

**DEPARTMENT OF PANCHAYATS AND RURAL
DEVELOPMENT
GOVERNMENT OF WEST BENGAL**

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

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

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

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

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

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

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

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

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

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

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

Chapter XIII

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

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

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

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

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

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

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

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

- (a) preparation of development plan for five year term and an annual action plan for each year for achieving economic development and ensuring social justice;
- (b) preparation of budget of estimated receipts and payments for the following financial year and revised and supplementary budget estimates for the current financial year;
- (c) exercising administrative control and supervision over the establishment of the *Panchayat Samiti*, the employees borne in the establishment of the *Panchayat Samiti* and such officers or other employees as the State Government may place under the functional control of the *Panchayat Samiti*;
- (d) receipt of contributions and grants released by the Central or the State Government or by any local authority;
- (e) custody of the *Panchayat Samiti* fund in Treasury and Bank;
- (f) all actions relating to realisation of tolls, rates and fees as may be levied by the *Panchayat Samiti* and all other fund as may be received by or on behalf of the *Panchayat Samiti*;
- (g) preparation of bye-laws;
- (h) realisation of fines and penalties as may be imposed by the *Panchayat Samiti*;
- (i) maintaining and keeping in proper custody all the records including all books of accounts of the *Panchayat Samiti*;
- (j) signing the cash book and examining and, if necessary, reconciling the *Panchayat Samiti* Pass Book issued by the Treasury or Bank from time to time;
- (k) maintaining the accounts of *Panchayat Samiti* and preparation of its monthly receipt-payment accounts;
- (l) acting as the Accepting Officer with respect to Annual Proforma Reports of all employees of the *Panchayat Samiti*;
- (m) maintaining co-ordination among the Block level officers in all matters relating to the execution of schemes and works approved by the *Panchayat Samiti* and its *Sthayee Samitis*;
- (n) issuing necessary directions to the Block level officers for the execution of the schemes and works according to the decisions taken by the *Panchayat Samiti* and, its *Sthayee Samitis* in the meeting;
- (o) obtaining progress reports from the Block level officers about the execution of such schemes and works and submitting the same to the *Panchayat Samiti* and its *Sthayee Samitis* with his comments;
- (p) maintaining liaison among the members and the officers of the *Panchayat Samiti*, the officers of different departments of the State Government and different non-government and other community-based organisations working in the area under its jurisdiction in order to achieve a co-ordinated approach and convergence of diverse activities in their efforts in different fields of economic and social development in the area and assisting the *Sabhapati* in maintaining such liaison.

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

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

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

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

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

- (a) exercise the powers, perform the functions and discharge the duties of the Executive Officer when the post of the Executive Officer falls vacant on account of leave, transfer or otherwise;
- (b) act as Drawing and Disbursing Officer for the fund of the *Panchayat Samiti* in such manner as may be determined by the Executive Officer;
- (c) be responsible for (i) checking of all bills and muster rolls prior to placement before the Executive Officer for according sanction before payment, (ii) preparation of bank and treasury reconciliation statement, (iii) preparation of receipt-payment accounts at the close of every month, and (iv) maintenance of books of accounts and production of books of accounts and other records before the auditor of accounts or any inspecting officer;
- (d) look after the administration and maintenance of income generating and other assets of the *Panchayat Samiti* and after the process of realisation of tolls, rates and fees as may be levied by the *Panchayat Samiti*;
- (e) inspect the institutions or works under the management or control of the *Panchayat Samiti* and submit report to the *Panchayat Samiti* through the Executive Officer;
- (f) initiate Annual Performance Report of the Block Informatics Officer, Cashier-cum-Store Keeper and Data Entry Operator;
- (g) attend the meetings of the *Panchayat Samiti*, *Block Sansad* and such *Sthayee Samitis* of which he is a member;
- (h) attend the meeting of any other *Sthayee Samiti*, if so invited by the *Karmadhyaksha* of the concerned *Sthayee Samiti*;
- (i) inspect the offices of the *Gram Panchayats* within the jurisdiction and programmes and schemes implemented by them and make efforts to establish functional linkage between the *Panchayat Samiti* and *Gram Panchayats* in their development processes;
- (j) assist the Executive Officer in discharge of all or any of his functions and duties as may be determined by the Executive Officer;

- (k) exercise such other powers, perform such functions and discharge such of the duties of the Executive Officer as may be delegated by the Executive Officer or as may be directed by the State Government, by order, from time to time;
 - (l) perform any other function or duty as may be assigned to him by the Executive officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.
- (3) The Joint Executive Officer may –
- (a) carry on routine correspondence of the *Panchayat Samiti*, if so entrusted by the Executive Officer;
 - (b) be delegated responsibility for maintenance of such records of the *Panchayat Samiti* as may be determined by the Executive Officer.

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

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

- (a) in the capacity of the Secretary of the *Panchayat Samiti* and also of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*, generally issue notices for meetings of the *Panchayat Samiti*, *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* and *Block Sansad* after preparing the list of business, to be transacted at such meetings under the guidance of the Executive Officer and with the approval of the *Sabhapati*;
- (b) record the proceedings of the aforesaid meetings and place them before the *Sabhapati*, or in the event of his absence, before the *Sahakari Sabhapati* or any other member presiding over the meeting, through the Executive Officer;
- (c) maintain in his custody the copies of the proceedings of the meetings of different *Sthayee Samitis* forwarded by the Secretaries of the respective *Sthayee Samitis* under sub-rule (8) of rule 27, for their placement, under the guidance of the *Sabhapati* and the Executive Officer, in the next meeting of the *Panchayat Samiti*;
- (d) be responsible for placement of the quarterly review report of every *Sthayee Samiti* in Form 7 in the next meeting of the *Panchayat Samiti*;
- (e) assist the Executive Officer in preparing the Annual Budget of the *Panchayat Samiti* on collating and integrating the budget and other information as may be required from other *Sthayee Samitis* and from the *Gram Panchayats* within the jurisdiction;
- (f) assist the Executive Officer and the Joint Executive Officer in preparation of the replies to the audit queries or observations in respect of the accounts of the *Panchayat Samiti*;
- (g) assist the Joint Executive Officer in relation to the functions referred to in item (d) of sub-clause (2) of clause A;
- (h) maintain service records of employees of *Gram Panchayat*, on being so authorized by the Executive Officer in terms of sub-rule (4) of rule 52 of the West Bengal *Panchayat (Gram Panchayat Administration) Rules, 2004*;
- (i) initiate Annual Performance Report of the employees of *Gram Panchayat*, having jurisdiction and of the Upper Division Assistant, Accounts Clerk, Clerk-cum-Typist and the Peon at the end of every financial year in terms of sub-rule (12) of rule 56 of the West Bengal *Panchayat (Gram Panchayat Administration) Rules, 2004*;
- (j) attend the meetings of the *Panchayat Samiti*, *Block Sansad* and *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* of the *Panchayat Samiti* and such other *Sthayee Samitis* of which he is a member or is acting as the Secretary for the time being;
- (k) attend the meeting of any other *Sthayee Samiti*, if so invited by the *Karmadhyaksha* of the concerned *Sthayee Samiti*;
- (l) act as the Secretary to a *Sthayee Samiti* pending the selection of Secretary to such *Sthayee Samiti* or during the casual vacancy in the post of Secretary to such *Sthayee Samiti*;

- (m) assist the Executive Officer in discharge of such functions and duties as may be determined by the Executive Officer, such apportionment of functions being co-related with the functions of the Panchayat Development Officer, as may be entrusted upon him by the Block Development Officer or assigned to him under any rule for the time being in force;
- (n) carry out any other duty as may be assigned to him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) maintaining all information about various education programmes being carried out within the jurisdiction of the *Panchayat Samiti*;

(b) co-ordinating, supervising and monitoring the activities of Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi and the functions of Academic Supervisors at the *Panchayat Samiti* level;

(c) developing, updating and maintaining computerised data bank relating to Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi within the *Panchayat Samiti*;

(d) acting as Master Trainer for all *Panchayat Samiti* level trainings related to Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi;

(e) convening meetings of *Shiksha, Sanskriti, Tathya O Krira Sthayee Samiti* as Secretary as may be directed by the Executive Officer of the *Panchayat Samiti*;

(f) visiting Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi and reporting upon their functioning to the Executive Officer of the *Panchayat Samiti*;

(g) liaison with the district level/ZP level functionaries engaged in implementation of Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi as may be directed by the Executive Officer, *Panchayat Samiti*;

(h) performing such other duties as may be assigned to him / her in connection with Shishu Shiksha Karmasuchi / Madhyamik Shiksha Karmasuchi by the Executive Officer, *Panchayat Samiti*.

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

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

(a) maintain the Cash Book of the *Panchayat Samiti* and the subsidiary Cash Books for all schemes;

(b) prepare monthly reconciliation statement and detailed cash balance;

(c) encash cheques of the *Panchayat Samiti*;

(d) receive all kinds of money, cheque, drafts, banker's cheques in favour of the *Panchayat Samiti* and deposit those to the appropriate Savings Account of the *Panchayat Samiti*;

(e) prepare credit vouchers and debit vouchers and preserve all payment vouchers for audit;

(f) operate and make use of IFMS software as and when installed;

(g) maintain such registers as may be directed by the Executive Officer or the Joint Executive Officer in terms of the West Bengal *Panchayat (Zilla Parishad and Panchayat Samiti) Accounts and Finance Rules, 2003*;

(h) remain in charge of the store of the *Panchayat Samiti*, maintain store accounts and be responsible for issue of materials under the order of the Executive Officer or the Joint Executive Officer of the *Panchayat Samiti*;

(i) any other function or duty as may be assigned to him by the Executive Officer or by the *Sabhapati* through the Executive Officer or by the *Panchayat Samiti* or by the State Government, by order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter XIV

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

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

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

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

87. Employees of *Panchayat Samiti*. - (1) Subject to such general or special order as may be issued by the State Government from time to time, the establishment of the *Panchayat Samiti* shall consist of the following categories of employees with such number of posts in each such category as correspondingly shown hereunder:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) a disciplinary proceeding or departmental enquiry against him is contemplated or is pending;
 - (b) he has been detained in a custody for a period exceeding forty-eight hours under any law providing for preventive detention or as a result of a proceeding either on a criminal charge or otherwise; or
 - (c) he has been implicated in a proceeding initiated against him in charge of a criminal offence involving moral turpitude or involving any other cognizable offence, punishable with imprisonment for a period of more than six months.
- (ii) During the period of suspension, such employee shall be entitled to subsistence allowance and to pay and allowance on reinstatement subject to such penalty as may be imposed upon him under sub-rule (2), in respect of the period of suspension at such rate as is admissible to a Government servant on an identical or comparable scale of pay under rule 71 and 72 of the West Bengal Service Rules, Part I:

Provided that in a case where an employee is detained in custody under any law providing for preventive detention, the subsistence allowance admissible under the said rule shall be reduced by the amount of allowance, if any, paid to the detainee under the relevant laws or rules for the time being in force.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Provided that when an employee of a *Panchayat Samiti* holding a substantive post in temporary or officiating capacity, is promoted or appointed to another post in temporary or officiating capacity carrying duties and responsibilities of greater importance and higher scale of pay than those attached to the post held by him, the pay of such employee of *Panchayat Samiti* in such higher scale of pay shall be fixed by the appointing authority for the higher post in such manner as may be generally applicable for the State Government employees of similar category in terms of the West Bengal Service Rules, Part – 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) The services of all employees of a *Panchayat Samiti* shall be guided by an open performance report and a report on attendance, performance and efficiency, accountability and integrity which shall be collectively termed as Annual Performance Report. The Secretary shall initiate Annual Performance Report of the *Panchayat Samiti* employees at the end of a financial year not later than 30th April of the following year in the format as given in *Annexure II* for Group B, C and D employees classified in the same manner as applicable to the employees of the State Government and place the same to the Executive Officer for countersignature which shall be finally accepted by the *Sabhapati*. Appraisal on attendance, performance and efficiency, accountability and integrity of the employees shall be done in such manner as may be directed by the State Government, by any general or special order, from time to time.

Chapter XV

Inspections

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter XVI

Repeal and Savings

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

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

Table
Fees for New Construction/Building or Additional Construction/Alteration of Building
[See rule 66]

Category of Gram Panchayat Area	Type of construction (New/Addition/Alteration)	Thatched, Tin, Tile, or asbestos shed without brick wall covering area more than 18sq. meter (Kutch House)	Thatched, Tin, Tile or asbestos shed with brick Wall (Semi-Pucca House)		Pucca Building (Rates on the basis of per sq. ft. of total floor area of the proposed structure / building)	
			Construction for Residential Purposes	Construction for Commercial purposes	Construction for Residential purposes	Construction for Commercial purposes
Gram Panchayats under the jurisdiction of KMDA & other Development Authority	New Construction	Rs. 80.00	Rs. 250.00	Rs. 500.00	Rs. 1.50	Rs. 2.50
	Additional Construction/Alteration	NIL	Rs. 150.00	Rs. 250.00	Rs. 1.50	Rs. 2.50;

FORM 1

[see rule 14(1)]

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

.....*Panchayat Samiti*

.....*Sthayee Samiti*

To:

Sri / Smt.

.....

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

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

List of business :

1.
2.
3.
4.

Dated, the.....day of.....

Secretary
Panchayat Samiti / Sthayee Samiti

FORM 1A
[see rule 14(1)]

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

.....*Panchayat Samiti*

.....*Sthayee Samiti*

To:

Sri / Smt

.....

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

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

Item of business:

Dated, the.....day of

Secretary
Panchayat Samiti / Sthayee Samiti

FORM 1B
[see rule 14(1)]

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

.....*Panchayat Samiti*

.....*Sthayee Samiti*

To:

Sri / Smt.....

.....

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

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

List of business:

- 1).....
- 2).....
- 3).....

Dated, the.....day of.....

Sabhapati / Karmadhyaksha
Panchayat Samiti / Sthayee Samiti

FORM 1C

[see rule 14(1)]

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

.....*Panchayat Samiti*

.....*Sthayee Samiti*

To:

Sri / Smt

.....

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

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

Business:

Requisitionist members -

1.

1.

2.

3.

4.

Dated:(Place)

Theday of.....

Copy forwarded to the -

1. *Sabhapati / Karmadhyaksha* of

2. Sub-divisional Officer (Prescribed Authority)

FORM 2

[see rule 17(1)]

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

Date of meeting:

Place of meeting:.....

Time of meeting:.....

Nature of meeting: Ordinary/Emergent

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

*Left thumb impression

Minutes of the meeting :

FORM 3

[see rule 18]

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

To:

Sri / Smt

.....

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

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

Dated, theday of

Secretary

*Panchayat Samiti /Sthayee Samiti***FORM 4**

[see rule 11(1)]

Report on the work of*Panchayat Samiti*

for the year

A – Work done by the *Panchayat Samiti*:

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

B- Promotional activities of the Panchayat Samiti:

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

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

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

In part "A" of the report –

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

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

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

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

FORM 4A

[see rule 65]

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

(to be submitted in triplicate)

.....Gram Panchayat

.....Panchayat Samiti

To

The Executive Officer

..... Panchayat Samiti

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

Boundaries -

East -

West -

North -

South -

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

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

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

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

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

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

8. I also hereby undertake to make payment of further fees as may be directed by the competent authority in accordance with the rules and procedure.

(Strike out the words not applicable).

Signature.....

Name in Block letters.....

Address.....

Date.....

FORM 4B

[see rule 79(3)]

Form of Granting/Occupancy Certificate

From : The Executive Officer

..... Panchayat Samiti

To :

.....

.....

(Name and address of the applicant)

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

Plot No.....

J.L. No.....

Name of Mouza.....

Gram Panchayat.....

Sir,

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

DESCRIPTION OF CONSTRUCTION, USE AND CONDITIONS, IF ANY.

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

Yours faithfully,

Executive Officer

.....Panchayat Samiti

Official Stamp :

Date :

FORM 5

[see rule 51(1)]

Application for licence for holding hat or market

To

The Executive Officer

_____ *Panchayat Samiti*

_____ District

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

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

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

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

Boundaries:

East:

West:

North:

South:

Signature.....

Name in Block letters.....

Address.....

Date.....

*Strike out if not applicable.

** Strike out if not applicable under the rule.

FORM 5A

[see rule 55]

Licence for holding hat or market

Name of *Panchayat Samiti*

Name of District.....

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

Name of Licensee.....

Address of Licensee.....

License issued for the period of.....

Name of hat or market.....

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

Boundaries of the place of hat or market:

East –

West –

North –

South –

Comprising:

Plot No.(S)

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

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

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

Signature with date of

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

Signature with date of

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

Seal:

Terms and conditions for licence on holding hat/market:

1. The licence of every hat or market shall make proper arrangements for –
 - (i) the clearing and drainage of the site;
 - (ii) the supply, where necessary, of water suitable for drinking and cooking purpose in sufficient quantities for the needs of persons attending the hat/market;
 - (iii) adequate disinfections of such water supply with bleaching powder or such other disinfectant as may be directed by the *Panchayat Samiti*, when any contamination is suspected or discovered;
 - (iv) the construction and maintenance, where necessary, of sufficient number of privies and urinals for the use of persons attending the hat/market with such separate accommodation for each sex as may be directed by the *Panchayat Samiti*;
 - (v) the collection, removal and disposal of refuse, rubbish, solid or liquid sewage at such intervals as the *Panchayat Samiti* may direct;
 - (vi) bringing to the notice of the Sanitary Inspector or such other officer as may be authorised by the Chief Medical Officer of Health or by the *Panchayat Samiti* in this behalf, of any case of cholera, small pox or any other infectious or contagious disease occurring within the precincts of a hat/market;
 - (vii) the supply of light for every part of the hat or market at night; and
 - (viii) the supply by suitable persons of wholesome food at reasonable prices and in sufficient quantities.
2. No person shall expose for sale in a hat or market any article of food such as milk or milk products, edible oil, ghee, butter, molasses, sugar, sweetmeats, except in covered receptacles and free from contamination by dust and flies.
3. No person suffering from leprosy or any other contagious disease shall prepare or help in the preparation of or expose any article for sale in hat or market.
4. No privy or urinal shall be constructed or allowed to stand within a radius of twenty metres from any place in a hat or market where articles of food are stored or exposed for sale or from any source of water supply.
5. No person shall store or sell or expose for sale in a hat or market any meat, fish, vegetable, fruit or other articles of food or drink which is in a state of decomposition and injurious to human health.
6. Adequate safeguards shall be provided for by the licensee against an outbreak of fire in a hat or market.
7. Where a hat or market is established or held without a licence or in violation of any condition of licence, the owner or the lessee of such hat or market shall be liable to such penalty as the *Panchayat Samiti* may provide under the by-laws made by it under section 223.

FORM 6

[see rule 57]

Application for licence of offensive or dangerous trade

To

The Executive Officer

..... *Panchayat Samiti*

District

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

Boundaries :

East -

West -

North -

South -

Signature with date.....

Name in Block letters

Address

Date

FORM 6A

[see rule 57]

Application for renewal of licence of offensive or dangerous trade

To

The Executive Officer

..... *Panchayat Samiti*

District

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

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

East -

West -

North -

South -

Signature

Name in Block letters

Address

Date

*Please delete if there is no change.

N.B.

- (1) Change of boundaries beyond the control of the licensee may be noted when the authority shall have the right to withhold renewal of licence on the ground of ecological imbalance or environmental pollution.
- (2) Any change of place / site or any change of trade or business by the same licensee shall require fresh application for licence.

FORM 6B

[see rule 61]

Form of license for carrying on offensive or dangerous tradeName of *Panchayat Samiti*

Name of District.....

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

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

for the period of

Address of Licensee.

Description of trade or business.....

Boundaries of the place of trade or business:

East -

West -

North -

South -

Comprising :

Plot No(s).

Mouza

J.L. No.

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

Signature with date:

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

Date:

Signature with date:

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

Date:

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

Year

(1)

(2)

(3)

Dated signature of the Executive Officer / Joint Executive Officer

Conditions of Licence for carrying on offensive or dangerous trades.

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

- (i) the place may be inspected at any reasonable hour of any day by the *Sabhapati* or *Sahakari Sabhapati* of the *Panchayat Samiti*, *Karmadhyaksha* of *Janaswastha O Paribesh Sthayee Samiti*, Executive Officer of the *Panchayat Samiti* or any other authorised officer, not below the rank of an Extension Officer;
- (ii) manufacturing, processing or any other work carried on under the licence in the specified premises shall be maintained in such a manner so as not to cause any injury, danger, annoyance or offence to the sense of sight, smell or hearing of persons residing in the neighbourhood;
- (iii) the licence shall relate only to such trade or business as is specified in it;
- (iv) the licence shall relate only to such place as is specified in it;
- (v) there shall be satisfactory arrangement for drainage of waste water and effluents, disposal of solid wastes and control of gaseous emissions to prevent nuisance in the place and its neighbourhood;
- (vi) the licence shall be liable to be cancelled in the event of contravention of any of the conditions laid down in clauses (i) to (v) or on any other ground as may be considered important by the *Panchayat Samiti* on service of prior notice of one clear month when the licensee shall be bound to close down such trade or business with immediate effect;
- (vii) the licence is subject to renewal on payment of requisite fee for every financial year and the authority reserves the right of withholding such renewal on such ground or grounds as may be intimated to the licensee.

FORM 7

[see rule 27 (2)]

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

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

Money value of the work done

Countersigned.

Karmadhyaksha,

_____ *Sthayee Samiti*

Secretary _____ *Sthayee Samiti*

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

FORM 8

[see rule 88]

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

i)

ii)

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

Date _____

Signature: _____

[Orders of the appointing authority]

Signature: _____

Designation: _____

Date: _____

FORM 9

[see rule 7 & 8]

Bill for payment of remuneration and allowance to the *Sabhapati / Sahakari Sabhapati/ Karmadhyaksha*.Name of the office bearer and the office _____
_____ *Panchayat Samiti*.

Period for which the remuneration is claimed [months] _____

Amount of remuneration claimed

Gross claim Rs. _____

Less deduction, if any Rs. _____

Certified that -

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

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

Signature of office bearer

Passed for Rs. _____

(Rupees _____)

Signature of Exe. Officer

Panchayat Samiti

Received Rs. _____ (Rupees _____) only

Signature of the payee

*Strike out the clause not applicable.

ANNEXURE - I

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

A – Immovable Property

(I) LANDS

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

(2) HOUSES

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

Date:

Signature of Declarant

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

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

B – Movable Property**(I) CASH, BANK BALANCE, CREDIT, INSURANCE POLICIES, SHARES, DEBENTURES, ETC.**

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

Date:

Signature of Declarant