be construed to mean his absence without leave: Provided further that the Gram Panchayat may grant leave to the Pradhan, Upa-Pradhan or any other member, in excess of three months in an English Calendar year, by recording reasons thereto, and no honorarium shall be admissible to him for that excess period of leave

CHAPTER 11 Meetings of a Gram Panchayat 4. Preparation of a list of business.—The list of business to be dealt with at every meeting of the Gram Panchayat, except at an adjourned meeting, shall be prepared by the Secretary in consultation with the Executive Assistant under the instruction of the Pradhan or, in his absence under the instruction of the Upa-Pradhan and shall be entered in the book of agenda to be maintained for the purpose and countersigned by the Pradhan or Upa-Pradhan, as the case may be

5. Notice of the meeting to members.—(l) At least seven days' notice of the list of business to be dealt with at every meeting, except an emergent meeting of the Gram Panchayat, is to be sent,to each member of the Gram Panchayat in

Form l. An emergent meeting may be called after giving three days' notice to the members in Form IA. A requisitioned meeting within the concept of sub-section (l) of section 16, may be called by the Pradhan in Form 1B or by the requisitionist members in Form IC, as the case may be. (2) A copy of the budget of the Gram Panchayat, if required to be considered at a meeting of the Grani Panchayat, shall be enclosed with the list of business for such meeting. (3) When the Pradhan is required to convene a requisitioned meeting in terms of the second proviso to sub-section (l) of section 16, he may issue notices under his signature or with his written instruction, under the signature of the Secretary. Such notices shall be issued at least seven days before the date of the meeting, which shall be held within fifteen days from the date of receipt of such requisition by the Pradhan. 6 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 [PART I (4) There shall be no meeting with agenda for removal of more than one office bearer in a Gram Panchayat and any notice issued for removal of more than one office bearer shall be void ab-initio. (5) In a Grant Panchayat, not more than one general body meeting shall be held on a single calendar day. Any notice convening more than one general body meeting on a single calendar day, shall be void ab-initio; if more than one notice are issued for convening separate meeting on' the same day only the notice which is issued first shall be valid. Note —The meetings of the Grani Sabha, Gram Sansad and Upa-Smnitis shall not come under thc purview of this sub-rule

6. Procedure of delivery of notice to The notice of the list of business to be transacted at a meeting, an emergent meeting or a requisitioned meeting of a Granz Panchayat in

Form l, IA or 1B as the case may be shall be sent through the Secretary of the Granz Panchayat to each member of the Grani Pancha)'at by a messenger. The messenger shall deliver the notice to the member to whom it is addressed. In the absence of the member, the notice may be delivered to an adult member of his family residing with him. The messenger shall obtain the signature of the Inember or the adult member, as the case may be, of his family residing with him, in the office copy of the notice as a receipt thereof. If the member is absent and there is no other adult member of his family to whom the notice Inay be delivered or a member or any adult member of his family refuses to receive the notice, it may be served by affixing on the outer door or some other conspicuous part of the house of the member in presence of not less than two witnesses. The service-return containing the signature of witnesses during such service shall be attached to the office copy of the notice along with a brief note of the entire procedure by the Secretary or in his absence by any other Panchayat employee, other than Gram Panchayat Karmee, duly authorised by the Pradhan of the Gram Panchayat. (2) Every notice under rule 5 shall be displayed on the notice board of the Grani Panchayat at least seven days before the time fixed for a meeting other than an emergent meeting. In case of .an emergent meeting, such notice shall be displayed three days before the time fixed for such meeting. (3) When notices convening any meeting have been put to service, such meeting shall not be cancelled by the Pradhan or the Upa-Pradhan

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

8. Adjournment of meeting for want ot quorum.—lf, within one hour from the time appointed for holding a meetirig 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 IO. IO. Minute book of 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 shali thereafter put his signature

11. Resolution pressed for division.—lf 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 an 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

PART 1] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 7 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 ofa meeting shall be recorded by the Secretary of the Granz 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 Pancha)'at, or in their absence by such member of the Granz Panchayat as may be authorised by the presiding member in this behalf

CHAPTER 111 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.—(l) ne Granz 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) 'Ihe 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 (l) and (2) shall be brought before a meeting of the Grani 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 Qperations 17. Application in Form 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 IO of the West Bengal Panchayat (Granz 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-tule (3) any person may submit his application in Form 4 under sub- rule (l) in manuscript, typewritten or otherwise mechanically prepared copy of the Form

18. Payment of 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 founal receipt therefor. (2) The fee referred to in sub-rule (l) shall not be refunded to the applicant under any circumstance. 8 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 [PART I 19. Exemption from permission.—(l) 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 ofa projection from the existing structure or building ground level or upper level. (3) Permission of a Gram Panchayat shall not be necessary for erection ofa 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.—(l) With effect from such date and with respect to such Granz 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 Granz 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.—(l) With effect from such datet and with respect to such Grani or Granzs, as may be specified by the State Government by notification, every structure or building shall have an approach toad 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 pinion 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 Granæ Panchayat, after giving the owner of such building an opportunity of being heard, may refer a proposal through the Panchayat Santiti 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 fog 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 Wailable, no direct access from a building shall be permitted to a public road. Explanation.—For the purposes of this rule, "public road" means a National Highway referred to in the National Highway Act, 1956 (48 of 1956) or a Highway within the meaning of the West Bengal Highway Act, 1964 (West Ben. Act XXVIII of 1964) or a road maintained by the Zilla Parishad or any other road normally used for vehicular traffic

PART I] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 9 22. Restriction on construction over tank and water A Granz 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) (b) (c) (d) (e) (f) (g) (h) (i) (j) for use of public water body, or for drainage facility in the locality, or for fire fighting purposes, or from environmental and ecological point of view, or for promotion of pisciculture, or for any other use of public interest, or for recreation purpose, or for ethnic purpose, or for production of micro and macro organism, .or 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 Granz 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 coveragc added with thc proposed addition exceeds two-third of the total plot area

24. Construction of residential building.—(l) 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,—ln this rule, "habitable room" means a room meant for human habitation other than u 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.—lf 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 On presentation of an application under sub-rule (l) of rule 17, the Pradhan or the Upa-Pradhan or any other member authorised by the Gram Panchayat in this behalf, shall examine IO THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 [PART I thc 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 (l) 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 (I), (i) the applicant shall be given an opponunity of being heard; (ii) the grounds for refusal shall be recorded in writing and communicated to the applicant; (iii) the applieant 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 or such refusal; such proposal shall not be taken as a new proposal and the applicant shall not be required to deposit any fee as to in rule 34. (4) As soon as may be, after the Grani Panchayat grants or refuses permission under sub-rule (l), 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 thc 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 (l) of rule 17

28. Construction within the Kolkata metropolitan Notwithstanding anything contained in these rules, any application made under sub-rule (l) 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 (l) shall, within a period of thirty days from the date of reccipt 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 Grant 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 Granz 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 Grani Panchayat. on receipt of such application under sub-rule (l) of rule 17. shall cause an examination and enquiry under sub-rule (l) 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 Grani 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 Parisahd 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.—lf 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

PART I) THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 31. Permission for construction of building for commercial or institutional purposes.—(l) The 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 (l). (3) The maximum building coverage of a structure or building referred to in sub-rule (l) shall be three-fifth of the total plot area. (4) In the casc of a proposed building on a total land measuring between four thousand square metres, and twenty- five thousand square metres, the Granz 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 Granz 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.—(l) 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 thc manner laid down in these rules; (c) any information or document required by the Grani 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; (c) the proposed structure or building is an encroachment on the Government land or any land vested with thc Grani Panchayat or any other local authority. (2) When a Gram Panchayat takes a decision under sub-rule (l), 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 ot structure or building under construction.—(l) lhe 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 (l), 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 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 caried 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 Granz 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 (l) 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 Grains 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 Granz Panchayat and, for the said purpose, the Gram Panchayat shall submit proposal to the competent authority for earmarking a particular vested land. 12 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 36. Construction of public drain.—With effect from such date and with respect to such Grant or Grants 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 sel- 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 Grani Panchayat shall ensure unhindered use of any approach passage or road

37. Collection and disposal of solid waste.—(l) With effect from such date and with respect to such Grant or Grmns 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 Granz 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 propeny of the Gram Panchayat

38. Appeal against the decision of the Gram If, on receipt of an application under sub-rule (l) 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-oficio Executive Officer of the Panchayat Samiti within ninety days from the date ot' communication of such order of refusal. The Block Development Officer and ex-officio Executive Officer of the Panchayat Samüi or any other officer not below the rank of Secretary of Panchayat Smniti, 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 Granz Panchayat shall do so under intimation to the applicant

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 pretörred under the proviso to sub-section (l) of section 24 or the proviso to sub-section (l) of section 26 or the proviso to sub-section (l) of section 27, the prescribed authority shall give at least 15 days' notice of the appeal to the Grani Panchayat before disposing of the same

PART I] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 CHAPTER VI Joint Committee 13 40. Appointment of Joint Committee and its duties.—(l) Subject to the previous approval of the Panchayat Sanliti 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 Grmn 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 Grani 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

41. Manner of resolving the difference of opinion between the constituents Gram Panchayats.— difference of opinion arises between the constituent Granj 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

CHAPTER VII Delegation of functions by Zilla Parishad and of financial powers by Gram Panchayat 42. Delegation of functions to Gram Panchayat by Zilla A Zilla Parishad may delegate any of its functions to a Granz 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 Granz Panchayat, the Zilla Parishad shall communicate its intention to the Granz Panchayat concerned. The Granz 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 concemed. Copies of such communication shall be sent to the District Magistrate, District Panchayat and Rural Development Officer, the Block Development Officer and ex-oficio 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-oficio Executive Officer of the Panchayat Samiti concerned: Provided that for exercise of the powers conferred under clauses (a), (b) and (c) of sub-section (l) 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. 14 THE KOLKATA GAZETTE, EXTRAORDmARY, NOVEMBER 23, 2004 CHAPTER vill Powers, functions and duties of Pradhan and Upa-Pradhan [PART 44. Powers, functions and duties of Pradhan and 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 Sanlili 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-oficio Executive Officer shall, after due consideration of the reply and the report of the Pradhan akong with the views of the Gram Panchayat, initiate disciplinary proceedings against the concerned employee: Provided that the Block Development Officer and the ex-oficio 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-oficio 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 Grani Panchayat to the concerned Block Development Officer and ex-oficio Executive Officer of the Panc radhan shall exercise such powers and

perform such functions as the Pradhan mays 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

CHAPTER IX Method of recruitment, conditions of service, and duties of employees of a Gram Panchayat 45. Creation or abolition ot 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." l) 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 PART 1] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 (iv) Sahayak—One (v) Gram Panchayat Karmee—number to be determined in the following manner:— 15 (a) in a Grant 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 Granz 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 Granz 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 Sanziti 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 Conmittee 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 Santiri of such vacancy for consideration of the Recruitment Committee

48. Qualifications, age and period of No person shall be appointed as an Executive Assistant of a Granz 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 Grani 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 Satniti 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 np 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 Granz Panchayat employee shall be deemed to be on probation on completion of continuous temoporary 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 ofa 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 nzutatis 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. 16 THE KOLKATA GAZETTE, EXTRAORDINARY. NOVEMBER 23, 2004 [PART I 49. Procedure for selection and constitution of Recruitment Committee.—(l) 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 Granz 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-mle (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 rectilitment 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 ærcruitment 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 (ii) The District Panchayat and Rural Development Officer (iii) The Sabhapati of the concerned Panchayat Samiti (iv) The Pradhan of the concerned Gram Panchayat Chainnan Member Member Metnber (v) Ihe Block Development Officer and ex-oficio 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 concemed 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) *Ihe 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 direqtion 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 faimess 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 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 PART 1] THE KOLKATA GAZEITE, EXTRAORDINARY, NOVEMBER 23, 2004 17 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 tum 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.—(l) 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.—(l) There shall be an attendance register in the Grani Panchayat office in which all the employees of the Grant 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 Grana 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 l. Any such leave to employees shall be granted by the Block Development Officer and ex•oficio Executive Officer of the Panchayat Satnili 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 Pfficer 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 Grant Panchayat shall be recorded, authenticated and maintained by the Block Development Officer and ex-oficio 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) Th nchayat 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 ohe 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 Granz 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-ofiicio Executive Officer of the Panchayat Saniti 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. 11 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 [PART 1 (7) The employees of a Grani 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-oficio Executive Officer of the Panchayat Saniti may place an employee of a Gram Panchayat within the jurisdiction of the concerned Panchayat Samiti, under suspensiön, 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 ofa 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 l: 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 Panhayat 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 Panhayat 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 Granz 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. (IO) (i) In conclusion of the proceedings against any employee, the

Block Development Officer and ex-officio Executive Officer of the Panchayat Saniiti 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 afore-mentioned, 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, if any, of the charged Gram 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

PART 11 THE KOLKATA GAZETTE, EXTRAORDINARY. NOVEMBER 23, 2004 19 (11) The Sub-divisional Officer, if he is satisfied with the recommendation of the Block Development Officer and ex-officio Executive Officer of the Panhayat 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 IO(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 IO(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. The date of compuls01Y retirement of the employees ofa Granz 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 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 Grani Panchayat through the Pradhan or the Vpa-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) (b) (c) (d) (e) (f) (h) (j) remain in executive charge of administrative including establishment functions and financial operation of the Gram Panchayat, 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 qnd all entries by the Executive Assistant in the Cheque Book Register shall be countersigned and authenticated by the Pradhan, 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 pul 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, authenticate all entries in the cash book (to be written by the Secretary) and vouchers in support thereof, 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, Prepare the annual budget of the Gram Panchayat in due time, supervise the preparation of demand list in respect of tax and license fees levied by the Grani Panchayat and take all steps for collection of revenue, be responsible for allotting duties to the Gram Panchayat Karmees, supervise the recording or noting of the resolytions

adopted in the Gram Sansad and the Gram Sabha meeting, 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, 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 Pradhawin due time, 11 20 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 [PART 1 (e) keep all records of the Granz Panchayat in safe custody and produce the same in the meeting of the Granz Panchayat, Gram Sabha and Grana Sansad, excepting the Cheque Book, Pass Book(s) and the Cheque Book Register, (D oversee payments of wages to labours engaged in various programmes under implementation by the Grant Panchayat, (g) record the resolution of the meeting held in the Gram Panchayat, Gram Sabha and Granz Sansad. (h) produce all records before the Auditors or inspecting officers asrand 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 standared 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, retums and relevant records in office of the Gram Panchayat, (D 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 Granz 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 Panchayar 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 Grant 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 Grani 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 ofa 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 n Upa-Pradhan and also of the Block

Development Officer and ex-oficio Executive Officer of the Panchayat Samiti. (2) No employee shall, without the previous sanction of the authority, tö 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

PART I] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 21 (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 Grani Panchayat within a Block. (5) An employee shall not, except with the previous sanction of the Grani Panchayat, be engaged in any trade or undertake any employment other than his public duties. An employee may undertake honorary work of u 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 shali 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 Scuniti and the Granz Panchayat. The Grana 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 penaining to his service under the Gram Panchayat. (8) No employee shall, except with the prior sanction of the authority to whom he is sub-ordinate, 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. (IO) 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 Grane Panchayat employees at the end of financial year not later than 30th April of that year in the format as given in Annexure 11 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 Granz 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

CHAPTER X Imposition of Taxes, Fees and rates by a Gram Panchayat 57. Imposition of tax etc. on land and building.—The maximum ratcs 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 l.—(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 Landand Land Reforms Officer and Sub-Registrar or District Registrar, or in any other manner as may be directed by the State Government. 22 THE KOLKATA GAZETI'E, EXTRAORDINARY, NOVEMBER 23, 2004 E.xplanation 2.—For determination of ownership and the market value of the land or building or both, the Grani 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 Vuilding 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 Granz Panchayat whichever is earlier with lhe assistance of Gram Unhayan Samiti, wherever constituted

58. Fees, rates, tolls etc.—(l) A Gram Panchayat may levy fees, rates and tolls ',vilhin the meaning or section 47 or Thc 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 (orce. 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 Granz 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 ns 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-Saniiti ofa Gram Panchayat shall, by the 1st Septen)ber or 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 Grant Panchayat by the 7th September of each year

60. Approval of the Assessment List.—(l) The assessment list prepared under rule 59 shall be approved by the Grant 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 conccrncd 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 thc assessment list and thc Grant 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 Granz 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 Grant Panchayat and in the half- yearly meeting of the Grant Sansad for information and deliberation together with a notice in Forin IO mentioning that objections, if any, to the list should be filed with the Grapn 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 Grana 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 prepartion 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. PART l] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 23 61. Method and time of payment of tax 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 Granz Panchayat or to the Collecting Sarkar

62. Method of recovery of arrear tax and other Immediately after the 15th day from the date on which the instalment referred to in sub- rule (l) 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 Panchayar 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 Grani 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 Grun Sansad for deliberation

63. Remuneration and commission of the Collecting Sarkar.—The Collecting Sarkar of the Grtun 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 Granz Panchayat fund as grants-in-aid out of the State Budget

CHAPTER X1 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-Santiti, 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-Sa»niti

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.N0. (1) l

2. Upa-Samiti (2) Artha O Parikalpana Krishi O Pratiisampad Bikash Subjects of Upa-Samiti (3) (i) Finance, (ii) Budget, (iii) Accounts, (iv) Audit, (v) Taxation, (vi) Resource-mobilization, (vii) Establishment and office (viii) Preparation of Gram Panchayat Plans, management, (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 Grant Panchayat Planning, (xii) Disaster control management.(xiii) Management of hat, bazar, ferry-service of Granz Panchayat. (xiv) Coordination of works assigned to different Upa-Satnitis and any other work not entrusted with any other Upa-Samiti. (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 develop- ment, (xi) Fisheries, (xii) Water-shed development, (xiii) Co- operative movement, (xiv) Provident Fund for Landless Agricultural Labourers etc.. 24 Sl.N0. (1) 3. 4

5. Upa•Samiti (2) Siksha O Jana Swastha Nari O Sishu Unnayan Shilpa O Parikathanto THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 Subjects of Upa-Samiti (3) [PART (ii) Sishu Siksha Kannasuchi, campaign, (i) Literacy (iv) Primary education, (iii) Madhyamik Siksha Karmasuchi, (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.(i) Self-help groups formed under various programmes including Swarna Jayanti Grant Swarozgar Yojana, (ii) Integrated child development scheme, (iii) National social assistance progranune, (iv) Social welfare and welfare of women and children, (v) Welfare of weaker communities including old and handicapped people. (ii) Rural artisans, (i) Cottage & small scale industries, (iv) Indira Aawas Yojana, (iii) Infrastructure development, (v) Construction of rural roads, culverts and rural housing, (vi) Rural electrification and generating alternative energy resources

67. Powers of Upa-Samiti.—(l) Every Upa-Smniti shall prepare schemes and perform the functions of the Grun 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 Gra,'n 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 Grant 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-Sanliti shall p o the Gram Panchayat for approval. It

shall be the duty of each Upa-Smniti 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 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 Grmn Panchayat shall forward the contents of the scheme to the appropriate Upa-Smniti for drawing up a detailed plan for its execution.(2) While forwarding the scheme, the Gram Panchayat may, issue direction to the Upa•Santiti 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 Govemment, 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 ofa Granz Sansad.—lf 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 Each Gram Sansad Shak! in an extra-ordinary 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 committiees, consisting of three to four members and invite any other member of Gram Sansad having technical knowledge to assist the Gron Unnayan Samiti and/or any of the functional committees

PART 1] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23. 2004 25 (3) The tenure of the Gram Unnayan Sanziti and its functional committiees shall be the same as that of the Gram Panchayat. The Grani Sansad shall review the performance of the members of the Gram Unnayan Sanliti 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 Grant 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 The extra-ordinary meeting of a Gratn Sansad for constitution of the Gram Unnayan Saniiti 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 ofat least one-fifth of the Granz 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 teast 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-oficio 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 Vnnayan 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 Samili, Village Education Committee, Anganwari Center, Managing Committee of the Shishu Shiksha Kendra, Water-Shed Committee, Water otection Committee, if being member

of thc Gram Sansad and operating in the Grani 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 Sapniti; (D 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. Thc Chairperson and the Secretary ofa Gram Unnayan SamitiAl) The Gram Panchayat member elected from a Grant 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.26 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 [PART I (2) The Grant Unnayan Samiti shall have a Secretary to be selected by the Gram Unnayan Samiti from amongst its members in its first meeting

74. Functioms of a Gram Unnayan Samiti.—(l) functions of a Gram Unnayan Sanaiti 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— identify the need of the Gram Sansad area with the participation of villagers, prepare the budget for the (a) Gram Sansad; receive and utilize fund for the Gram Sansad and maintain records accordingly; (b) prepare the half-yearly and annual report on income and expenditure and on the activities of the Granz (c) Unnayan Samiti during the last six months or one year, as the case may be, and present in the meeting of the Gram Sansad; help the Gram Panchayat to make an assessment of the tax and realisation thereof; (d) mobilize local resources to augment the Gram Panchayat and the Gram Sansad fund; (e) identify local, natural, physical and human resources which are lying unutilised or under-utilized and also (D suggest measures and mobilize public opinion within the Gram Sansad for optimum utilization of resources so unutilized and under-utilized; prioritise the projects and schemes for implementation with the available resources in consultation with the villagers. (2) The Gram Unnayan Sanziti shall promote the livelihood opportunities for all adult members of the Grant 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 shali 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 Saniti 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 CHAPTER XII Repeal and Savings 75. Repeal and Savings.—(l) On the coming into force of these rules, such of the provisions of the les, 1958 relating to a Gram Panchayat

and the provisions of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 1981 and the West Bnegal 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

PART 1] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 Declaration of Assets as they stood on Officer Designation Substantive pay ANNEXURE 1 Service now appointed as Special pay A—Immovable Property (1) LANDS No. Sl. No. (1) Date: Precise Location (2) Precise Location (2) Area (3) Nature of land (4) Extent of interest (5) Value (6) In whose name (wife, child, dependent, other relation or benamdar) the asset is (7) Extent of Interest (3) Value (4) (2) HOUSES In whose name (wife, child, dependent, other relation or benamdar) the asset is (5) Date & manner of acquisition (8) Date & manner of acquisition (6) 27 Name (in full) of Remarks (9) Remarks (7) Signature of Declarant 28 No. (1) THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 (3) IMMOVABLE PROPERTIES OF OTHER DESCRIPTION (Including Mortgages and such other rights) Brief Description (2) Extent of Interest (3) Value (4) In whose name (wife, child, dependent, other relation or benamdar) the asset is (5) Date & manner of acquisition (6) [PART I Remarks (7) B—MovabIe Property (1) CASH, BANK BALANCE, CREDIT, INSURANCE POLICIES, SHARES, DEBENTURES, ETC. Sl. No. Description of item (2) Value (3) In whose name (wife, child, dependent, other relation or benamdar) the asset is (4) 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 (5) Date & manner of acquisition (6) Remarks (7) Signature of Declarant PART 1] THE KOLKATA GAZETTE. EXTRAORDINARY, NOVEMBER 23, 2004 (2) OTHER MOVABLE 29 (Including jewellery and other valuables, motor vehicles, refrigerators & other articles or materials of Rs. 500/- and over for each item) No. Description of item (2) Value (3) In whose name (wife, child, dependent, other relation or benamdar) the asset is (4) Date & manner of acquisition Remarks (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 [PART I 30 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 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..... • l. Name of the Employee 2. Department/Office 3. Designation/post held 4. Date of birth and date of entry into Government service . to .... A. I. 2. 3. 4. 5

6. Part I : Appraisal of Attendance, Perfonnance & Efficiency. Attendance Total No. of working days during the period under review No. of days the incumbent was on leave No. of days of late attendance and early departure during the period under review No. of days of unauthorized absence without leave No. of days deducted as leave due to late attendance/early departure No. of days of effective attendance of the incumbent during the period under review (item I ntinus 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 1 item 1 %) 8. Percentage of effective attendance as against the total number of working days during the period of review (item 6 1 item I %) B. Performance & effiqiqncy Marks - 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.) i. The extent to which the employee takes his/her job seriously PART 1] THE KOLKATA GAZETTE, EXTRAORDINARY. NOVEMBER 23, 2004 31 2. The quality of maintenance of the work diary/case diary/case booW note booWfield 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 procrdure, 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 IO. Capacity and resourcefulness of the employee in handling normal as well as unforese willingness to take new challenges

Signature of the employee with date Reporting Officer Accepting Authority 32 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 Part 11 : Appraisal of Accountability & Integrity of Group-B & Group-C enployees C. A.cc-Q.un.!i1bility Marks- 15 Grading with the corresponding marks : Excellent (5), Very Good (4), Good (3), Average (2). Below Average (O) 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.) Mark; obtaine(l Part 1 Part 11 Total Reporting Officer Accepting Officer PART 1] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 Performance Report for Group-D employee (To be filled in by the Reporting Officer) 33 Performance Report for the period from..... ..... . to ... . l. 2. 3. 4. A. l. 2. 3. 4. 5. 6. 7. 8. B. l

2. Name of the Employee Department/Office Designation/post held Date of birth and date of entry into Government service Part I : Appraisal of Attendance, Performance & Efficiency Alien-dance Total No.of working days during the period under review No. of days the incumbent was on leave No. of days of late attendance and early departure during the period under review No. of days of unauthorized absence without leave No. of days deducted as leave due to late attendance/early departure No. of days of effective attendance of the incumbent during the period under review (item minus item 4 & 5) Percentage of late attendancc or early departure as against the total number of working days during the period under review (item No. 3 / item I %) Percentage of effective attendance as against the total number of working days during the period of review (item 6/ item I %) Performance & efficiency Marks - 35 Marks - 50 Grading with the correspondence mark : Excellent (IO), Very Good (8), Good (6), Average (4), Below Average (O) Promptness in attending to duty Communication Skill (Oral) 11 34 3. 4

5. THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23.2004 Ability to follow instructions General awareness of the employee about the work of the department/ office in which he is posted Compliance in carrying out instructions Signature of employee with date Reporting Officer Accepting Officer PART l] THE KOLKATA GAZEITE, EXTRAORDINARY, NOVEMBER 23, 2004 35 Part 11 : Appraisal of Accountability & Integrit)' of Group-D entployee Marks - 15 C. l. 2

3. Accountability Grading with the correspondence mark : Excellent (5), Very Good (4), Good (3), Average (2), Below Average (O) Devotion to duty Reliability in carrying out instructions Behaviour with colleagues and members of public D. Assessment of Integrity (If anything adverse has come to notice, please specify it also.) Marks Qipcained part 11 Total Reporting Officer Accepting Officer 36 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 Table (See rule 35) Fees Nature of structure or building (a) Thatched. Lin, tile or asbestos shed without brick wall covering an area of more than 18 square metres but not more than 40 square metres (b) Thatched, tin, tile or asbestos shed without brick wall covering area of more than 40 square metres (c) Boundary wall made or brick of 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 space or by erecting temporary shed, •when the bounded area is— (i) not more than 40 square metres (ii) more than 40 square metres (d) Any brick-walled one storeyed structure or building covering an area of not more than 40 square metres (e) Any brick-walled one storeyed building or structure covering an area of more than 40 square metres (D (i) Any brick-walled two storeyed structure or building covering an area of (ii) (ii) not more than 40 square metres on the ground floor Additional fee for each floor above first floor Any brick-',valled two storeyed structure or building covering an area of more than 40 square metres on the ground floor Additional fee for each floor above first floor Any one-storeyed workshop or structure or building covering an area of not more than 100 sq.mts. Additional fee for each floor above the ground floor (i) (i) Any workshop, shed or one storeyed structure or building for commercial or business purpose covering an area of mcre than 100 square metres (ii) Additional fee for each floor above the ground floor (j) 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 Fees to be paid (in Rupees) 30.00 60.00 30.00 50.00 150.00 250.00 60.00 400.00 150.00 500.00 150.00 1000.00 300.00 100.00 200.00 PART 1] THE KOLKATA GAZE"ITE, EXTRAORDINARY, NOVEMBER 23. 2004 Maximum rate of fees, rates and tolls to be levied by a Gram Panchayat under section 47 ot the West Bengal Panchayat Act, 1973. [See rule 58] 37 l. 2. 3. 4. 5

6. Registration fees to be paid by the owners annually for their vehicles under section 47(l)(i) of the Act in the following scale: (i) For rickshaw-van, hand drawn cart, bullock-cart or carriage drawn by buffalo or horse etc.(all fitted with rubber tyre) (ii) For bullock-cart, carriage drawn by buffalo or horse etc. (all fitted without rubber tyre) (iii) For tractor-trailor (engaged in any work except agriculture) Rs. 12.00 Rs. 24.00 Rs. 250.00 Fees for providing sanitary arrangements at such places of worship or pilgrimage or fairs within the jurisdiction of the Gram Panchayat as may be specified by the State Government in terms of section 47(l)(iii): (i) For every pilgrim (above the age of twelve) (ii) For vendor and tradesman (Plying trades without stall) (iii) For vendor and tradesman (Plying trades in stall) Re. 0.50 per head per day Rs. 3.00 per vendor or tradesman per day Rs. 10.00 to Rs. 20.00 [per vendor or tradesman per day depending on the size of the stall.] Rate for supply of water within the Gram Panchayat area by the concerned Granz Panchayat in terms of section 47(l)(iv): (i) For supply of drinking water in the residential houses or in the institutions—Rs. 30.00 pm depending on the actual cost of supply of water. (ii) For supply of irrigated water from deep-tubewell or shallow-tubewell or mini-tubewell set-up by the Gram Panchayat or Panchayat Samiti or Zilla Parishad or by the State Govemment and maintained by thc Gram Panchayat—Rs. 350.00 per acre. (iii) For supply of drinking water for any ceremonial occasion excluding other purposes such as extinguishing fire, mitigating scarcity of water in summer etc.—Not exceeding the actual cost of supply. Rate for arrangement of streetlights or lights in public places made by the Granz Panchayat in terms of section Lighting rate—Not exceeding 20% of the annual tax on land and building. Conservancy rate for garbage collection by the Gram Panchayat from private owners of septic tanks, dumping ground etc. in terms of section 47(1)(vi): (i) For septic tank (ii) For dumping ground etc. Rs. 250.00 (each time) Rs. 2.50 (per cubic-feet) Registration fees for running lawful trades, wholesale or retail. within a Gram Panchayat area in terms of section 47(1)(vii): (i) Registration of trades not paying professional tax (ii) Registration of trades or agencies or contractors paying professional tax (iii) Registration of small scale unit such as husking mill, saw mill, handloom or power loom, ice-factory, fishery, poultry, cattle-farming, sericulture, apiculture etc. (Capital Investment ranging from Rs. 25,000/- to less than Rs. (iv) Registration of small scale unit such as husking mill, saw mill, handloom or power loom, ice-factory, fishery, poultry. cattle-farming, sericulture, apiculture etc. (Capital Investment exceeding Rs. 5,00,000/-) (v) Registration for video hall or cinema hall (Up to Rs. Rs. 50.00 p.a. Rs. 100.00 to Rs. 250.00 p.a. Rs. 100.00 to Rs. 250.00 p.a. Rs. 300.00 to Rs. 500.00 p.a. Rs. 250.00 p.a. [PART I 38 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 (vi) Registration for video hall or cinema hall (Up to Rs. IO.OO,OOO/-) (vii) Registration of telephone booth or cyber café or Xerox centres etc. Rs. 500.00 p.a. Rs. 150.00 p.a. (ix) In case of self-help group, if any falls within the aforesaid categories of trade, no fee will be imposed for the first two years. For the next three years 50% of the prescribed fee will be imposed

7. Toll bar established by a Granz Panchayat on any pucca road, heavy morrum road, or on any bridge vested in or under its management for movement of vehicles in terms of section 47(l)(viii): Rs.10.00 (each time) (i) For each matador van or delivery van carrying goods for sale or commercial purpose Rs. 25.00 (each time) (ii) For each lorry or truck or tanker carrying goods for sale or commercial purpose 8. Toll bar established by a Granz Panchayat on any ferry vested in or under its management or control in terms of section (i) For each person above the age of eight years with a load not exceeding 20 kg. (ii) For each person above the age of eight years with a load exceeding 20 kg. (iii) For each cattle (iv) For each bi-cycle or handcart or cycle-rickshqw (v) For each power driven two-wheeler or rickshay (vi) For each cart canied by bullock or buffalo or horse (vii) For each tractor (without trailer) or power-tiller or auto-rickshaw etc. (viii) For each tractor (with trailer) or motorcar or or matador van or delivery van etc. (ix) For each bus or mini-bus or lorry or truck or tanker etc

9. Fees for use of toilets and latrines in terms of section 47(l)(xi): (i) For use of public toilet (ii) For use of public latrine IO. Fees for maintenance and cleaning of public drains in terms of section For use of public drains per family I .00 (each time) Re. 1.50 (each time) Rs. 2.'00 (each time) Rs. 1,00 (each time) Re. 2.00 (each time) Rs. 10.00 (each time) Rs. 10.00 (each time) Rs. 15.00 (each time) Rs. 25.00 (each time) Rs. 0.25 (each time) Rc. 0.50 (each time) Re. Rs. 30.00 p.a

11. Fees to.be imposed for use of Burning Ghat managed by the Granz Panchayat or the Government in terms of section 47(1)(xiv): Rs. 200.00 For cost of wood or electricity and other service charge 12. Registration fees for supply of water fr -Tubewell/Mini-Deep-Tubeweii titted

with motor-driven pump sets and installed for irrigation for commercial purposes set-up and managed by private enterprise in terms of section 47(I)(xv): (i) Power driven or diesel pump-set or generator set having capacity up to 2 horse-power (ii) Power driven or diesel pump-set or generator set having capacity more than 2 horse-power but not exceeding 5 horse-power (iii) Power driven or diesel pump-set or genel%ltor set having capacity more than 5 horse-power Rs. 150.00 p.a. Rs. 200.00 p.a. Rs. 500.00 p.a

13. Fees on sale proceeds of village produces sold in the village market or hats organized by the Grtun Panchayat considering weight and measurement or nurnber in terms of section 47(l)(xvi): (i) Not exceeding Rs.10.00 per person. (ii) The shopkeeper or vendor who does not pay professional tax shall pay Re. 1.00 only

14. Fees for showing any poster or advertisernent or banner in any private or public place over any land, building, wall, hoarding or structure in terms of section 47(M(xvii): (i) Fees shall be imposed not exceeding Rs.250.0() in each case. (ii) No fees shall be imposed in ca.R. of poster, advert';ement, or banner exhibited by the Government in lhe public interest

PART 1] z u To Sri/Smt..... THE KOLKATA GAZETrE, EXTRAORDINARY, NOVEMBER 23, 2004

FORM 1 [See rule 5 Form of notice of ordinary meeting of Gram Panchayat .....Gram Panchayat [By Special Messenger] 39 Notice is hereby given that to transact the undermentioned business, the next meeting of the..... .....,.....Gram Panchayat will be held . on the.....day of..... He is requested to make it convenient to attend the said meeting. List of business: Dated, this ..... day of ..... 20 (place) at... .....a.m./p.m. Secretary, ...Gram Panchayat. [PART 40 To Sri/Smt..... .....day .....a.m./p.m. on the of ... 20 day of ... THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 FORM IA [See rule 5 Form of notice of emergent meeting of Gram Panchayat .....Gram Panchayat [By Special Messenger] Notice is hereby given that the next emergent meeting of the.. . . (place) at. will be held at..... . to transact the undermentioned business. He is requested to make it convenient to attend the said meeting. Business: Dated, this .....Gram Panchayat Secretary, ...Gram Panchayat

FORM 1B [See rule 5 Form of notice for requisitioned meeting of the Gram Panchayat by the Pradhan .....Gtam Panchayat [By Special Messenger] 41 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) ....n.m./p.m. on the . day of . (month) to transact the following business. at..... ... He is requested to make it convenient to attend the said meeting. Business: Dated .. . • .. ..(Place) ....day of. . Pradhan/Upa-Pradhan-in-Charge/Secretary .. ..20..... Copy forwarded to the Block Development Officer (prescribed authority) . . ..mock. . . ....(Place) Copy forwarded to the 2. Block Development Officer (prescribed authority) .... Block. 42 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 FORM [See rule 5 Form of notice for requisitioned meeting of the Gram Panchayat by the requisitionist members .....Gram Panchayat To Sri/Smt. .... Dated : .. ..day of..... .. .20 l. Pradhan, ...Gram Panchayat. [PART 1 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 .. ..(place) at.....a.m./p.m. on the... .....day of .....(month) at..... . 20..... .. to transact the following business. He is requested to make it convenient to attend the said meeting. Business: Requisitionist members 1. 2. 3

FORM 2 [See rule 10(1)] Form of attendance register and minute book for the meeting of Gram Panchayat 43 ......Gram Panchayat (l) Date of meeting: (2) Place of meeting: ..... (3) Time of. meeting: ..... . (4) Name of meeting: Ordinary/Emergent Time of arrival Sl. No. Namc of the member Signature or *LTI of the member Attested by (in case of *LTI only) *Left thumb impression 44 To THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 FORM 3 [See rule 8] Form of notice for adjourned meeting of Gram Panchayat [By Special Mcssenger] [PART I .. ..Gram Panchayat, which was Notice is hereby given that the meeting of the..... will be held at..... .....(place) . ...20....., adjourned on the.....day of.. . . at.....a.m./p.m. on the.....day of. . the agenda of the meeting, dated..... ....Gram Panchayat Dated, this.....day of to transact the items of business which were on He is requested to make it convenient to attend the said adjourned meeting. Secretary. .....Gram Panchayat

FORM 3A [See rules 16 (1) & Report on the work of Gram Panchayat for the 45 Heads of receipts Actual receipts during the year (2) Anticipated receipts during the following (3) l. 2. 3. 4. 5. 6. 7. 8. 9. IO. 11

12. Opening balance Contribution by the State Government—(a) for maintenance of— (i) Grani Panchayat Karmees (ii) Executive Assistant/Secretary/Job AssistantfNirman SahayaWSahayak (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. Contribution/Grant from Central/State Government for any other special purpose— (c) Tax Revenue— (a) Tax on land and buildings under section 46(1)(a) (b) Rates and feés— (ii) (iii) (v) (vii) (viii) (ix) (x) (xi) (xii) (xiii) (xiv) fees on registration of vehicles under section 47(1)(i) fee for providing sanitary arrangements under section 47(1)(iii) water rate under section 47(l)(iv) lighting rate under section 47(l)(v) conservancy rate under section 47(1)(vi) fees on registration for running trade under section 47(l)(vii) tolls on vehicles under section 47(I)(viii) tolls for ferry under section 47(l)(ix) sanitary rates for maintenance of public latrine under section 47(l)(xi) rate for clearance of common drains under section 47(l)(xii) fees for use of burning ghat under section 47(l)(xiv) fees on registration of deep tubewell/mini-deep tubewell/shallow tubewell for supply of water for commercial purpose under section 47(l)(xv) fees on sale proceeds of produces sold in village market under section 47(l)(xvi) fees for display of poster, banner, hoarding under section (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) 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) Receipt in respect of management of estates and all interest therein vested in the State. Receipts from properties and remunerative assets created by the Gram Panchayat. Contribution/Grant by Zilla Parishad, Panchayat Samiti or any other local authority. Receipts from gifts and contributions and income from trust or endowment. Receipts on account of fines and penalties. Receipts on account of recovery of cost of demolition of building. Receipts on account of recovery of cost of works carried out. 46 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23. 2004 13. Receipts for acting as the agent of the Zilla Parishad

14. Loans and advances—(i) from CentraUState Government (ii) from financial institution and other .sources (iii) on Iniscellaneous items (iv) receipts on Deposits and Advances 16. Miscellaneous receipts, if any, not classified above. Total income ..... Gram Panchayat for the year..... Report on the work of Heads of expenditure (1) Actual expenditure during the year (2) Anticipated expenditure during the following year (3) l. 2. 3. 4. 5. 6. 7. 8. 9. IO. 11. 12. 13

14. Cost of its 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. Expenditure on obligatory duties under section 19— (a) (b) (c) Expenditure on functions assigned to the Gram Panchayat under section 20— (a) (b) Expenditure on discretionary duties under section 21— (a) (b) (c) Control of building operations. Maintenance and repair of public streets, waterways, etc. Improvement of sanitation, etc. under section 24. Epidemic control. Performance of functions delegated by the Zilla Parishad. Management of estates and all interests therein vested in the State. Miscellaneous Work Loans and Advances. Repayment of loans. interest, etc. Refund of Deposit and Advance. Miscellaneous expenditure. Total Expenditure: Closing Balance: PART l] of jurisdiction list No. ..... of Police Station .... which are shown below, on payment of the fee of Rs..... as deposited by me as indicated in column 2 of the said THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004

FORM 4 [See rule 171 47 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 I of the table below ona landcoveredbyC.S./R.S.plotNos. .. .. of mouza . the boundaries of table. Nature of structure/building l. 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 2. Thatched, tin, tile or asbestos shed without brick wall covering an area of more than 40 square metres 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 4. Any brick-walled one-storeyed structure or building covering an area of not more than 40 square metres 5. Any brick-walled one-storeyed building or structure covering an area of more than 40 square metres 6. 7. 8. 9. (ii) (i) (ii) (ii) Any brick-walled two-storeyed structure or building covering an area of not more than 40 square metres on the ground floor Additional fee for each floor above first floor Any brick-walled two-storeyed structure or building covering an area of more than 40 square metres on the ground floor Additional fee for each floor above first floor Any one-storeyed workshop or structure or building covering an area of not more than 100 square metres Additional fee for each floor above the ground floor Any workshop, shed or one-storeyed structure or building for commercial or business purpose covering an area of more than 100 square metres Additional fee for each floor above the ground floor Fee LO be paid (in Rupees) 30.00 60.00 30.00 50.00 100.00 150.00 250.00 60.00 400.00 150.00 500.00 150.00 1000.00 300.00 48 THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, Nature of structure/building IO. 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 Boundaries— East— West— North— South— [PART I 2004 Fee to be paid (in Rupees) 100.00 200.00 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.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...a..... .. Name in block letters..... Address . Date .....

FORM 5 [See rule 48 49 . of the I was born at ..... having been selected for appointment as . Gram Panchayat, do hereby declare that (birth place) on .....(date, month and, year). I also annex herewith the following documents in support of the statement: I do, further declare that the yean month and date of birth as recorded herein are binding on me and shall not ask for any modification thereof at my subsequent date. Date: [Orders of the appointing authority] Signature: Signature: Designation: Date: 50 Sl. No. 1. 2. 3. 4. 5. 6. 8. 9. IO. Dated: THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 FORM 6 [See Rule 57] Register for ownership and market value of Land and Building located within Grani Panchayat Description of the property (2) Area (3) Name of the owner with address as per ROR (4) Occupancy status & name of tenant/ occupier (5) Signature: Name of the Gram Sansad (6) Market value as on 1st September, (7) Revised market value as on (8) [PART I Remarks (9) Executive Assistant/Secretary ... Gram Panchayat PART 11 THE KOLKATA GAZETTE, EXTRAORDINARY. NOVEMBER 23, 2004 FORM 7 [See rule 58 Registration Certificate for vehicles and/or other equipments [Not registered under the Motor Vehicles Act] • vide 51 . .....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 under rule 58 (3) of the West Bengal Panchayat (Grant Panchayat Administration) Rules, 2004. ' This Registration Certificate shall remain in force up to .... Registration fee received Rs. vide Miscellaneous Receipt No..... Signature of Pradhan . .....Gram Panchayat Dated: seal: O 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 under rule 58 (3) of the West Bengal Panchayat (Gram Panchayat Administration) Rules, 2004. This Registration Certificate shall remain in force up to ..... Registration fee received Rs Miscellaneous Receipt No..... Signature of Pradhan . .....Gram Panchayat Dated: Seal: 52 Sl. No. (1) THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 FORM 8 [See rule 58 Register for registration of vehicle and/or other equipments Name of the applicant (2) Name of father/ husband (3) Descrip- tion of vehicle (4) Registra- tion No. with date (5) Descript- tion of other equip- ments (6) Registra- tion No. with date (7) Particular of fees a.) (8) [PART 1 (9) Counter Signature of Pradhan with date Date of approval by Gram Panchayat Signature of Executive Assistant/Secretary with date PART 1] No. 1. 2. 3

FORM 9 [See rule 59] Assessment List—Pact-I List of persons liable to pay tax on land and on building (l) Village..... .... (2) Gram Sansad.....•..... (3) Gram Panchayat..... (4) Panchayat Samiti..... (5) Police Station.....,..... ..... (6) District..... ... Name of the owner or occupier of land or building (2) Name of father/ husband (3) Description of the property possessed (4) Market value of the property (5) Estimated total annual value (6) Amount of tax payable quarterly (7) 53 Grounds of exemption (if any) (8) ** See section 46 of the Act & Explanation-I of rule 57. Counter Signature of Pradhan with date Date of approval by Gram Panchayat Part-n Signature of Executive Assistant/Secretary with date [See rule 58 List of persons liable to pay annual enlistment fee for obtaining provisional certificate for running a trade No. (1) 1. 2. 3

4. Name of.the person with address liable to pay annual enlistment fees (2) Name of father/ husband (3) Date of approval by Gram Panchayat Description of trade with detailed location (4) Amount payable (5) Remarks (6) Counter Signature of Pradhan with date Signature of Executive Assistant/Secretary with date 54 No. (1) 1. 2. 3

4. THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 Part-Ill [See rule 58 List of persons liable to pay fees for Registration of vehicles Name of the person with address liable to pay fees for registration of vehicles (2) Amount of fees payable (5) [PART I Remarks (6) Name of father/ husband (3) Date of approval by Gram Panchayat Part-IV [See rule 58 Type of vehicle (4) Counter Signature of Pradhan with date Signature of Executive Assistant/Secretary with date List of organisation/persons liable to pay water rateJlighting rate/conservancy rate and other rates Sl. No. (1) 1. 2. 3

4. Name and address of the assessee (2) Name of owner (3) Date of approval by Gram Panchayat Location of the holding owned or occupied (4) Purpose for which rate is assessed (5) Amount of the rate assessed (6) Remarks (7) Counter Signature of Pradhan with date Signature of Executive Assistant/Secretary with date PART I] THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004

FORM 10 [See rule 60 55 Draft Assessment list for the year Gram Panchayat under of Block of District is hereby published for general information. If any member of the Gram Sabha or any other interested/concerned person has any objection/ recommendation to the draft assessment list, he/she may in writing inform to the Pradhan within Dated: (here mention the date to be calculated). Signature of Pradhan Gram Panchayat 56 Name of Panchayat Samiti: Name of District: Trade Certificate Issue No.: Trade Registration No.: words..... . THE KOLKATA GAZETTE, EXTRAORDINARY, NOVEMBER 23, 2004 FORM 11 [See rule 58(2)] Gram Panchayat [PART I Date: Date: Provisional Certificate of Trade for enlistment for the period of The Gram Panchayat is satisfied to issue Provisional Certificate of Trade for enlistment of Gram Sansad/Part No.: Full Address: Description of Trade: (Name of Proprietor/Partner/Director) The Gram Panchayat dcknowlédges to receive a sum of Rs. ..... . (in .) only from MIS ..... in consideration of enlistment fee for Provisional Certificate of Trade vide Miscellaneous Receipt No. ..... dated ..... Executive Assistant/Secretary Pradhan N.B.—The Pradhan of the Gram Panchayat has every right to cancel or revoke or not issuing any fresh enlistment prayer at any time. By order of the Governor, M. N. ROY, Secy. to the Govt. of West Bengal