

The
Kolkata Gazette



सत्यमेव जयते

Extraordinary
Published by Authority

ASADHA 1]

TUESDAY, JUNE 22, 2004

[SAKA 1926

PART I—Orders and Notification by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF PANCHAYATS AND RURAL DEVELOPMENT
JESSOP BUILDING
63 N. S. Road, Kolkata-700001.

NOTIFICATION

No. 2061/PN/O/I/3R-4/2003.—dated the 22nd June, 2004.—In exercise of the power conferred by section 224 of the West Bengal *Panchayat Act*, 1973 (West Ben. Act XLI of 1973) (hereinafter referred to as the said Act), the Governor is pleased hereby to make, after previous publication as required under sub-section (1) of section 224 of the said Act, the following amendments to the West Bengal *Panchayat (Constitution) Rules*, 1975 (hereinafter referred to as the said rules) as subsequently amended:—

Amendments

In the said rules,—

(1) In Chapter IA,—

(a) for Form 1, *substitute* the following Form:—

“FORM 1

[*Rules 3(1), 4(1), 5(1), 9(1), 11(1), 12(1), 14(1), 14(3), 15(2), 16(2), 20(1), 21(1)]

Form of notice of meeting for the taking of oath and/or for election of *Pradhan/Upa-Pradhan* of *Gram Panchayat*, *Sabhapati/Sahakari Sabhapati* of *Panchayat Samiti*, *Sabhadhipati/Sahakari Sabhadhipati* of *Mahakuma/Zilla Parishad*, *Members/Karmadhyaksha* of *Sthayee Samiti* of *Panchayat Samiti/Mahakuma/Zilla Parishad*, *Members/Sanchalak* of *Upa-Samiti* of *Gram Panchayat*.

In pursuance of the provisions under **rules *3(1), 4(1), 5(1), 6, 8(1), 9(1), 11(1), 12(1), 14(1), 14(3), 15(2), 16(2), 20(1), 21(1) of the West Bengal Panchayat (Constitution) Rules 1975**, notice is hereby given for a meeting of the ** _____ *Gram Panchayat*/Panchayat Samiti/Mahakuma/Zilla Parishad/Sthayee Samiti*** of _____ *Panchayat Samiti*/Mahakuma/Zilla Parishad/Upa-Samiti* of _____ *Gram Panchayat* to be held at the time, place and on the date fixed below to take oath and/or to elect *Pradhan** and *Upa-Pradhan/Sabhapati* and *Sahakari Sabhapati/Sabhadhipati* and *Sahakari Sabhadhipati/Members of Sthayee Samiti/Karmadhyaksha of Sthayee Samiti/Members/Sanchalak of Upa-Samiti*.

All Members of *Gram Panchayat*/Panchayat Samiti/Mahakuma/Zilla Parishad/Sthayee Samitis* of *Panchayat Samiti/Mahakuma/Zilla Parishad/Upa-Samitis* of *Gram Panchayat* are requested to attend.

Date	Place	Time
(1)	(2)	(3)

Date: _____ *Prescribed authority and Block Development Officer/*
Place: _____ *Sub-divisional Officer/District Magistrate*

* Strike off the words and figures which are not applicable.

** Appropriate particulars of the election to be inserted here.”;

(b) for Form 2, substitute the following Form:—

“FORM 2

[***Rules 3(2), 4(2), 5(2), 6, 8(2), 9(2), 11(2), 12(2), 14(1), 15(2), 16(2), 20(2), 21(2)**]

Form of appointment of Presiding Officer for election of *Pradhan** and *Upa-Pradhan* of *Gram Panchayat/Sabhapati* and *Sahakari Sabhapati* of *Panchayat Samiti, Sabhadhipati* of *Mahakuma/Zilla Parishad*, *Members/Karmadhyaksha* of *Sthayee Samiti* of *Panchayat Samiti/Mahakuma/Zilla Parishad*, *Members/Sanchalak of Upa-Samiti* of *Gram Panchayat*.

In exercise of the powers conferred on me by **rule(s) *3(2), 4(2), 5(2), 6, 8(2), 9(2), 11(2), 12(2), 14(1), 15(2), 16(2), 20(2), 21(2) of the West Bengal Panchayat**

(Constitution) Rules, 1975 I do hereby appoint Shri/Smt. _____ (designation) to preside over the meeting for election of *Pradhan*/Upa-Pradhan* of** _____ *Gram Panchayat/Sabhapati** and *Sahakari Sabhapati* of** _____ *Panchayat Samiti Sabhadhipati** and *Sahakari Sabhadhipati* of* _____ *Mahakuma/Zilla Parishad/Members** and *Karmadhyaksha* of *Sthayee Samiti* of* _____ *Panchayat Samiti/Members/ Karmadhyaksha* of* _____ *Sthayee Samiti* of* _____ *Panchayat Samiti/Mahakuma/Zilla Parishad, Members/Sanchalak* of *Upa-Samitis* of _____ Gram Panchayat.

Date: _____ *Prescribed authority and Block Development Officer/*
Place: _____ *Sub-divisional Officer/District Magistrate*

* Strike the words and figures which are not applicable.

** Appropriate particulars of the election to be inserted here.”;

(c) for Form 4, substitute the following Form :—

“FORM 4

[*Rules 3(7), 4(4), 5(4), 6, 8(6), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(6), 21(3)]

Form of declaration of result of an uncontested election in the office of *Pradhan** and *Upa-Pradhan* of *Gram Panchayat/Sabhapati* and *Sahakari Sabhapati* of *Panchayat Samiti/Sabhadhipati* and *Sahakari Sabhadhipati* of *Mahakuma/Zilla Parishad/Members/Karmadhyaksha* of a *Sthayee Samiti* of *Panchayat Samiti/Mahakuma/ Zilla Parishad, Members/Sanchalak* of an *Upa-Samiti* of *Gram Panchayat*.

In pursuance of the provisions under rules *3(7), 4(4), 5(4), 6, 8(6), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 16(2), 20(6), 21(3) of the West Bengal *Panchayat* (Constitution) Rules, 1975, the following person(s) is / are hereby declared as duly elected *Pradhan*/Upa-Pradhan/Sabhapati/Sahakari Sabhapati/Sabhadhipati/Sahakari Sabhadhipati/Members/Karmadhyaksha* of a *Sthayee Samiti* of *Panchayat Samiti/ Mahakuma/Zilla Parishad, Members/Sanchalak* of an *Upa-Samiti* of *Gram Panchayat*.

Name of <i>Gram Panchayat/ Panchayat Samiti/ Mahakuma/Zilla Parishad/ Sthayee Samiti of Panchayat Samiti/Mahakuma/Zilla Parishad/Upa-Samiti of Gram Panchayat</i>	Name and address of the Person(S) elected	Name of the Office to which elected	Name of the political party with whose symbol he was elected as member
(1)	(2)	(3)	(4)

Date : _____

Place : _____ *Signature of the Presiding Officer*

Strike of the words and figures which are not applicable.;

(d) for Form, 5 substitute the following Form :—

“FORM 5**[*Rules 3(7), 4(4), 5(4), 6, 8(8), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(8)]**

Form of Ballot Paper for election of *Pradhan*/Upa-Pradhan of *** _____
 _____ *Gram Panchayat, Sabhapati*/Sahakari Sabhapati of**
 _____ *Panchayat Samiti, Sabhadhipati */Sahakari-*
*Sabhadhipati of *** _____ *Mahakuma/Zilla*
Parishad, Members/Karmadhyaksha of *** _____
*Sthayee Samiti of *** _____ *Panchayat Samiti*/*
Mahakuma/ Zilla parishad, Members/Sanchalak of _____ *Upa-*
Samiti of _____ *Gram Panchayat, Members/*
Upadhyaksha of District Council of _____ *Zilla*
Parishad.

Serial No.	Name(s) of candidate(s)	for mark (x) by voter
(1)	(2)	(3)

- 1.
- 2.
- 3.
- 4.
- 5.

Date : _____

Place : _____ *Signature of the Presiding Officer*

* Strike of the words and figures which are not applicable.

** Appropriate particulars of the election to be inserted here.*;

(e) for Form 6, substitute the following Form :—

“FORM 6

[*Rules 3(7), 4(4), 5(4), 6, 8(10), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(10)]

Form of recording the number of valid votes in an election of Pradhan*/ Upa-Pradhan of Gram Panchayat, Sabhapati/Sahakari Sabhapati of Panchayat Samiti, Sabhadhipati/Sabhadhipati of Mahakuma/ Zilla Parishad, Members/ Karmadhyaksha of Sthayee Samiti of Panchayat Samiti of Panchayat Samiti/ Mahakuma/Zilla Parishad, Members/Sanchalak of Upa-Samiti of Gram Panchayat.

In pursuance of the provisions under rules *3(7), 4(4), 5(4), 6, 8(10), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(10) of the West Bengal *Panchayat* (Constitution) Rules, 1975, the number of valid votes received by the person(s) in an election of *Pradhan*/ Upa-Pradhan* of a *Gram Panchayat*, *Sabhapati/Sahakari Sabhapati* of a *Panchayat Samiti*, *Sabhadhipati/ Sahakari Sabhadhipati of mahakuma/Zilla Parishad*, Members/ *Karmadhyaksha* of a *Sthayee Samiti* of *Panchayat Samiti/Mahakuma/Zilla Parishad*, Member(s)/*Sanchalak* of an *Upa-Samiti* of *Gram panchayat* is recorded below :

<i>Name of Gram Panchayat/ Panchayat Samiti/Zilla Parishad/Sthayee Samiti of Panchayat Samiti/ Mahakuma/Zilla Parishad/ Upa-Samiti of Gram Panchayat</i>	Name of the contesting candidate	Name of the Office for which election held	Number of valid votes secured
(1)	(2)	(3)	(4)

- 1.
- 2.
- 3.
- 4.
- 5.

Date : _____

Place : _____ *Signature of the Presiding Officer*

* Strike off the words and figures which are not applicable.
** Appropriate particulars of the election to be inserted here.”;

(d) for Form, 5 substitute the following Form :—

‘FORM 7

[*Rules 3(7), 4(4), 5(4), 6, 8(11), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(11)]

Form of declaration of result of a contested election in the office of *Pradhan* * and *Upa-Pradhan* of *Gram Panchayat/Sabhapati* and *Sahakari Sabhapati* of *Panchayat Samiti/Sabhadhipati* and *Sahakari Sabhadhipati* of *Mahakuma/Zilla Parishad*, Members/*Karmadhyaksha* of *Sthayee Samiti* of *Panchayat Samiti/Mahakuma/Zilla Parishad*, Members/*Sanchalak* of an *Upa-Samiti* of *Gram Panchayat*.

In pursuance of the provisions under **rules*3(7), 4(4), 5(4), 6, 8(11), 9(3), 11(3), 12(3), 14(1), 15(2), 16(2), 20(11) of the** West Bengal *Panchayat* (Constitution) Rules, 1975, the following persons(s) is/are hereby declared as duty elected *Pradhan*/Upa-Pradhan* of *Gram Panchayat*, *Sabhapati/Sahakari Sabhapati* of a *Panchayat Samiti*, *Sabhadhipati/Sahakari Sabhadhipati* of *Mahakuma/ Zilla Parishad*, Members/*Karmadhyaksha* of a *Sthayee Samiti* of *Panchayat Samiti/Mahakuma/Zilla Parishad*, Members/*Sanchalak* of an *Upa-Samiti* of *Gram Panchayat*.

<i>Name of Gram Panchayat/ Panchayat Samiti/Zilla Parishad/Sthayee Samiti of Panchayat Samiti/ Mahakuma/Zilla Parishad/ Upa-Samiti of Gram Panchayat</i>	Name and address of the Person(S) elected	Name of the Office to which elected	Name of the political party with whose symbol he was elected as member
(1)	(2)	(3)	(4)

Date : _____

Place : _____

Signature of the Presiding Officer

* Strike of the words and figures which are not applicable.”;

(2) after Chapter XIV, *insert* the following chapter :—

“CHAPTER XV

Number of members in each *Upa-Samiti* of a *Gram Panchayat*

19. The number of members in each *Upa-Samiti* of a *Gram Panchayat* to be elected by members of a *Gram Panchayat* under clause (b) of sub-section (3) of section 32A shall be as follows :—

Number of members of a <i>Gram Panchayat</i> under section 4 (2A)	Number of members in each <i>Upa-Samiti</i> to <i>Gram Panchayat</i>
(1)	(2)
10 and below	1
11 to 20	2
21 and above	3

Provided that no person, other than the *Pradhan* or the *Upa-Pradhan* of a *Gram Panchayat*, shall be a member of more than two *Upa-Samitis* at a time.

CHAPTER XVI

Election of members of *Upa-Samiti* of *Gram Panchayat*

20. (1) Within three months from the date of election of the *Pradhan* of the *Gram Panchayat*, the Block Development Officer shall call a meeting of the members of *Gram Panchayat* for election of members of the *Upa-Samitis* under clause (b) of sub-section (3) of section 32A for fixing a date, time and place by giving a notice thereof i From I to each member of the *Gram Panchayat* at least seven days before the date fixed for the meeting.

(2) Such meeting shall be presided over by such officer not below the rank of an Extension Officer as may be authorised by the Block Development Officer in From 2 and such officer shall not be entitled to vote at the election.

(3) If on the date of the meeting there is no quorum as provided for in sub-section (3) of section 16, the presiding officer shall adjourn the meeting which shall be held on a date to be fixed by the Block Development Officer and the provisions referred to in sub-rule (1) shall apply *mutatis mutandis*

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

(4) There shall be as many receptacles as there are *Upa-Samiti* and each receptacle Shall bear a label mentioning the name of *Upa-Samiti* . The Presiding Officer shall, as soon as may be, after commencement of the meeting, satisfy all the members present that the receptacles are shall then place them in the view of him and the attending members.

(5) The election of *Upa-Samitis* shall be conducted on after another in the same order as mentioned in sub-section (2) of section 32A.

(6) The Presiding Officer shall call upon the members present to propose and second the names of candidates in conformity with rule 19, for election of members to the *Upa-Samitis* as mentioned in sub-section (2) of section 32A . If the name of members proposed and seconded for such *Upa-Samitis* is equal to or less then the number of seats as

specified in rule 19, the Presiding Officer shall declare them From 4 to be duly elected members of such *Upa-Samitis*:

Provided that no member in absentia shall be elected in any of the *Upa-Samitis*.

(7) When the number of candidates declared to be elected is less than the number of seats as specified in rule 19, the Block Development Officer shall call a meeting of the members of the *Gram Panchayat* for a fresh election to complete the number and the provisions regarding notice to members referred to in Sub-rule (1) shall apply *mutatis mutandis*.

(8) If name of candidates proposed and seconded is more than the specified number or seats, the Presiding Officer shall cause to be prepared as many ballot papers in Form 5 as there are members present, each ballot paper bearing the name of a *Upa-Samiti* and containing the name of the candidates in alphabetical order of their surnames for election to the *Upa-Samiti*.

(9) The Presiding Officer shall put his signature with date on the back of each ballot paper and shall hand over a ballot paper to each member present after writing his name and obtaining his signature with date, on the back of ballot paper. He shall then ask, each member to record his vote by placing the mark 'x' in the place provided for the purpose in the ballot paper opposite to the name of the candidate or candidates for whom the member intends to cast his vote and then place it in the receptacle bearing the label of the *Upa-Samiti* concerned.

(10) Immediately after the voting procedure is over, the Presiding Officer shall, in the presence of the attending members, take out the ballot papers from the receptacles, count them and record the number thereof in Form 6. On being requested by any member present, the Presiding Officer may, at the time of counting, show both sides of any ballot paper to the member but he shall not allow any member to touch the ballot paper.

(11) The Presiding Officer may reject any ballot paper, which, in his opinion, raises a reasonable doubt as to from whom the voter cast his vote, after recording a note to this effect on the ballot paper so rejected. He shall declare in Form 7, the number of duly elected candidates who have secured the large number of votes in order of merit to be duly elected as members of the *Upa-Samiti* concerned.

(12) In case of an equal number of votes recorded in favour of two or more candidates, selection shall be made of such candidates by drawing lots in such manner as the Presiding Officer shall deem fit and thereupon the candidates thus selected shall be declared to be duly elected as members of the *Upa-Samiti*.

(13) As soon as election of members to all *Upa-Samitis* is completed, the Presiding Officer shall forthwith forward the names of elected members of all the *Upa-Samitis* to the *Pradhan* of the *Gram Panchayat* and to the Block Development Officer for notice in their respective offices. The Block Development Officer shall forward the names of elected members to the Sub-divisional Officer, District Panchayat Election Officer, the Director of *Panchayats* and Rural Development, the Commission and the State Government for information. The Director of *Panchayats* and Rural Development shall publish the names of the members of the *Upa-Samitis* in the *Official Gazette*.

(14) The Block Development Officer shall preserve the papers relating to the election of members to *Upa-Samitis* of *Gram Panchayat* in safe custody for three months after which they may be destroyed.

CHAPTER XVII

Election of *Sanchalak* of an *Upa-Samiti* of *Gram Panchayat*

21. (1) Within one week from the date of completion of elections of all the members of an *Upa-Samiti* under clause (b) of sub-section (3) of section 32A or within such further time as may be allowed by the District *Panchayat* Election Officer for reasons to be recorded by him in this behalf, the Block Development Officer shall call a meeting of Each *Upa-Samiti* other than members appointed under clause (c) of Sub-section (3) of that section by fixing a date, place and time and by causing a notice thereof in Form 1 to be served on each member to the *Upa-Samiti* at least seven days before the date fixed for the election of a *Sanchalak*.

(2) The election meeting shall be presided over by an Extension Officer as may be authorised by the Block Development Officer in Form 2. Such officer shall not be entitled to vote at the election.

(3) The Presiding Officer shall call upon the members present to propose and second the name of candidate in conformity with the provisions of sub-section (4) of section 32A. If only one candidate is proposed and seconded, the Presiding Officer shall, in Form 4, declare him to be duly elected to be the *Sanchalak* of the *Upa-Samiti*. If more than one candidate have been proposed and seconded, the Presiding Officer shall hold election in the manner as laid down under sub-rules (8) to (12) of rule 20:

Provided that quorum shall be necessary for an election meeting presence of two members of an *Upa-Samiti* other than the members referred to in clause (c) of sub-section (3) of section 32A of the Act shall form a quorum for a meeting:

Provided further that no member shall be a *Sanchalak* for more than two *Upa-Samitis* at a time.

(4) As soon as election of *Sanchalak* is completed, the Presiding Officer shall forthwith forward the name of *Sanchalak* of *Upa-Samiti* to the *Pradhan* of the *Gram Panchayat* and to the Block Development Officer for publication in their offices. The Block Development Officer shall forward the names of all *Sanchalaks* to the Sub-divisional Officer, District *Panchayat* Election Officer, the Director of *Panchayats* and Rural Development, the Commission and the State Government for information. The Director of *Panchayats* and Rural Development shall publish the names of the *Sanchalaks* of the *Upa-Samitis* in the *Official Gazette*.

(5) The Block Development Officer shall preserve the papers the papers relating to the election of members to *Upa-Samitis* of *Gram Panchayat* in safe custody for three months after which they may be destroyed.

CHAPTER XVIII

Removal of a member or *Sanchalak* of an *Upa-Samiti* of *Gram Panchayat*

22. (1) The Block Development Officer may, after giving an opportunity to show cause, by order, remove a member, other than members referred to in clause (a) and (c) of sub-section 32A from office if he is absent for three consecutive meetings of an *Upa-Samiti* without the leave of the *Upa-Samiti* or remove a *Sanchalak* of an *Upa-Samiti*, other than the *Sanchalak* of *Artha-O-Parikalpana Upa-Samiti*, from office if he fails to convene three consecutive meetings of the *Upa-Samiti*.

(2) Member of *Sanchalak* of an *Upa-Samiti* who is removed under sub-rule (1) may, within thirty days from the date of the order, appeal to the Sub-divisional Officer against the order of such removal.

(3) The Sub-divisional Officer upon receiving such appeal, may stay the operation of the order made under sub-rule (1) till the disposal to the appeal and may, after giving notice of appeal to the Block Development Officer and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order. The order by the Sub-divisional Officer on such appeal shall be final.

(4) A member or *Sanchalak* of an *Upa-Samiti*, other than the *Sanchalak* of *Artha-O-Prakalpana Upa-Samiti* may, at any time after one year from the constitution of *Upa-Samiti*, be removed from office by a resolution of the *Gram Panchayat*, carried by the majority of the existing members of the *Gram Panchayat*, at a meeting, specially convened for the purpose. Notice for such meeting shall be given to the Block Development Officer who shall depute an observer to the meeting. After meetings is over, the observer shall submit a report to the Block Development Officer on the proceedings of the meeting.”

By order of the Governor,

M. N. ROY

Secy. to the Govt. of West Bengal.