

**The**

**Kolkata**



सत्यमेव जयते

**Gazette**

*Extraordinary*  
Published by Authority

KARTIKA 25]

MONDAY, NOVEMBER 16, 2015

[SAKA 1937

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

**GOVERNMENT OF WEST BENGAL**  
**DEPARTMENT OF PANCHAYATS & RURAL DEVELOPMENT**  
Joint Administrative Building (6th to 9th Floor), HC-7, Sector-III  
Bidhannagar, Kolkata-700106

NOTIFICATION

No. 4374/PN/O/I/3R-6/2004 Pt.-II, dated the 9<sup>th</sup> November, 2015— WHEREAS the draft amendments to amend the West Bengal *Panchayat (Panchayat Samiti Administration) Rules, 2008* was published as required by sub-section (1) of section 224 of the West Bengal *Panchayat Act, 1973* (West Ben. Act XLI of 1973) (hereinafter referred to as the said Act), *vide* notification No.3052/PN/O/I/3R-6/2004 Pt.-II, dated the 7<sup>th</sup> July, 2015 in the *Kolkata Gazette, Extraordinary, PART I*, dated the 7<sup>th</sup> July, 2015, inviting objections and suggestions from all persons likely to be affected thereby, within thirty days from the date of its publication;

AND WHEREAS some objections and suggestions were received from all persons likely to be affected thereby within the given period;

AND WHEREAS all such objections or suggestions have been considered by the State Government;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1) of section 224 of the said Act, the Governor is pleased hereby to make, with immediate effect, the following amendments in the West Bengal *Panchayat (Panchayat Samiti Administration) Rules, 2008*, as subsequently amended (hereinafter referred to as the said rules):—

*Amendments*

In the said rules,—

(1) in rule 2, in sub-rule (1), after clause (e), *insert* the following clause :—

‘(f) “industry” means an industry as defined in section 2 of the Industrial Disputes Act, 1947;’;

(2) for rule 57, *substitute* the following rule:—

“57. **Application for certificate of registration of trades of special nature.**— The owner of an existing business or a person intending to establish a business declared by notification as trades of special nature by

the State Government, shall make an application in Form 6 to the office of the *Panchayat Samiti* directly or through the web portal of the Department of Micro, Small and Medium Enterprises and Textiles, or the Department of Commerce and Industries, of the State Government, for certificate of registration within the period specified by the *Panchayat Samiti* in terms of bye-laws adopted under section 223. After expiry of such period as mentioned in the certificate of registration, an application for its renewal shall be made in Form 6A.”;

- (3) in rule 57, add the following proviso :—

“Provided that a *Panchayat Samiti* shall issue certificate of registration for a trade of special nature within 15(fifteen) days from the date of receipt of the application, which must be complete in all respect.”;

- (4) for rule 58, *substitute* the following rule:—

“58. **Grant of certificate of registration for trades of special nature.**— (1) The certificate of registration for trades of special nature relating to or dealing with Kerosene, Petroleum, Naptha or any other inflammable oil or spirit may be granted by the *Panchayat Samiti* after obtaining a declaration from the applicant to the effect that the applicant shall procure all statutory clearances from the appropriate authority as to the consistency of such trade in terms of the provision of the Petroleum Act, 1934, prior to actual commencement of the trade.

(2) The certificate of registration for trades of special nature connected to burning or baking of bricks or tiles may be granted by the *Panchayat Samiti* after obtaining a declaration from the applicant to the effect that the applicant shall procure the permit referred to in the West Bengal Land and Land Reforms Manual, 1991, prior to actual commencement of such trade.”;

- (5) in rule 59.—

(a) for the word “licence”, wherever it occurs, *substitute* the words “certificate of registration”;

(b) for the words “dangerous or offensive trade”, wherever they occur, *substitute* the words “trades of special nature.”;

- (6) in rule 60,—

(a) for the word “licence”, wherever it occurs, *substitute* the words “certificate of registration”;

(b) for the words “dangerous or offensive trade”, wherever they occur, *substitute* the words “trades of special nature”;

(c) for the word “licensee”, *substitute* the word “applicant.”;

- (7) to rule 60, *add* the following proviso:—

“Provided that running of such trade is subject to renewal of its registration annually or for three years together by the *Panchayat Samiti* concerned on realisation of the prescribed annual fees for three years at a time.”;

- (8) in rule 61,—

(a) for the word “licence”, occurring in two places, *substitute* the words “certificate of registration”;

(b) for the words “dangerous or offensive trade”, occurring in two places, *substitute* the words “trade of special nature.”;

- (9) in rule 62,—

(a) for the word “licence”, occurring in two places, *substitute* the words “certificate of registration”;

(b) for the words “dangerous or offensive trade” occurring in two places, *substitute* the words “ trade of special nature”;

(c) for the word “licensee”, *substitute* the word “applicant.”;



(10) in sub-rule (5) of rule 63,—

- (a) for the word “licence”, *substitute* the words “certificate of registration”;
- (b) for the words “trade or business declared offensive or dangerous”, *substitute* the words “trade or business declared to be of special nature.”;

(11) in sub-rule (1) of rule 65, *insert* the following provisos :—

“Provided that if the erection of a new structure or a new building or to make any addition to an existing structure or building is for setting up an industry other than an industry in any industrial estate or industrial park within the jurisdiction of a *Panchayat Samiti*, the said application, in triplicate, in Form 4A, shall be submitted directly to the designated office(s) of the Department of Micro, Small and Medium Enterprises and Textiles, or the Department of Commerce and Industries, of the State Government which will forward the application along with the relevant documents to the *Panchayat Samiti* or the *Zilla Parishad* or the Department of *Panchayats* and Rural Development concerned depending upon the specification of the building as referred to in rule 74 after scrutiny to check the completeness of the application:

Provided further that if the application along with the relevant documents requires to be forwarded to the Department of *Panchayats* and Rural Development depending upon the specification of the building, it shall be sent through the *Zilla Parishad* concerned after scrutiny to check the completeness of the application:

Provided also that if the erection of a new structure or a new building or to make any addition to an existing structure or building is for setting up of an industry in any industrial estate or industrial park, the application for this purpose shall be submitted to the industrial development authority or corporation or other organisation as may be specified by the State Government, giving proper intimation to the *Panchayat Samiti* and the said industrial development authority or corporation or other organisation shall finally accord permission.”:

(12) to sub-rule (2) of rule 66, *add* the following provisos:—

“Provided that no fees shall be deposited along with the application form in case of setting up of industry in areas other than any industrial estate or industrial park within the jurisdiction of a *Panchayat Samiti* as mentioned in the first proviso to sub-rule (1) of rule 65 and that the required fees shall be deposited to the *Panchayat Samiti* concerned at the time of collection of the approved plan:

Provided further that if the erection of a new structure or a new building or to make any addition to an existing structure or building is for setting up of an industry in any industrial estate or industrial park as mentioned in the third proviso to sub-rule (1) of rule 65, the required fees shall be deposited to the *Panchayat Samiti* concerned by the applicant after sanction of the plan by the Industrial Development Authority or Corporation or other organisation but before collection of the sanctioned plan from the sanctioning authority.”;

(13) to sub-rule (2) of rule 74, *add* the following provisos:—

“Provided that if the height of the structure or the building or any addition to an existing structure or building is above 15 meter, the *Zilla Parishad* shall forward the application to the Department of *Panchayats* and Rural Development for vetting:

Provided further that in case of an application forwarded by the *Zilla Parishad* to the Department of *Panchayats* and Rural Development for vetting as mentioned in the first proviso, all formalities including vetting shall be completed within 60 days from the date of receipt of the application at the *Panchayat Samiti*:

Provided also that—

- (a) if the erection of a new structure or a new building or to make any addition to an existing structure or building is for an industry other than industry in any industrial estate or industrial park within the jurisdiction of a *Panchayat Samiti* and if permission is to be granted by the *Panchayat Samiti* directly or if the application requires to be vetted by the *Zilla Parishad* concerned, the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, shall take all necessary measures for vetting of the plan in such a way



that permission can be granted by the *Panchayat Samiti* within 30 days from the date of receipt of the application which must be complete in all respects, at the office of *Panchayat Samiti* or *Zilla Parishad*, as the case may be; and

- (b) if the erection of a new structure or a new building or to make any addition to an existing structure or building is for an industry other than industry in any industrial estate or industrial park within the jurisdiction of a *Panchayat Samiti* and if the application requires to be vetted by the Department of *Panchayats* and Rural Development, the Department shall take all necessary measures for vetting of the plan in such a way that permission can be granted by the *Panchayat Samiti* within 60 days from the date of receipt of the application, which must be complete in all respects, at the office of the *Zilla Parishad*.”;

- (14) for rule 75, *substitute* the following rule:—

“75. If permission or refusal under sub-rule (1) to (3) of rule 74, is not communicated by the *Panchayat Samiti* within the prescribed time limit accorded within such time limit, it shall be presumed that the *Panchayat Samiti* has accorded such permission and it shall be lawful for the applicant to erect any structure or building conforming to the building plan and the site plan furnished by him along with the application.”;

- (15) to rule 81, *add* the following proviso :—

‘Provided that in case any application along with a site map and a construction plan, complete in all respects, is received by a *Panchayat Samiti* for issuance of “No Objection Certificate” for construction of a drainage system for clearance of storm water or appropriate sewage prior to commencement of construction activity for the purpose of setting up of an industry within the jurisdiction of development authority under the area of a *Panchayat Samiti*, the *Panchayat Samiti* shall provide the “No Objection Certificate” within 15 (fifteen) days from the date of receipt of the application at *Panchayat Samiti*. If the permission is not accorded within such time limit, it shall be presumed that the *Panchayat Samiti* has accorded permission.’;

- (16) for Form 6, *substitute* the following form:—

**“FORM 6**

[See rule 57]

**Application for certificate of registration for trade of special nature**

To,  
The Executive Officer

..... *Panchayat Samiti*

District .....

I hereby apply for certificate of registration for trade of special nature 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 trade of special nature. If it is decided by the authority to grant for the current year /for the next three years at a time the certificate of registration applied for, I shall be bound to deposit the prescribed fee for such registration and strictly observe the conditions of the certificate of registration, on default of which the certificate of registration 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 certificate of registration

for the next financial year/ for next three financial years at a time 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 .....”;

(17) for Form 6A, substitute the following form:-

**“FORM 6A**

[See rule 61]

**Application for renewal of certificate of registration for trade of special nature**

To

The Executive Officer

..... *Panchayat Samiti*

District .....

I hereby apply for renewal of Registration Certificate .....  
issued on.....(date) in my favour for next financial year/ for next three financial years at a time 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 certificate of registration, 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 certificate of registration 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.”;



(18) for Form No. 6B, *substitute* the following form:—

**“FORM 6B**

[See rule 61]

**Form of Certificate of registration for trade of special nature**

Name of *Panchayat Samiti* .....

Name of District .....

Registration No. .... (Year) Date.....

Certificate of registration issued to (Name of the Proprietor/Partner/Director) .....

for the period of .....

Address of the applicant .....

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 terms and conditions printed overleaf are to be strictly observed. Grant of this certificate for registration does not absolve the applicant from the requirement of procuring all the statutory clearances to be obtained from the appropriate authority before actual commencement of the trade. If any violation/default is noted later, the registration shall be liable to be cancelled and the trade/business closed down with immediate effect.

The *Panchayat Samiti* acknowledges a sum of Rs. .... (in words.....  
.....) only from M/s. ....

Vide Receipt No. .... dated.....

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

Date:

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

Date:

Certificate of registration 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 / for three years at a time

Year/Years

(1)

(2)

(3)

Signature of the Executive Officer / Jt. Executive Officer with date

.....

**Conditions for registration of trade of special nature—**

The applicant shall abide by the following terms and conditions:—

- (i) for running of trade relating to or dealing with kerosene, petroleum or naphtha or any other inflammable oil or spirit, the provision of the Petroleum Act, 1934 shall strictly be complied with.
- (ii) for running of trade connected with the burning or baking of bricks or tiles, the permit referred to in the West Bengal Land & Land Reforms Manual, 1991, shall be obtained.
- (iii) 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;
- (iv) manufacturing, processing or any other work carried on under the registration 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;
- (v) the certificate of registration shall relate only to such trade or business as is specified in it;
- (vi) the certificate of registration shall relate only to such place as is specified in it;
- (vii) 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;
- (viii) the registration shall be liable to be cancelled in the event of contravention of any of the condition laid down in clause (i) to (vii) 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 applicant shall be bound to close down such trade or business with immediate effect;
- (ix) the registration is subject to renewal on payment of requisite fee for every financial year three years at a time and the authority reserves the right of withholding such renewal on such ground or grounds as may be intimated to the applicant.”

By order of the Governor,

SAURABH KUMAR DAS,  
*Principal Secretary to the Government of West Bengal.*