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

## GOVERNMENT OF WEST BENGAL DEPARTMENT OF PANCHAYATS NOTIFICATION

No. 1893/I/Panch/1A-16/93(Pl.IV)—21st July 1994.—In exercise of the power conferred by section 224 of the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following rules, namely:

### RULES

The West Bengal Panchayat (Members' Disqualification) Rules, 1994

#### CHAPTER I

##### Preliminary

1. Short title and commencement.—(1) These rules may be called the West Bengal Panchayat (Members' Disqualification) Rules, 1994.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions.—(1) In these rules, unless the context otherwise requires,—
  - (a) "Act" means the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973);
  - (b) "Form" means a form appended to these rules, and includes a translation thereof in Bengali or Nepali;
  - (c) "Leader" means the Leader referred to in sub-section (3) of section 213A;
  - (d) "Section" means a section of the Act.
- (2) The expressions used in these rules and not otherwise defined, shall have the same meaning as in the Act.

#### CHAPTER II

##### Maintenance of information and procedure

3. Information of members to be furnished.—(1) The statement by the Leader, or by the member referred to in sub-section (4), under sub-section (3), of section 213A shall be furnished in Form 1.
- (2) The statement by the member referred to in sub-section (5) of section 213A under sub-section (5) of the said section, shall be furnished in Form 2.
4. Register of information.—The prescribed authority referred to in section 213A shall maintain in Form 3 a register based on the information furnished in Form 1 or in Form 2 as the case may be, under rule 3 in relation to the members of a Panchayat separately for each recognised political party and for each member not belonging to any recognised political party.
5. Statement by petitioner.—Every petition referred to in sub-section (7) of section 213A and the annexure thereto, if any, shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (5 of 1908) for the verification of pleadings.
6. Procedure.—(1) The procedure which shall be followed by the prescribed authority referred to in sub-section (1), for determining any question and for the purpose of making any enquiry under sub-section (9), of section 213A shall be, so far as may be, the same as the procedure followed by the Committee of Privileges of the West Bengal Legislative Assembly.
- (2) The prescribed authority as aforesaid shall not come to any finding under clause (b) of sub-section (11) of section 213A in respect of a member without affording a reasonable opportunity to such member to represent his case and to be heard in person.
- (3) Every decision declaring a member to be disqualified under the Act, shall be reported by the prescribed authority as aforesaid to the concerned Panchayat, the authority to whom appeal lies against the decision, the District Panchayat Election Officer, the State Election Commissioner and the State Government.

7. Directions by the State Government.—The State Government may issue such general or special directions, not inconsistent with the provisions of the Act or these rules, as may, in its opinion, be necessary for the purpose of giving effect to these rules.

FORM 1  
[See rule 3(1), 4]

Name of District..... Name of Block.....  
Name of the Panchayat..... Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad.  
Name of the recognised political party.....

Sl. No.	Name of the member (in Block Letters)	Father's/Husband's Name	Permanent address	Name of the Constituency from which elected
1	2	3	4	5

Signature of the Leader of the party..... Name.....

FORM 2  
[See rule 3(2), 4]

District..... Name of Block.....  
Name of the Panchayat..... Gram Panchayat/Panchayat Samiti/Zilla Parishad/Mahakuma Parishad.  
Name of the registered/non-registered political party, if any.....

Name of the member	Father's/Husband's Name	Permanent address	Name of the Constituency from which elected
1	2	3	4

Signature of the member.....

FORM 3  
[See rule 4]

Name of District..... Name of Block.....  
Name of the Panchayat..... Name of the recognised political party/registered/non-registered party.....

Name of the member (in Block Letters)	Father's/Husband's Name	Permanent address	Name of the Constituency from which elected	Date of election	Date of commencement of term of office	Remarks
1	2	3	4	5	6	7

By order of the Governor,  
S. N. GHOSH  
Secy. to the Govt. of West Bengal.