

OFFICE OF THE PURULIA ZILLA PARISHAD

PURULIA

Memo No. 1261/PZP

Date: 11.08.05

The following **draft** bye-laws by the Purulia Zilla Parishad P.S. + P.O.- Purulia, Dist. – Purulia, West Bengal, as required by clause 1 (a) of sub-rule 135 of the West Bengal Zilla Parishads (Election, Constitution and Administration) Rule, 1964, under sub- section (2) of section 113 of the West Bengal Zilla Parishad, Act, 1963 (West Bengal Act XXXV of 1963), and under section 153 & 181 of the West Bengal Panchayat Act'1973 and rule 90(9) of the West Bengal Panchayat (Zilla Parishad & Panchayat Samiti) Accounts and Finance Rules 2003, is hereby published, as required by clause (a) of sub-rule (6) of the said rule for the information of persons/ institutions likely to be affected thereby.

2. It is framed as per section 223 and 224 of the West Bengal Panchayat Act. 1973

3. It will be known as Purulia Zilla Parishad Bye Laws 2005

4. It will be enforceable in the in the entire area of Purulia Zilla Parishad.

5. It will come into effect from the date it is passed in the General Body Meeting of the Purulia Zilla Parishad on the date scheduled for this purpose.

Bye-laws of Purulia Zilla Parishad

1. Definitions –In this byelaw , unless there is anything repugnant in the subject of context;

- 1) The Parishad means Zilla Parishad , Purulia constituted under section 140 of the West Bengal Panchayat Act , 1973.
- 2) The word “cattle” has the same meaning as in the Cattle-trespass Act,1871;
- 3) “reserved tank or well means a tank or well which the District Board has set apart under section 90 of the Bengal Local Self – Government act of 1985, by public notice, for the supply of water for drinking and for culinary purposes, and includes any reservoir, or part of any river, khal or other channel, so set apart, and a notice – board on the edge of a reserved tank or well, containing the words “reserved tank” or “reserved well ” , or words to that effects, shall be deemed to be sufficient notice for the purpose of this definition ; and
- 4) The “ slopes ” of a reserved tank or well include all places from which water can flow directly into such tank or well ; and
- 5) “road” means a road vested in, or under the control and administration of, the Parishad ; and includes
 - a. a village road; or
 - b. the slope, derm, borrow-pits and side-drains or a road ; or
 - c. all land vested in, or under the control and administration of, the Parishad, and attached to a road.

I. Roads, Drains, Bridges, Canals and Embankments

- 2. Encroachment or obstruction roads and lands** – (1) No persons shall encroach on any part of a road or land by cultivating crops thereon. (2) No persons shall by means of any building fence, pit embankment or ditch or any other obstruction, on any road, of land of by means of any cut, drain or water course thereon intended for the purpose of drainage or irrigation, or by exposing thereon any goods for sale, or by placing thereon any substance or material-
- (a) make or cause any encroachment, or
 - (b) obstruct traffic, or
 - (c) cause any inconvenience to passengers, or
 - (d) hinder or impede the flow of water.

3. **Acquire of Land** – When Parishad requires land to carry out any activities, it may negotiate with the persons having interest in the said land and if it fails to reach as agreement, it may acquire such land under the provision of Section 175 of the West Bengal Panchayat Act, 1973 and Section 127 of the West Bengal Zilla Parishad rules, 1964.
4. **Leasing of immovable property or Ferry** – The Parishad may lease out any immovable property or ferry vested in or placed under it's control and management for a term not exceeding five years for carrying out activities of Socio- Economic importance on payment of annual rent and on such conditions as it may determine erasable by resolution at it's meeting as deemed fit by Parishad.
5. **Sale, collecting or gathering of articles in the vicinity of Road** – No person shall expose or place any article for sale in any bazaar or market in the vicinity of a road, or collect or gather an article in the vicinity of a road, so as to interfere with the traffic and road.
6. **Cutting of plants, trees or hedges obstructing road or drain or overhanging on lands** – Any person in possession of, or having control over, any plants, trees, or hedges obstructing, overhanging or overshadowing any road, or public drain or any sluice, or drain connected with a public drain, or any land shall, if so required by notice in writing , signed by the Parishad authority cut down, prune or trim such plants, trees or hedges, within the period and in the manner specified in such notice.
7. **Damage to bridges, culverts, or causeways on road** – (1) No person shall –
 - a. destroy or damage, or cause to be destroyed or damaged any bridge, culvert, or causeway built on or across any road ; or
 - b. erect any fence or other object on, or against or close to the opening of, any such bridge, culvert or causeway, for any purpose , so as to impede the free flow of water there under, or so as to cause damage thereto ; or
 - c. cast nets for fishing purposes from any parapet of any such bridge or culvert.
8. **Damage to fences, posts soil – turf or grass on road** – no persons shall –
 - a. destroy or damage, or cause to be destroyed or damaged any fence or post created on any road ; or
 - b. dig, scrape, uproot or remove any soil turf or grass from any part of a road.
9. **Channel across road** – (1) No person shall cut a channel or convey water by a channel across any road, except with the permission of the Parishad. (2) Any person who has been permitted by the Parishad for any specific purpose to cut and maintain for any period a channel across a road, shall on the expiry of such period, cover or refill the channel so as to restore the road to its former condition and until then maintain the channel cut by him in a proper condition so as to materially interfere with the normal use of the road. (3) any person who has a prescriptive right to keep a channel open for carrying water across a road shall keep the channel in proper order ; so as to prevent danger or inconvenience to the public.
10. **Obstruction of waterway adjoining road** – No person shall obstruct any waterway adjoining a road, so as to injure or intend to injure the road and land boundary or otherwise render the road impassable.
11. **Excavations on or near road** – (1) No person shall make any excavation on any road and land boundary, shall dig any hole, pit, tank or well within fifteen feet of any road, without the permission of the Parishad. (2) Any person who is permitted to excavate or dig under Sub – rule (1) above shall be bound to take such order therewith as will prevent damage to, or erosion of the road.
12. **Protection of excavation on or near road** – The owner or occupier of any tank, well, or other excavation on or near the side of any road shall be bound to fence in or duly protect such excavation in such manner as may be directed by notice signed by the Parishad authority.
13. **Use of roads, bridges, culverts or canals while closed to traffic** – No person shall pass over, or drive any animal or vehicle over, any roads, bridge, culvert or canal, while it is under construction or repair or is affected by flood or is otherwise rendered unfit for traffic and is closed to traffic under the orders of the Parishad.

14. **Discharge of rainfall from roof to road** – No person shall allow the rain- water to be discharged from the roof of any building owned or occupied by him upon any road by means of a spout pipe or other article intended for the conveyance of water.
15. **Flow of filth on to road** – No person shall allow the water of any privy, or any matter offensive or deleterious to health, to flow on any road.
16. **Removal of trees or erections falling on to road** – Any person owning or possessing a tree or a house, well or other erection which has fallen, or part of which has fallen, on to a road or any land, shall, if so required by notice in writing signed by Parishad authority, remove such tree, house, well, erection or part thereof within period specified in such notice.
17. **Curing hides on or near road** - No persons shall cure hides on or within fifty feet of any road.
18. **Slaughter of animals, cleaning of carcass etc., on or near road** – No person shall slaughter any animal, or clear any carcass, or deposit or collect bones, flesh or hides, on or within fifty feet of any road.
19. **Placing or burning bodies on road** – No person shall place or burn any corpse or carcass on or near any road.
20. **Steeping offensive matter in road-side drain, pit or excavation** – No person shall steep any jute, hemp, bamboo, hide or other offensive matter in any drain, barrow-pit or excavation at the side of any road.
21. **Care of vehicles on road** – (1) No person shall drive in his charge on any road more than one vehicle at a time. (2) No person in charge of, or having control over, any vehicles, shall allow it to stand unattended on any road. (3) No person shall leave a vehicle standing on a road for any time longer than what is necessary for loading or unloading it. (4) No person shall drive upon a road any vehicle laden with bamboos, planks or other materials on a similar character which exceed twelve feet in length and project beyond the vehicle, unless he is accompanied also by another person. (5) Owners and drivers of vehicles loaded with bricks or other materials shall be responsible for their being so secured that the contents thereof may not fall down on any road. (6) If any vehicle breaks down on a road, the driver shall remove it to the edge of the road without delay and shall, within a reasonable time, remove from the road all materials, if any, which have fallen from the vehicle and shall place the vehicle in such a position that it may not obstruct traffic. (7) No person shall load or drive any vehicle up or down the slopes of any road except at crossing fixed by the Parishad.
22. **Carrying bamboos or bullahs on cart or road** – No persons shall carry bamboos or bullahs on a cart or any vehicle on any road in such a manner so as to scrape the road, or to cause injury or annoyance, or risk of injury, to travelers thereof.
23. **Transport of heavy vehicle or loads over bridges and culverts** – (1) No person shall drive a vehicle with materials, total weight exceeding five tons, over any bridges or culvert except with the special permission of the Parishad. (2) The Parishad shall have power to stop the movement of any type of heavy vehicle on any road if such movement is considered to damage such roads or cause unsanitary condition to local people. Whenever such restrictions imposed proper notice boards will be arranged at the site by the Parishad authority.
24. **Width of tyres** - No bullock cart shall travel on any road, unless the iron tyres of the wheels, or in the case of carts not having iron tyres, the wooden rinds of the wheels, are two inches or more in width.
25. **Lighting of vehicles on road** – Every carriage drawn by a horse or horses, every wagon drawn by any other animals or propelled by motive power, and every motor car, motor bus or motor lorry shall carry two conspicuous lights, one on either side and every two wheeled cart and every bicycle, and tricycle shall carry one conspicuous light when traveling on a road between dusk and dawn.
26. **Nuisance on roads and lands** – No persons shall commit any nuisance on any road or any land.
27. **Levy of Fees for approval of building Plan/ Site plan** – Approval of Plan or permission or erection of a new structure of a new building or to make any addition to an existing building or establishment of an industry of whatsoever nature is require is required from the Parishad under provisions of any

existing rules, the applicant shall apply to the Parishad along with a plan of the proposed structure of building, a site plan, copy of records of Rights and copy of such other records showing title and interest of the applicant in respect of the Land as may be necessary. No such application shall be considered by the Parishad unless such application is accompanied by a receipt against fee paid by the applicant at the following rates as may be applicable:

	Nature of structure or building	Fee to be paid (in rupee)
(a)	Thatched, tin, tile or asbestos shed without brick wall covering an area of more than 18 square meters but not more than 40 square meters.	25.00
(b)	Thatched, tin, tile or asbestos shed without brick wall covering an area of more than 40 square meters.	50.00
(c)	Boundary wall made of brick or cement concrete if the bounded area is not kept as vacant plot but is used or likely to be used as stockyard or for any commercial or institutional purpose, either on open space or by erection temporary shed, when the bounded area is: i) Not more than 40 square meters ii) More than 40 square meters	50.00 25.00 40.00
(d)	Any brick –walled one stored structure or building covering an area of not more than 40 square meters	70.00
(e)	Any brick-walled two storied structure covering an area of more than 40 square meters	100.00
(f)	i) Any brick –walled two storied structured or building covering an area of not more than 40 square meters ii) Additional fee for each floor above first floor	150.00 50.00
(g)	i) Any brick –walled two storied structured or building covering an area of more than 40 square meters on the ground floor ii) Additional fee for each floor above first floor	250.00 100.00
(h)	i) Any one storied workshop or structure or building covering an area of not more than 100 square meters on the ground floor ii) Additional fee for each floor above ground floor	200.00 100.00
(i)	i) Any workshop, shed or one storied structure or building for commercial or business purpose covering an area or more than 100 square meters ii) Additional fee for each floor above ground floor	500.00 200.00
(j)	Any remodeling of existing structure or building, increasing the existing area of the structure or building i) By one – fifth of the existing covered area ii) By more than one – fifth of the existing covered area	50.00 100.00
(k)	i) Site plan for small scale industries i) site plan for large scale industries	100.00 1000.00

II. TREES

28. **Damages to tree** – No person shall destroy or damage or cause to be destroyed or damaged –
- any tree planted by or under the charge of the Parishad or standing on any road and land of the Parishad, or
 - any gabion or others defensive enclosure erected for the production of any such tree.
29. **Tapping, or taking fruit from trees on road** – No person shall tap any date or palm tree, or remove fruit from any tree planted by or under control of the Parishad or standing on any road of the Parishad without a lease or written permission previously obtained from or on behalf of the Parishad.

III. FIRES

30. **Lighting of fire-** No person shall light a fire in any unenclosed place within ten yard of any wooden bridge vested in the Parishad

IV. WATER-SUPPLY RESERVED FOR DRINKING AND CULINARY PURPOSES

31. **Taking of water** – No person shall take water from a reserved tank or well except for drinking or culinary purpose save with express permission of the Parishad.
32. **Bathing or Washing** – No person shall –
- bathe or wash any portion of his own body or the body of any other person ; or
 - wash clothes ; or
 - wash any cattle or other animal ; or
 - allow any of his bunks, slopes, or sides of any reserved tank or well.
33. **Fouling of water** – No person shall –
- commit any nuisance in, or on the banks or slopes or sides of any reserved tank or well ; or
 - throw any filthy substance therein ; or
 - in any way pollute the water thereof ; or
 - allow the water of any sink, sewer, cess-pool or privy or any offensive matter belonging to him or being in his hand, to flow therein ; or
 - steep jute or bamboo in or on the banks or slopes or side of any reserved tank or well.
34. **Overhanging trees or vegetation** – No person shall allow any tree, bamboo or other vegetation growing on land in his occupation to overhang any reserved tank or well so as to foul the water thereof, or shall fail to cut and remove the same after reasonable notice in that behalf from the Parishad .
35. **Removal of earth or grass from sides or slopes -** No person shall cut sods or grass, or remove earth or grass from, or otherwise damage, the sides or slopes of any reserved tank or well without the expressed permission of the Parishad.
36. **Cultivation on banks, sides or slopes of reserved tanks and wells** – No person shall cultivate on the banks, sides or slopes of a reserved tank or well or any tank or water areas placed under the control of Parishad except in such manner as may be approved by the Parishad.
37. **Building on banks, side or slopes of reserved tanks or wells** – No person shall erect any hut or house or other structure upon the banks, sides or slopes of a reserved tank or well or any tank of water areas placed under the control of Parishad without the permission of the Parishad.
38. **Levy of rates for the supply of water** – Where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Parishad within it's jurisdiction, a water-rate shall be paid by the users or by the persons having interest of any nature thereof under Section 181 of West Bengal Panchayat Act' 73 at the rate as will be determined by the Parishad at it's meeting.

39. **Dams, stakes and fishing apparatus** – No person shall construct dams, fix stakes or place fishing net or apparatus across, or in, any reserved tank or well, or in any part of a river, khal or other channel set apart for the supply of water for drinking and culinary purpose.
40. **Fishing in reserved tanks and wells** – No person shall catch or attempt to catch fish in a reserved tank or well or any tank or water areas placed under the control of Parishad without the permission of the Parishad.

V. FAIRS AND MELAS

41. **Licensee for fairs and melas** – The owner or lessee of every fair or mela or the owner or the lessee of a land intending to hold a fair or mela thereon shall, under rule 136 of the West Bengal Zilla Parishad (Election, Constitution and Administration) Rules, 1964 apply to the Parishad for a license and shall pay such fee as may be determined by the Parishad in each case in consideration of the size and importance of the fair or mela, subject to the maximum fixed under rule 136.
42. **Licensee bound by condition of license** – The licensee shall be bound by the condition of the licence granted to him.

VI. REGISTRATION OF VEHICLES AND BOATS

43. **Fees for registration of boats vehicles** – The owner of every boats and every vehicles specified below which is kept or is used in the ordinary cause of business within or which has been let for hire within or outside the jurisdiction of the Parishad shall apply for registration of such boat or vehicles to the Parishad and shall pay the following fee for such registration under rule 172 of the West Bengal Zilla Parishads (Election, Constitution and Administration) Rules, 1964

		Registration Fee	Renewal Fee
1	A passenger boat plied by one malla	20.00	10.00
2	A passenger boat plied by two malla	40.00	20.00
3	A passenger boat plied by more than two malla	60.00	30.00
4	A cargo boat plied by mallas numbering up to four	200.00	100.00
5	A cargo boat plied by mallas numbering more than four	400.00	200.00
6	A mechanised cargo boat	400.00	200.00
7	A mechanised passenger boat	200.00	100.00

44. **Licensee bound by condition of license** - The licensee for a boat or a vehicle so registered shall be bound by the conditions of the license granted to him.

VII. LEVY OF TOLLS ON ROADS AND FERRIES

45. Every person crossing a ferry established by the Parishad or under its management shall pay a toll under rules, 177 of the West Bengal Zilla Parishad (Election, Constitution and Administration) Rules, 1964, as will be determined by the Zilla Parishad.

	Rates for tolls for 'A' class farries (Rs.)	Rates for tolls for 'B' class farries (Rs.)	Rates for tolls for 'C' class farries (Rs.)
1) For each person above three years of age with load not exceeding forty Kilograms	3.00	2.50	2.00
2) For each person with total load exceeding forty Kilograms	4.00	3.50	3.00
3) For each head of cattle	4.00	3.50	3.00
4) For each bi-cycle, hand-cart or tri-cycle	6.00	5.50	5.00

5) For each motor cycle, rickshaw or bullock-cart	6.00	5.50	5.00
6) For each motor car or carriage drawn by animal	12.00	11.00	10.00
7) For each motor bus or lorry	17.00	16.00	15.00

Classification of ferries shall be made by the Parishad.

46. At every toll bar established by the Parishad on any road other than a kutchra road or any bridge vested in, or managed by it, a toll shall be paid at the following rates for motor car, a motor bus or a motor lorry by the person in charge of the vehicle under rule 176 of the West Bengal Zilla Parishad (Election, Constitution and Administration) Rules, 1964, namely :

1. Each motor car and similar type of vehicle.....Rs.10.00
2. Each motor bus.....Rs.20.00
3. Each mini bus.....Rs.15.00
4. Each motor lorry (up to 3 ton).....Rs.25.00
5. Each motor lorry(above 3 ton).....Rs.40.00
6. Each Tractor.....Rs.10.00

47. For installation of new Petrol Pump on the side of Roads of the Parishad a fee @ Rs. 1,000/- shall be payable by the owner of Pump.

48. For Laying under ground cable for communication purpose a fee @ Rs. 25/- Per Meter & Security Deposit (refundable) of Rs. 5,000/- shall be levied.

49. For erection of towers for communication purpose a fee @ Rs. 5,000/- shall be levied.

50. For Vetting of estimates a charge @ 0.1% of the Estimated Cost (Excluding estimates of three tier Panchayati Raj Institutions i.e. Zilla Parishad, Panchayat Samity & Gram Panchayat) shall be payable by the executing agency.

VIII. ENLISTMENT OF CONTRACTOR

51. In terms of the provision laid down U/S 224 of the Act 1973 read with Rule 90 (4) of the W.B. Panchayat, (Zilla Parishad and Panchayat Samiti) Accounts and Finance Rule, 2003 Parishad shall impose non-refundable Registration fees and Renewal fees for enlistment of contractor at the following rate:

<u>Class of Contractor</u>	<u>Registration Fees</u>	<u>Renewal Fees (Annually)</u>
Class – I	20,000.00	6,000.00
Class – II	10,000.00	2,000.00
Class – III	7,000.00	500.00

52. In terms of the provision laid down U/S 181 (3) of the West Bengal Panchayat Act. 1973 any of the tolls, fee or rates shall not be applicable in case of

- a- any vehicle engaged for official purpose work by any Government Offices , Semi Government Offices and any local self Government Offices.
- b- any pauper or helpless or physically handicapped
- c- any boat or launch or any passenger vehicle or any kind vessel owned by Local Bodies.
- d- any fair organized by Gram Panchayat or Panchayat Samiti or Zilla Parishad under its own management.

IX. PENALTIES

53. In terms of the provision laid down U/S 223 (3) (1,) of the West Bengal Panchayat Act. 1973 a fine or penalty of Rs.500/- (Five hundred) for breach of any of the above mentioned provisions of these Bye-Laws and in case of continuing breach a fine or penalty of Rs.50/- (Fifty) per day in addition to the penalty shall be imposed on the offender. The fine so realized shall be credited to Zilla Parishad Fund.

**Sabhadhipati,
Purulia Zilla Parishad**