

A Hand Book for Members

(Ninth Edition, 2021)



**LEGISLATIVE ASSEMBLY SECRETARIAT
WEST BENGAL**

2021

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Preface to the Ninth Edition

This volume has been updated by incorporating all changes and developments which have occurred in different spheres since the publication of the Eighth Edition of this book in 2016.

Apart from restructuring the Standing Committees, one new Committee designated as 'Committee on Local Fund Accounts' has been formed by amending the relevant Rules.

Some significant developments in respect of the facilities available to the Members have taken place in the recent years. The relevant Acts and Rules have been amended accordingly. Apart from these, the Bidhayak Elaka Unnayan Prakalpa Guidelines have been modified to some extent.

All these changes and developments have been incorporated in this Volume. Certain documents which may be useful and informative to the Members have also been incorporated.

With proper care and effort, the present Edition has been updated to help the Members.

S. BHATTACHARYA,
*Secretary to the
West Bengal Legislative Assembly.*

Kolkata:
The 4th June, 2021.

Preface to the First Edition

This hand book has been prepared to help the Members in the discharge of their Parliamentary duties. It contains information about the functioning of the Legislature and its Committees and a brief account of the procedure that is followed in the House. The information furnished herein is not exhaustive and should not be treated as authoritative version of the Constitution and the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly.

P. K. GHOSH
*Secretary to the
West Bengal Legislative Assembly.*

Calcutta:
The 30th June, 1982.

Preface to the Second Edition

In this Second Edition of the Hand Book, the Act and Rules relating to the Member's Pension as also the anti-defection rules made under paragraph 8 of the Tenth Schedule to the Constitution of India along with the said schedule have been included. The relevant Acts and Rules have been modified as per latest amendments.

L. K. PAL
*Secretary to the
West Bengal Legislative Assembly.*

Calcutta:
The 7th October, 1987.

Preface to the Third Edition

Since the publication of the Second Edition of this volume there have been certain important developments in different spheres. Members are to be made aware of all these developments so that they may properly discharge their Parliamentary responsibilities. All these changes of consequence have been indicated in this Edition.

Passing of Vote-on-Account by the 31st day of March prior to detailed discussion on the demands for grants is one of the significant procedural changes opted for by the House in recent years. This is intended to give the Members sufficient time to closely study the Annual Financial Statement so as to equip themselves for an effective discussion thereon. Another innovative step taken by the House is the introduction of the Subject Committee system to oversee the performance of the Government Departments. The pre-voting Budget scrutiny is a novel attribute of the exercise assigned to such Committees.

A Committee designated as the Committee on Entitlements of the Members has already been to review, from time to time, the amenities and facilities available to the Members and to make appropriate recommendations on this score. On its recommendations some more facilities have already been extended to the Members. The present Edition contains a comprehensive statement detailing all these amenities and facilities.

Certain documents which may be of interest and informative to the Members have also been incorporated in this volume as annexures. Proper care has been taken to make this volume really useful to the Members whom it is essentially meant for.

S. R. CHATTOPADHYAY
*Secretary to the
West Bengal Legislative Assembly.*

Calcutta:
The 7th May, 1991.

Preface to the Fourth Edition

The contents of this volume have been updated by incorporating all modifications, changes and important developments in different spheres that have occurred since the publication of the Third Edition in 1991 so as to make the Members aware of all these for their interest in properly discharging their Parliamentary responsibilities.

Introduction of clarificatory questions on the statement made by a Minister in reply to a Calling Attention Notice is one of the significant amendments made in rule 198(2) of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly.

Apart this, significant changes in number of Members to rise in favour of leave to move No-Confidence Motion in the Council of Ministers and to move a Resolution for removal of Speaker or Deputy Speaker have been made in relevant rules by reducing the same from 48 Members to 30 Members.

Also other significant changes on commencement of the sitting of the House and conclusion of the sitting of House have been made in the relevant rules by substituting the commencement of the sitting at 11 a.m. and conclusion of the sitting at 5 p.m. instead of at 1 p.m. and 6 p.m. respectively.

Another innovative step taken by the House is the Constitution of a Forum for Parliamentary Studies with a view to promote and inspire institutionalised studies on diverse aspects of Parliamentary process.

Certain new documents which may be of interest and informative to the Members have also been incorporated in the Annexures to this volume. Sincere efforts have been made to make this volume useful to the Members whom it is essentially meant for.

S . R . CHATTOPADHYAY

*Secretary to the
West Bengal Legislative Assembly.*

Calcutta:
The 7th June, 1996.

Preface to the Fifth Edition

The Fourth Edition of this volume was published in 1996. Since then some changes have occurred in different spheres.

The names of all Subject Committees have been changed into "Departmentally related Standing Committees (called the Standing Committees)" and a uniform set of rules for all the Standing Committees have been made in the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly through amendments.

Some more amenities and facilities have been extended to the Members in the recent years. Some significant developments in the facilities available to the Ex-Members have occurred. Pensionary benefit to the spouse, additional medical facilities and facility of rail travel in AC-II Tier Class against Railway Travel Coupon have been extended to the Ex-Members. A new rule called "The West Bengal Legislative Assembly (Medical facilities to Ex-Members and their spouses) Rules, 1999" came into force in the year 1999.

A new scheme, namely "Elaka Unnayan Prakalpa" has been introduced in the financial year 2000-2001 so that the respective Member may formulate development schemes for his/her Constituency area in co-ordination with Local Panchayats/Municipal Bodies.

All these changes, modifications and developments have been incorporated in this volume. Apart from these, certain documents which may be useful and informative to the Members have also been incorporated. With proper care and sincere efforts, the present Edition has been updated to help the Members for whom it is essentially meant.

M. SARKER
*Secretary to the
West Bengal Legislative Assembly.*

Kolkata:
The 11th June, 2001.

Preface to the Sixth Edition

Certain important developments, modifications and changes have occurred in different spheres since the publication of the Fifth Edition of this volume in 2001.

Significant changes have been made in the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly for referral of Bills after their introduction in the House to the concerned Standing Committee for discussion and report thereon, prior to consideration and passing of the same in the House and incorporation of the left out Departments of the Government of West Bengal such as Home, Finance, Jails, Judicial, Personnel and Administrative Reforms, Development and Planning, etc. within the purview of the Departmentally Related Standing Committee of the Assembly.

Apart from restructuring the Standing Committees, two new committees designated as 'Committee on Papers Laid on the Table' and 'Committee on Affairs of Women and Children' have been formed by amending the relevant Rules.

Reference of accounts of Panchayati Raj Bodies and reports of the examiner of Local Accounts to the Standing Committee on Panchayat and Rural Development for scrutiny and report thereon is one of the significant development cropped up and accordingly relevant Rules have been amended.

Procedural changes in the election of Speaker and that of Deputy Speaker have been made by amending rules 7 and 8 of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly.

Some developments in the amenities and facilities available to the Members and the ex-Members have occurred in the recent years. New rules called 'the West Bengal Legislative Assembly (Telephone Facilities to Members) Rules, 2005' have come into force on the 1st day of April, 2004.

All these changes and developments have been incorporated in this volume. Certain documents which may be useful and informative to the Members have also been incorporated.

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Besides, a Resolution was adopted at the All India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on "Discipline and Decorum in Parliament and Legislatures of States and Union Territories" held at New Delhi on 25.11.2001. The Resolution along with its Annexure i.e. Code of Conduct for Members of Parliament and Legislatures of States and Union Territories has been appended to this Edition.

We sincerely hope that this updated volume would prove useful to Members for whom it is essentially meant.

J. L. CHAKRABORTY

Secretary,

West Bengal Legislative Assembly.

Kolkata:

The 28th April, 2006.

Preface to the Seventh Edition

Since the publication of the Sixth Edition of this volume in 2006, certain developments have occurred in the procedure for examination of Bills by the Standing Committees and in the amenities and facilities available to the Members and ex-Members of the Assembly.

A new rule has been incorporated in the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly through amendment for recording minute/note of dissent by any Member of a Standing Committee on any matter or matters connected with the Bill or dealt with in the Report on the Bill.

Apart from restructuring the Standing Committees raising the total number of such Committees from 18 to 24, a new Committee designated as 'Committee on Bidhayak Elaka Unnayan Prakalpa' has been formed by a resolution adopted by the House on 24th November, 2006 to monitor and review implementation of the Bidhayak Elaka Unnayan Prakalpa.

A new law called 'The West Bengal Legislature (Removal of Disqualifications) Act, 2007' has been enacted by repealing the West Bengal Legislature (Removal of Disqualifications) Act, 1952 to remove the doubts, if any, about disqualification of Members for holding 'office of profit'.

The old Automatic Vote-Recording Equipment which came into operation since August-September Session, 1954 has been replaced by a new 'Electronic Voting System'. This new system has come into operation since Budget Session, 2010.

Some more amenities and facilities like Laptop facility, Internet facility in Laptops and facility of Air Journey in addition to Railway Journey have been extended to Members. Besides, a set of new rules called 'The West Bengal Legislative Assembly (Medical Facilities to Members) Rules, 2010' have been made by replacing the old one allowing Members, among others, the benefits of medical attendance and treatment for himself and members of his family in a private hospital or nursing home or clinic in the State or, with the permission of the Speaker, outside the State within the country.

The present Edition has been updated by incorporating all these developments. Certain documents including Office Memorandums of the Ministry of Personnel, Public Grievances and Pension, Government of India containing instructions regarding official dealings between the Administration and Members of Parliament and State Legislatures which may be useful and informative to the Members have also been included.

We trust and hope that this updated volume would prove useful to Members for whom it is meant.

J. L. CHAKRABORTY

Secretary,

West Bengal Legislative Assembly.

Kolkata:

The 6th May, 2011.

Preface to the Eighth Edition

Some significant changes have taken place regarding the amenities and facilities to Members and procedure for payment of pension to ex-Members since the publication of the Seventh Edition of this Book in 2011.

Facilities have been extended to the Members for re-imbursement of the expenses for purchase of Computer and related devices up to 50,000/- per tenure and also for re-imbursement of Annual Maintenance Contract in relation with the devices upto 10,000/- per tenure.

Besides, procedure for re-imbursement of medical expenses has been changed and medical re-imbursement claim in respect of purchase of spectacles has been set to a maximum of 5,000/-.

The Railway Travel Coupons for outside the State journey which the Members are presently enjoying (50,000/- per annum) may now be carried forward to the next financial year in case of non-exhaustion of the said amount in a financial year by any Member.

Some infrastructural development in the State Legislators' Hostel has been made to facilitate the sojourn of the Members there.

The Bidhayak Elaka Unnayan Prakalpa Guidelines have been modified to some extent. Clarifications on some points relating to that Guidelines have also been issued by the Government of West Bengal from time to time.

Apart from these, definition of the term "Family" in the West Bengal Legislative Assembly (Medical Facilities to Members) Rules, 2010 has undergone some changes and some amendments have been made in the West Bengal Legislative (Member's Pension) Rules, 1987 with the introduction of some ancillary forms.

The present updated edition incorporates all of the aforesaid information and some other matters pertaining thereto. Certain documents like Office Memorandums which may be useful and informative to the Members have also been included.

All possible care and efforts have been taken to make this updated volume useful to the Members for whom it is meant.

B. MAHANTI,
Secretary to the
West Bengal Legislative Assembly.

Kolkata:
The 24th May, 2016.

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PART I

CHAPTER I

Parliamentary Terms

(1) "*Act*"-A Bill passed by the Legislature and assented to by the Governor or the President, as the case may be.

(2) "*Adjournment of the House*"-An Adjournment terminates the sitting of the House which meets again at the time appointed for the next sitting.

(3) "*Adjournment sine die*"-It means the termination of a sitting of the House without any definite date being fixed for the next sitting.

(4) "*Agenda paper*"-This is equivalent to the List of Business issued under the Rules of Procedure and Conduct of Business and contains items of business to be taken up by the House in the order in which they stand in it.

(5) "*Appropriation Bill*"-This Bill, after it is passed, authorises the withdrawal or appropriation from and out of the Consolidated Fund of the State, and in a schedule specifies the amount which has been granted under each grant. This Bill is brought in after the demands for grants for the services of a financial year or a part of a financial year have been passed by the House. No amendment shall be proposed to any such Bill which will have the effect of varying the amount or altering the destination of any grant (**Article 204**).

(6) "*Ballot*"-This is a method applied to determine the relative precedence of private members' resolutions and other notices under the rules.

(7) "*Bar of the House*"-The Bar of the House, that is, the line which persons who are not members may not cross during the sitting of the House, and beyond which members may not speak. The Bar is the place to which persons are brought in order that the Speaker may address them on behalf of the House. Persons summoned to attend in order to answer charges are brought to the Bar by the Sergeant/Marshal. When the House orders a person to be reprimanded or admonished, he is brought to the Bar by the Sergeant/Marshal.

(8) "*Bill*"-It is the draft of a Legislative proposal put in the proper form which, when passed by the Legislature and assented to by the Governor or the President, as the case may be, becomes an Act.

(9) "*Breach of privilege*"-It means disregard of any of the rights and immunities either of members individually or of the House in its collective capacity. In practice, however, it also applies to other contempts, i.e., acts or omissions which either directly obstruct the House in the performance of its functions or tend indirectly to produce this result by lowering the authority of the House in the eyes of the public.

(10) "*Budget*"-It is the Annual Financial Statement of estimated receipts and expenditure of the Government in respect of a financial year (**Rule 205**).

(11) "*Bulletin*"-It means the Bulletin of the House. It is published in three parts-Part I containing a brief record of the proceedings of the House at each of its sittings; Part II containing information on any matter relating to or connected with the business of the House or other matter which in the opinion of the Speaker may be included therein; and Part III containing information regarding Assembly Committees [**Rule 2(1)**].

(12) "*Casting Vote*"-It is the vote cast by the Speaker, or person acting as such, in the House and by the Chairman, or person acting as such, in a Committee, in the case of an equality of votes on a matter (**Article 189 and Rule 259**).

(13) "*Closure*"-It is one of the modes in which discussion on a matter before the House may be brought to an end. At any time after a motion has been made, any member, in order to put a stop to the debate, may move: "That the question be now put", even though he has already spoken to the question. It may even be moved whilst another member is speaking. The mover does not make a speech. He says merely, "I move that the question be now put". It is within the discretion of the Presiding Officer to accept such a motion. If he thinks that the original motion has been sufficiently debated and the right of the minority to have a fair part in the discussion of the motion would not be infringed thereby, he may put the question that the question be now put to the vote of the House. There can be no

debate on a closure motion. The effect of a closure is that the original question is put forthwith and decided without further amendment or debate. The Speaker may, however, allow a member any right of reply which he may have under the rules (**Rule 336**).

(14) "*Crossing the floor*"-This means passing between the member in possession of the House and the Chair. To cross the floor is a breach of the parliamentary etiquette.

(15) "*Cut Motion*"-It means a motion for the reduction of a Demand for Grant by or to a specified amount.

(16) "*Demand for Grant*"-A detailed statement of estimated expenditure proposed by Government in respect of each Department, placed before the House for its approval.

(17) "*Dilatory Motions*"-These are motions for the adjournment of the debate of the House or motions to retard or to delay the progress of a business under consideration of the House (**Rule 318**).

(18) "*Division*"-The mode of arriving at a decision on a proposed measure or question by recording votes for or against it.

(19) "*Expunction*"-It means deletion of words, phrases or expressions from the proceedings or records of the House by an order of the Speaker as being defamatory or indecent or unparliamentary or undignified or otherwise inappropriate.

(20) "*Financial Bill*"-(A) A Bill making provision for any of the matters specified in sub-clauses (a) to (f) of clause (1) of **Article 199** is called a Financial Bill. Such a Bill cannot be introduced in the Upper House and also cannot be introduced except on the recommendation of the Governor.

(B) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the State is also called a Financial Bill. Such a Bill cannot be passed in either House unless the Governor has recommended the consideration of the Bill. In other words, the Governor's recommendation is not a condition precedent to its introduction as in the case of Money Bill or other Financial Bill of the first category but in this case it will be sufficient if the Governor's recommendation is received before the Bill is considered (**Article 207**).

(21) "*Guillotine*"-It is another form of closure. It means the putting by the Speaker of any outstanding question or questions relating to the business in hand on the expiry of the time allotted for its discussion. Unlike closure, the guillotine to be applied is not preceded by any motion. The Chair forthwith puts the question without further debate. Under the rules, guillotine, technically speaking, applies only to budget demands.

(22) "*Leader of the House*"-Leader of the House means the Chief Minister, if he/she is a member of the House or a Minister who is a member of the House and is nominated by the Chief Minister to function as the Leader of the House.

(23) "*Lobby*"-It is the covered corridor immediately adjoining the Chamber and coterminous with it [**Rule 2(1)**].

(24) "*Member-in-charge of the Bill*"-It means the member who has introduced the Bill and any Minister in the case of Government Bill [**Rule 2(1)**].

(25) "*Money Bill*"-A Bill containing only provisions dealing with all or any of the matters sub-clauses (a) to (g) of clause (1) of **Article 199** of the Constitution is a Money Bill. Such a Bill cannot be introduced in the Upper House and also cannot be introduced except on the recommendation of the Governor if it makes provisions for any of the matters specified in sub-clauses (a) to (f) of clause (1) of **Article 199**.

(26) "*Motion*"-It means a proposal made by a member for the consideration of the Assembly relating to any matter which may be discussed by the Assembly, and includes an amendment [**Rule 2(1)**].

(27) "*Naming a member*"-It is a declaration by the Speaker that a member has been guilty of some irregular or improper conduct. When the Speaker names a member, he says "I name, Mr. so-and-so for disregarding the authority of the Chair". When the Speaker names a member for disregard of the authority of the Chair, persistent and wilful obstruction of the business of the House by abusing the rules of the House or otherwise, or grossly disorderly conduct, a motion is moved that the offender be suspended from the service of the House. The question on the motion is put forthwith, no debate being allowed. The member so named is suspended from the service of the House

for a period not exceeding the remainder of the session. The House may, however, at any time, on a motion being made, resolve that such suspension be terminated. A member so suspended must forthwith withdraw from the precincts of the House.

(28) "*Order, Order*"-The Speaker sometimes says this to call the House to order, or to ask the House to hear the Chair or a member in possession of the House.

(29) "*Ordinance*"-A law made by the Governor in exercise of the powers conferred on him by **Article 213** of the Constitution.

(30) "*Precincts of the House*"-It means and includes the Legislative Building and the grounds surrounding it enclosed within the iron railings [**Rule 2(1)**]. The precincts of the House cannot be used for any purpose other than business connected with the Legislature except with the permission of the Speaker (**Rule 358**).

(31) "*Private Member*"-It means a member other than a Minister [**Rule 2(1)**].

(32) "*Proposing the* When a member moving a motion has concluded his speech, no discussion thereon can start unless the Chair proposes the question to which the motion relates in the following form: 'Motion moved': and reads the text of the motion. This is known as proposing the question. Discussion may take place after the question has been proposed.

(33) "*Prorogation*"-It means the termination of a session of the House by an order made by the Governor under **Article 174(2)** of the Constitution.

(34) "*Putting the question*"-When the debate on a motion is finished the Presiding Officer rising from the Chair, puts the question to the vote of House. The question is put in the form, "The question before the House is that (then follows the text of the motion)".

(35) "*Quorum*"-It means the minimum number of members required to be present at a sitting of the House or the Committee for valid transaction of its business. The quorum to constitute a meeting of the House is one-tenth of the total number of the members [**Art. 189(3)**].

The quorum to constitute a sitting of a Committee is, as near as may be one-third of the total number of members of the Committee [**Rule 256(1)**].

(36) "*Roll of Members*"-It is a register in which newly elected members sign, after making and subscribing the oath or affirmation and before taking their seats for the first time in the House (**Rule 6**).

(37) "*Session*"-Means the whole period, from the time when the Assembly meets to the time when it is prorogued [**Rule 2(1)**].

(38) "*Sitting of the House*"-A sitting of the House is duly constituted when it is presided over by the Speaker or any other member competent to preside over a sitting of the House under the Constitution or the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly (**Rule 11**).

(39) "*Starred Question*"-A question to which a member wishes to have an oral answer on the floor of the House and which is distinguished by an asterisk is called a Starred Question.

(40) "*Statutory Resolution*"-A resolution in pursuance of a provision in the Constitution or an Act.

(41) "*Summons*"-It is an official communication issued by the Principal Secretary of the Legislative Assembly to the members of the Assembly informing them of the Governor's order notifying the place, date and time of commencement of a session of the Assembly (**Rule 3**).

(42) "*Table of the House*"-This Table is just in front of the desk of the Principal Secretary below the Speaker's Chair. Papers which are required to be laid on the Table of the House are placed on this Table.

(43) "*To catch the Speaker's eye*"-If a member desires to speak on any motion before the House he rises in his place and the Presiding Officer calls upon him to speak. If several members rise simultaneously the Presiding Officer calls upon the member who first "catches his eye". In practice, however, the names of speakers on a particular subject are pre-arranged between the Whips of the different parties, and a list of the names is supplied to the Presiding Officer. The Presiding Officer calls upon members from the list.

(44) "*Treasury Bench*"-The name given to the bench occupied by the Ministers, that is, the bench just on the right side of the Speaker. It is also called the Government bench.

(45) "*Unstarred Question*"-It means a question which is not called for oral answer in the House. The written answer to such a question is merely laid on the Table.

(46) "*Vote on Account*"-A grant made by the Legislature in advance in respect of the estimated expenditure of the Government for a part of a financial year pending the voting of Demands for Grants for the financial year.

(47) "*Whips*"-In the Legislature, members who manage the affairs of the respective parties and organize their forces in Divisions and Debates are known as "Whips". Their chief duty is to arrange the business of their party in the House and inform their members of all forthcoming business.

CHAPTER II

Assembly-Composition, Business and Procedure

1. Composition and duration of the Assembly: The West Bengal Legislative Assembly, at present, consists of 294 members (all elected). It is duly constituted upon the issue of a notification under section 73 of the Representation of the People Act, 1951 (43 of 1951).

Unless sooner dissolved, the Assembly continues for five years from the date appointed for its first meeting. The expiration of the said period of five years operates as a dissolution of the Assembly. While a Proclamation of Emergency is in operation, the said period of five years may, however, be extended by Parliament by law for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate (**Article 172**).

2. Session of the Assembly: The Governor, from time to time, summons the Legislative Assembly to meet at such time and place, as he thinks fit, but six months shall not intervene between its last

sitting in one session and the date appointed for its first sitting in the next session. The Governor may also from time to time, prorogue the House or dissolve the Assembly (**Article 174**).

The Assembly is summoned by an order under the signature of the Governor published in a notification in the Official Gazette and the time and place of meeting are specified in the notification. Individual summons to the members, intimating to them the date, time and place appointed by the Governor for the session of the Assembly, are issued by the Principal Secretary provided that when a session is called at short notice or emergently, summons may not be issued to each member separately but an announcement of the date and place of the session shall be made in the press, and members may be informed through the District Administration of the State Government (**Rule 3**).

A session of the Assembly terminates on prorogation by the Governor. Within a session the Speaker may adjourn the House from time to time [**Rule 15(1)**].

3. Effect of prorogation of a session on pending Business: The Constitution provides that Bills pending in the Assembly at the time of prorogation shall not lapse (**Article 196**).

On the prorogation of the House, all pending notices, other than notices of intention to move for leave to introduce a Bill, lapse. But a fresh notice of intention is necessary to move for leave to introduce any Bill in respect of which sanction or recommendation has been granted under the Constitution if the sanction or recommendation, as the case may be, has ceased to be operative (**Rule 312**).

A motion, resolution or an amendment, which has been moved and is pending in the House, does not lapse by reason only of the prorogation of the House (**Rule 313**).

4. Oath or affirmation by members: The first duty of a member elected or nominated to the Assembly is to make and subscribe the oath or affirmation. If any member sits or votes as a member without taking the oath or making the affirmation he is liable to pay a penalty of 500 in respect of each day on which he sits or votes (**Article 193**).

The Governor or any person authorised by him can administer the oath or affirmation (**Article 188**).

The oath or affirmation is in the following form:

"I, , having been elected (or nominated) a member of the West Bengal Legislative Assembly, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

After every general election, according to the existing practice, the Governor administers the oath to one member and appoints him for administering the oath to the others. After the Speaker is elected, he is generally authorised to administer the oath or affirmation to members.

A member who has not already made and subscribed an oath or affirmation, in pursuance of Article 188 of the Constitution, may do so at the commencement of a sitting of the House, or at any other time of the sitting of the House, as the Speaker may direct, on any day after giving previous notice in writing to the Principal Secretary (**Rule 5**).

The oath may be taken or affirmation made either in the House or in the Chamber of the Speaker. A member should, when he comes to make the oath or affirmation, bring with him the certificate of election granted to him by the Returning Officer under **rule 66 of the Conduct of Elections Rules, 1961**.

5. Election of Speaker and Deputy Speaker: The election of the Speaker shall be held on such date as the Governor may fix and the Principal Secretary shall send to every member notice of date so fixed. At any time before 1 p.m., on the day preceding the date so fixed, any member may give notice in writing, addressed to the Principal Secretary, of a motion that another member be chosen as the Speaker of the House and the notice shall be seconded by a third member and shall be accompanied by the consent in writing of the member whose name is proposed in the notice that he is willing to serve as Speaker, if elected (**Rule 7**).

The Election will take place at a meeting of the Assembly. A member shall not be deemed to be entitled to move his motion if he or the person whose name has been proposed in the motion or the person who seconded the motion has not, before the person presiding

over the election calls upon the member giving the notice to move the motion, made the oath or affirmation as member of the Assembly [**Rule 7(4)**].

The election of Deputy Speaker shall be held on such date as the Speaker may fix and the Principal Secretary will send to every member notice of the date so fixed. Other procedures as detailed hereinabove shall be followed in the case of this election (**Rule 8**).

6. Seating of Members: The members shall seat in such order as the Speaker may determine (**Rule 4**).

Members belonging to the Ruling Party take their seats on the right of the Speaker, and those in the Opposition on his left.

The Deputy Speaker sits on the left of the Speaker, i.e., in the Opposition block. He is allotted a seat very close to the Speaker's Throne.

7. Attendance Register: A member is required to sign the Attendance Register on the days he attends the sittings of the House.

For the convenience of members, printed lists of the names of members which serve as Attendance Register for each days are placed daily on a table in the Lobby during meeting days.

8. Leave of absence: Article 190(4) of the Constitution provides that if for a period of sixty days a member of a House of the Legislature of a State is, without permission of the House absent from all meetings thereof, the House, may declare his seat vacant. In computing the said period of sixty days no account is taken of any period during which the House is prorogued or is adjourned for more than four consecutive days. If a member finds at any time that he will not be able to attend the sittings of the House for a period of sixty days as computed in the manner stated above, he will have to make an application in writing to the Speaker specifying the period for which leave of absence is required indicating also the date of commencement and of termination of such leave of absence and the grounds for it. On receipt of the application, it is, as soon as possible, placed in the list of business after questions. On the day on which such application appears in the list of business, the Speaker reads out the application to the Assembly, and if no one objects, the leave

is deemed to have been granted. If there is any objection, the matter is put to the vote of the House without any debate or discussion. If a member who has granted leave of absence attends the session of the House during the period for which the leave of absence has been granted to him, the unexpired portion of the leave from the date of his resumed attendance shall lapse. Leave of absence applied for at any one time shall not exceed a period of sixty days (**Rules 242 and 243**).

9. Sittings of the House: A sitting of the House is duly constituted when it is presided over by the Speaker or any other member competent to preside over a sitting of the House under the Constitution or the Rules of Procedure of the Assembly (**Rule 11**).

Subject to the direction of the Speaker, the House ordinarily sits from *11 a.m. to 5 p.m. (**Rules 12 and 14**).

The House sits on such days as the Speaker, having regard to the state of business of the House, may from time to time direct (**Rule 13**).

10. Secret sitting of the On a request made by the Leader of the House, the Speaker fixes a day or part thereof for sitting of the House in secret. At such sitting no stranger is permitted to be present in the Chamber, Lobby or Galleries except those authorised by the Speaker (**Rule 246**).

When it is considered that the necessity for maintaining secrecy in regard to the proceedings of a secret sitting has ceased to exist and subject to the consent of the Speaker, a motion may be moved by the Leader of the House or any member authorised by him that the proceedings in the House during a secret sitting be no longer treated as secret [**Rule 249(1)**].

The Speaker may cause a report of the proceedings of a secret sitting to be issued in such manner as he thinks fit, but no other persons can keep a note or record of any proceedings or decisions of a secret sitting, whether in part or full, or issue any report of, or purport to describe, such proceedings. Disclosure of proceedings or

*Substituted for 1 p.m. and 6 p.m. by Assembly Bulletin Part II, dt. 16.3.92. Paragraph 226.

decisions of a secret sitting by any person in any manner is treated as a gross breach of privilege of the House (**Rules 247 and 250**).

11. Quorum: The quorum to constitute a meeting of the House shall be one-tenth of the total number of members [**Article 189(3)**].

If at any time during a meeting of the Assembly there is no quorum, it shall be the duty of the Speaker or person acting as such, either to adjourn the House or to suspend the meeting until there is a quorum [**Article 189(4)**].

If at any time during a sitting of the House, there is no quorum, the quorum bell will be rung.

12. Governor's Address: At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Governor addresses the Legislative Assembly and informs the Legislature of the causes of its summons [**Article 176(1) and Rule 16(1)**].

The Governor may also address the Assembly whenever he desires to do so and may for the purpose require the attendance of members [**Article 175(1)**].

On his arrival at the Assembly House, the Governor is received by the Speaker in the Entrance Hall and then the Governor proceeds to the Chamber in a procession as follows:

Marshal
Principal Secretary
Speaker
Governor
Secretary to the Governor
Aide-de-camp

All members present will rise in their seats as the procession enters the Chamber and resume their seats after the Governor has taken his seat. After the delivery of the Address, the Governor leaves the Chamber in a procession formed in the same order in which it entered the Chamber and the members will stand till the procession leaves the Chamber and then disperse.

When the House sits after the delivery of the speech by the Governor, the Speaker shall report to the Assembly that the Governor had been pleased to make a speech and shall lay a copy of the speech on the Table [**Rule 16(2)**].

On such report being made, notice is given of a motion that a respectful Address be presented to the Governor in reply to his speech expressing the thanks of the Assembly for the speech delivered by him [**Rule 16(3)**].

The Speaker, in consultation with the Leader of the House, allots time for discussion of the matters referred to in Governor's Address [**Rule 16(4)**].

On such day or days or part of any day, the House discusses the matters referred to in such Address on a Motion of Thanks moved by a member and seconded by another member (**Rule 17**).

This occasion provides for a general debate commonly known as the debate on the Governor's Address on the matters referred to in the Governor's Address. Amendments may be moved to such motion by way of adding additional at the end but not otherwise, on such notice being given as the Speaker may determine (**Rule 18**).

13. Address by Speaker: The Speaker may himself, or on a point being raised or on a request made by a member, address the House at any time on a matter under consideration in the House with a view to assisting members in their deliberation, and such expression of views shall not be taken to be in the nature of a decision (**Rule 334A**).

14. Panel of Chairmen: The Assembly is presided over by the Speaker. During the absence of the Speaker from any sitting of Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the Rules of Procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker [**Article 180(2)**].

At the commencement of the House or from time to time, as the case may be, the Speaker nominates from amongst the members a panel of not more than six Chairmen, any one of whom may preside over the House in the absence of the Speaker and the Deputy Speaker

when so requested by the Speaker, or, in his absence, by the Deputy Speaker [**Rule 9(1)**].

15. **Parliamentary norms:** (1) During the sitting of the House, a member-

- (i) shall bow to the Chair while entering or leaving the House and also when taking or leaving his seat;
- (ii) shall not read any book, newspaper or letter except in connection with the business of the House;
- (iii) shall not interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;
- (iv) shall not pass between the Chair and any member who is speaking;
- (v) shall not leave the House when the Speaker is addressing the House;
- (vi) shall always address the Chair;
- (vii) shall maintain silence when not speaking in the House;
- (viii) shall not obstruct his or interrupt and shall avoid making running commentaries when speeches are being made in the House;
- (ix) shall not while speaking make any reference to the strangers if any, of the galleries;
- (x) shall keep to his usual seat while addressing the House;
- (xi) shall not applaud when a stranger enters any of the galleries;
- (xii) shall not shout slogans in the House;
- (xiii) shall not sit or stand with his back towards the Chair;
- (xiv) shall not wear to display badges of any kind in the House;
- (xv) shall not bring or display arms in the House;
- (xvi) shall not display flags, emblems or any exhibits in the House;
- (xvii) shall not leave the House immediately after delivering his speech;
- (xviii) shall not distribute within the precincts of Assembly House any literature, questionnaire, pamphlets, press

notes, leaflets, etc. not connected with the business of the House;

- (xix) shall not place his hat/cap on the desk in the House, bring boards in the chamber for keeping files or for writing purposes, smoke or enter the House with his coat hanging on the arms;
- (xx) shall not carry walking stick into the House unless permitted by the Speaker on health grounds;
- (xxi) shall not tear off documents in the House in protest;
- (xxii) shall not bring or play mobile phone, cassette or tape recorder in the House; and
- (xxiii) shall avoid talking or laughing in lobby loud enough to be heard in the House (**Rule 325**).

(2) A member while speaking shall not-

- (i) refer to any matter of fact on which a judicial decision is pending;
- (ii) make personal reference by way of making an allegation imputing a motive to or questioning the bonafides of any other member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto;
- (iii) use offensive expressions about the conduct or proceedings of Parliament or any State Legislature;
- (iv) reflect on any determination of the House except on a motion for rescinding it;
- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms.

*Explanations-*The words 'persons in high authority' mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Speaker, should be discussed on a substantive motion drawn up in terms to be approved by him;

- (vi) use the President's or the Governor's name for the purpose of influencing the debate;

- (vii) utter treasonable, seditious or defamatory words;
- (viii) use his right of speech for the purpose of obstructing the business of the House;
- (ix) make any reference to the strangers in any of the galleries; and
- (x) refer to Government officials by name (**Rule 328**).

(3) No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given adequate advance notice to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation (**Rule 328A**).

(4) A member shall not produce exhibits during debates or make demonstration in the House.

(5) Whenever the Speaker he shall be heard in silence and any member who is then speaking or offering to speak shall immediately resume his seats. No member shall leave his seat while the Speaker is addressing the House (**Rule 335**).

(6) When a member rises to speak his name shall be called by the Speaker. If more members than one rise at the same time, the member whose name is so called shall be entitled to speak (**Rule 326**).

(7) A member desiring to make any observations on any matter before the House, shall rise when he speaks and shall address the Speaker:

Provided that a member disabled by sickness or infirmity may be permitted to speak sitting (**Rule 327**).

(8) If a member desires to make an observation on a matter before the House or to ask a question from another member who is speaking, either to obtain clarification or for purpose of any explanation about a matter which is under consideration of the House, he has to address the question through the Chair (**Rule 330**).

16. **Speeches by members:** The speeches of a member must have reference to the subject-matter under discussion.

The Speaker, after having called the attention of the House to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech (**Rule 331**).

After the member who moves a motion has spoken, other members may speak to the motion in such order as the Speaker may call upon them. If any member who is so called upon does not speak, he shall not be entitled, except with the permission of the Speaker, to speak to the motion at any later stage of the debate [**Rule 333(1)**].

A member who has moved a motion may speak again by way of reply. No other member is allowed to speak more than once to any motion except with the permission of the Speaker. If the motion is moved by a private member, the Minister concerned may, with the permission of the Speaker, speak (whether he has previously spoken in the debate or not) after the mover has replied. The mover of an amendment to a Bill or a _____ has, however, *no right of reply* and as such he cannot speak by _____ of reply unless the Speaker permits [**Rule 333(2) and 333(3)**].

The time-limit prescribed by the Speaker for speeches should strictly be maintained by the members. They should not, while speaking, use words which are defamatory, indecent, unparliamentary or undignified.

If the Speaker is of opinion that words used in debate are defamatory or indecent or unparliamentary or undignified or otherwise inappropriate, he may order that such words be expunged from the proceedings of the House [**Rule 355(1)**].

Members may speak in the official language of the State or in Hindi or in English. The Speaker or person acting as such, as the case may be, may permit any member who cannot adequately express himself in any of the languages aforesaid to address the House in his mother-tongue (**Article 210**).

17. **Personal explanation:** When during a debate it appears that a member's speech has been misunderstood by another member

or any comment is made against the character or conduct of a member, he is allowed by the Speaker to offer an explanation even though he has spoken on the motion. The time for giving an explanation is usually at the end of the speech of the member speaking at the time. This is known as "personal explanation".

A member may, with the permission of the Speaker, make a personal explanation although there is no question before the House, but in this case no debatable matter may be brought forward, and no debate shall arise (**Rule 332**).

18. Points of Order: A point of order is a device for the proper enforcement of the rules of the House or of the provisions of the Constitution which regulate the business of the House.

If in the course of a debate, any question arises as to the interpretation of any rule of debate, any member can submit the question for the decision of the Speaker.

A point of order shall raise a question which is within the cognizance of the Speaker in relation to the business before the House at the moment. A point of order must be raised at the earliest opportunity during the debate and not after business is over. As soon as a point of order is raised the member in possession of the House at the time must give way and resume his seat. A point of order may be raised during the interval between the termination of one item of business and the commencement of another if it relates to maintenance of order in, or arrangement of business before, the House. The Speaker decides whether the point raised is a point of order and if so, gives his decision thereon, which is final. No debate is allowed on point of order but the Speaker may, if he thinks fit, hear members before giving his decision.

A point of order is not a point of privilege. A member cannot raise a point of order-

- (a) to ask for information; or
- (b) to explain his position; or
- (c) when a question on any motion is being put to the House;
or
- (d) which may be hypothetical; or
- (e) that Division Bells did not ring or were not heard (**Rule 350**).

A point of order cannot be raised-

- (i) when a division bell is ringing (Bengal Legislative Assembly Proceedings, 4th March 1941, Vol. LIX, No. 2, page 306);
- (ii) in the midst of a division (West Bengal Legislative Assembly Proceedings, 11th April 1960, Vol. XXV, No. 3, Part 12, page 3); and
- (iii) in the middle of the reply being given by a Minister (West Bengal Legislative Assembly Proceedings, 14th June 1958, Vol. XX, No. 1, page 643).

19. Notices by members: Members are required to use as far as practicable the necessary Assembly forms available from the Publication Counter when they intend to give notices of-

- (i) Question, (ii) Adjournment Motion, (iii) Resolution, (iv) Calling Attention, (v) Amendment to Bill, (vi) Motion under rule 185, (vii) Amendment to Motion in reply to Governor's Address, and (viii) Mention Case (matters under Rule 351).

The textual amendments to motions, resolutions or Bills should be submitted in the same language as that of the original motions, resolutions or Bills.

Every notice required by the rules is to be given in writing addressed to the Principal Secretary and signed by the member giving notice.

Communication on different matters should not be combined in one letter.

The time-limit for tabling notices under the rules is-

- (i) of Questions-12 clear days,
- (ii) of Resolutions-
 - (1) for sending names of M.L.A.s for ballot-2 days before the date of ballot,
 - (2) for tabling notices-2 days after the date of ballot,
- (iii) of Amendments to Resolutions-one clear day,
- (iv) of Motion or leave to introduce Bills by any member other than a Minister-14 clear days,
- (v) of Amendments to Bills-1 clear day,

- (vi) of Calling Attentions-1 hour before the commencement of the sitting on the day,
- (vii) of Adjournment Motions-1 hour before the commencement of sitting on the day,
- (viii) of Half-an-hour Discussion on a matter arising out of answer to a Question-3 days in advance of the day on which the matter is desired to be raised,
- (ix) of Amendments to a Motion-one day before the day on which the Motion is to be considered.

20. Supply of Assembly Papers to members: The following papers relating to the business of the House are circulated to the members in advance either by placing them in their seats in the Chamber, if the House happens to be sitting or by sending them to their local/permanent addresses as registered in the Secretariat:

- (i) Lists of Business;
- (ii) Lists of Starred and Unstarred Questions;
- (iii) Copies of the Bills to be passed by the House;
- (iv) Copies of Ordinances, if any, promulgated during the inter-session periods;
- (v) Bulletins of the House;
- (vi) Reports of Select Committees on Bills and Reports of other Committees of the Assembly after their presentation to the House;
- (vii) Notices of Motions for reduction of grants;
- (viii) Notices of Motions; and
- (ix) Notices of amendments to Bills, Resolutions and Motions.

Members are required to preserve copies of Bills and other papers which are circulated to them and to bring them for the use in the House on the day(s) when the relevant business will be taken up.

21. Arrangement of daily business of the House: Business of the House is normally transacted in the following order:

- (i) Oath or affirmation by members, if any;
- (ii) Obituary References, if any;
- (iii) Questions (including short notice question);

- (iv) Questions of Privilege, if any;
- (v) Adjournment Motions, if any;
- (vi) Communications from Magistrates, etc., regarding arrest or detention or release of members of the House, if any;
- (vii) Calling Attention Notices;
- (viii) Announcements by the Speaker regarding leave of absence of members, if any;
- (ix) Delivery of rulings by the Speaker;
- (x) Presentation of reports of the Committees;
- (xi) Presentation of petitions;
- (xii) Statements by Ministers under rule 346, if any;
- (xiii) Mention Cases under rule 351;
- (xiv) Papers to be laid on the Table, if any; and
- (xv) Legislation/Financial Business.

Private Members' Business is taken up in the last two and a half hours of a sitting on each Friday. The Speaker may allot different Fridays for the disposal of different classes of such business. Normally the entire period of Fridays' sittings is allotted for the transaction of Private Members Business, if the volume of such business so requires. The order in which business is entered in the List of Business is not varied unless the Speaker does so for special reasons.

22. **Questions:** The first hour of every sitting is available for the asking and answering of questions, unless the Speaker otherwise directs. A question may be put to a Minister with regard to any matter within his cognizance. In order to be admissible a question must conform to the following conditions:

- (i) it shall be clearly and precisely expressed and shall not be too general incapable of any specific answer or in the nature of a leading question;
- (ii) it shall not bring in any name or statement not strictly necessary to make the question intelligible;
- (iii) if it contains a statement the member shall make himself responsible for the accuracy of the statement;
- (iv) it shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;

- (v) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;
- (vi) it shall not ask as to the character or conduct of any person except in his official or public capacity;
- (vii) it shall not ordinarily exceed 150 words;
- (viii) it shall not relate to a matter which is not primarily the concern of the State Government;
- (ix) it shall not ask about proceedings in a Committee which have not been placed before the House by a report from the Committee;
- (x) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- (xi) it shall not make or imply a charge of a personal character;
- (xii) it shall not raise questions of policy too large to be dealt with within the limits of an answer to a question;
- (xiii) it shall not repeat in substance questions already answered or to which an answer has been refused;
- (xiv) it shall not ask for _____ on trivial matters;
- (xv) it shall not ordinarily ask for information on matters of past history;
- (xvi) it shall not ask for information set forth in accessible documents or in ordinary works of reference;
- (xvii) it shall not raise matters under the control of bodies or persons not primarily responsible to the State Government;
- (xviii) it shall not relate to a matter with which a Minister is not officially concerned;
- (xix) it shall not ask for information on a matter which is under adjudication by a court of law;
- (xx) it shall not refer discourteously to a friendly foreign country;
- (xxi) it shall not seek information about matters which are in their nature secret, such as composition of cabinet committees, cabinet discussions, or advice given to the Governor in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information;

- (xxii) it shall not ordinarily ask for information on matters which are under consideration before an Assembly Committee; and
- (xxiii) it shall not ordinarily ask about matters pending before any Statutory Tribunal or Statutory Authority performing any judicial or quasi-judicial functions or any Commission or Court of enquiry appointed to enquire into, or investigate, any matter but may refer to matters concerned with procedure or subject or stage of enquiry, if it is not likely to prejudice the consideration of the matter by the Tribunal or Commission or Court of enquiry.

The period of notice of a question is 12 clear days. In calculating this period of notice of 12 clear days, both the date on which the notice is received and the date on which the answer is desired are excluded. All notices of questions are received after the issue of summons. One question should be written on one form and the member should specify on the form the text of the question; the official designation of the Minister to whom the question is addressed; the date on which the question is proposed to be placed on the list of question for answer; and the order of preference, if any, for its being placed on the list of questions, where a member tables more than one notice of questions for the same day.

When oral answer to a question is required by a member, he has to mark the question with an asterisk. If no asterisk is put to a question, it is treated as a question for written answer. Questions distinguished by asterisk is known as starred question. The questions which are not distinguished by asterisk are called unstarred question, i.e., question for written answer.

Questions given notices of are edited in the Secretariat before being sent to the Government Department concerned for answer. Intimation is given to the member concerned as to whether his question has been allowed or disallowed by the Speaker. If a question is disallowed, a member is not entitled to raise the matter in the House.

A question given notice of as a starred question may be admitted for written answer where it is considered by the Speaker that the question is of such a nature that a written reply would be more appropriate (**Rule 47**). Questions asking for information of a statistical nature or going into detail are converted to unstarred questions.

Questions which are admitted are entered in the List of Questions for the day for oral or written answer, as the case may be. Not more than two starred questions by the same members are placed on the List of Questions for oral answer on any day. When a question is postponed or transferred from one List of Questions for oral answer to another, more than two questions may stand in the name of one member. These questions are listed in two rounds so that one member cannot have more than one question in each round. Questions in excess of two are placed on the List of Questions for written answer. In the case of unstarred questions on any day the number of questions in the List of Questions for written answer together with the number of questions in the List of Questions for oral answer by the same member may not exceed five. Two separate Lists of Questions one for starred questions (without the answers) and the other for unstarred questions together with their respective answers are printed for each day of the sittings.

Different days of the week are allotted in rotation for answering the starred questions relating to such Department(s) as the Speaker, from time to time, provides. Replies to those starred questions which will be answered orally on a day are placed on the Library Table half-an-hour in advance of the commencement of the Question Hour so that the members may go through the replies to those questions and get ready with the necessary supplementary questions to be put to the Minister when he answers the question on the floor of the House. When the Question Hour starts the Speaker calls successively each member in whose name a starred question appears on the list of questions for oral answer. The member so called rises in his seat and asks the question by reference to its number on the list of questions. The Minister then rises and answer the question. Supplementary questions, if any, thereafter follow. These supplementary questions should be for the purpose of further elucidating any matter of fact regarding which an answer has been given by the Minister orally. As a matter of convention the member who has put the question is given the first chance to put supplementary questions. In the case of unstarred questions, therefore, such opportunity of putting supplementary questions is absent. The Speaker decides the admissibility of supplementary questions and the number of supplementaries to be allowed is not more than five, of which not more than two from the Member in whose name the question is listed.

A supplementary question shall be held out of order by the Speaker if, in his opinion:

- (i) it does not arise from the main question or its answer;
- (ii) instead of seeking information, it gives information;

- (iii) it involves more than one separate issues;
- (iv) it seeks confirmation or denial of an opinion;
- (v) it infringes any of the rules regarding questions.

In the case of starred questions which cannot be answered orally during the Question Hour for want of time, the Ministers concerned forthwith lay on the Table written replies to those questions.

If on a question being called it is not asked or the member in whose name it stands is absent, the Speaker may, at the request of any member, direct that the answer to it be given. The Speaker may also permit a member to ask a question standing in the name of another member, if so authorised by him.

A member may, by notice given at any time before the sitting for which his question has been placed on the list, withdraw his question or postpone it to a later day.

A starred question scheduled for answer on a day is sometimes, on the representation of the concerned Minister, held over by the Speaker, for the next rotational day(s). These Held Over Questions are taken up before the regular List of Questions for Oral Answer for the day(s).

Besides the aforesaid two categories of questions, namely, starred and unstarred there is another category of questions which is known as "Short Notice Question". A member may ask such a question with notice shorter than twelve clear days. Where a member desires an oral answer to a question at a shorter notice, he shall briefly state the reasons for asking the question with short notice. Where no reason has been assigned in the notice of the question, the question shall be returned to the member. If the Speaker is of opinion that the question is of an urgent character he may direct that an enquiry be made from the Minister concerned if he is in a position to reply and, if so, on what date. If the Minister concerned agrees to reply, such question shall be answered on a day to be indicated by him and shall be called immediately after the questions which have appeared on the List of Questions for Oral Answer have been disposed of. The other provisions as to the admissibility and so on, of questions apply to this category of questions also. When a Minister agrees to answer a short notice question he indicates the day on which he would answer the question. If the Minister is not agreeable to answer a question at short notice and the Speaker is of the opinion that the question is of sufficient importance to be orally answered in the House, the question may be put down for oral answer as the first question on the day when it would be due for answer after the usual period of notice. But on the List of

Questions for any one day not more than one such question is accorded first priority. The member who had given notice of a short notice question, on being informed that the same has been accepted by the Minister concerned and will be answered on a particular day, shall be in his seat to ask the question by reference to its number on the list of Questions when called by the Speaker and the Minister concerned shall give the reply immediately. When a short notice is shown in the names of more than one member the Speaker calls the name of the first member or, in his absence any other name. These questions are called immediately after the starred questions of the list of the day are disposed of (**Rule 57**).

23. Half-an-hour discussion on matters arising out of answer to a question: Any member may, by giving a written notice to the Principal Secretary three days in advance, seek to raise a Half-an-hour discussion on a matter of sufficient public importance which has been the subject of recent question, oral or written, and the answer to which needs elucidation on a matter of fact. The member so giving notice for the discussion, must shortly specify the point or points that he wishes to raise and state the reasons for raising discussion on the matter in question in an explanatory note to be accompanied with the notice. The notice must also be supported by the signatures of at least two other members. The Speaker decides the admissibility of the notice. If the notice seeks to revise the policy of Government, he may not admit it. If the notice is admitted by the Speaker, he allots half-an-hour time on one sitting in a week for its discussion. To initiate the discussion no formal motion is moved. Nor is there any voting at the end of the discussion. The member who has given the notice or in his absence any member who has supported the notice, makes a short statement. Any member who has previously intimated to the Speaker may be permitted to ask a question for the purpose of further elucidating any matter of fact. Thereafter, the Minister concerned replies shortly. Not more than four members who have previously intimated to the Speaker may be permitted to ask a question each for the said purpose. A member wishing to ask a question shall make such request in writing before the commencement of the sitting at which the discussion is to take place. If such requests are received from more than four members, a ballot shall be held to determine the names of first four members who may be permitted to ask a question each.

If more than two notices are received and admitted by the Speaker, the Principal Secretary holds a ballot with a view to drawing two notices and the notices are put down in the order in which they were received in point of time (**Rule 58**).

24. Adjournment Motion: An adjournment motion is a motion intended to secure a discussion on a matter of urgent public importance and of recent occurrence by interrupting the normal business of the House. Notice of an adjournment motion is required to be given in a prescribed form to the Principal Secretary at least one hour before the commencement of the sitting on the day, on which the member desires to ask for leave of the House to move such motion, and copies thereof shall be endorsed to the Speaker and the Minister of Parliamentary Affairs. The notices received after the stipulated hour, shall be deemed to have been received for the next sitting of the House. A short statement of the matter proposed to be discussed must also accompany the notice. No member shall give more than one such notice for any one sitting. Such a motion can be made only with the consent of the Speaker. If the Speaker gives his consent and holds that the matter proposed to be discussed is in order, he, after the question and before the List of Business is entered upon, calls the member concerned to ask for leave to move the adjournment of the House. If objection to leave being granted is taken, the Speaker requests those members who are in favour of leave being granted to rise in their places. If not less than thirty members rise accordingly, the Speaker intimates that leave is granted. If less than thirty rise, the member desiring to move the adjournment motion not the leave of the House. If no objection is taken to the motion for adjournment or leave is granted by the House to move the motion, the Speaker fixes a time for discussion of the same. The Speaker may, if he is satisfied that there has been adequate debate, put the question after two hours from the time of commencement of the debate and shall prescribe a time limit for speeches. When the Speaker is satisfied prima facie that the notice of an adjournment motion is inadmissible, he refuses his consent without bringing the matter before the House. The member concerned is informed as early as possible, whether the Speaker has given his consent or not. The Speaker may, however, if he thinks it necessary, read the notice of motion to which he has refused consent and state the reasons for refusing consent. Or he may, instead of reading the notice himself allow the member concerned to read the text of the motion as amended by him. When more than one such notice on a particular matter is received from members on a particular day the text of only one such motion, as the Speaker may select, may be allowed to be so read.

Where a notice is signed by more than one member, it shall be deemed to have been given by the first signatory or in his absence any other signatory may move the motion.

The right to move an adjournment motion is subject to the following restrictions:

- (i) not more than one such motion shall be made at the same sitting;
- (ii) not more than one matter shall be discussed on the same motion;
- (iii) the motion shall be restricted to a specific matter of recent occurrence;
- (iv) the motion shall not raise a question of privilege;
- (v) the motion shall not revive discussion on a matter which has been discussed in the same session;
- (vi) the motion shall not anticipate a matter which has been previously appointed for consideration. In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by the Speaker to the probability of the matter anticipated being brought before the House within a reasonable time;
- (vii) the motion shall not deal with any matter which is under adjudication by a Court of Law;
- (viii) the motion shall not raise any question which under the Constitution or the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly can only be raised on a distinct motion by a notice given in writing to the Principal Secretary;
- (ix) the motion shall not relate to a matter which is not primarily the concern of the State Government; and
- (x) no motion which seeks to raise discussion on a matter pending before any Statutory Tribunal or Statutory Authority performing any judicial or quasi-judicial functions or any Commission or Court of enquiry appointed to enquire into or investigate any matter, shall ordinarily be permitted to be moved (**Rules 59-65**).

25. **Privilege Motion:** Privileges are the special rights enjoyed by the House, its members and Committees, as referred to, in **Article 194** of the Constitution. A member wishing to raise a question of privilege is required to give notice in writing to the Principal Secretary at least one hour before the commencement of the sitting on the day on which the question is proposed to be raised. If the question proposed to be raised is based on a document the notice must be accompanied by the document. If the notice is received after

the stipulated hour, it shall be deemed to have been received for the next sitting of the House. If the Speaker is satisfied that there is a prima facie case that a breach of privilege has been committed and that the matter is being raised at the earliest opportunity, he may allow the member to raise the matter as a Question of privilege. Such matters are raised immediately after the questions and before the List of Business for the day is entered upon. On a motion being made for the purpose, the House may consider the matter and come to a decision or may refer it to the Committee of Privileges. A motion on a matter of privilege arising during the sitting of the House is entitled immediate precedence over all other business. The Speaker may also refer any question of privilege to the Committee of Privileges for examination, investigation or report (**Rules 224-230**).

26. Calling Attention Notice: A member wishing to call attention of a Minister to any matter of urgent public importance on a day may give a notice in writing to the Principal Secretary at least one hour before the commencement of the sitting on the day. The notices received after the stipulated hour, shall be deemed to have been received for the next sitting of the House. On admission of such notice by the Speaker, the Minister concerned makes a brief statement or asks for time to make a statement at a later hour or date. There is no debate on such statement at the time it is made but each member in whose name the item stands in the List of Business may, with the permission of the Speaker, ask a question each seeking clarification on the statement and the Minister shall reply at the end to such questions. Names of not more than four members shall be shown in the List of Business. In case the number of members giving notices on a subject that is admitted by the Speaker, is four or less, their inter-se priority shall be determined with reference to the date and time of receipt of notices. Where a notice is signed by more than one member, it shall be deemed that attention has been called only by the first signatory of the relevant notice. Not more than one such matter is raised on a day. In the event of more than one such notice for a particular day, the Speaker selects the one which in his opinion is more urgent and important. This matter is raised after the questions and before the List of Business is entered upon (**Rule 198**).

27. Discussion on Matters of Urgent Public Importance for Short Duration: A member desirous of raising discussion on a matter of urgent public importance is required to give notice in writing to the Principal Secretary specifying clearly and precisely

the matter to be raised. The notice must be accompanied by an explanatory note stating reasons for raising such discussion and supported by the signatures of at least two other members. If the Speaker is satisfied after calling for such information from the member giving notice and the Minister concerned as the Speaker may consider necessary as to the admissibility of such notice, he fixes the date and the time not exceeding two hours and a half for discussion. For the discussion no formal motion before the House is required to be made. The member concerned makes a short statement and the Minister replies in short. Any member, with previous permission of the Speaker, may take part in the discussion. At the end of the discussion there is no voting. The Speaker may, if he thinks fit, fix a time limit for the speeches (**Rules 194-197**).

28. Motions for Discussion on a Matter of General Public Interest: A discussion on a matter of general public interest on which a decision or an opinion of the House is sought takes place on a motion made with the consent of the Speaker. Notice of a motion is required to be given in writing addressed to the Principal Secretary. In order that a motion may be admissible it must satisfy the following conditions:

- (i) it shall raise substantially one definite issue;
- (ii) it shall not contain inferences, ironical expressions, imputations or defamatory statements;
- (iii) it shall not refer to the conduct or character of persons except in their public capacity;
- (iv) it shall be restricted to a matter of recent occurrence;
- (v) it shall not raise a question of privilege;
- (vi) it shall not revive discussion of a matter which has been discussed in the same session;
- (vii) it shall not anticipate discussion of a matter which is to be discussed in the same session;
- (viii) it shall not relate to any matter which is under adjudication by a Court of Law (**Rule 187**).
- (ix) If it contains a statement the member shall make himself responsible for the accuracy;
- (x) it shall not seek discussion on a paper or document laid on the Table by a private member;
- (xi) it shall not ordinarily relate to matters which are under consideration of an Assembly Committee;
- (xii) it shall not ask for an expression of opinion or the solution of an abstract legal question or of a hypothetical proposition;

- (xiii) it shall not relate to a matter with which a Minister is not officially concerned;
- (xiv) it shall not refer discourteously to a friendly foreign country;
- (xv) it shall not refer to or seek disclosure of information about matters which are in their nature secret such as Cabinet discussions or advice given to the Governor in relation to any matter in respect of which there is a constitutional, statutory or conventional obligation not to disclose information; and
- (xvi) it shall not relate to a trivial matter.

The motion must also not seek to raise discussion on matter pending before any Statutory Tribunal or Statutory Authority performing judicial or quasi-judicial functions or any Commission or Court of enquiry appointed to enquire into or investigate any matter. But the Speaker may in his discretion allow any such matter being raised in the House as is concerned with the procedure or subject or stage of enquiry, if he is satisfied that it is not likely to prejudice the consideration of such matter by the Statutory Tribunal, Statutory Authority, etc. (**Rule 189**).

The Speaker decides the _____ of a motion with reference to the rules and disallows any motion or a part thereof when in his opinion it is an abuse of the right of moving a motion or is calculated to obstruct or prejudicially affect the procedure of the House or is in contravention of the rules. If the Speaker admits notice of a motion and no date is fixed for the discussion of such motion, it is immediately notified in Bulletin-Part II with the heading "No-Day-Yet-Named Motion". The Speaker in consultation with the Leader of the House or on the recommendation of the Business Advisory Committee, allots a day or days or part of a day for the discussion of any such motion as has been admitted by him. At the appointed time, on being called by the Speaker, the member in whose name the motion stands on the List of Business formally moves the motion and makes his speech. The Speaker then places the motion before the House, and amendments or substitute motions, if any, are moved by members and discussion follows. After the members and the Minister concerned have participated in the debate, the mover of the motion again speaks by way of reply. If the motion is moved by a private member the Minister concerned may, with the permission of the Speaker, speak whether he has previously spoken in the debate or not after the mover has replied [**Rule 333(3)**]. After that,

amendments and substitute motions, if any, are put to vote of the House and disposed of. The main motion is then put to vote. The Speaker may, if he thinks fit, prescribe time limit for the speeches.

29. Motion that the Policy or Situation or Statement or any other Matter be taken into consideration: A motion that the policy or situation or statement or any other matter be taken into consideration may be discussed in the House with the consent of the Speaker. Notice of such a motion is required to be given in writing addressed to the Principal Secretary. If the motion is admitted it may be moved and discussed in the House. But such motion shall not be put to the vote of the House. If a member moves a substantive motion in appropriate terms to be approved by the Speaker, the vote of the House shall be taken on such motion (**Rule 319**).

30. Resolutions: Members may give notices of resolution relating to matters of general public interest. A resolution may be in the form of a declaration of opinion, or a recommendation, or may be in the form so as to record either approval or disapproval by the House of an act or policy of Government or convey a message, or commend, urge or request an action or call attention to a matter or situation for consideration by Government or in such other form as the Speaker may consider appropriate (**Rule 168**).

The resolutions given notices of by private members, after admission by the Speaker, are taken up in the House on the days allotted for the transaction of private members' business. Normally private members' business is taken up on Fridays. Resolutions to be moved by a Minister on behalf of the Government are called Government Resolutions and these resolutions are taken up in the House on the day or days on which Government business is transacted.

In Bulletin-Part II notice is issued regarding the date(s) of ballot for the names of private members who are willing to give notices of resolutions. A private member who desires to move a resolution has, in the first instance, to give written intimation to that effect to the Principal Secretary in the prescribed form (Form 2C-Resolution) at least two days before the date of the ballot. The names of members from whom intimation is received are balloted and those securing the first three places in the ballot for any particular day, are intimated accordingly and they are requested to give notice of not more than three resolutions with the order of priority indicated therein within two days after the date of ballot. Only one resolution of each of these members, if admitted, is entered in the List of Business.

A member in whose name a resolution stands on the List of Business except when he wishes to withdraw it, when called upon, moves the resolution and commences his speech by a formal motion in terms appearing in the List of Business. If a member other than a Minister, when called upon is absent, any other member authorised by him in writing in his behalf may, with the permission of the Speaker, move the resolution standing in his name. After a resolution has been moved any member may move an amendment to it. But if the notice of such amendment has not been given one day previous to the day on which the resolution is moved any member may object to the moving of the amendment and such objection prevails unless the Speaker allows the amendment to be moved. The Principal Secretary makes available to the members from time to time lists of amendments to the resolutions, of which notices have been received. When a member desires to withdraw the resolution standing in his name, he may, when called upon, do so and in doing so he must confine himself to a mere statement to that effect. A resolution or an amendment to a resolution cannot be withdrawn without the leave of the House if it has already been moved.

When a resolution is moved, no resolution or amendment raising substantially the same question is allowed to be moved during the same session. In the debate on a resolution the time limit for every speech is fifteen minutes. But the mover of the resolution, when moving the same and Minister concerned when speaking for the first time may be allowed thirty minutes time for their speeches. These time limits may, however, be extended with the permission of the Speaker. At the end of the debate there is a voting. If the resolution is passed by the House a copy thereof is forwarded to the Minister concerned.

The conditions of admissibility of a resolution are the following:

- (i) it shall be clearly and precisely expressed;
- (ii) it shall raise substantially one definite issue;
- (iii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements;
- (iv) it shall not refer to the conduct or character of persons except in their official or public capacity; and
- (v) it shall not relate to any matter which is under adjudication by a Court of Law **(Rule 170)**.

Besides the above, no resolution which seeks to raise discussion on a matter pending before any Statutory Tribunal or Statutory Authority performing any judicial or quasi-judicial functions or any Commission or Court of enquiry appointed to enquire into, or investigate, any matter shall ordinarily be permitted to be moved. The Speaker, however, in his discretion allow such matter being

raised in the House, as is concerned with the procedure or subject or stage of enquiry, if he is satisfied that it is not likely to prejudice the consideration of such matter by the Statutory Tribunal, Statutory Authority, Commission or Court of enquiry.

31. Resolution on Ratification of Amendment of Constitution: After the Principal Secretary has reported to the House the message received by him from a House of Parliament for the ratification of an amendment to the Constitution under the proviso to **Article 368** of the Constitution and laid the same on the Table, any member may, after giving seven days' notice or with the consent of the Speaker at shorter notice move a resolution that the amendment to the Constitution proposed by the Bill as passed by the Houses of Parliament be ratified. If a communication for the ratification of an amendment of the Constitution proposed by a Bill passed by Parliament is received by the State Government, any Minister may, after giving seven days' notice or with the consent of the Speaker at shorter notice, move a resolution that the amendment to the Constitution proposed by the Bill be ratified. If copies of the said Bill have not been available for the use of members three days before the resolution is moved, any member may object to the moving of the resolution and such objection prevails unless the Speaker allows the resolution to be moved. The Speaker, in consultation with the Leader of the House, fixes a date for a discussion on the resolution. No amendment is proposed to such a resolution. The Speaker may prescribe a time-limit for the speeches. At the end of the debate the voting takes place (**Rules 181-184A**).

32. Motion of No-confidence in the Council of Ministers: A motion may be made to express want of confidence in the Council of Ministers or to disapprove the policy of the Council of Ministers in a particular respect. The member intending to move such a motion has to give to the Principal Secretary a written notice thereof at least one hour before the commencement of the sitting of that day. If the notice is received after the stipulated hour, it shall be deemed to have been received for the next sitting of the House. If the Speaker is of opinion that the motion is in order, he, after the questions and before the List of Business for the day is entered upon, reads the motion to the House and requests those members who are in favour of leave being granted to rise in their places, and if not less than thirty members rise accordingly he declares that leave is granted and fixes a day or days or part of a day for discussion of the motion. The day for the discussion so fixed must not be beyond ten days from the date on which the leave is asked for. At the end of the discussion the Speaker forthwith puts every question necessary to determine the decision of the House on the motion. The Speaker may also fix time limit for the speeches on the motion (**Rule 199**).

33. Resolution for Removal of Speaker or Deputy Speaker from Office: A member wishing to give notice of a resolution for the removal of the Speaker or the Deputy Speaker has to do so in writing to the Principal Secretary furnishing the full text of such resolution. In order that such a resolution may be admissible, it shall satisfy the following conditions namely:

- (i) it shall be specific with respect of charges;
- (ii) it shall be clearly and precisely expressed; and
- (iii) it shall not contain arguments, inferences, ironical expressions, imputations or defamatory statements.

On receipt of the notice, a motion for leave to move the resolution is entered in the List of Business in the name of the member giving notice on a day after fourteen days from the date of receipt of notice of the resolution. The member in whose name the motion stands in the List of Business, except when he wishes to withdraw it, moves the motion when called upon to do so, but no speech is permitted at this stage. The Speaker or the Deputy Speaker or the person presiding, as the case may be, thereupon places the motion before the House and requests those members who are in favour of leave being granted to rise in their places and if less than thirty members rise accordingly he declares that the leave has been granted. If less than the requisite number of members rise, he informs the member that he has not the leave of the House. The discussion on the resolution takes place, when the leave is granted, on a day not being more than ten days from the date on which the leave is asked for. On the appointed day the resolution is included in the List of Business after the Questions and before any other business for the day is entered upon. The discussion on the resolution shall be strictly confined to the charges preferred in the resolution. The time limit for each speech on the resolution is fifteen minutes. But the mover of the resolution when moving the same may speak for such longer time as the Chair may permit (**Rules 201-204**). The Speaker or the Deputy Speaker does not preside while a resolution for his removal from office is under consideration (**Article 181**).

34. Presentation of Petitions: Members may, with the consent of the Speaker, present to the House petitions from the public addressed to the Assembly. Such petitions may be submitted on-

- (i) a Bill which has been published in the Gazette or which has been introduced in the House;

- (ii) any matter connected with the business pending before the House; and
- (iii) any matter of general public interest provided that it is not one-
 - (a) which is pending before a Court of law having jurisdiction in any part of India or a Court of enquiry or a Statutory Tribunal or Authority or a Quasi-judicial body, or a Commission;
 - (b) which relates to a matter which is not within the cognizance of the State Government;
 - (c) which can be raised on a substantive motion or resolution; or
 - (d) for which remedy is available under the law, including rules, regulations, bye-laws made by the Central Government or by the State Government or an authority to whom power to make such rules, regulations, etc. is delegated.

A petition dealing with any of the matter specified in sub-clauses (a) to (D) of clause (1) of **Article** of the Constitution or involving expenditure from the Consolidated Fund of the State, shall not be presented to the House unless recommended by the Governor.

Other conditions that are to be fulfilled so that a petition may be admissible are as follows:

- (i) every petition shall be couched in respectful, decorous and temperate language;
- (ii) every petition shall be either in Bengali or in English and if any petition in any other Indian language is made, it shall be accompanied by a translation thereof either in Bengali or in English and shall be signed by the petitioner;
- (iii) the full name and address of every signatory to a petition shall be set out therein and shall be authenticated by his signature; and if illiterate, by his thumb impression and where there is more than one signatory, at least one person shall sign, or if illiterate, affix thumb impression, on the sheet on which the petition is inscribed. If signatures or thumb impressions are affixed to more than one sheet the prayer of the petition shall be repeated at the head of each sheet;

- (iv) letters, affidavits or other documents shall not be attached to any petition and every petition, if presented by a member, shall be countersigned by the member presenting it;
- (v) if a petition is made in any language other than Bengali or English its translation in Bengali or English shall also be countersigned by the member presenting it;
- (vi) a member shall not present a petition from himself; and
- (vii) every petition shall be addressed to the House and shall conclude with a prayer reciting the definite object of the petitioner in regard to the matter to which it relates.

A member who intends to present a petition to the House is required to give an advance intimation to the Principal Secretary in this behalf. He should, therefore, examine the petition with reference to the above requirements of the rules.

Instead of presenting a petition to the House a member may forward it to the Principal Secretary. In that case the Principal Secretary reports it to the House. No debate is permitted either on the presentation of a petition by a member or on the report of the Principal Secretary. Every petition, after presentation by a member or the report by the Principal Secretary, stands referred to the Committee on Petitions (**Rules 156-165**).

35. Mention Cases: A member who wishes to bring to the notice of the House any matter which is not a point of order is required to give written notice to the Principal Secretary in the prescribed form stating briefly the point which he wishes to raise in the House together with the reasons therefor. He is permitted to raise it only after the Speaker has given his consent and at such time and date as the Speaker may fix (**Rule 351**). Thus the members get an opportunity of raising various matters concerning their constituencies at the earliest. While raising such a point in the House, it is not permissible for a member to deviate from or add to what he has stated in his written notice. Under the rules there is no obligation on the part of the Minister concerned to be present in the House at the time the point is raised or to answer to it. Generally, such matters are raised just before the Government business is entered upon and on the same day on which notices are given. Notices lapse if they are not selected for that day. Such items are known as "Mention Cases".

A matter which can be raised through questions, resolutions, motions or by way of personal statement or under any rules of the House cannot, however, be raised under this device (L. S. Debates, 4.8.72 cc 335-39).

36. Zero Hour Mention: The members may, with the permission of the Speaker, also get an opportunity to raise a matter through another parliamentary device called Zero Hour Mention which is not covered under any rule of the Rules of the House. As per prevailing practice Zero Hour Mention generally starts before taking up the Government business fixed for the day. A member is required to give notice to the Speaker before commencement of the day's sitting for raising the matter through this device. In some special cases the concerned Minister may give a reply or make a statement on the floor of the House in the matter.

37. Legislation: A Bill is a draft of a legislative proposal put in the proper form which when passed by the House and assented to by the Governor or the President becomes an Act. It consists of (1) the title, (2) the preamble, (3) the enacting formula and (4) the body of the Bill divided into clauses. After the clauses, schedules are sometimes inserted. After a Bill becomes an Act on receiving the assent of the Governor or the President, as the case may be, the clauses, sub-clauses and parts of the Bill are respectively called sections, sub-sections and clauses of the sections or sub-sections of the Act.

Bills are of two kinds, Government Bill and Private Member's Bill. Bills introduced by the Ministers on behalf of the Government are Government Bills. Bills introduced by any other member are Private Member's Bill.

A Minister or a member who introduces a Bill is called the Member-in-charge of the Bill which means in the case of a Government Bill any member acting on behalf of the Government and in any other case the member who has introduced the Bill.

Government Bills are previously published in the official Gazette. No leave of the House for the introduction of such Bills is necessary. But in the case of a Private Member's Bill leave of the House to introduce the Bill is essential. For this purpose the member concerned is required to give fourteen days' notice of his intention to move for leave to introduce the Bill together with a copy of the Bill and an explanatory statement of Objects and Reasons which shall not contain

arguments. If such Bill requires the previous sanction of the President or recommendation of the Governor for introduction and no such previous sanction or recommendation is intimated by the member, the Speaker, as soon as may be, after the receipt of the notice refers the Bill to the Governor for obtaining the sanction of the President or for his recommendation, as the case may be. The notice is not held to be valid unless the Governor has indicated that the previous sanction or recommendation required has been granted. A Private Member's Bill is taken up in the House on the day allotted for transaction of Private Member's Business. On the appointed day when the motion for leave to introduce the Bill is carried the Principal Secretary reads the title of the Bill and thereupon the Bill is deemed to be introduced. After introduction the Bill is published in the Gazette.

If any Bill involves expenditure, a financial memorandum drawing attention to the relevant clauses and containing an estimate of the recurring and non-recurring expenditure involved, proposals for delegation of legislative power, and a memorandum explaining such proposals, drawing attention to their scope and stating whether they are of normal or exceptional character, must also be submitted in addition to the Statement of Objects and Reasons. In the case of a Government Bill, however, as earlier mentioned, no leave of the House to introduce the Bill is required, as it is previously published in the Gazette. The Minister concerned merely says that he begs to introduce the Bill. Thereupon the Principal Secretary reads out the long title of the Bill and the Minister-in-Charge proceeds to move the next motion, i.e., the consideration motion of the Bill. The introduction of a Bill is generally known as the First Reading of the Bill.

After the First Reading is over, the Speaker may refer such Bills as may be considered necessary by him (generally new Bills), to the concerned Standing Committees for examination and report within a reasonable time specified by him. The Standing Committee examines the Bill in detail and makes suitable recommendations for consideration of the House. The recommendations of the Committee may be accepted by the House by moving amendments by members at the consideration stage of the Bill.

After the First Reading of the Bill the Second Reading which consists of consideration of the Bill, starts. Copies of the Bill are to be made available to members at least five days before the Second Reading commences. The Second Reading consists of two stages. The first stage consists of a general discussion of the Bill when the

principle underlying the Bill is discussed. At this stage it is open to the House to refer a Bill to a Select Committee of the House or to circulate it for the purpose of eliciting opinion or straightway take it into consideration. The second stage of the Second Reading comes when the motion that the Bill (or the Bill as reported by the Select Committee) be taken into consideration is adopted. This stage consists of consideration of the Bill clause by clause. Discussion takes place on each clause of the Bill and amendments to clauses are moved at this stage. The member moving an amendment may explain the amendment and other members may take part in the discussion of the amendment. After the Member-in-charge of the Bill has replied, the amendments are put to the vote of the House. The member moving any amendment may, however, with the leave of the House, withdraw it, but if the amendment has been proposed to an amendment, the original amendment cannot be withdrawn until the amendment proposed to it has been disposed of (**Rule 87**). After the amendments are put to the vote, the question then is put that the clause (or the clause as amended) do stand part of the Bill. If there is no amendment to any particular clause, and no member desires to speak on the clause, the question is put forthwith. Sometimes for convenience and in order to save time several clauses are put en bloc, unless any member desires to speak on any particular clause. The consideration of the schedule or schedules, if any, follows the consideration of clauses. Schedules are treated in the same manner as clauses. The consideration of the Preamble, the Enacting Formula and Clause one are postponed until the Clauses have been considered, because it may be necessary to amend the Preamble, the Enacting Formula and Clause one in consequence of amendments made in the clauses.

Amendment to Bills

Notice of an amendment to a clause or schedule to the Bill has to be given one day before the day on which the Bill is to be considered. The following are the conditions of admissibility of amendments to clauses or schedules of a Bill:

- (i) An amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates.
- (ii) An amendment shall not be inconsistent with any previous decision of the House on the same question.
- (iii) An amendment shall not be such as to make the clause which it proposes to amend unintelligible or ungrammatical.

- (iv) If an amendment refers to, or is not intelligible without, a subsequent amendment or schedule, notice of the subsequent amendment or schedule shall be given before the first amendment is moved, so as to make the series of amendments intelligible as a whole.
- (v) The Speaker shall determine the place at which an amendment shall be moved.
- (vi) The Speaker may refuse to propose an amendment which is, in his opinion, frivolous and meaningless.
- (vii) An amendment may be moved to an amendment which has already been proposed (**Rule 81**).
- (viii) An amendment may not be moved which has merely the effect of a negative vote [**Rule 321(2)**].

Passing of a Bill

When the clauses and the schedules, if any, Clause one, Enacting Formula, Preamble and Title of the Bill have been agreed to, a motion is made that the Bill as settled in the House be passed. The debate on such a motion is known as the Reading of the Bill. The debate at this stage is of a restricted limited to the matters contained in the Bill. The discussion is confined to agreements either in support of the Bill or its rejection, without referring to the details thereof, further than what is absolutely necessary. The only amendments that are permissible at this stage are those of a formal or verbal character or consequential upon any amendment having been made to the Bill during the consideration stage. The motion is then put and voted upon.

After the Bill is passed it is presented to the Governor.

38. Ordinance: Under **Article 213** of the Constitution of India the Governor, during intervening period of two sessions, may promulgate ordinances which have the same force and effect as an Act of the Legislature of the State. The Ordinances so promulgated, unless withdrawn by the Governor, shall be laid before the State Legislature. To keep in operation of the actions already taken by the Ordinance and the provisions of the Ordinance a Bill shall be passed and assented to by the Governor before expiration of six weeks from the reassembly of the Legislature. A statement explaining the necessity for immediate legislation by the Ordinance is required to

be placed before the House along with the Bill. Any member may give notice of a statutory resolution in its appropriate form, disapproving the Ordinance, which after admittance, are generally discussed with the consideration motion of the Bill. If the resolution is carried the Ordinance will lapse.

39. **Budget:** The Annual Financial Statement or the Statement of the estimated receipts and expenditure of the State Government in respect of each financial year popularly known as "**the Budget**", is presented usually in March each year. The statement is made by the Finance Minister or in his absence any Minister authorised by the Governor to perform such function. Budget papers are made available to members in the Lobby after the Budget is presented to the House. Members who do not take their Budget sets from the Lobby on the day of presentation of the Budget can obtain the same from the Publication Counter on the following day.

The Budget is considered in two stages-

- (a) general discussion; and
- (b) discussion on and voting of, demands for grants.

After the Finance Minister has the Budget with a speech a general discussion takes place; is no motion before the House at this stage but the Budget is discussed in a general way. Members are at liberty to discuss the Budget as a whole or any question of principle involved in it. The Finance Minister has a right of reply at the end of the discussion. Other Ministers also may take part in the discussion. The general discussion on the Budget continues for such time as the Speaker may allot for the purpose and no discussion takes place on the day of presentation of the Budget to the House.

After the general discussion is over, the demands for grants relating to each department are moved in the House on a day. The Minister-in-charge of a particular department moves a demand for the grant of money required by him for his department. Demands for grants of all the departments falling under the purview of the Standing Committees stand referred to the appropriate Standing Committees. Demands for grants are discussed and voted after presentation of the report of those Standing Committees. To the motion for a demand for grant an amendment may be moved for reduction of the grant. The notices of motions for reduction of grants given by members are known as notices of "**Cut Motions**".

These notices of cut motions can be given on such heads of expenditure as are voted in the House. Cut motions are divided into following three categories:

- (a) ***Disapproval of Policy*** Cut-namely, a motion "that the amount of the demand be reduced tot 1" representing disapproval of policy underlying the demand. A member giving notice of such motion should indicate in precise terms the particulars of the policy which he proposes to discuss. The discussion should be confined to the specific point or points mentioned in the notice and it shall be open to the member to advocate an alternative policy;
- (b) ***Economy*** Cut-namely, a motion "that the amount of the demand be reduced by a specific amount" representing the economy that can be effected. Such specified amount may be either a lump sum reduction in the demand or omission or reduction of an item in the demand. The member giving notice of such a motion should indicate briefly and precisely the particular matter on which discussion is sought to be raised and speeches should be confined to the discussion as to how economy can be effected; and
- (c) ***Token*** Cut-namely, a motion "that the amount of the demand be reduced by t 100" in order to ventilate a specific grievance, which is within the sphere of the responsibility of the State Government. The discussion on such a motion shall be confined to the particular grievance specified in the motion (**Rule 210**).

For the convenience of members printed forms of each of the above categories of cut motions are kept in the Notice Office for their use. Notice of a "cut motion" may be given within such time as the Speaker may appoint. No amendments to motions to reduce any demand for grant shall be permissible [**Rule 209(6)**].

In order that notice of motion for reduction of the amount of demand may be admissible; it shall satisfy the following conditions, namely:-

- (i) It shall relate to one demand only;
- (ii) it shall be clearly expressd and shall not contain arguments, inferences, ironical expressions, imputations, epithets or defamatory statements;

- (iii) it shall be confined to one specific matter which shall be stated in precise terms;
- (iv) it shall not reflect on the character or conduct of any person whose conduct can only be challenged on a substantive motion;
- (v) it shall not make suggestions for the amendment or repeal of existing laws;
- (vi) it shall not refer to a matter which is not primarily the concern of the State Government;
- (vii) it shall not relate to expenditure charged on the Consolidated Fund of the State;
- (viii) it shall not relate to a matter which is under adjudication by a court of law;
- (ix) it shall not raise to a question of privilege;
- (x) it shall not revive discussion on a matter which has been discussed in the same session and on which a decision has been taken;
- (xi) it shall not anticipate a matter which has been previously appointed for consideration in the same session;
- (xii) it shall not ordinarily seek to raise a discussion on a matter pending before any Statutory Tribunal or Statutory Authority performing any judicial or quasi-judicial functions or any commission or court of enquiry appointed to enquire into, or investigate any matter:

Provided that the Speaker may in his discretion allow such matter being raised in the House as is concerned with the procedure or stage or enquiry, if the Speaker is satisfied that it is not likely to prejudice the consideration of such matter by the Statutory Tribunal, Statutory Authority, Commission or Court of enquiry; and

- (xiii) it shall not relate to a trivial matter (**Rule 210A**).

The Speaker shall, in consultation with the Leader of the House, allot so many days as may be compatible with the public interest for the discussion and voting of Demands for Grants. Not more than two days allotted for the debate on any particular Demand. On the last of the allotted days, one hour before the time fixed for adjournment for the day, all Demands which have not been passed by the House are guillotined, that is, put to the vote without any debate.

After the Demands are voted, an Appropriation Bill is brought in. The Bill authorizes the withdrawal of the total amount of the Budget Grant from out of the Consolidated Fund, and in a schedule, specifies the amount which has been granted under each grant. No amendment is allowed to any such Bill which will have the effect of varying the amount or altering the destination of any grant [**Article 204(2)**]. The Appropriation Bill supplies another occasion for the criticism of Government policy. Subjects which could not be touched upon during the debate on Demands are usually discussed during the debate on this Bill.

Vote on Account: When for any reason it is not possible to have the Budget passed before the 31st March any year, a Vote on Account is taken for a portion of the estimated expenditure for a part of the financial year in order to enable the Government to carry on till the Budget is finally passed by the House. In a Vote on Account a motion is moved for the grant of a consolidated amount, and the amount of each grant is shown in a schedule. As the Budget can be criticized when the time for finally passing it comes, a Vote on Account is taken as more or less a formal affair. An Appropriation Bill is also passed on a Vote on Account (**Article 206**).

Since 1983 a procedure has developed whereunder the motion for Vote on Account and Appropriation Bill are passed in the House without discussion by the 31st March. Thereafter demandwise discussion is taken up so that the members get sufficient time to study, scrutinize and discuss in details the annual financial proposals spread over a considerable length of time. This procedure has also been proved very helpful for the Standing Committees to scrutinize the Budget of respective departments.

Supplementary Budget: When it is estimated that the expenditure for any year will exceed the amount granted by the House, a Supplementary Budget is presented for additional money. Supplementary Budget is discussed and voted in the same manner as the main Budget.

40. Division: When a debate on a question is concluded, the Speaker puts the question to the House and asks the members to say "Aye" or "No" in accordance with their desire to vote for or against the question. From the volume of the exclamations he endeavours to form an opinion as to the sense of the House and declares his opinion as " 'Ayes' have it or 'Noes' have it", as the case may be. If his opinion is not challenged he declares his verdict. After the Speaker has

declared his opinion any member may by rising in his seat, demand a Division. When a Division is demanded the Division Bells are set ringing for three minutes continuously in order to warn the members desiring to vote to take their respective seats in the Chamber. As soon as the Division Bells cease ringing the doors leading into the Chamber are closed and no member is permitted thereafter to enter the Chamber or to take part in the voting.

After the doors are closed, the Speaker reads out the question on which the Division has been demanded; and directs that the votes be recorded either by operating the automatic vote recorder or by using 'Aye' and 'No' slips in the House or by the members going into the lobbies. Where the Speaker directs that the votes be recorded by operating the automatic vote recorder, it shall be put into operation and the members shall proceed to cast their votes by pressing the buttons provided for the purpose. When the result of the voting appears on the Indicator Board the Speaker announces the verdict in accordance with the result shown.

A member who is not able to cast his vote by pressing the button provided for the purpose due to any reason considered sufficient by the Speaker, may, with the permission of the Speaker, have his vote recorded verbally by stating whether he is in favour of or against the motion, before the result of the Division is announced. If a member finds that he has voted by mistake, by pressing the wrong button, he may be allowed to correct his mistake, provided he brings it to the notice of the Speaker before the result of the Division is announced. **(Rules 341 & 341A)**

Where the Speaker directs that the votes shall be recorded by members on 'Aye' and 'No' slips, the Division Clerks shall supply to each member at his seat, an 'Aye' or 'No' slip, according to the choice indicated by them. A member shall record his vote on the slip by signing and indicating his seat number thereon. After the members have recorded their votes, the Division Clerks shall collect the 'Aye' and 'No' slips, and bring them to the Table where the votes shall be counted by the Principal Secretary and the totals of 'Ayes' and 'Noes' shall be presented to the Speaker. The result of the Division shall be announced by the Speaker and it shall not be challenged. **(Rule 341B)**

Where the Speaker directs that the votes shall be recorded by the members going into the Lobbies, he will order the Lobbies to be cleared. The Speaker then puts the question a second time and

declares whether in his opinion the "Ayes" have it or the "Noes" have it. If immediately after the opinion so declared a Division is again claimed, the Speaker directs the "Ayes" to go to the Aye Lobby and the "Noes" to the No Lobby. Members desiring to vote shall thereupon proceed into their respective Lobbies and pass out in single file by the wickets at which the Division Clerks sit to record their votes and shall see that their votes are correctly recorded. When all members desiring to vote have entered the Division Lobbies, or when in the opinion of the Speaker a reasonable time has been given for members to enter the Division Lobbies, the Speaker orders the doors leading into the Division Lobbies to be closed and the Door giving access to the Chamber to be opened. A sick or infirm member who is unable to go to the Division Lobby may, with the permission of the Speaker, have his vote recorded before the result of the Division is announced. If a member finds that he has voted by mistake in the wrong lobby, he may be allowed to convert his mistake, provided he brings it to the notice of the Speaker before the result of the Division is announced. If any member having entered a Division Lobby to record his vote does not pass by the Division Clerk before the time when the Division is declared to be closed, his vote will be reckoned as given in that Lobby. The Principal Secretary will then have a count made of the "Ayes" and the "Noes" and will hand over the result of the Division to the Speaker who will declare the numbers and state the determination of the House on the question proposed. **(Rule 342)**

A "Division" is thus, a device of recording of votes by members in favour of or against a motion in the House.

41. Official Reports of Proceedings: The Chief Reporter assisted by Bengali, English, Hindi, Urdu, Nepali and Santhali Reporters prepares the verbatim transcript from the short-hand report of the proceedings. It is then edited by the Editor of Debates and published under **Rule 353**. The Official Report of the proceedings has to be a correct reproduction of the speeches delivered by the members in the House. As such, the typescript of every speech is sent to the member concerned for confirmation and for correcting inaccuracies which might have occurred in the process of reporting. Only minor corrections, viz., those in respect of grammatical errors, mis-reporting of quotations, figures, etc., are permissible. All corrections should be made legibly and in ink and after corrections, if any, the transcript is to be returned to the Secretariat within seven days. If, however, it is not returned within the stipulated time, the Reporters' copy is utilised for the printing of the debates and no corrections are accepted thereafter.

Printed copies of the Debates are, as and when ready, supplied to all members free of cost.

42. Resignation from Committee: A member may resign his seat from a Committee by writing under his hand, addressed to the Speaker, in the following form:-

"To
The Speaker,
West Bengal Legislative Assembly,
Kolkata.

Sir,

I hereby tender my resignation from the membership of the Committee on with effect from

Place

Yours faithfully,

Date

(Name of the Member)"

The resignation shall take effect from the date of resignation specified in the letter of resignation.

If the date from which the resignation should take effect is not specified in the letter, the resignation shall take effect from the date of the letter.

If the letter of resignation does not bear any date, the resignation shall take effect from the date of receipt of the letter in the Assembly Secretariat (**Rule 254**).

43. Resignation and Vacation of Seats in the House: A member who desires to resign his seat in the House shall intimate in writing under his hand addressed to the Speaker, his intention to resign his seat in the House in the following form and shall not give any reason for his resignation:

"To
The Speaker,
West Bengal Legislative Assembly,
Kolkata.

Sir,

I hereby tender my resignation of my seat in the House with effect from

Place

Yours faithfully,

Date

Member of the House"

If any member gives any reason or introduces any extraneous matter the Speaker may, in his discretion, omit such words, phrases or matter and the same shall not be read out in the House.

If a member hands over the letter of resignation to the Speaker personally and informs him that the resignation is voluntary and genuine and the Speaker has no information or knowledge to the contrary, the Speaker may accept the resignation immediately. If the Speaker receives the letter of resignation either by post or through someone else, the Speaker may make such enquiry as he thinks fit to satisfy himself that the resignation is voluntary and genuine. If the Speaker, after making a summary enquiry either himself or through the agency of Assembly Secretariat or through such other agency, as he may deem fit, is satisfied that the resignation is not voluntary or genuine, he shall not accept the resignation. A member may withdraw his letter of resignation at any time before it is accepted by the Speaker. **(Rule 241B)**

CHAPTER III

Committees of the House

The following is the list of the Committees of the Assembly:

Name of the Committees	Number of Members	Manner of Constitution	Term	Year of first constitution/ restructure
1	2	3	4	5
1. Committee on Public Accounts (Rule 302)	Twenty	Elected by the House from among its members according to the principle of proportional representation by means of single transferable vote.	Shall not exceed one year	1921
2. Committee on Estimates (Rule 303B)	Twenty	- Do -	- Do -	1963
3. Committee on Public Undertakings (Rule 303D)	Twenty	-Do -	- Do -	1974
4. Committee on Local Fund Accounts (Rule 3031)	Twenty	-Do-	One year	2018
5. Business Advisory Committee (Rule 284)	Not more than twenty	Nominated by the Speaker		
6. Committee on Papers Laid on the Table (Rule 298A)	Not more than twenty	- Do -	Shall not exceed one year	2003
7. Committee on Petitions (Rule 299)	Not more than twenty	-Do -	One year	
8. Committee of Privileges (Rule 304)	Not more than twenty	-Do-	One year	

1	2	3	4	5
9. Committee on Government Assurances (Rule 307B)	Not more than twenty	Nominated by the Speaker	Shall not exceed one year	1970
10. Committee on Subordinate Legislation (Rule 307C)	- Do -	- Do -	Shall not exceed one year	1974
11. Rules Committee (Rule 309)	-Do -	-Do-	One year	
12. Committee on the Entitlement of the Members (Rule 310ZF)	-Do-	-Do-	One year	1989
13. Departmentally Related Standing Committees (Rule 310ZG):				
(i) The Standing Committee on Home, Personnel & Administrative Reforms, Correctional Administration, Law and Judicial	Not more than fifteen subject to a minimum often	Nominated by the Speaker	One year	2003
(ii) The Standing Committee on Finance and Planning	- Do -	- Do -	- Do -	2003
(iii) The Standing Committee on Higher Education	- Do -	- Do -	- Do -	2009
(iv) The Standing Committee on School Education	- Do -	-Do -	-Do-	2009
(v) The Standing Committee on Health & Family Welfare	- Do -	- Do -	-Do -	1999

1	2	3	4	5
(vi) The Standing Committee on Panchayats and Rural Development and Sundarban Development	Not more than fifteen subject to a minimum of ten	Nominated by the Speaker	One year	1999
(vii) The Standing Committee on Irrigation & Waterways and Water Investigation & Development	- Do -	-Do -	-Do -	1999
(viii) The Standing Committee on Environment, Forests and Tourism	- Do -	- Do -	- Do -	1999
(ix) The Standing Committee on Power and Non-Conventional Energy Sources	-Do-	-Do-	-Do-	1999
(x) The Standing Committee on Women & Child Development and Social Welfare	-Do-	-Do-	-Do-	2017
(xi) The Standing Committee on Agriculture, Agriculture Marketing and Food Processing Industries and Horticulture	-Do-	-Do-	-Do-	1999
(xii) The Standing Committee on Urban Development and Municipal Affairs	-Do-	-Do-	-Do-	1999
(xiii) The Standing Committee on Industry, Commerce & Enterprises	-Do-	-Do-	-Do-	1999

1	2	3	4	5
(xiv) The Standing Committee on Labour	Not more than fifteen subject to minimum of ten	Nominated by the Speaker	One year	1999
(xv) The Standing Committee on Fisheries and Animal Resources Development	-Do-	-Do-	-Do-	1999
(xvi) The Standing Committee on Backward Classes Welfare	-Do-	-Do-	-Do-	2009
(xvii) The Standing Committee on Minority Affairs	-Do-	-Do-	-Do-	2009
(xviii) The Standing Committee on Transport	-Do-	-Do-	-Do-	1999
(xix) The Standing Committee on Public Works and Public Health Engineering	-Do-	-Do-	-Do-	1999
(xx) The Standing Committee on Food & Supplies	-Do-	-Do-	-Do-	1999
(xxi) The Standing Committee on Self Help Group & Self Employment	-Do-	-Do-	-Do-	2006
(xxii) The Standing Committee on Information Technology and Technical Education	-Do-	-Do-	-Do-	2006
(xxiii) The Standing Committee on Housing, Fire & Emergency Services and Disaster Management	-Do-	-Do-	-Do-	2006

1	2	3	4	5
(xxiv) The Standing Committee on Irrigation & Cultural Affairs and Youth Services and Sports	Not more than fifteen subject to a minimum of ten	Nominated by the Speaker	One year	2006
(xxv) The Standing Committee on Land and Land Reforms	-Do-	-Do-	-Do-	2016
(xxvi) The Standing Committee on Co-operation and Consumer Affairs	-Do-	-Do-	-Do-	2016
14. Committees not mentioned in the Rules of Procedure:				
(i) House Committee	Not more than twenty	Nominated by the Speaker	Not exceeding one year	1976
(ii) Library Committee	Not more than twenty	-Do-	One year	1975
(iii) Committee on Reforms and functioning of the Committee system	Not more than fifteen	-Do-	Not exceeding one year	1998
(iv) Committee on Bidhayak Elaka Unnayan Prakalpa	Not more than twenty	-Do-	-Do-	2006

N.B. : (1) The Rules Committee, Committee of Privileges, Business Advisory Committee and the Committee on Petitions have been in existence before independence.

(2) The Speaker may alter the number of the Standing Committees as also modify or vary the allocation of the Departments to the Standing Committees from time to time if it is felt so necessary.

(3) A Minister shall not be a nominated member of the Standing Committee, and that if a member, after his nomination to the Standing Committee is appointed a Minister, he shall cease to be a member of the Standing Committee from the date of such appointment.

(4) Departmentally related Subject Committees constituted during 1989-1998 had been re-christened as "Standing Committees".

Functions of the Committees

A. The functions of the Committee on Public Accounts are to examine the accounts showing the appropriation of sums granted by the House for the expenditure of the State Government, the Annual Finance Accounts of the State Government and such other Accounts laid before the House as also to scrutinize the Appropriation Accounts of the State Government and the Report of the Comptroller and Auditor-General thereon and to satisfy itself that the money shown in the accounts as having been disbursed were legally available for, and applicable to, the services or purposes to which they have been applied or charged; that the expenditure conforms to the authority which governs it and that every re-appropriation has been made in accordance with the existing rules.

B. The functions of the Committee on Estimates are to examine such of the estimates of the Government as the Committee may think fit or are specifically referred to it by the House or the Speaker and to suggest economies, improvement in organisation, efficiency or administrative reform consistent with the policy underlying the estimates. The Committee also suggests alternative policies in order to bring about efficiency and economy in administration and the form in which the estimates shall be presented to the legislature. It also examines whether the money is well laid out within the limits of the policy implied in the estimates. Provided that the Committee shall not exercise its functions in relation to such matters as are allotted to any other Committee by the rules or by the Speaker.

C. The Committee on Public Undertakings examines the working of Public Undertakings in the State, their reports and accounts. It examines whether the affairs of the Public Undertakings are being managed in accordance with sound business principles and prudent commercial practices. The Committee is not, however, concerned with matters of major Government policy, day-to-day administration and matters for the consideration of which a machinery established by the statute under which the Public Undertakings are established.

D. The functions of the Committee on Local Fund Accounts are to scrutinize the Audit Reports of the Examiner of Local Accounts, West Bengal on Panchayati Raj Institutions and the Urban Local Bodies alongwith the Action Taken Reports as also the Report of the Comptroller and Auditor General in respect of the Urban Local Bodies and report thereon and to satisfy itself that the money shown in the accounts as having been disbursed were legally available for, and

applicable, to the service or purpose to which they have been applied or charged; and that the expenditure conforms to the authority which governs it.

E. The function of the Business Advisory Committee is to recommend the time that should be allocated for the discussion of such Government Bills and other business as the Speaker may, in consultation with the Leader of the House, direct for being referred to the Committee.

F. The functions of the Committee on Papers Laid on the Table are to examine the compliance of the provisions of the Constitution, Act, Rule or Regulation under which the papers have been laid and to verify any unreasonable delay in laying the paper.

G. The Committee on Petitions examines every petition referred to it, and if the petition complies with the provisions of the rules, the Committee may direct its circulation.

H. The Committee of Privileges examines every question involving breach of privilege of the Assembly or of the members or of any Committee thereof referred to it by the Assembly or by the Speaker. It determines with reference to the facts of each case whether a breach of privilege is involved and makes suitable recommendation in its report. The Committee may also make a preliminary enquiry on Petition referred to it under the Anti-Defection Rules and submit Report thereon.

I. The functions of the Committee on Government Assurances are to scrutinize the assurances, promises, undertakings etc., given by Ministers from time to time on the floor of the House and to report on the extent to which such assurances, etc., have been implemented and where implemented, whether such implementation has taken place within the minimum time necessary for the purpose.

J. The Committee on Subordinate Legislation scrutinizes and reports to the Assembly whether the powers to make rules, regulations, sub-rules, by-laws, etc., conferred by the Constitution or delegated by the Legislature are being properly exercised by the State Government within the scope of such delegation.

K. It is the function of the Rules Committee to consider matter of Procedure and Conduct of Business in the Assembly and to recommend any amendments or additions to the Rules of Procedure and Conduct of Business in the Assembly that maybe deemed necessary.

L. The functions of the Committee on the Entitlements of the Members are to examine the proper implementation of the Acts, Rules and Orders relating to facilities and amenities available to the Legislators and to recommend modifications thereof in a way as the Committee thinks fit and proper.

M. The functions of each of the Departmentally Related Standing Committee are:

- (i) to scrutinize the demands for grants relating to the concerned Department/Departments and to advice the Government in the matter of formulating policies underlying the Budget Estimates;
- (ii) to suggest any change in the allotments of the Sub-Heads/ Minor Heads keeping the total allotments under the Demands unchanged;
- (iii) to present a report to the House on the results of such scrutiny within a specified period from the date of conclusion of general discussion on the Budget in the House as may be directed by the Speaker;
- (iv) to examine such Bills pertaining to the concerned Departments as are referred to the Committee by the Speaker and make report thereon;
- (v) to consider annual reports of Departments and make report thereon;
- (vi) to examine the working of the Department in its entirety;
- (vii) to review the implementation of the plans and programmes (both Central and State) relating to the concerned Department/Departments;
- (viii) to examine the progress of work of the concerned Department/Departments and to suggest measures for improvement in administration and different programmes for maintenance and extension of facilities in the State;
- (ix) to study and report on a specified area of Governmental activities in the wider public interest or on a project/ scheme/undertaking intended for general welfare;
- (x) to consider the Action Taken Notes/Replies of the Departments and make report thereon; and
- (xi) to examine such matter or matters as may be referred to it by the House or by the Speaker.

N. The House Committee deals with all questions relating to residential accommodation for members of the House, and exercises general supervision over the State Legislators' Hostel, Kolkata, including facilities for accommodation, food, medical and other amenities. It has the power to make rules and to implement such rules for such supervision.

O. It is the function of the Library Committee to consider and advise on such matters concerning the Library as may be referred to it by the Speaker and to consider suggestions for improvement of the Library.

P. The functions of the Committee on Reforms and Functioning of the Committee System are to monitor, co-ordinate, advise and guide all the Committees/Standing Committees in their smooth-functioning and to recommend modifications, etc., from time to time as and when required in a way as the Committee thinks fit and proper.

Q. The functions of the Committee on Bidhayak Elaka Unnayan Prkalpa are to monitor and review implementation of the Bidhayak Elaka Unnayan Prkalpa. The Committee shall perform such other functions in respect of the Bidhayak Elaka Unnayan Prkalpa as may assigned to it by the Speaker from time to time.

The Report of the Standing Committee on a Bill together with the minute/note of dissent, if any, by a member of the Committee on any matter or matters connected with the Bill or dealt with in the Report on the Bill shall be presented to the House.

A minute/note of dissent shall be couched in temperate and decorous language and shall not refer to any discussion in the Standing Committee nor cast aspersion on the Committee.

The Report(s) of the Standing Committee shall be treated as considered advice given by the Committee.

If in the opinion of the Speaker a minute/note of dissent contains words, phrases or expressions which are unparliamentary or otherwise inappropriate, he may order such words, phrases or expressions to be expunged from the minute/note of dissent.

In other respects, the general rules applicable to the Assembly Committee contained in Chapter XXV of the Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly shall apply with such adaptations whether by way of modifications, additions or omissions as the Speaker may consider necessary from time to time.

The Speaker is the Chairman of the Business Advisory Committee, the Rules Committee, and the Committee on the Entitlements of the Members.

The Deputy Speaker is the Chairman of the Committee of Privileges and the Library Committee.

The Principal Secretary to the Assembly functions as the Secretary to all the Committees of the Legislature.

CHAPTER IV

Library and Reference Service

The West Bengal Legislative Assembly Secretariat has a well-equipped Library for use of Members of the West Bengal Legislative Assembly. It is situated at the Golden Jubilee Building and it has a well-furnished airconditioned reading corner for the Members at the 2nd floor of the building.

At present the Legislature Library has nearly two lakh books covering a wide range of subjects including Law and Parliamentary Affairs, History, Economics, Political Science, Education, Sociology, Philosophy and Literature. Besides, the holding of Library includes Reports of different Committees and Commissions, Central and State Acts, Rules and Regulations, Gazettes of different State Governments, Debates of Foreign Parliament (United Kingdom), Indian Parliament and State Legislatures etc. The selection of books is made by the Principal Secretary on approval of the Library Committee. In the matter of selection, books of Parliamentary and Constitutional interest are given preference.

The Library maintains an up-to-date card catalogue with bibliographical description of the library resources according to Anglo-American Cataloguing Rules, 2nd Edition (AACR-II). Apart from that, creation of a database of Library resources has been undertaken with softwares WINISIS and ISIS MARC DBMS as a part of automation of Library activities.

Regarding classification of books the Library has adopted the decimal classification system of Dewey.

The Library remains open during office hours on all working days. During Sessions of the Assembly its working hours are changed according to the exigencies of the requirements.

Only the *Members* of the West Bengal Legislative Assembly and the *Gazetted Officers* of Government Departments are provided with the facility of borrowing books from the Library. No subscription is charged in this regard.

Bona fide Research Scholars are, with the special permission in writing from the Principal Secretary, allowed to use the Library for the purpose of study only during the period when the Assembly is not in Session. In exceptional circumstances the Speaker may permit a Research Scholar to use the Library during the period of Session.

Following Services are made available to the Members in the Library:

(i) **Lending Service**

A Member may borrow from the Library during inter-session period any book (other than a book of reference) for any period not exceeding 30 days from the date of issue but during session the book taken on loan cannot be retained for more than 7 days, provided that no Member shall at any time have more than 3 books in his possession.

(ii) **Documentation Service**

This service is carried out by locating, collecting, classifying, indexing and scanning of relevant latest news-items, editorial comments and useful articles on legislative, constitutional, political, economic, education, health, socio-cultural and other matters published in newspapers, periodicals, reports, etc. which are subscribed and preserved in the Library. The concerned news item are made available to the members from the data saved in computer according to their requisitions.

(iii) **Reference Service**

Required information connected to the business of the House or on any topical subject which the Members desire to have are made available to them from the ready reference books such as encyclopaedias, dictionaries, yearbooks, who's who, handbooks, directories etc. or other books, reports, newspapers, debates, gazettes etc. available in the Library as also from Internet. Telephonic enquiries or Members coming in person in the reading corner at the 2nd floor of the Library for obtaining requisite information are attended by the Library staff.

Various documents have been properly preserved in digital format for providing quick reference service to the Members.

(iv) Reprographic Service (Photocopy facility)

One Photocopy machine has been provided at the 2nd floor of the Library adjacent to the Members' reading corner for giving reprographic facility to the Members free of cost.

(v) Internet Surfing Facility

Two Computer systems with Internet connection have been provided in the Members' Reading Corner for use of Members.

(vi) Periodicals and Newspapers subscribed and preserved in the Library

Following periodicals and newspapers are subscribed in the Library and made available to the Members for reading only in the reading corner meant for Members.

Indian Periodicals

1. Agricultural Situation in India	<i>Monthly</i>
2. <i>Baier Desh</i>	<i>Quarterly</i>
3. <i>Desh</i>	<i>Fortnightly</i>
4. Economic and Political Weekly	<i>Weekly</i>
5. Frontline	<i>Fortnightly</i>
6. India Today	<i>Weekly</i>
7. Indian Journal of Public Administration	<i>Quarterly</i>
8. Indian Labour Journal	<i>Monthly</i>
9. Jnan-O-Bijnan	<i>Monthly</i>
10. Journal of Parliamentary Information	<i>Quarterly</i>
11. Journal of Parliamentary Studies	<i>Bi-Annual</i>
12. Kurukshetra	<i>Monthly</i>
13. Mainstream	<i>Weekly</i>
14. Monthly Abstract of Statistics	<i>Monthly</i>
15. Outlook	<i>Weekly</i>
16. People's Democracy	<i>Weekly</i>
17. Purashree	<i>Monthly</i>
18. Reserve Bank of India Bulletin	<i>Monthly</i>
19. Saptaha	<i>Weekly</i>
20. Science and Culture	<i>Monthly</i>
21. Social Scientist	<i>Bi-Monthly</i>
22. Socialist Perspective	<i>Monthly</i>
23. The Dawn	<i>Monthly</i>
24. Yojana	<i>Monthly</i>

Indian Law Journals

- | | |
|---|------------------|
| 1. All India Reporter | <i>Monthly</i> |
| 2. Digest of Central Acts | <i>Quarterly</i> |
| 3. Digest of Legislative and Constitutional Cases | <i>Quarterly</i> |
| 4. Indian Human Rights Law Review | <i>Bi-Annual</i> |
| 5. Privileges Digest | <i>Irregular</i> |
| 6. Supreme Court Journal | <i>Weekly</i> |

Foreign Journals

- | | |
|------------------------|----------------------------------|
| 1. National Geographic | <i>Monthly (Washington D.C.)</i> |
| 2. The Economist | <i>Weekly (London)</i> |

Newspapers (daily)

1. Aajkaal (Bengali)
2. Anandabazar Patrika (Bengali)
3. Bartaman (Bengali)
4. Dainik Statesman (Bengali)
5. Ei Samay (Bengali)
6. Khabar 365 Din (Bengali)
7. Sambad Pratidin (Bengali)
8. The Asian Age (English)
9. The Economic Times (English)
10. The Financial Express (English)
11. The Hindu (English)
12. The Statesman (English)
13. The Telegraph (English)
14. The Times of India (English)
15. Sanmarg (Hindi)

CHAPTER V**Facilities to Members****1. Salary and Allowances**

- | | |
|--|---------------------|
| (i) Pay | 10,000.00 per month |
| (ii) Compensatory Allowance | 3,000.00 per month |
| (iii) Constituency Allowance | 4,000.00 per month |
| (iv) Computer & Internet Charges Allowance | 5,000.00 per month |

2. **Daily Allowance** : t 2000.00

Admissibility:

- (i) During Session of the Assembly : On every day of attendance in the sitting along with 2 subsequent days and 3 days preceding for attendance on the opening day and 3 days succeeding for attendance on the closing day.
- (ii) For attending Committee meetings/participating in Committee tours or for other business of Assembly : Every day of attendance along with 2 days preceding and 2 days succeeding the day of such attendance; provided two days of attendance in any half of a calendar month entitles to get full benefit of daily allowance of that respective half.

3. **Postal Allowance**

In a lump at the rate of t 3,000.00 per year.

4. **Books and Periodicals Allowances**

In a lump at the rate of t 3,000.00 per year.

5. **Travelling Allowance**

By Road : @ t 5.00 per km. for the first 100 km journey in a day and @t 3.00 per km thereafter.

By Rail : One half of the AC-II Class fare.

By Steamer : One and half of First Class fare for the Member and actual First Class fare for one Companion.

By Air : One and one-fourth of actual fare.

6. **Travel Facilities**

- (i) Railway Travel Coupons are issued to each Member for undertaking journey in AC First Class with one Companion in connection with his duties as a Member in respect of all journeys to any place or places within the State of West Bengal. The said Railway Travel coupons may also be used to purchase Metro Rail CST (Contactless Smart Token) and CSC (Contactless Smart Card).
- (ii) Members are entitled to have Railway Travel Coupons subject to a maximum amount of fifty thousand rupees a year for each of them in respect of journeys performed by the Member either himself or with not more than two persons accompanying him to any place or places in India outside the state of West Bengal, excluding journeys in connection with the business of any Assembly Committee or any delegation of the Assembly.

The Railway Travel Coupons for outside the State journey, which the Members are presently enjoying (t 50,000/- per annum) may be carried forward to the next financial year in case of non-exhaustion of the said amount or a part thereof in a financial year by the Member.

- (iii) Members may travel in AC First Class within money value of allotted amount of Coupon for journey outside West Bengal.
- (iv) A Member may either himself or with not more than two persons accompanying him, avail of journeys by Air to any place or places within India outside the state of West Bengal subject to the condition that total amount of Railway Travel Coupons and Air fare taken together for such journeys shall not exceed the maximum amount of fifty thousand rupees a year.
- (v) The Free Transport Pass is issued to each Member for journey with one companion to any place within the State of West Bengal by any Road Transport or Tram Service provided by the State Transport Undertakings.

7. Computer Facility

Members are provided with computer with devices and Internet facility for their use. Members are entitled to one time reimbursemant of purchase of Computer with devices subject to a maximum limit oft 50,000.00 (Rupees fifty thousand only) per tenure and also entitled to reimbursement of Annual Maintenance Contract subject to a ceiling oft 10,000.00 (Rupees ten thousand only) per tenure.

8. Telephone and Internet Facility

- (i) Reimbursement of security deposit and installation charges of two Land-line Telephones during tenure of an Assembly.
- (ii) Telephone and Internet charges Allowances @t 5000.00 per month (paid along with 'salary').
- (iii) There are some direct lines and Assembly PBX Extension telephones placed at different places in the Lobby and Party Rooms for use of Members.
- (iv) PBX Extension telephones have been provided in all rooms of the State Legislators' Hostel wherefrom the Members may make local telephone calls free of charges.

9. Stationery

- (i) 2000 Letter heads and 1000 Envelopes are supplied free of cost to each Member every year from the Assembly Secretariat.
- (ii) Members may purchase Letter Pads and Envelopes of 3 different sizes on payment of the respective prices from the Treasurer, West Bengal Legislative Assembly Secretariat.

10. Housing Facilities

Members are provided with accommodation in the State Legislators' Hostel, Kolkata on a rent of 1.00 per day per room.

11. Medical Facilities

1. Members are entitled to Medical Attendance and Treatment for themselves and their families as follows:
 - (a) Free medical attendance and treatment in State-aided Hospitals;
 - (b) Reimbursement of the cost of-
 - (i) Medical attendance and treatment in State-aided Hospital and Private Hospital or Nursing Home, if any;
 - (ii) Medical and treatment by any medical practitioner either at his/her consulting rooms or at his/her residence;
 - (iii) Pathological, bacteriological, radiological, biochemical or other methods of examination for the purpose of diagnosis carried out in a private laboratory or clinic;
 - (iv) Dentures, if any;
 - (v) Spectacles, if any reimbursement claim in respect of purchase of spectacles would be subject to a maximum of 5,000.00 (Rupees five thousand only);
 - (vi) Medical reimbursement claim in respect of purchase of single hearing-aid-machine except in exceptional circumstances would be subject to a maximum of fifty thousand rupees;
 - (vii) Special nurse, if any, as the attending medical practitioner may certify to be essential; and
 - (viii) Medicines, vaccines sera or other therapeutic substances excluding those supplied free of cost for treatment in State or State-aided Hospital.

2. A member or his family is entitled to benefits of medical attendance and treatment for himself and members of his family in a private hospital or nursing home or clinic outside the State of West Bengal but located within India subject to prior approval of the Speaker, West Bengal Legislative Assembly.

"Family" in relation to a Member means and includes-

- (i) 'Spouse' dependent on the Member;
- (ii) Dependent son;

Note.-'Son' is considered to be dependent till he starts earning or attains the age of 25 years, whichever is earlier. Son suffering from permanent disabilities either physically or mentally will be considered dependent without any age limit.

- (iii) Unmarried daughters;
- (iv) Father and mother dependent on the Member;
- (v) 'Minor' brothers or sisters wholly dependent on the Members till they attain the age of 18 years.

3. A team of Medical Officers attend the Members at the Assembly House and State Legislators' Hostel throughout the year.

12. Other Facilities

- (i) There is a Library at the disposal of Members at the Assembly House;
- (ii) A few State Transport Buses are provided for journeys to and from Assembly House for passage of the Members during Sessions of the Assembly;
- (iii) One Assembly bus ply between Assembly House and State Legislators' Hostel for journey of the Members throughout the year;
- (iv) A Post Office functions in the Assembly House for the use of Members throughout the year;
- (v) Computerised Railway Booking Counters are in operations both at Assembly House and State Legislators' Hostel throughout the year for attending the Members;
- (vi) An Extension Counter of State Bank of India, Kolkata High Court SPB Branch functions within the precincts of the Assembly House, Kolkata and one ATM Counter of the State Bank of India functions within the precincts of the State Legislators' Hostel throughout the year for use of the Members;

- (vii) 'Mother Dairy' counters are in operation both at the Assembly House and the State Legislators' Hostel throughout the year for convenience of the Members;
- (viii) A Rationing Officer is deputed to the Assembly by the Food Department during Session time to the Assembly House for issue of temporary Food Ration Cards to the Mofussil Members of the House;
- (ix) Television Sets have been placed at the Assembly House as well as the State Legislators' Hostel for use of Members. A Teleprinter Machine is also installed at the Assembly House during Session period for their use;
- (x) During the days of sittings of the House, Members are supplied with Slip-pads for their use in the Assembly Chamber;
- (xi) There are pigeonholes in individual names of the Members near the Vestibule on the Ground Floor of the Assembly House, where Members' incoming mails are kept during Sessions;
- (xii) There is a 'Press Room' beside the Statue of Dr. B. R. Ambedkar at the Southern Lawn inside the Assembly House Premises;
- (xiii) There is a Gymnasium having two separate units for Male and Female at State Legislators' Hostel, which was inaugurated on the 6th November, 2015;
- (xiv) Members are exempted from paying Car Parking Fees anywhere in fee-parking stretches of Kolkata Municipal Corporation area; and
- (xv) Each Member is provided with a locker at the Assembly House for his/her personal use.

13. Secretarial Assistance

Assistance is rendered by Officers and Staff of the Secretariat to the Members on request, in framing Questions, drafting Bills, Resolutions, etc. and also in preparing claim bills etc.

14. Identity Cards

Identity Cards (with photographs) are issued by the Legislature Secretariat to all members for the purpose of identification. Members are requested to keep these Cards carefully in their personal custody and in case of loss, to report immediately to the Legislature Secretariat. If a member resigns his seat or ceases to be a member of the Legislative Assembly, the Card should be returned to the Legislature Secretariat.

15. Computer and Internet Facility at Assembly House

A Computer Centre has been set up at the first floor of the Main Building of the Assembly House having the LAN and WAN established. This Centre is being used as common computer service centre. Members may use computers and have the facility of Internet surfing in the centre. They are provided all sorts of assistance in getting database information available in Internet.

16. Drawal of Salary by and sanction of leave to a teacher elected a Member of State Legislature

When a teacher becomes a member, he may accept salaries both as a teacher and as a member and may serve both the institutions on a mutually satisfactory arrangement with the authorities. In case when such arrangement cannot be made, he may be allowed leave for such periods as may be necessary and as permissible under the rules applicable to him to attend the Sessions of the House, the meetings of any Committee set up by the State Legislature and also to undertake study tours as a member of such Committee.

17. Drawal of Salary by an employee of a Co-operative Institution elected a Member of the State Legislature/Parliament

When an employee of a Co-operative Institution becomes a Member of the State Legislature/Parliament, there would be no bar to his holding both the positions and accepting two salaries. It should be possible for the authorities of the Institutions and the employees concerned to come to a mutually satisfactory arrangement in regard to the performances of duties. To the extent this is not possible, the leave as admissible under the rules applicable to him should be allowed to the employee when the Assembly Session is on and for attending Sub-Committee (now renamed as Standing Committee) meetings including Government meetings as a Member.

18. Daily allowance and conveyance allowance of a Member attending meeting of Committee/Commission set up by the State Government

A member attending any meeting of a Committee/Commission set up by the Government shall be entitled to draw daily allowance and conveyance allowance at the same rate as admissible to him under the Bengal Legislative Assembly (Members' Allowances) Rules, 1959.

CHAPTER VI

State Legislators' Hostel (Unit I, II and III)

With a view to meeting the pressing demand of the members, specially of the members from distant districts (Mofussil area) of West Bengal, having no accommodation in and around Kolkata, the Government of West Bengal felt the necessity of constructing a Hostel for the Legislators to provide them with temporary residential accommodation in Kolkata.

Accordingly a building was constructed at 2, Dr. Md. Ishaque Road (formerly known as 2, Kyd Street), Kolkata-700016-a very centrally located place at a distance of 2 kms. from the Assembly House. The area of the premises of the Legislators' Hostel is 80969 sq. metres. The foundation stone of the building of Unit I was laid by the then Chief Minister of West Bengal, Shri Prafulla Chandra Sen, on the 28th September, 1966.

During the first phase, the building was constructed up to the 2nd floor with 40 rooms each containing 2 beds and an attached toilet.

The construction of 3rd, 4th, 5th and 6th floor was undertaken during the second phase and was completed in 1975. Now, there are 120 double-bedded rooms (20 rooms in each of 1st to 6th floor) in the said building which is known as "*State Legislators' Hostel Unit-I*". The facility of AC was provided in all of the 20 rooms of the 6th floor only during the financial year 2015-2016 and subsequently the said facility has been extended to all the Rooms of this Unit-I. This building had a canteen on the ground floor with a spacious dining room and fully equipped kitchen and a Conference Hall. Subsequently, the Conference Hall was converted to the office room of the Assistant Engineer, PWD (Civil). The kitchen and the Dining Hall have also been converted in the meantime to a Lounge and a Gymnasium (having two separate units for male and female) for use of the Members. The said Lounge and the Gymnasium were inaugurated on the 6th November, 2015. A TV set has been installed in the said Lounge. News dailies and Periodicals are also kept here regularly. The Lounges on 2nd, 3rd and 4th floor of Unit-I have been converted to dormitories. The 2nd floor Lounge with 4 single beds has been earmarked for ladies only. The 3rd and 4th floor Lounges, each having 8 single beds, are meant for male occupants.

Since its construction, the said Hostel (Unit-I) was under control of the Public Works Department. On the 1st April, 1976, the administrative control of the Hostel was transferred to the Assembly Secretariat and upon such transfer of the administration of the Hostel to the Assembly Secretariat, a motion for the Constitution of a House Committee to look after, *inter alia*, the affairs of the Hostel was moved in the House on the 21st April, 1976 and was adopted. Accordingly the House Committee was constituted for the first time on the 23rd April, 1976. Thereafter, the House Committee (1980-1981) framed rules for running the Hostel, called as "*The West Bengal Legislative Assembly Members (Residential Accommodation) Rules, 1980*" which is included in Part II of this book.

The administrative control of the former State Guest House located in the south-eastern side of the aforesaid premises was transferred to the Assembly Secretariat on the 12th January, 2004. After taking over of the said building it has been marked as "*State Legislators' Hostel, Unit-II*". In the 1st floor of the said Unit-II, there are eleven (11) double-bedded rooms and a Medical Unit. From 2nd to 6th floor of the said building, there are seventy (70) double-bedded rooms (14 rooms in each floor). The facility of AC was provided in all of 14 rooms of the 6th floor of the Unit-II during the financial year 2015-16. Subsequently, the said facility has been extended to all the Rooms of the Unit-II. A Canteen with dining room and kitchen and a lounge with a TV set lie at the ground floor of Unit-II.

At the northern side adjacent to the Unit-II, a 6 (six) storied building with 4 (four) AC-suites in each of 1st and 2nd floor, 8 (eight) AC-double bedded rooms in each of 3rd and 4th floor and 8 (eight) non-AC double bedded rooms in each of 5th and 6th floor, has been constructed and marked as "*State-Legislators' Hostel, Unit-III*". One AC Conference Room, named as "*Prafulla Chandra Sen Kaksha*", one AC Lounge and 4 (four) double bedded non-AC Rooms are located at the ground floor of the said Unit-III.

The Units-I & II are used for accommodation of Legislators and the Unit-III is meant for accommodation of guests.

A gangway with overhead shed has been constructed in the year 2014 between Unit-I & II to facilitate smooth passage for the Members and guests.

The canteen, located at the ground floor of the Unit-II has been running by the Caterer being appointed from time to time on

contractual basis. The meals are served at moderate charges. In the mean time another Canteen having its entrance from the roadside (Dr. Md. Ishaque Road) has been opened at the ground floor of the three-storied building, located at the northern side of the area of the State Legislators' Hostel for visitors, guests and others. There is a Railway Reservation Counter which functions from 09:00 hrs. to 15:00 hrs. every day except Sunday. There is also a State Bank ATM Counter adjacent to Gate No. 2, which has been functioning since 2012. A Mother Dairy Stall has been opened at the North-East Corner, adjacent to Gate No. 3 of State Legislators' Hostel in 2015.

The Hostel has its own water supply arrangement from a deep-tubewell lifted by a motor pump. Additional arrangement for water supply from the Kolkata Municipal Corporation has also been made.

With a view to strengthening security inside the precincts of the State Legislators' Hostel (Unit I, Unit II and Unit III) the following arrangements have been made:

No unidentified person is allowed to enter into the precincts of the State Legislators' Hostel without permission. Guests and visitors of the Members are allowed to the premises only on being identified by the Members concerned through telephone and visitors slip after frisking and observing other formalities. Members may meet their guests and visitors in the Lobby of the State Legislators' Hostel or may take them to their rooms, if they so desire. There is a Security room at the entrance of the said premises for Security Checking. The entire State Legislators' Hostel campus including all the floors of its buildings has been brought under the coverage of CCTV Surveillance System.

CHAPTER VII

Method of Recording of Votes by Automatic Vote-recording Equipment

All questions (motions) requiring the decision of the House are determined by the votes of the majority of Members present and voting. The Speaker puts the question to the House and requests those in favour of the question to say "Aye" and next those who are opposed to it to say "No". By the volume of the exclamations the Speaker endeavours to form an opinion as to which side prevails and accordingly declares his opinion as, "I think the 'Ayes' have it or the

'Noes' have it", as the case may be. If his opinion is not challenged he will once again declare his verdict "Ayes have It" or "Noes have It" as the case may be. If any Member does not agree to the provisional opinion of the Speaker he may, before the Speaker pronounces his final verdict, call for "division".

In the case of recording the votes by operating the automatic vote recorder the division bell will be rung for three minutes for the Members to come in and occupy their respective seats in the Chamber. The doors leading to the Chamber will remain open during these three minutes. After the doors are closed, the Speaker will again put the question and if the claim for division is repeated voting will begin.

Each Member has on his desk a delegate unit containing four buttons. A red colour button is also provided for each delegate unit under the front desk. As soon as the Speaker asks the Members to cast their votes button No. 1 of the delegate unit starts blinking. It indicates that the set of the Member is ready for voting. Then each Member will have to press the red colour button placed under the front desk with the left thumb and button No. 1 of the delegate unit with a finger of the right hand simultaneously for registering his participation in the voting. Immediately thereafter buttons Nos. 2, 3 and 4 will start blinking. Then member will have to release button No. 1 and to push in one the three buttons of the delegate unit, button No. 2 for 'AYE', button No. 3 for 'NO' and button No. 4 for 'ABSTAIN'. It is necessary to keep the red colour button under the front desk pressed until the voting is completed, otherwise no voting will be recorded. If a Member through inadvertance pushes wrong button he can alter his vote during the voting period. For this purpose, button Nos. 2 or 3 or 4 on the delegate unit, as the case may be, is to be pressed to alter the vote. While pushing the alternate button the Member concerned should continue to push the red button simultaneously. The voting period is ten seconds during which light in at least one of the four buttons on the delegate unit will glow/blink. If light in all the buttons is off voting is completed and no further change of vote can be recorded. There are two Indicator Boards fixed in the western and the eastern wall of the Chamber. The result of voting will appear at the Boards.

(The old Automatic Vote Recording Equipment which came into operation since August-September Session, 1954 after a trial given at a sitting of the West Bengal Legislative Assembly on the 2nd April, 1954 has been replaced by a new Electronic Voting System. This new system came into operation since Budget Session, 2010 after a trial given on the 8th March, 2010).

CHAPTER VIII

Admission of Visitors

The admission of strangers during the sitting of the House to those portions of the Legislative Building which are not reserved for the exclusive use of members is regulated in accordance with the directions made by the Speaker (**Rule 360**). When the House is sitting, the Chamber is reserved for the exclusive use of members and no strangers are permitted therein. Outsiders are also not allowed to enter the Lobbies (including Vestibules) of the Assembly Building.

Visitors, who are desirous of witnessing the proceedings of the House, can do so from the Visitors' Galleries for the entrance to which they will have to procure necessary Passes from the Secretariat through a member. Any member may apply for a Visitor's Pass in the prescribed form available in the Notice Office. The person for whom the Pass is applied should be personally known to the member. The responsibility with respect to any visitor solely rests on the member introducing him. **Children below 8 years of age are not admitted into the Galleries.**

As the accommodation in the Galleries is very limited, only two Passes are issued to each member for each day's sitting of the House according to the priority of receipt of applications and the issue of passes is stopped as soon as the Galleries are full.

The application for Passes should reach the Principal Secretary at least one clear day before the date on which the admission is desired, i.e., if any Pass is wanted for Thursday's sitting, the application must reach the Principal Secretary by Tuesday at the latest. In the case of a lady visitor it should be mentioned whether accommodation is desired in the Gallery reserved for ladies. The Passes are delivered only to the member on whose application they are issued or to a person authorised by the member in writing.

The visitors holding Passes are required to abide by the following instructions:

- (i) The entrance to the Visitors' Galleries being on the West Varandah of the Legislative Building, visitors should enter the ground by the West Gate.
- (ii) The Pass is not transferable. It will be punched by the Watch and Ward Officer on duty at the door leading to the

Gallery and it is to be surrendered to that Officer when the holder leaves.

- (iii) A visitor on arrival will sign his name in a book kept for the purpose.
- (iv) A visitor before entering into the Assembly Premises must deposit his parcels, packets, stick, umbrella, electronic gadgets, etc., if any with him, in lieu whereof a token will be issued to him by the person on duty.
- (v) A visitor is not entitled to sit in any seat except the one allotted to him on the Pass.
- (vi) Visitors shall remain seated, maintain silence and abstain from demonstrations.
- (vii) Visitors will leave the Galleries by the door and staircase by which they enter.
- (viii) Passes must be shown by their holders on arrival to the Officer on duty at the entrance and must be produced at any time on the request of an Officer of the Assembly or a Police Officer on duty.

Excepting Governor's Box in the upstairs for which no admission cards are issued the _____ available for visitors and departmental officials on duty is _____ following:

- (a) Galleries (upstairs)-
 - (i) The General Gallery,
 - (ii) The Speaker's Gallery,
 - (iii) The Ladies' Gallery, and
- (b) Enclosures (downstairs)-
 - (i) The Administrative Secretaries' Enclosure,
 - (ii) The Other Officials' Enclosure,
 - (iii) The Speaker's Enclosure,
 - (iv) The Distinguished Visitors' Enclosure.

Total number of accommodation available in the Galleries is 165.

Besides above, one Gallery in the upstairs and three Enclosures in the downstairs are kept reserved for the Press Reporters who are admitted there on passes issued by the Principal Secretary, subject to the control of the Speaker. These Passes are not transferable and are current only for the year. Applications for Press Passes should be made by the newspaper or organisation along with their two copies of photographs to get Press Cards against the individual names of

their representatives. Representatives of the Press shall have access only to the Press Enclosure or Press Gallery.

Admission to the Speaker's Gallery and Speaker's Enclosure may be obtained on reference to the Speaker. These Passes are issued by the Secretary to the Speaker (not the Principal Secretary to Assembly) or by the personal staff of the Speaker. For all other Galleries and Enclosures, Passes are issued by the order of the Principal Secretary.

An admission card once issued may be withdrawn at any time by the order of the Speaker without assigning reasons therefor. The Speaker may whenever he thinks fit, order the withdrawal of strangers from any part of the House.

Arrangements have also been made for members to meet their guests. When a person comes to the West Gate and expresses a desire to meet a member, an interview slip is sent to the member concerned in the Chamber and he may meet the member at the Visitors' Waiting Room adjacent to West Gate subject to the approval of the member.

Any stranger who may be found in any portion of the House which is reserved for the exclusive use of the members, or any person who having been admitted in any portion of the precincts of the House misconducts himself or wilfully infringes the directions of the Speaker regulating the admission of the strangers or does not withdraw when directed to do so under direction of the Speaker, may be removed from the precincts of the House or may be taken into custody.

CHAPTER IX

Commonwealth Parliamentary Association

The Commonwealth Parliamentary Association is an organisation to serve the Parliamentarians of the Commonwealth by providing a machinery for regular consultation and exchange of ideas and information among members of Commonwealth Parliaments. It aims at promoting closer understanding and co-operation for common purposes between those engaged in the Parliamentary Government of the countries of the Commonwealth. Its headquarters is in London.

A Branch of the Association was formed for the West Bengal Legislature in pursuance of a resolution passed by the West Bengal Legislative Assembly on the 5th August 1952 and by the West Bengal Legislative Council on the 6th August, 1952, and it has been functioning since then. In fact, there was a Bengal Branch of the

Commonwealth Parliamentary Association since 1939 but after the partition of Bengal it did not function. All the members of the Legislature are qualified to become ordinary members of the Association by paying an annual subscription of t 5.00 only. Any member of the Legislature is also entitled to become, without election, a life-member of the Association on payment of the life-subscription which is t 100.00 only.

CHAPTER X

Facilities to Ex-Members

1. **Pension** Any person who has served as a Member of the Legislative Assembly or the Legislative Council is entitled to draw Pension @ t 8,000.00 of one term or part thereof. Additional t 500.00 per month for every additional one year of membership, subject to a maximum pension of t 12,000.00 per month with effect from 1st August, 2010.
2. **Medical Allowance** Any person who has served as a Member of the Legislative Assembly or the Legislative Council is entitled to draw medical allowance @ t 6,000.00 per month with effect from 1st August, 2010 and such medical allowance shall be paid to such Member at the time of drawing his/her pension.
3. **Travel Facility** Free travel facility by State run buses and trams with one companion. Railway Travel Coupon for journeys to and from any place throughout India in AC II Tier Class for 25,000 kms. with one companion per year. (i.e. t 30,000.00 in a financial year)
4. **Spouse Pension** Where any person entitled to or drawing pension dies, the spouse of such person is entitled to draw pension @ 50% of the pension admissible to such person on the date of his death or @ t 3,000.00 per month whichever is higher.
5. **Medical Allowance for Spouse** The Spouse of the deceased pensioner who was drawing medical allowance is entitled to draw medical allowance @ t 2,000.00 per month.

6. **Medical Treatment** Any person who has served as a Member of the Legislative Assembly or Legislative Council and also spouse of such person is entitled to get such medical facilities in a State Government Hospital as are admissible to the Group-A employee of the State Government.

CHAPTER XI

The West Bengal Forum for Parliamentary Studies

With a view to promoting and inspiring institutionalised studies on diverse aspects of Parliamentary processes a Forum for Parliamentary studies as an integral organ of the West Bengal Legislative Assembly under its administrative control has been constituted with this Secretariat Notification No. 823-L.A., dated the 14th June, 1994 published in the Calcutta Gazette, Extraordinary, dated the 14th June, 1994.

The Forum has an Executive Council to take decision on all matters concerning its functions and programmes. The Speaker is the ex-officio President of the Executive Council. Two Vice-Presidents and other Members of the Council are nominated by the Speaker. The honorary Chairman to be appointed by the Speaker, is the functional head of the Forum. The Principal Secretary, West Bengal Legislative Assembly is the ex-officio Secretary of the Forum.

PART II

Acts, Rules and Government Orders relating
to Amenities and Facilities to Members

RULES FOR WEST BENGAL LEGISLATURE LIBRARY

1. In these rules-

- (a) "Member" means a member (for the time being) of the West Bengal Legislative Assembly [*]¹;
- (b) "Secretary" means the Secretary to the West Bengal Legislative Assembly [*]² and includes any officer deputed for the time being by the Secretary to perform his duties;
- (c) "Book of reference" means any book or collection of books which by reason of the nature of its contents, ought not, in the opinion of the Secretary, to be removed from the Library.

2. The Library will be open for use of the members of the Legislature during the Inter-session period between 11 a.m. and 5 p.m. on all full working days [*]³ during the said period. During Sessions of the Legislature its working hours will change according to the exigencies of the requirements.

3. Books may be issued to the Gazetted Officers of Government Department only with the previous permission of the Secretary and the provisions of these rules shall apply in the same manner as they are applicable in cases of members of the Legislature.

4. (a) A member may borrow from the Library during Inter-session period any book (other than a book of reference) for any period not exceeding [30 days from]⁴ the date of issue but during Sessions the book taken on loan cannot be retained for more than 7 days:

Provided that no member shall at any time have more than 3 books in his possession.

(b) The Secretary may require that any book which is in demand shall be returned within 7 days of the date of issue.

5. ⁵[(a)] A "Loan Register" shall be kept by the Librarian and no member shall borrow any book from the Library under rule 4, without causing the name of such book to be entered therein for which a formal application is to be made in prescribed form.

¹The words "and the West Bengal Legislative Council" omitted as per decision of the Library Committee of the West Bengal Legislative Assembly arrived at its meeting held on the 13th December, 1977.

²The words "and Council" omitted, *ibid.*

³The words "and between 11 a.m. and 2 p.m. on Saturday" omitted as per decision of the Library Committee of the West Bengal Legislative Assembly arrived at its meeting held on the 29th July, 1981.

⁴Substituted for the figure and word "15 days", as per decision of the Library Committee of the West Bengal Legislative Assembly arrived at its meeting held on 29th July, 1981.

⁵Inserted as per decision of the Library Committee of the West Bengal Legislative Assembly arrived at its meeting held on the 13th December, 1977.

¹[(b)] For the purpose of issuing books to the members a Pass Book for each member shall be maintained wherein entries for the issue and receipt of books are to be made.

6. If a member requires books for a longer period, the requisition may be renewed at the expiry of the prescribed time-limit.

7. If a book is not returned after expiry of the time-limit, the Secretary shall issue one reminder after 7 days during a Session, and two reminders during an Inter-session period at an interval of 7 days on each occasion. If the book is not returned within 10 days from the date of issue of the final reminder, the Secretary shall issue a notice by registered post calling upon the member to return the book within 15 days. If a book is not returned within 15 days of the issue of this notice, it will be presumed that the book has been lost and ²[unless the member replaces the lost book by a new one within a period of three months] steps will be taken to recover its ³[replacement] cost from the member concerned ⁴[*] ⁵[as indicated below:

SI. No.	Publication	Cost to be recovered
(i)	Indian book/Publication printed during the last five years back	1½ times the original price
(ii)	Indian book/Publication printed more than five years back	Double the original price
(iii)	Indian book/Publication "out of print".	Five times the original price
(iv)	Foreign publication printed during the last five years	Double the original price
(v)	Foreign publication printed more than five years back	Three times the original price
(vi)	Foreign publication which is "out of print"	Five times the original price
(vii)	Indian or Foreign publication for which price is not available	Re. 0.20 per page

Provided that if the actual replacement cost of the book/publication exceeds the cost arrived at on the basis of the above formula, the actual replacement cost will be recovered from the member].

¹Added as per decision of the Library Committee of the West Bengal Legislative Assembly arrived at its meeting held on the 13th December, 1977.

²Inserted as per decision of the Library Committee of the West Bengal Legislative Assembly arrived at its meeting held on the 13th December, 1977.

Inserted, *ibid.*

⁴Full-stop omitted, *ibid.*

⁵Added, *ibid.*

¹[7A.] The Secretary shall have the power to recover the cost of books as determined under rule 7, by deducting the amount from travelling allowance or other allowances of the borrower as admissible to him.

8. In respect of books, etc, returned to the Library a receipt in lieu shall be issued by the Librarian to the person returning the books, etc. as counterfoil copy to be retained in the Library.

9. Encyclopaedias, dictionaries, directories, year books, atlases, periodicals, books on art, printing and other illustrated books, rare books, books out of print, books of reference, files of newspapers (current and back numbers) serials as well as books in bad condition shall not be issued and removed from the Library on any pretext whatsoever.

10. Marking of any kind, underlining and writing on books or other publications are strictly forbidden.

11. From the time books or other publications are issued to members until they are received back by the Librarian, members will be responsible for maintaining them in proper condition and in the event of any damage or loss they will be required either to replace them or to pay for their acquisition.

12. Books and reports pertinent to a Bill or Resolution or other matter which is either under discussion or is to come up before either of the Houses immediately may not be loaned from the Library so long as the matter is pending consideration before the Houses.

13. Members are requested to observe strict silence in the Library.

14. Smoking in any part of the Library is strictly prohibited.

15. No stranger will be admitted into the Library.

16. In case, a member is unable to come to Library himself, he may obtain books, reports, etc., on loan through his Private Secretary, Personal Assistant or Agent, subject to his furnishing a letter of authority addressed to the Secretary.

17. Suggestions for the purchase of new books, periodicals, newspapers, etc., may be made by members in writing ²[in a register maintained in the Library].

¹Added as per decisions of the Library Committee of the West Bengal Legislative Assembly arrived at its meeting held on the 29th July, 1981.

²Added, *ibid.*

18. The stock verification of books and reports shall be undertaken just after the Budget Session of the year is over, and during the period of verification which will not exceed one month, no books etc., will ordinarily be issued.

19. Books and other publications borrowed by a member should ordinarily be returned to the Library before he leaves the place of meeting.

¹[20.] Bona fide Research Scholars may, with the special permission in writing from the Secretary, use the Library for the purpose of study during the period when the Assembly is not in Session:

Provided that the Speaker in exceptional circumstances may permit a Research Scholar to use the Library during the period of Session.

²[21.] Notwithstanding anything contained in these rules, the Speaker may issue from time to time such directions as he considers necessary in the exigency of circumstances.

¹Inserted as per decisions of the Library Committee of the West Bengal Legislative Assembly arrived at its meeting held on the 13th December, 1977.

²Original Rule 20 renumbered, *ibid.* j

**The Bengal Legislative Assembly
(Members' Emoluments) Act, 1937¹**

BENGAL ACT II OF 1937

[As adapted by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948 and the Adaptation of Laws Order, 1950 and amended by Bengal Act I of 1945, West Bengal Act XXIV of 1957, West Bengal Act XVI of 1959, West Bengal Act VIII of 1965, West Bengal Act III of 1966, West Bengal Act VIII of 1969, West Bengal Act XVIII of 1974, West Bengal Act XLIX of 1978, West Bengal Act XXVII of 1979, West Bengal Act XVI of 1980, West Bengal Act XXX of 1983, West Bengal Act XVII of 1986, West Bengal Act XXV of 1989, West Bengal Act XXIII of 1994, West Bengal Act X of 1997, West Bengal Act XII of 1998, West Bengal Act XV of 2002, West Bengal Act V of 2004, West Bengal Act XIX of 2005, West Bengal Act XXV of 2006, West Bengal Act IX of 2007, West Bengal Act XIII of 2009, West Bengal Act XVIII of 2010, West Bengal Act XI of 2011 and West Bengal Act IX of 2017.

[The 5th October, 1937]

An act to fix the salaries and allowances of members of the Bengal Legislative ²[Assembly].

Short title
and
Commence-
ment.

Whereas it is expedient to fix the salaries and allowances of the members of the Bengal Legislative Assembly;

It is hereby enacted as follows:-

Definition.

1. (1) This Act may be called the Bengal Legislative ²[Assembly] (Members' Emoluments) Act, 1937.

For Statement of Objects and Reasons, see the *Calcutta Gazette Extraordinary*, dated the 29th July, 1937, Pt. IV, page 204; for Proceedings of the Bengal Legislative Assembly see the official Report of the Bengal Legislative Assembly Proceedings, Vol. LI, No. 2, pages 183-196 and 235-238, and for proceedings of the Bengal Legislative Council, Vol. III, pages 413-426 and 455-469.

²This word was substituted for the word "Chambers" by paragraph (1) of Article 3 of, and the schedule to, the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

(2) It shall be deemed to have come into force from the first day of April, 1937.

2. In this Act and for the purposes thereof "Member" means a member ¹[either of the West Bengal Legislative Council but not including the Chairman thereof] ^{2***} of the ³[West Bengal] Legislative Assembly other than the Governor's Council of Ministers, ^{4***} the Speaker of the said Assembly, Parliamentary Secretaries, Parliamentary Under Secretaries and Parliamentary Private Secretaries, if any.

⁵3. There shall be paid to each member a salary at the rate of⁶[ten thousand rupees] per mensem with effect from the date on which he takes his oath:

Provided that the salary of any member in respect of any period prior to ⁷[the first day of September, 1983], shall be paid at the rate of ⁸[two hundred and fifty] rupees per mensem:

⁹[Provided further that there shall be paid to the member, who is the Leader of the Opposition, such salaries and allowances as are admissible to a Minister under the West Bengal Salaries and Allowances Act, 1952].

West
Bengal Act
Vof 1952.

¹These words were inserted by section 2 of the Bengal Legislative Assembly (Members' Emoluments) (Amendment) Act, 1959 (West Bengal Act XVI of 1959).

²The words "either of the Bengal Legislative Council or" were omitted, *ibid*.

³These words were substituted for the word "Bengal" by paragraph (2) of Article 3 of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

⁴The words "the President of the said Council" were omitted by Paragraph (1) of Article 3 of, and the Schedule to, the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

⁵This section was substituted for the original section by section 2 of the Bengal Legislative Chambers (Members' Emoluments) Amendment Acts, 1945 (Ben. Act I of 1945). This substitution of section 3 was deemed to have been made on and to have effect from the first day of January, 1944, *see*, section 2(2) of Ben. Act I of 1945.

⁶Substituted for the words "five thousand rupees" by West Bengal Act IX of 2017.

⁷Substituted for the words "the First day of April, 1965" by West Bengal Act XXX of 1983.

⁸Substituted for the words "two hundred rupees" by *ibid*.

⁹Substituted by *ibid*.

¹Provided also that there shall be paid to the Chief Government Whip such salaries and allowances as are admissible to a Minister of State under the West Bengal Salaries and Allowances Act, 1952.

Explanation I.- "Leader of the Opposition" means that member of the West Bengal Legislative Assembly who is for the time being the Leader in the State Assembly of the party in opposition to the State Government having the greatest numerical strength in the said Assembly;

Explanation II.- If any doubt arises as to which is or was at the material time the party in opposition to the State Government having the greatest numerical strength in the West Bengal Legislative Assembly or as to who is or was at any material time the Leader in the said Assembly of such a party, the question shall be decided for the purposes of this Act, by the Speaker of the said Assembly, and his decision, certified in writing under his hand, shall be final and conclusive.

Allowances. 4. Subject to such conditions as may be determined by ²rules made under this Act-

(a) there shall be paid to members not ordinarily resident within such distances, as may be prescribed by rules made under this Act, of the place at which their attendance is required in connection with their duties as members-

³[(i) daily allowance at the rate of ⁴[Two thousand rupees] per diem.]

¹Inserted by West Bengal Act X of 1997.

²For rules made in exercise of the powers conferred under section 4 and 5, see Notification No. 2823-A.R. dated the 9th December 1959, published in the *Calcutta Gazette, Extraordinary*, of 1959, Part I, page 2415-2418, as subsequently amended.

³This sub-clause (i) was substituted by West Bengal Act XXIII of 1994.

⁴Substituted for the words "One thousand rupees" by West Bengal Act VIII of 2019.

Explanation.-Notwithstanding anything contained elsewhere in this Act or any other law for the time being in force, for the purposes of this clause, a member of the Governor's Council of Ministers, if elected to the West Bengal Legislative Assembly, the Speaker of the West Bengal Legislative Assembly, the Deputy Speaker of the said Assembly, the Leader of the Opposition, the Chief Government Whip, a Parliamentary Secretary, a Parliamentary Under-Secretary, or a Parliamentary Private Secretary, if any, shall be deemed to be a 'Member',

- (ii) travelling allowance ¹[for journeys by] ²[air at the rate of one and one-fourth times the air fare, for journeys by] rail at the rate of half the first class fare ³or at the rate of half the Air Conditioned 2-tire class fare and for journeys by steamer at the rate of one and a halftimes first class fare ⁴[for himself and one first class fare for one person accompanying him], and
- (iii) roads mileage allowance at such rates as may be fixed by rules made under this Act.⁵

⁶(aa) there shall be paid to all members compensatory allowance at the rate of ⁷[three thousand rupees] per mensem;

¹Substituted for the words "and for journeys by rail or steamer" by West Bengal Act III of 1996.

²These words were inserted by West Bengal Act XVI of 1959.

³Inserted by West Bengal Act XII of 2000.

Added by West Bengal Act XXIII of 1994.

⁵The word "and" was omitted by West Bengal Act XVI of 1959.

⁶Inserted by West Bengal Act XVIII of 1974.

⁷Substituted for the words "two thousand rupees" by West Bengal Act XIII of 2009.

¹(aaa) there shall be paid to all members constituency allowance at the rate of ²[four thousand rupees] per mensem;

³[(b)] there shall be paid to a member an allowance at the rate of ⁴[three thousand rupees] per annum on account of ⁵[postal expenses];

⁶[(bb)] there shall be paid to a member an allowance at the rate of ⁷[three thousand rupees] per annum a lump sum on account of purchase of books, newspapers and periodicals.

Explanation.-Notwithstanding anything contained elsewhere in this Act or any other law for the time being in force, for the purposes of this clause, a member of the Governor's Council of Ministers, if elected to the West Bengal Legislative Assembly, the Speaker of the West Bengal Legislative Assembly, the Deputy Speaker of the said Assembly, the Leader of the Opposition, the Chief Government whip, a Parliamentary Secretary, a Parliamentary Under-Secretary, or a Parliamentary Private Secretary, if any, shall be deemed to be a "Member", and

¹Insert by West Bengal Act XXV of 1998.

²Substituted for the words "three thousand rupees" by West Bengal Act XIII of 2009.

³This clause was substituted by West Bengal Act XXIII of 1994.

•substituted for the words "two thousand rupees" by West Bengal Act XIX of 2005 (the words "two thousand rupees" were substituted for the words "one thousand rupees" by West Bengal Act XV of 2002).

Substituted by West Bengal Act XII of 2000.

⁶Inserted by West Bengal Act XII of 2000.

⁷Substituted for the words "two thousand rupees" by West Bengal Act XIII of 2009.

¹[(c)] there shall be issued to ²[each member who undertakes journeys in connection with his] duties as such member;-

3[(1) railway coupons or vouchers in respect of all such journeys performed by the member, either himself or with one person accompanying him, to any place or places within the State of West Bengal,

(la) railway coupons or vouchers equivalent to a maximum amount of fifty thousand rupees in a year in respect of such journeys performed by the member, either himself or with not more than two persons accompanying him, to any place or places within India outside the State of West Bengal:

Provided that the member may, either himself or with not more than two persons accompanying him, avail of such journeys by air also to any place or places within India outside the State of West Bengal:

Provided further that the total amount of railway coupons or vouchers and air fare, taken together for such journeys, shall not exceed the maximum limit of fifty thousand rupees a year:

Provided also that when a member undertakes journeys to any place or places within India outside

¹This clause was substituted by West Bengal Act VIII of 1969.

²Substituted for the words "members who undertake journeys in connection with their" by West Bengal Act XXVIII of 1979.

³This sub-clause was substituted by West Bengal Act XVIII of 2010.

the State of West Bengal in connection with his duties as a Member of any Committee of the West Bengal Legislative Assembly or as a Member of any delegation appointed by the West Bengal Legislative Assembly, those journeys shall be excluded from the purview of the provisions of this sub-clause.

Explanation.-In case of journey by air, a member shall be entitled to reimbursement of the air fare on production of bill and other supporting documents, if any, in connection with such journey in the same manner as followed for drawal of travelling allowance by such member.]

- (2) ¹[One free pass] in respect of any such journey or part thereof to any place within the State of West Bengal by any road transport service provided by a State Transport Undertaking carried on by the State Government or by any Road Transport Corporation established by the State Government under section 3 of the Road Transport Corporation Act, 1950 ²[except for any such journey or part thereof by the road transport service provided by the Calcutta State Transport Corporation its city routes]; [³and, for the purpose of this sub-clause, the identity card of the member shall be treated as free pass for himself and for his companion.]

¹Substituted for the words "State transport coupons" by West Bengal Act XVII of 1986.

²Inserted by West Bengal Act XXVIII of 1979.

³Inserted by West Bengal Act XVII of 1986.

¹[(3)] one free pass of the Calcutta State Transport Corporation for each, for any such journey or part thereof by any road transport service provided by such Corporation on its city routes, and

²[(4)] one free pass of the Calcutta Tramways Company for such member and for one person accompanying such member for any such journey or part thereof by any tram-car of such Company; and, for the purposes of this sub-clause, the identity card of the member shall be treated as free pass for himself and for his companion.]

³4A]. A member shall be entitled to ⁴[such Amenities. medical, computer and telephone facilities] as may be determined by rules made under this Act.

⁵[5]. (1) The State Government shall make, ^{Power to} ⁶[rules) for carrying out the purposes ^{of} of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules-

(a) to prescribe the periods during which, and the conditions under which, daily

¹Inserted by West Bengal Act XXVIII of 1979.

²Substituted by West Bengal Act XXV of 1989.

³Inserted by West Bengal Act XXVIII of 1979.

⁴Substituted for the words "such medical facilities and such telephone facilities" by West Bengal Act XIII of 2009.

⁵Inserted by *ibid*.

⁶See footnote 2 on page 85 ante.

allowance ¹may be drawn, the circumstances under which such ²[allowance] may be withheld, and the conditions under which the journeys referred to in clause (c) of section 4 may be undertaken;

(b) to fix the rates of road mileage allowance, and to prescribe the conditions under which such allowance may be drawn;

(c) to prescribe the distances referred to in section 4 in respect of each of the allowances referred to in the said section;

³[(d)] to determine the medical and telephone facilities mentioned in section 4A; and

⁴[(e)] to provide for nomination to be made by a _____ right on his nominee to _____ life-time arrear salaries and allowances in the event of his death during the tenure of his Membership.

(3) Until rules are made under this section rules framed under the Bengal Legislative Assembly (Members' Emoluments) Act, 1937 (Bengal Act II of 1937), before the commencement of the Bengal Legislative Assembly (Members' Emoluments) (Amendment) Act, 1959, shall continue to remain in force.

¹The words "and conveyance allowance" were omitted by West Bengal Act XXIII of 1994.

²Substituted for the word "allowances" by *ibid.*

³Inserted by West Bengal Act XXVIII of 1979.

⁴Inserted by West Bengal Act XIX of 2005.

**The Bengal Legislative Assembly
(Members' Allowances)
Rules, 1959**

[Published under Government of West Bengal, Home (Constitution and Elections) Department Notification No. 2823-A.R.-9th December, 1959-in exercise of the power conferred by section 5 of the Bengal Legislative Assembly (Members' Emoluments) Act, 1937, as amended up to 6th July, 2017.]

1. (i) These Rules may be called the Bengal Legislative Assembly (Members' Allowances) Rules, 1959.

*(ii) They shall come into force with effect from the date on which the Bengal Legislative Assembly (Members' Emoluments) (Amendment) Act, 1959, comes into force.

2. In these rules-

- (1) "Act" means the Bengal Legislative Assembly (Members' Emoluments) Act, 1937;
- (2) "Committee" means a Committee of either House of the West Bengal Legislature and includes a Joint Committee of both Houses;
- (3) "House" means the West Bengal Legislative Council or the West Bengal Legislative Assembly as the context may require;
- (4) "Member" means a Member as defined in the Act read with section 9 of the West Bengal Salaries and

*The said Act came into force on 8th December, 1959. [Vide Government Notification No. 2806-A.R. dated 8th December, 1959.]

Allowances Act, 1952, namely, a Member either of the West Bengal Legislative Council or of the West Bengal Legislative Assembly, other than the Governor's Council of Ministers, the Chairman and the Deputy Chairman of the said Council, the Speaker and the Deputy Speaker of the said Assembly, Parliamentary Secretaries, Parliamentary Under-Secretaries and Parliamentary Private Secretaries, if any;

- (5) [*Omitted* by P.A. Department Notification No. 527-P.A., dated 3rd August, 2005.]
- (6) "Session" means the whole period of a session of a House of the State Legislature from the time when such House is assembled in pursuance of a summon issued under clause (1) of Article 174 of the Constitution of India to the time when it is prorogued;
- (7) "Meeting" means the meeting of the House or of a Committee of the House during the session or out of the session or a meeting to which a Member is summoned out of the session, for the transaction of business connected with his duties as a Member of the House;
- (8) "Usual place of residence" means the place where a Member ordinarily resides provided that in the case of a Member who held parliamentary office, his usual place of residence after he has demitted his office, shall, unless otherwise declared by him, be the place where he ordinarily resided before he accepted office;

(9) "Mileage allowance" means-

- (i) in the case of journeys by rail or steamer, an allowance at the rates prescribed in the Act, namely, at the rate of half the first class or Air Conditioned 2 tier class fare for journeys by rail and at the rate of one and a half times first class fare for journey by steamer;
- (ii) in the case of journeys by air, an allowance at the rate prescribed in the Act, namely, at the rate of one and one-fourth times ¹[the air fare,]:
²[Provided that in the case of cancellation of any journey by air on official business, the member shall be entitled to reimbursement of the full charge or cancellation of such journey and such charge shall be as travelling allowance,]
- (iii) in the case of journeys by road, except where State Transport services referred to in the Act are availed of, an allowance at the rate of Rs. 5.00 (Rupees five) per kilometre for the first one hundred kilometres and thereafter at the rate of Rs. 3.00 (Rupees three) per kilometre,
- * (iv) in the case of journeys by State Transport services referred to in the Act, an allowance at the rate of half the first class fare for

¹Substituted by P.A. Deptt. Notification No. 673-P.A., dated 16th April, 1999.

²Inserted by P.A. Deptt. Notification No. 673-P.A., dated 16th April, 1999.

*Vide Home (P.A.) Department Notification No. 140-P.A., dated 30th May, 1969.

journeys by rail as if the journeys had been performed by rail;

- (10) "Conveyance allowance" means a conveyance allowance at the rate prescribed by the Act;
- (11) "Day" means a calendar day beginning and ending at midnight.

¹[3.] No Member whose usual place of residence is within a radius of 8 kilometres from the place of meeting and no member who ordinarily carries on his professional business within a radius of 8 kilometres from the place of meeting may draw mileage allowance for attending the meeting and no Member may draw mileage allowance and daily allowance for the same day.

²[4] (1) In case of session of the House, a member shall be entitled to draw daily allowance for-

- (a) three days preceding the commencement of the session, if he attends first sitting of the session;
- (b) each day he attends the sitting of the House;
- (c) not more than two days immediately succeeding the day he attends the sitting of the House;
- (d) every public holiday following the day on which he attends the sitting of the House in addition to the day for which he is entitled to draw daily allowance; and
- (e) three days immediately succeeding the end of the session, if he attends last sitting of the session.

¹Substituted by Home (P.A.) Deptt. Notification No. 249-P.A., dated 11th September, 1987.

²Substituted by P.A. Department Notification No. 527-P.A., dated 3rd August, 2005.

Explanation.-For the purpose of this sub-rule, "public holiday" means the holiday declared as such by the State Government.

(2) In case of a sitting of a Committee or any other business connected with the duties of a member, a member shall be entitled to draw daily allowance for-

- (a) a period not exceeding two days immediately preceding the commencement of the sitting or of the other business; and
- (b) a period not exceeding two days immediately succeeding the conclusion of the sitting or of the other business.

in addition to daily allowance for the days of the sitting or of the other business attended by him.

¹[Provided that in case of a sitting of a Committee, a member shall be entitled to enjoy the full benefits of daily allowance in a month, if he attends two Committee meetings to be held in a day or two, in every span of fifteen days.]

(3) Nothing in this shall be construed as entitling a member draw more than single daily allowance for a day.

5. Subject to rule 3, a Member who has to leave his usual place of residence for the purpose of attending meetings or transacting business connected with his duties as a Member may draw mileage allowance.

Note-Mileage allowance to a member will be paid to and from his usual place of residence, if within the State, or to and from the border of the State nearest to his usual place of residence, if it is outside the State.

6. (a) In the case of adjournments or intervals between meetings of seven days or less a member who stays at the place of meeting for the intervening period may draw daily allowance for the intervening period. A member who returns to his usual place of residence may draw mileage allowance, but the amount drawn

¹Inserted by P.A. Deptt. Notification No. 611-PA/3R-01/2014 (Part-III), dated 4th July, 2017 published in the Kolkata Gazette Extraordinary dated 6th July, 2017.

shall in no case exceed the amount which would have been admissible if he had elected to stay at the meeting place, and drawn daily allowance.

(b) In the case of adjournments or intervals between meetings of more than seven days a member may return to his usual place of residence in the intervening period and may draw mileage allowance. If he stays at the place of meeting he may draw daily allowance but the amount drawn shall not exceed the amount which he would have drawn as mileage allowance had he returned to his usual place of residence.

7. Where a member absents himself for less than ten days during a Session of a House or a sitting of a Committee for visiting any place in his constituency or his usual place of residence, he shall be entitled to draw mileage allowance in respect of such journey to such place and for the return journey.

Note-Mileage allowances to a member will be paid to and from his usual place of residence, if within the State or to and from the border of the State nearest to his usual place of residence, if it is outside the State.

8. (a) For the purpose of calculating mileage allowance a journey between two places is held to have been performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short:

Provided that when there are alternative railway routes and the difference between them in point of time and cost is not great, mileage allowance should be calculated on the route actually used.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling.

(c) If a member travels by a route which is not the shortest but is cheaper than the shortest, his mileage allowance should be calculated on the route actually used.

Note-When a member travels by a route which is not the direct or the cheapest route, it is necessary that he should show in the travelling allowance bill, the details of the journey and the various stages by which it was made.

9. In calculating mileage allowance for journeys by road except where State Transport Services referred to in the Act are availed of, fractions of a mile shall be omitted from the total of a bill for any one journey but not from the various items which make up the bill.

10. Claims of members to arrears of salary and allowances which have been allowed to remain in abeyance for a period exceeding one year shall be paid after investigation by the Principal Auditor under the special orders of the Chairman or the Speaker, as the case may be, who shall have the right to withhold any such claim unless it is accompanied by an adequate explanation for the delay. The period of one year shall be calculated from the date on which the salary or allowance becomes payable.

11. (1) There shall be issued to every member who undertakes journeys in connection with his duties as such member-

(i) railway coupons or vouchers for such member and for one person accompanying such member-

(a) in respect of such journeys or part thereof to any place or places within the State of West Bengal, and

- (b) Subject to a maximum limit of fifteen thousand kilometres a year in respect of such journeys to any place or places within India outside the State of West Bengal;
- (ii) State transport coupons in respect of such journeys or part thereof to any place or places within the State of West Bengal except for any such journeys or part thereof by the Road Transport Service provided by the Calcutta State Transport Corporation on its city routes;
- (iii) one free pass of the Calcutta State Transport Corporation in respect of such journey or part thereof by any Road Transport Service provided by such Corporation on its city routes and one free pass of the Calcutta Tramways Company for any such journey or part thereof by any tram car of the company.

(2) First or Second class railway tickets at the option of the member or tickets for Air-conditioned Chair Car class of Rajdhani Express only will be available in lieu of the railway coupons or vouchers and bus tickets for the appropriate types of accommodation for which the State Transport coupons are issued will be available in lieu of such coupons or vouchers.

(3) All arrangements for issue or refund in the case of unused coupons will be done by the Secretary, West Bengal Legislative Assembly, or Council, as the case may be.

Explanation.- "Secretary" includes any other officer to whom the function of performing the duties under these rules is delegated.

(4) The issue of railway coupons or vouchers shall be governed by the rules contained in

Appendix-I ¹[and the issue of State Transport coupons or vouchers shall be governed by the rules contained in Appendix-II]. The issue of free passes of the Calcutta State Transport Corporation and of the Calcutta Tramways Company shall be governed by the rules contained in Appendix-III.

12. The Bengal Legislative Chambers (Members' Allowances) Rules, 1937, issued under Finance Department Notification No. 10606-F., dated 2nd October, 1937, as amended, are hereby repealed, though for the avoidance of doubt it is made clear that any action taken under the Bengal Legislative Chambers (Members' Allowances) Rules, 1937, and prior to the promulgation of the present rules shall not be questioned merely on the ground of such repeal.

¹Since not in practice.

APPENDIX I

[See rule 11(4)]

*Rules for the issue of Rail Travel
Coupons to Members of the
West Bengal Legislative Assembly
and Legislative Council*

I. Requisition for Rail Travel Coupons:

Requisition for Rail Travel Coupons shall be made by the Secretary, Legislative Assembly or the Secretary, Legislative Council, as the case may be, on the General Manager, Eastern Railway, Calcutta.

On receipt of such a requisition, the Eastern Railway Administration will supply Rail Travel Coupon Books which can be used for travel by first or second class on any Indian Railway by every member of the West Bengal Legislative Assembly along with a companion and raise the necessary debit against the West Bengal Government.

The Ministers, Ministers of State, Deputy Ministers, Parliamentary Secretaries, the Speaker, the Deputy Speaker, the Chairman and the Deputy Chairman will be excluded from the purview of the scheme.

II. Form of Certificate: Each coupon Book will contain the following certificate:

"I hereby certify that Shri/Shrimati/Kumari is a member of the Legislative Assembly, West Bengal, and tickets may be issued for him/her and for a person accompanying him/her in exchange of the Coupons for journeys undertaken for work as a member of the Legislative Assembly.

Office Seal

*Secretary,
West Bengal Legislative Assembly."*

III. *Distance for which Coupon Books are available:* The Coupons will be allowed to a member and a person accompanying such member up to any distance for journeys within the State of West Bengal and up to a limit of twelve thousand kilometers a year for journeys within India outside the State of West Bengal.

IV. *Value of Coupon Book:* Each Rail Travel Coupon Book shall contain money value Coupons of the denominations of one rupee, five rupees and twenty rupees, and the price of each Coupon Book shall be determined by the Railway Administration from time to time.

V. *Entitlement of Coupon Books:* A member shall be entitled to receive Rail Travel Coupons for travelling by rail by first class or second class along with a companion on payment of actual first class or second class railway fare for the admissible distance as may be fixed by the Railway Administration from time to time.

VI. *Availability:* A Coupon Book will be available for use only by the member of the Legislative Assembly whose name is specified on the Coupon Book. The name of the member concerned should be filled in by the Secretary, West Bengal Legislative Assembly before the book is issued to the member concerned.

VII. *Undertaking by Members of Legislative Assembly and Legislative Council:* The member using the book shall fill in an undertaking in the following form which will be printed on the cover of every Coupon Book:-

"I, Shri/Shrimati/Kumari
 hereby declare that the concession will be used by me for journeys undertaken for work as a member of the West Bengal Legislative Assembly.

* * * * *

Signature of the Member."

The above undertaking should be got filled, before the book is handed over to the member, by the Secretary, Legislative Assembly, West Bengal.

VIII. *Availability of Coupon Books:* A Coupon Book can be issued from any date and will be valid for one year from the date of issue.

IX. *Coupons Not Transferable:* (i) Coupons are not transferable and must be used only on journeys connected with the work of the Legislative Assembly.

(ii) In the event of the person ceasing to be a member of the Legislative Assembly, the Coupon Book should be returned to the Secretary, Legislative Assembly, West Bengal.

X. *Method of Purchasing Tickets with Coupons:* (i) The Coupon Book must be presented by the member undertaking the journey to the Booking Clerk without detaching any Coupon from the book. *Loose coupons, i.e. coupons detached from the book will not be accepted in any circumstances.*

(ii) The Booking Clerk will personally remove from the book, the number of coupons necessary for the journey. To guard against impersonation, the Booking Clerk may ask the holder of the Coupon Book to write his/her signature on a piece of paper to compare it with the signature in the Coupon Book. In cases, where coupons in excess of those actually required are detached from a Coupon Book by a Booking Clerk a suitable remark should be made by the Booking Clerk on the back of the coupons "Wrongly detached" and such loose coupons should be accepted when presented for the issue of a ticket provided (a) the Coupon Book from which the coupons have been detached is produced and (b) the period of availability of the Coupon Book has not expired.

(iii) In exchange for the coupons the Booking Clerk will issue first class or second class passenger ticket(s) or return journey ticket(s) or monthly ticket(s) or season ticket(s) as may be required scoring out the fare printed thereon and writing on the reverse thereof in red ink the words "Rail Travel Coupons".

(iv) If the coupons available in a book are not sufficient to pay for a journey, the charges for the distance not covered by coupons must be recovered in cash at full first class or second class tariff fares for that distance and the amount so recovered must be entered on the face of the ticket.

Note-If Rail Travel Coupons from two different books issued in favour of the same member are presented for the issue of tickets they should be accepted.

XI. *Availability of Tickets issued on Rail Travel Coupons:* The date and period of availability of the ticket will be the same as for ordinary tickets.

*XII. (a) *Passenger Fare Tax:* The passenger fare tax payable under the Railway Passenger Fares Act, 1957, is already included in the price of the coupon tickets mentioned in paragraph V above. No extra amount on this account should be collected.

(b) *Pilgrim and Terminal Taxes:* When issuing tickets in exchange for Rail Travel Coupons for journeys to and from stations at which pilgrim or terminal taxes are leviable, the pilgrim or terminal taxes must be collected in cash from the person presenting the Coupons. The amount of tax so collected must be entered on the face of the tickets.

(c) *Luggage:* Free allowance of luggage as for ordinary tickets will be allowed. Excess over the

*Any reference to Passenger Fare Act, 1957, to be construed as a reference to the Act on the subject in force.

free allowance will be charged at luggage rates and the amount recovered in cash.

XIII. *Unexchanged Coupons:* Members found travelling on unexchanged coupons will be considered as travelling without tickets and will be liable to the prescribed penalties. In such cases, fares and excess charges must be paid in cash.

XIV. *Use of Coupons:* The use of coupons is limited to exchange for passenger ticket at a Booking Office. Coupons cannot in any circumstances, be accepted towards payment of any other charges, e.g., luggage charges, etc.

XV. The Railway Administration which issue a Coupon Book may confiscate it on proof that the conditions on which it has been issued have not been observed. Before doing so, it should refer the matter to the Secretary, West Bengal Legislative Assembly/Legislative Council, and obtain his approval for such confiscation.

XVI. *Refunds:* No refund will be allowed on unused coupons unless the unused coupons are returned to the Railway Administration within their period of availability. Refunds will not be granted on unused or partly used tickets issued in exchange for coupons except in exceptional circumstances.

*Note-*The above rules except rules I to V will be printed in each Coupon Book.

APPENDIX III

[See rule 11(4)]

*Rules for the issue of Free Passes of the
Calcutta State Transport Corporation
and of the Calcutta Tramways Company
to Members of the
West Bengal Legislative Assembly*

I. *Identity Cards are to be treated as Free Passes:* The Identity Cards of the members of the West Bengal Legislative Assembly shall be treated as free passes for their travelling as members by any ordinary bus or limited service bus or special bus of the Calcutta State Transport Corporation on its city routes and also by any tram car of the Calcutta Tramways Company in first class or in second class.

II. *Compounding Fees:* Monthly compounding fee for every such Identity Card which shall be treated a free pass shall be fixed separately by the Calcutta State Transport Corporation and by the Calcutta Tramways Company in consultation with the State Government and the same shall be subject of revision, if necessary, in consultation with the State Government.

III. The Calcutta State Transport Corporation and the Calcutta Tramways Company shall raise the necessary debit on this account against the West Bengal Legislative Assembly Secretariat.

IV. *Inspection:* A member while travelling in an ordinary bus or in a limited service bus or in a special bus of the Calcutta State Transport Corporation on its city routes or in a tram car of the Calcutta Tramways Company shall, on demand of the concerned conductor or the officer duly authorised in that behalf, produce his/her Identity Card for inspection.

**The West Bengal Legislative
Assembly (Telephone Facilities
to Members) Rules, 2005**

**[Published under Government of
West Bengal, Home (Parliamentary
Affairs) Department Notification
No. 525-P.AJ3R-06/2005 (Pt. V),
dated 2nd August, 2005]**

[See section 5(2)(d) of the Act]

1. Short title and commencement.-

Cl) These rules may be called the West Bengal Legislative Assembly* (Telephone and Internet Facilities) to Members) Rules, 2005.

(2) They shall be deemed to have come into force on the 1st day of April, 2004.

2. Reimbursement of security deposit and installation charge for telephone.-

(1) Every member of the West Bengal Legislative Assembly, other than the Governor's Council of Ministers, the Speaker of the said Assembly, the Deputy Speaker of the said Assembly, the Leader of the Opposition, Parliamentary Secretaries, Parliamentary Under Secretaries and Parliamentary Private Secretaries, if any, shall, so long as he continues to be such member, be entitled to reimbursement of security deposit made, and installation charge paid, by him for two fixed landline telephones, irrespective of make or management thereof, installed at his residence, or at any other place of his choice, within the State of West Bengal.

(2) The Secretary, West Bengal Legislative Assembly, shall arrange to reimburse the security deposit made, and the installation charge paid, referred to in sub-rule (1) of this rule, on production of the receipts obtained by such member from the service provider.

*Substituted vide Notification No 114-PA/3R-01/2012 dt.27.02.2013.

Explanation.-For the purposes of this sub-rule, "service provider" means the Government as a service provider and includes a person licensed under sub-section (1) of section 4 of the Indian Telegraph Act, 1885 (43 of 1885) for providing specified public tele-communication services.

***[3. Telephone and Internet charges allowance.-Every** member referred to in sub-rule (1) of rule 2 of these rules, so long as he continues to be such member, shall be entitled to a consolidated sum of five thousand rupees per month as Telephone and Internet charges allowances.]

**The West Bengal Legislative
Assembly (Medical Facilities
to Members) Rules, 2010**

**[Published under Government of
West Bengal, Parliamentary Affairs
Department Notification No.306-P.A.
dated 15th March, 2010]**

[See section 5(2)(d) of the Act]

Rules

1. Short title and commencement:

- (1) These rules may be called The West Bengal Legislative Assembly (Medical Facilities to Members) Rules, 2010.
- (2) These rules shall be deemed to have come into force with effect from the 1st day of December, 2009.

2. Definitions:

In these rules, unless there is anything repugnant in the subject or context-

[(a) "family" in relation to a member means,-

- (i) 'Spouse' dependent on the Member;
- (ii) dependent son;

Note:-'Son' is considered to be dependent till he starts earning or attains the age of 25 years, whichever is earlier. Son suffering from permanent disabilities either physically or mentally will be considered dependent without any age limit.

- (iii) Unmarried daughters;
- (iv) Father and Mother dependent on the Member;
- (v) 'Minor' brothers or sisters wholly dependent on the Members till they attain the age of 18 years.]

- (b) "medical practitioner" means a registered practitioner registered under the Bengal Medical Act, 1914 (Ben. Act IV of 1914), the *Paschim Banga* Ayurvedic System of Medicine Act, 1961 (West Ben. Act XIII of 1961) or the West Bengal Homoeopathic System of Medicine Act, 1963 (West Ben. Act XXXIII of 1963);

*Definition of family in these rules was amended by Parliamentary Affairs Department Notification No. 302-P.A./SR-02/2012, dated 10.05.2012 published in *Kolkata Gazette Extraordinary* dated 10.05.2012.

- (c) "hospital or institution" means State hospital, State-aided hospital, Government Health Centre or Dispensary and includes any Private Hospital or Nursing Home or Physical therapy establishment or dispensary registered under the West Bengal Clinical Establishments Act, 1950;
- (d) "laboratory" means such clinical laboratory or medical clinic or institution recognized by the Government for the purpose of availing benefits of medical attendance and treatment;
- (e) "medical attendance" means attendance for professional advice and includes pathological, bacteriological, radiological, biological or other methods of examination for the purpose of diagnosis which are considered necessary by the attending medical practitioner;
- (f) "treatment" means the use of medical and surgical facilities and includes-
 - (i) the employment of such pathological, bacteriological, radiological, biological or other methods of investigations are considered necessary by the attending medical practitioner;
 - (ii) the use of such medicines, vaccines, serum or other therapeutic substances as may be considered essential by the attending medical practitioner;
 - (iii) medical and surgical services and procedures;
 - (iv) dental treatment, including supply of denture;
 - (v) accommodation of the highest class as may be available in a hospital;
 - (vi) such nursing as is ordinarily provided at the hospital or such special nursing as the attending medical practitioner may certify to be essential;
 - (vii) blood transfusion.

3. Entitlement of medical facilities:

- (1) Every member and his family, other than those governed by the Medical Attendance (West Bengal Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries) Rules, 1969 or the West Bengal Legislative

Assembly (Presiding Officers', Medical Attendance) Rules, 1973, shall be entitled to benefits of medical attendance and treatment as follows:-

- (a) free medical attendance and treatment in State hospitals;
- (b) re-imburement of the cost of-
 - (i) medical attendance and treatment in any "hospital or institution";
 - (ii) medical attendance and treatment either at the consulting room of the medical practitioner or at the residence of the member;
 - (iii) treatment in any laboratory or clinic.
- (2) A member or his family shall also be entitled to benefits of medical attendance and treatment for himself and members of his family in a private hospital or nursing home or clinic outside the State of West Bengal but located within India subject to prior approval of the Speaker of the West Bengal Legislative Assembly.

4. Reimbursement of medical expenses:

- * (1) (a) All claims for reimbursement of medical expenses admissible under these rules shall be made in the Form set out in the Schedule to these rules and supported by prescriptions and receipts or vouchers or cash-memos as the case may be, showing payments made by the members;
- (b) Medical reimbursement claim in respect of purchase of spectacles would be subject to a maximum of five thousand rupees;
- (c) Medical reimbursement claim in respect of purchase of single hearing-aid-machine except in exceptional circumstances would be subject to a maximum of fifty thousand rupees.
- (2) If the medicines, vaccines, serum and such thereapeutic substances which are required to be supplied free of cost for treatment of the member in a hospital or institution are not available in the stock of that hospital or institution but those are certified to be essentially necessary by the attending medical practitioner, the cost of purchase thereof shall initially be borne by the member which shall be reimbursed to him or her on production of prescriptions and receipts or vouchers or cash-memos, as the case may be, showing the actual payment made by that member.

SCHEDULE

[See rule 4 (1)]

Form of application for claiming reimbursement of expenses incurred in connection with medical attendance and/or treatment of Members of the West Bengal Legislative Assembly and their families:

1. Name of the Member
2. Constituency of the Member
3. Residential Address
4. Name of the Patient
5. If the patient is not Member, his/her relationship with the Member and whether the Patient is wholly dependent on the Member
6. Nature of ailment
7. (i) Duration of ailment

(ii) Medical attendance and/or treatment received at the consulting room of a medical practitioner or at the residence of the patient
8. Name(s) and Registration No.(s) of the medical practitioner(s) attended/consulted
9. (i) No. and date(s) of consultation or attendance

(ii) Fees charged for consultation or attendance

10. (i) Charges for pathological, bacteriological, radiological or other methods employed for medical attendance and treatment
- (ii) Whether the methods were employed on the advice of the medical practitioner attending upon the patient
- (iii) Cost of medicines prescribed and purchased from the market
11. Medical attendance and/or treatment received in a hospital or institution
12. Name of the hospital or in which medical attendance and/or treatment was received
13. Charges for accommodation
14. Charges for surgical operation
15. (i) Charges for pathological, bacteriological, radiological, blood transfusion and other methods employed for medical attendance and/or treatment
- (ii) Whether the methods were employed on the advice of the medical officer-in-charge of the case

- 16. Cost of medicines which were not supplied free of cost in the hospital or institution for their non-availability in the stock of the hospital but those medicines certified to be essentially necessary by the attending medical officer

- 17. (i) Charges for special nursing and/or special attendants engaged for the patient

(ii) Whether special nurses and/or special attendants were employed on the specific advice of the medical officer-in-charge of the case at the hospital or institution

- 18. Cost of denture

- 19. Cost of spectacles

- 20. Total amount claimed

- 21. List of enclosures

Date.....

Signature of the Member

Name.....

Constituency.....

Address.....

Note: All claims for reimbursement of medical expenses shall be supported by prescriptions and receipts or vouchers or cash-memos, as the case may be, showing payments made by the Member.

This schedule was amended by Parliamentary Affairs Department Notification No. 781-P.A. dt. 15.9.2010.

**The West Bengal Legislative Assembly
(Computer Facilities to Members)
Rules, 2012.**

**[Published under Government of West Bengal, Parliamentary
Affairs Department Notification No. 347-P.A/BR-01/2009 pt V
dated 24th May, 2012]**

[See Section 5(1)(d) of the Act.]

Rules

1. Short title and commencement.-(a) These rules may be called the West Bengal Legislative Assembly (Computer Facilities to Members) Rules, 2012.

(b) These rules shall be deemed to have come into force with effect from the 13th day of May, 2011.

2. Definitions.-In these rules, unless there is anything repugnant in the subject or context,-

- (a) "Member" means a member of the West Bengal Legislative Assembly, as defined in the clause 2 of The Bengal Legislative Assembly (Members' Emoluments) Act, 1937;
- (b) "Computer" means any electronic computing device or set of devices that can be used for managing, editing, creating, receiving or sending data and recognizable by any of the names such as Desktop, Laptop or I-Pad;
- (c) "Device" means any instrument, appliance or gadget that can be installed to a computer for deriving the optimal benefits and includes-
 - (i) CD-ROM;
 - (ii) CDs & DVDs;
 - (iii) CD Writers & DVD Writers;
 - (iv) Pen Drives;
 - (v) Printer;
 - (vi) Scanner;

- (vii) Speakers;
- (viii) Data Cables;
- (ix) Web-Camera;
- (x) Headsets;
- (xi) USBHUBs and
- (xii) Any software that is utilizable for specific purpose of public service.

(d) "Annexure" means an annexure appended to these rules.

3. Entitlements of Member.-(1) A member shall be entitled to one time reimbursement of the following during his/her tenure of office as a member of the West Bengal Legislative Assembly:-

- (i) purchase of computer in his own name as an elected member of a particular constituency;
- (ii) purchase of devices as defined in Rule 2(c);
subject to a maximum ceiling of Rs. 50,000/- per tenure.
The entitlement can be availed as soon as possible after commencement of his/her tenure of office as a member.

(2) A member shall also be entitled to reimbursement of Annual Maintenance Contract subject to a ceiling of Rs. 10,000/- per tenure.

(3) In addition, all members who avail internet facility in their computers shall be entitled to internet charges at the rate of Rs. 500/- per month.

(4) All claims for reimbursement under these rules shall be made in the prescribed form as set out in *Annexure-1* and supported by bills or vouchers in original.

West Bengal Legislative Assembly Secretariat

Application for claiming reimbursement of expenses incurred in connection with purchase of Computer with Devices/AMC

I,
Member, do hereby request for reimbursement of the expenditure of a total sum of Rs (Rupees
.....) as undernoted.

SL No.	Particulars of Expenditure			Amount
	Bill No.	Bill Date	Bill Type (Please state whether purchase with Device/Upgrading/AMC)	
1.				Rs.
2.				Rs.
3.				Rs.
4.				Rs.
5.				Rs.
			Total :	Rs.

My Machine Identification No. is

I also hereby enclose all the relating bills, each in triplicate.

SL No.	Bills presented	Amount
1.	Total Amount of previous Bills taken together	Rs.
2.	Present Bills	Rs.
	Total amount of Bills so far	Rs.

Signature :

Name :

Constituency :

Date :

By order of the Governor,

Sd/- Basudeb Banerjee
*Principal Secretary to the
Government of West Bengal.*

**THE MEDICAL ATTENDANCE (WEST BENGAL
MINISTERS, MINISTERS OF STATE, DEPUTY
MINISTERS AND PARLIAMENTARY
SECRETARIES) RULES, 1969**

[Published under Government of West Bengal, Home (Constitution and Elections) Department Notification No. 2467-A.R., dated the 16th October, 1969-In exercise of the powers conferred by sec. 7 of the West Bengal Salaries and Allowances Act, 1952 (W.B. Act Vof 1952)]

Rules

1. (1) These rules may be called the Medical Attendance (West Bengal Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries) Rules, 1969.

(2) They shall be deemed to have come into force on the 25th day of February, 1969.

2. Definitions: In these rules, unless there is anything repugnant in the subject or context,-

- (a) "hospital" means hospital, health centre, dispensary, clinic or laboratory;
- (b) "medical practitioner" means a registered medical practitioner registered under the Bengal Medical Act, 1914 (Bengal Act VI of 1914), the Paschim Banga Ayurvedic System of Medicine Act, 1961 (West Bengal Act XIII of 1961), or the West Bengal Homeopathic System of Medicine Act, 1963 (West Bengal Act XXXIII of 1963);
- (c) "medical attendance" means attendance for professional advice (i) in hospital, or (ii) at the consulting room of the medical practitioner, or (iii) at the residence of the patient and include such pathological, bacteriological, radiological, biochemical or other methods of examination for the purpose of diagnosis as may be considered necessary by the attending medical practitioner;
- (d) "treatment" means the use of medical and surgical facilities available (i) at a hospital, or (ii) at the consulting

room of the medical practitioner, or (iii) at the residence of the patient and includes-

- (i) the employment of such pathological, bacteriological, radiological, biochemical or other methods as are considered necessary by the attending medical practitioner;
- (ii) the use of such medicines, vaccines, sera or other therapeutic substances as are considered necessary by the attending medical practitioner;
- (iii) medical and surgical services at confinement;
- (iv) dental treatment including supply of denture;
- (v) accommodation of the highest class as may be available in a hospital;
- (vi) such nursing as is ordinarily provided at the hospital or such special nursing at the hospital as the attending medical practitioner may certify in writing to be essential for the recovery or for the prevention of a serious deterioration in the condition of the patient;
- (vii) blood transfusion.

3. The Ministers, the Ministers of State, the Deputy Ministers and the Parliamentary Secretaries shall be entitled to benefits of medical attendance and treatment in respect of themselves only as follows:

- (a) Free medical attendance and treatment in State hospitals;
- (b) Reimbursement of the cost of-
 - (i) medical attendance and treatment in State-aided hospitals;
 - (ii) medical attendance and treatment by any medical practitioner either at his consulting room or at his residence;
 - (iii) pathological, bacteriological radiological, biochemical or other methods of examination for the purpose of diagnosis carried out in a private laboratory or clinic;
 - (iv) denture, if any;
 - (v) spectacles, if any;

- (vi) special nursing, if any;
- (vii) medicines, vaccines, sera or other therapeutic substances excluding those supplied free of cost for treatment in a State or State-aided hospital;
- ¹[(viii) engagement of private attendant (bearer or ayah) in State or State-aided hospitals, if required by the authorities of the said hospital.]

4. All claims for reimbursement of medical expenses admissible under these rules except that relating to the fees paid to the medical practitioners shall be supported by prescriptions and receipts or vouchers or cash-memos, as the case may be, showing payments made by the patient.

¹Inserted by Constitution and Elections Department Notification No. 407-A.R., dated the 19th February, 1970.

**The West Bengal Salaries and
Allowances Act, 1952**

West Bengal Act V of 1952

Amended : West Bengal Act IX of 1965
 Amended : West Bengal Act XXI of 1969
 Amended : West Bengal Act XV of 1972
 Amended : West Bengal Act XXXIII of 1983
 Amended : West Bengal Act XXIV of 1989
 Amended : West Bengal Act XXII of 1994
 Amended : West Bengal Act VIII of 1997
 Amended : West Bengal Act X of 1998
 Amended : West Bengal Act VIII of 2000
 Amended : West Bengal Act XXVII of 2005
 Amended: West Bengal Act XIX of 2011
 Amended : West Bengal Act XVII of 2017
 Amended: West Bengal Act IX of 2019
 Adapted : The Adaptation of Bengal and West Bengal Laws
 Order, 1970.

[Passed by the West Bengal Legislature]

[Assent of the Governor first Published in the
Calcutta Gazette, of the 21st July 1952.]

*An Act to provide for the salaries and allowances of
 holders of certain offices and for other matters
 connected therewith.*

Whereas it is expedient to provide for the salaries and allowances of holders of certain offices and for other matters connected therewith; It is hereby enacted as follows:-

1. Short title and commencement-(1) This Act may be called the West Bengal Salaries and Allowances Act, 1952.

(2) It shall be deemed to have come into force on the 13th day of June, 1952.

2. Definitions-In this Act, unless there is anything repugnant in the subject or context-

- (a) ¹["Chief Minister", "Deputy Chief Minister", "Minister"], "Minister of State", "Deputy Minister" and "Parliamentary Secretary", mean respectively ²[the Chief Minister, the Deputy Chief Minister, a Minister], a Minister of State, a Deputy Minister and a Parliamentary Secretary of the Government of West Bengal;

¹Substituted by West Bengal Act VIII of 2000.

²Substituted by *ibid*.

- (b) "Speaker" and "Deputy Speaker" mean respectively the Speaker and Deputy Speaker of the West Bengal Legislative Assembly;
- (c) "residence" includes any garden, lawn or compound and any quarters for staff and servants and other buildings appurtenant thereto;
- (d) "maintenance" in relation to a residence includes structural alteration and repairs and also provision of electricity, gas and water therefor and payment of rates and taxes in respect thereof.

3. *Salaries and sumptuary allowances of Chief Minister, ¹[Deputy Chief Minister], Ministers, etc.*-(1) There shall be paid to the Chief Minister a salary of ²[Rs. 15,001] per month, ³[to the Deputy Chief Minister] and to each Minister a salary of ⁴[Rs. 11,000] per month, to each Minister of State a salary of ⁵[Rs. 10,900] per month and to each Deputy Minister a salary of ⁶[Rs. 10,900 per month.]

(2) There shall be paid to each Parliamentary Secretary a salary of ⁷[Rs. 1,000] per month:

Provided that a salary of ⁸[Rs. 1,500] per month may be paid to not more than one Parliamentary Secretary whom the Chief Minister selects in this behalf.

(3) There shall also be paid the Chief Minister a sumptuary allowance of ⁹[Rs. 51,600] per year and ¹⁰[to the Deputy Chief Minister and] to each Minister and each Minister of State and each Deputy Minister a sumptuary allowance of ¹¹[Rs. 39,600] per year:

Provided that the Chief Minister, ¹²[the Deputy Chief Minister] or a Minister, Minister of State or Deputy Minister may, at his option, draw a sumptuary allowance as aforesaid proportionately either monthly or bimonthly or quarterly.

¹³(4) There shall be paid to the Chief Minister ¹⁴[and the Deputy Chief Minister] and to each of the Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries a constituency

¹Inserted by West Bengal Act VIII of 2000.

²Substituted by West Bengal Act XVII of 2017.

³Inserted by West Bengal Act VIII of 2000.

⁴Substituted by West Bengal Act XVII of 2017.

⁵Substituted by *ibid*.

⁶Substituted by *ibid*.

⁷Substituted by West Bengal Act. VIII of 1997.

⁸Substituted by *ibid*.

⁹Substituted by West Bengal Act XVII of 2017.

¹⁰Inserted by West Bengal Act VIII of 2000.

¹¹Substituted by West Bengal Act XVII of 2017.

¹²Inserted by West Bengal Act VIII of 2000.

¹³Inserted by West Bengal Act XXIV of 1989.

¹⁴Inserted by West Bengal Act VIII of 2000.

allowance of [Rs. 48,000 per year] in their capacity as Member of the West Bengal Legislative Assembly:

²[Provided that the Chief Minister ³[or the Deputy Chief Minister] or a Minister, Minister of State, Deputy Minister or Parliamentary Secretary may, at his option, draw the constituency allowance as aforesaid proportionately either monthly or bimonthly or quarterly.]

⁴[(5) There shall be paid to the Chief Minister and to each of the Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries a compensatory allowance of ⁵[Rs. 3,000] per month].

⁶[(6) There shall be paid to every Minister of the Council of Ministers sitting allowance or daily allowance of ⁷[Rs.3,000] per day for attending office:

Provided that such sitting allowance or daily allowance shall not be paid to any Minister of the Council of Ministers while he is on leave:

Provided further that such sitting allowance or daily allowance shall not be paid to any Minister of the Council of Ministers while he is on Election Campaign:

Provided also that sitting allowance or daily allowance under this sub-section or the daily allowance entitled as per section 7 of this Act, whichever is higher, shall be paid to the Minister of the Council of Ministers while he is on tour on public business].

4. Residences of Chief Minister, ⁸[Deputy Chief Minister] and Ministers.- (1) The Chief Minister, ⁹[the Deputy Chief Minister] and each Minister shall be entitled, without payment of rent, to the use of a furnished residence in Calcutta throughout the term of his offices and for a period of fifteen days immediately thereafter or in lieu of such residence a house allowance at the rate of ¹⁰[Rs. 700] per month or in the alternative such charges for accommodation in a hotel, boarding house or apartment as the State Government may by order determine.

(2) All expenditure for furnishing any residence provided under this section and for the maintenance thereof shall be borne by the State Government and nothing shall be payable by the Chief Minister ¹¹[or the Deputy Chief Minister] or any Minister in this connection:

¹Substituted by West Bengal Act XVII of 2017.

²Inserted by West Bengal Act VIII of 1997.

³Inserted by West Bengal Act VIII of 2000.

⁴Inserted by West Bengal Act X of 1998.

⁵Substituted by West Bengal Act XVII of 2017.

⁶Inserted by West Bengal Act XIX of 2011.

⁷Substituted by Rs. 2,000 and Rs. 3,000 by West Bengal Act XVII of 2017 and West Bengal Act IX of 2019 respectively.

⁸Inserted by West Bengal Act XVIII of 2000.

⁹Inserted by *ibid*.

¹⁰Substituted by West Bengal Act VIII of 1997.

¹¹Inserted by West Bengal Act VIII of 2000.

Provided that all expenditure for such furnishing of residence shall be on such scale as the State Government may by order determine.

¹[Explanation]-For the purpose of this section the term "Minister" shall include a Minister of State and a Deputy Minister
2[]

5. Conveyance allowances of Chief Minister, ³[Deputy Chief Minister] and Ministers.-The Chief Minister, ⁴[the Deputy Chief Minister], each Minister and each Minister of State shall be entitled to a conveyance allowance ⁵[at the rate of Rs. 300 per month and a Deputy Minister shall be entitled to such allowance at the rate of Rs. 200 per month] or in lieu thereof a motor car to be provided by the State Government upon such conditions as regards their maintenance, repairs and running expenses as the State Government may by order determine.

6. House allowances and conveyance allowances of Ministers of State and Deputy Ministers.

[Omitted by section 4 of the West Bengal Salaries and Allowances (Amended) Act, 1972 (West Bengal Act XV of 1972.)]

7. Travelling and daily Chief Minister, ⁶[the Deputy Chief Minister], the Ministers, the Ministers of State, the Deputy Ministers and Parliamentary Secretaries shall at such rates and upon such conditions as the State Government may by rules determine, be entitled to travelling and daily allowances while touring on public business and to reimbursement of medical expenses.

⁷[8.] *Provisions applicable to Speaker, etc.*-(1) There shall be paid to the Speaker a salary of ⁸[Rs. 16,000] per month, and to the Deputy Speaker a salary of ⁹[Rs. 10,900] per month.

(2) Except the provision of sub-section (1) of section 3, all other provisions of this Act shall apply in relation to the Speaker as they apply in relation to a Minister.

¹Added by West Bengal Act XV of 1972.

²Omitted by the West Bengal Act XVII of 2017.

³Inserted by West Bengal Act VIII of 2000.

⁴Inserted by *ibid*.

⁵Substituted for the words "of Rs. 300 per month" by West Bengal Act XV of 1972.

⁶Inserted by West Bengal Act VIII of 2000.

⁷Substituted by West Bengal Act XXVII of 2005.

⁸Substituted by West Bengal Act XVII of 2017.

⁹Substituted by *ibid*.

(3) Except the provision of sub-section (1) of section (3), all other provisions of this Act shall apply in relation to the Deputy Speaker as they apply in relation to a Minister of State.

SA. Discretionary drawing of reduced emoluments.-Any person to whom the provisions of this Act apply, may, in his discretion, draw a lesser salary than that provided for him in this Act and may also draw any allowance to which he is entitled under this Act at a rate lesser than the rate provided for him under this Act.

¹[**8B.**] *Provisions applicable to the Leader of the Opposition.*-There shall be paid to the member who is the Leader of the Opposition, a salary of ²[Rs. 11,000 (Rupees eleven thousand)] per mensem and such other allowances as are admissible to a Minister and anything contrary to this effect contained in any other Act for the time being in force stands repealed.

9. Deputy Speaker not to draw any salaries and allowances as member.-Notwithstanding anything contained in the Bengal Legislative Chambers (Members' Emoluments) Act, 1937 (Ben. Act II of 1937), the Deputy Speaker of the West Bengal Legislative Assembly shall not be entitled to draw any salaries or allowances ³[other than daily allowance] the provisions of that Act.

10. Power to make rules.-The State Government may make rules for carrying out the purposes of this Act ⁴[which may include provisions for the supply of electricity to those of the Members of the Council of Ministers who have not been provided with any furnished residence by the Government].

*Explanation-*The Power to make rules under this section shall be in addition to the power to make rules conferred by any of the foregoing sections of this Act.

11. Repeal.-The West Bengal Minister' Emoluments Act, 1948 (West Ben. Act IX of 1948), is hereby repealed.

¹Inserted by West Bengal Act XXVII of 2005.

²Substituted by West Bengal Act XVII of 2017.

³These words were inserted by Sec. 2 of the West Bengal Salaries and Allowances (Amendment) Act, 1994 (West Bengal Act XXII of 1994).

⁴These words were inserted by Sec. 6 of the West Bengal Salaries and Allowances (Amendment) Act, 1989 (West Bengal Act XXIV of 1989).

**THE WEST BENGAL LEGISLATURE
(PRESIDING OFFICERS' TRAVELLING AND
DAILY ALLOWANCES) RULES, 1956***

**[Published under Government of West Bengal, Finance
(Audit) Department Notification No. 3921-F/F2A-181/57, dated
23rd October, 1957.]**

Rules

1. (1) These rules may be called the West Bengal Legislature (Presiding Officers' Travelling and Daily Allowances) Rules, 1956.

(2) They shall be deemed to have come into force on the 1st day of October, 1956, provided that no adjustment of mileage or daily allowance which has already been drawn by the Speaker or the Chairman under the rules in force prior to the issue of these rules, shall be made.

2. In these rules unless the context otherwise requires,-

- (a) "Chairman" and "Deputy Chairman", respectively, mean the Chairman and the Deputy Chairman of the West Bengal Legislative Council;
- (b) "Speaker" and "Deputy Speaker", respectively, mean the Speaker and the Deputy Speaker of the West Bengal Legislative Assembly.

3. For all journeys on public business the Speaker and the Deputy Speaker and the Chairman and the Deputy Chairman shall draw travelling allowance at the same rates as are admissible and under the same conditions as are applicable to Government employees of the first grade subject to following exceptions:-

**[(a)] *Journey by railways.*-Subject to the conditions laid down in rule 162 of the West Bengal Service Rules, Part II, in so far as they are not inconsistent with the provisions of this clause, hereinafter provided-

- (i) the Speaker or the Deputy Speaker may, at his option, travel, on requisition,-
 - (a) in a reserved first class railway compartment, or
 - (b) where an air-conditioned accommodation is available in the train, in a reserved air-conditioned coupe

*Provisions of these rules relating to the Chairman and Deputy Chairman of the West Bengal Legislative Council shall be construed to have been repealed on the abolition of the said council.

**This clause was substituted by Finance Department, Audit Branch, Notification No. 8053-F, dated the 6th November, 1973.

containing two berths, and shall be entitled to railway fares actually paid for not more than four personal servants at lowest class rates, and to the conveyance of all their personal luggage at the public expense whether taken in the luggage-van of the train to which the reserved compartment is attached or sent by any other train;

- (ii) the Speaker or the Deputy Speaker travelling by train in a reserved first class compartment or in a reserved air-conditioned coupe/compartment, as the case may be, is entitled, without payment, to take with him in the aforesaid reserved accommodation one relative. The Speaker or the Deputy Speaker, as the case may be, shall however, pay the usual fares for any other person travelling with him in the reserved compartment (subject to its authorised capacity) and if Government pay full tariff rates for the reserved compartment, such fares shall be credited to Government by the railway. No other travelling allowance shall be admissible for the rail journey.
- (b) *Journey by steamer.*-When travelling by steamer, the Speaker or the Chairman may, at his option, charge their personal bonafide travelling expenses, appending to their bills a certificate as follows:-

"I certify that I have actually paid the amount of this bill and that it does not include any charges for the freight of any stores or goods other than my personal luggage, or any charge for refreshments."

Explanation.-Stores taken for consumption on tour shall be deemed to be personal luggage.

- (c) *Journey by air.*-When travelling by air, the Speaker or the Chairman shall, in cases of urgency, be entitled to the fare actually paid for one attendant, but in that case he shall not be entitled to charge any travelling expenses for sending any servant by train.

Explanation.-(1) For the purpose of this clause "attendant" includes a private servant.

Explanation.-(2) The Speaker or the Chairman's decision whether it is a case of urgency shall be final.

- (d) *Journey by road.*-The Speaker or the Chairman may, at his option, charge at a rate of*annas 12 per mile for a journey by road, or in lieu thereof, their personal bonafide travelling expenses, appending to their bills a certificate as follows:-

"I certify that I have actually paid the amount of this bill and that it does not include any charges for the freight of any stores or goods other than my personal luggage, or any charge for refreshments, hotels or staging bungalows."

Explanation.-Stores taken for consumption on tour shall be deemed to be personal luggage.

- (e) *Daily allowance.*-(i) The Speaker or the Chairman while touring on public business, shall be entitled to daily allowance at the rate of Rs. 15 for the period of absence from headquarters. For halts outside the State of West Bengal, they may in addition draw an allowance of Rs. 10 per day. For the purpose of drawal of such additional allowance, a day shall be interpreted as a period which includes a midnight;
- (ii) The Deputy Speaker or the Deputy Chairman while touring on public business, shall be entitled to daily allowance at the rate of Rs. 12.50 for the period of absence from headquarters and at the rate of Rs. 15 for halts in Darjeeling and outside the State of West Bengal.
- (f) The proviso to rule 57 of the West Bengal Service Rules, Part II, shall not apply in the cases of the Speaker, the Deputy Speaker, the Chairman and the Deputy Chairman who, while on tour, are treated as State Guests.

4. The Speaker and the Deputy Speaker and the Chairman and the Deputy Chairman may, for purpose of attending a session, draw travelling allowance for one journey per session each way between his usual place of residence (i.e., the place where he usually resides out of session) and the place where the session is held, provided that, if the usual place of residence is outside West Bengal no travelling allowance shall be drawn for that part of the journey which lies outside West Bengal.

*The rate 48 paise per kilometre applies on conversion to decimal system.

5. The Speaker or the Chairman, when travelling on tour, on public business may recover the cost of carrying a motor car under the conditions specified in rule 84 of the West Bengal Service Rules, Part II:

Provided that Government is satisfied that the car has been employed, for all practical purposes, only as a means of performing, in the public interest, a journey off the line of railway. In cases where the presence of the car with the Speaker or the Chairman has apart from the advantages to Government of the particular tour or journey, saved them expenses in hiring a conveyance or served their personal convenience to an appreciable extent, they shall pay one-fifth of the cost of carriage.

6. The Speaker or the Chairman shall, when no motor car is carried with him while on tour on public business outside the State, be entitled to recover actual hire charges of a motor car if one is hired by him at the place of halt in the interest of public service. A certificate to the effect that the hiring of a motor car was necessary in the interest of public service shall be furnished with the bill.

7. The Speaker, the the Deputy Speaker and the Deputy Chairman shall be their own Controlling Officers. The signature of the Speaker or the Chairman or the Deputy Speaker or the Deputy Chairman on the railway requisition or on the travelling allowance bill either of himself or of his staff shall be accepted in audit as an authority for the journey, without requiring any further orders of Government.

8. When touring on public business in a foreign country the travelling allowance of the Speaker, the Chairman, the Deputy Speaker and the Deputy Chairman shall be regulated by specific orders of Government issued in each case.

9. For the purpose of these rules a "journey or tour on public business" shall mean a journey or tour on such business as would be connected with the official duties of the Speaker, the Deputy Speaker, the Chairman or the Deputy Chairman, as the case may be, and shall include journeys in connection with public functions in respect of planning constructive work, education or public health and journeys to attend conferences called by the State or the Central Government or by a statutory body.

10. In respect of any matter for which no specific provision has been made in these rules the ordinary rules governing the travelling allowance of the first grade Government employees shall apply.

11. Where the Government is satisfied that the operation of any of these rules causes or is likely to cause hardship in any particular case, it may, after recording its reasons for so doing and notwithstanding anything contained in any of these rules, deal with the case in such manner as may appear to it to be just and equitable.

**THE WEST BENGAL LEGISLATIVE ASSEMBLY
(PRESIDING OFFICERS' MEDICAL ATTENDANCE)
RULES, 2010**

**[Published under Government of West Bengal, Parliamentary
Affairs Department Notification No. 1008-P.A., dated
20th December, 2010.]**

Rules

I. *Short title and commencement* :-

- (1) These rules may be called The West Bengal Legislative Assembly (Presiding Officers' Medical Attendance) Rules, 2010.
- (2) These rules shall be deemed to have come into force with effect from the 1st day of September, 2010.

2. *Definitions*: In these rules, unless there is anything repugnant in the subject or context,-

- (a) "family" in relation to a Presiding Officer means,-
 - (i) spouse,
 - (ii) children including step-children and unmarried daughters,
 - (iii) father or mother dependent on the Presiding Officer,
 - (iv) minor brothers or sisters wholly dependent on the Presiding Officer;
- (b) "hospital or institution" means State hospital, State-aided hospital, Government Health Centre or Dispensary and includes any Private Hospital or Nursing Home or Physical therapy establishment or dispensary registered under the West Bengal Clinical Establishments Act, 1950;
- (c) "laboratory" means such clinical laboratory or medical clinic or institution recognized by the Government for the purpose of availing benefits of medical attendance and treatment;
- (d) "Medical attendance" means attendance for professional advice and includes pathological, bacteriological, radiological, biological or other methods of examination

for the purpose of diagnosis which are considered necessary by the attending medical practitioner;

- (e) "medical practitioner" means a registered practitioner registered under the Bengal Medical Act, 1914 (Ben. Act IV of 1914), the *Paschim Banga* Ayurvedic System of Medicine Act, 1961 (West Ben. Act XIII of 1961) or the West Bengal Homoeopathic System of Medicine Act, 1963 (West Ben. Act XXXIII of 1963);
- (f) "Presiding Officer" means the Speaker or the Deputy Speaker of the West Bengal Legislative Assembly;
- (g) "treatment" means the use of medical and surgical facilities and includes-
 - (i) the employment of such pathological, bacteriological, radiological, biological or other methods of investigations as are considered necessary by the attending medical practitioner;
 - (ii) the use of such medicines, vaccines, serum or other therapeutic substances as may be considered essential by the attending medical practitioner;
 - (iii) medical and surgical services and procedures;
 - (iv) dental treatment, including supply of denture;
 - (v) accommodation of the highest class as may be available in a hospital;
 - (vi) such nursing as is ordinarily provided at the hospital of such special nursing as the attending medical practitioner may certify to be essential;
 - (vii) blood transfusion.

3. *Entitlement of medical facilities:-*

- Ⓣ) The Presiding Officer and his family, other than those governed by the Medical Attendance (West Bengal Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries) Rules, 1969, shall be entitled to benefits of medical attendance and treatment as follows:-
 - (a) free medical attendance and treatment in State hospitals;
 - (b) Reimbursement of the cost of-
 - (i) medical attendance and treatment in any "hospital or institution";

- (ii) medical attendance and treatment either at the consulting room of the medical practitioner or at the residence of the member;
 - (iii) treatment in any laboratory or clinic.
- (2) The Presiding Officer or his family shall also be entitled to benefits of medical attendance and treatment for himself and members of his family in a private hospital or nursing home or clinic outside the State of West Bengal but located within India.

4. *Reimbursement of medical expenses:-*

- (I) All claims for reimbursement of medical expenses admissible under these rules shall be made in the Form set out in the Schedule to these rules and supported by prescriptions and receipts or vouchers or cash-memos as the case may be, showing payments made by the Presiding Officers.
- (2) If the medicines, vaccines, serum and such therapeutic substances which are required to be supplied free of cost for treatment of the Presiding Officer in a hospital or institution are not in the stock of that hospital or institution but those are certified to be essentially necessary by the attending medical practitioner, the cost of purchase thereof shall initially be borne by the Presiding Officer which shall be reimbursed to him or her on production of prescriptions and receipts or vouchers or cash-memos, as the case may be, showing the actual payment made by the Presiding Officer.

SCHEDULE

[See rule 4]

Form of application for claiming reimbursement of expenses incurred in connection with medical attendance and/or treatment of the Presiding Officers of the West Bengal Legislative Assembly and their families

1. Name of the Presiding Officer
2. Designation (Speaker/Deputy Speaker)

3. Residential Address
4. Name of the Patient
5. If the patient is not the Presiding Officer, his/her relationship with the Presiding Officer and whether the patient is wholly dependent on the Presiding Officer
6. Nature of ailment
7.
 - (i) Duration of ailment
 - (ii) Medical attendance and/or treatment received at the consulting room of a medical practitioner or at the residence of the patient
8. Name(s) and Registration No.(s) of the medical practitioner(s) attended/consulted
9.
 - (i) No. and date(s) of consultation or attendance
 - (ii) Fees charged for or attendance
10.
 - (i) Charges for pathological, bacteriological, radiological or other methods employed for medical attendance and treatment
 - (ii) Whether the methods were employed on the advice of the medical practitioner attending upon the patient
 - (iii) Cost of medicines prescribed and purchased from the market
11. Medical attendance and/or treatment received in a hospital or institution
12. Name of the hospital or institution in which medical attendance and/or treatment was received

13. Charges for accommodation
14. Charges for surgical operation
15. (i) Charges for pathological, bacteriological, radiological, blood transfusion and other methods employed for medical attendance and/or treatment
(ii) Whether the methods were employed on the advice of the medical officer-in-charge of the case
16. Cost of medicines which were not supplied free of cost in the hospital or institution for their non-availability in the stock of the hospital but those medicines certified to be essentially necessary by the attending medical officer
17. (i) Charges for special and/or special attendants engaged for the patient
(ii) Whether special nurses and/or special attendants were employed on the specific advice of the medical officer-in-charge of the case at the hospital or institution
18. Cost of denture
19. Cost of spectacles
20. Total amount claimed
21. List of enclosures

Date.....

Signature of the Presiding Officer

Date.....

Address.....

Telephone No.....

Note: All claims for reimbursement of medical expenses shall be supported by prescriptions and receipts or vouchers or cash memos, as the case may be, showing payments made by the Presiding Officer.

**The West Bengal Legislative Assembly Members
(Residential Accommodation) Rules, 1980**

(As amended up to 31.3.2011)

1. Short title, extent and commencement:-(i) These rules may be called the West Bengal Legislative Assembly Members (Residential Accommodation) Rules, 1980.

(ii) They shall come into force with immediate effect.

(iii) They shall apply to the allotment of residential accommodation in the State Legislators' Hostel to the Members of the West Bengal Legislative Assembly, the Members of the Parliament, the Members of other State Legislatures and their guests and other authorised occupations.

2. Definitions:-In these rules, unless the context otherwise requires,-

(a) "Authority" means the Speaker of the West Bengal Legislative Assembly and includes, when so authorised by the Speaker, the Chairman or a Member of the House Committee;

(b) "day" means 24 hours from the time of occupation of accommodation;

(c) "guest" means guest of the Member of the West Bengal Legislative Assembly, Parliament or any State Legislature who may accompany any Member;

(d) "Government" means the Government of West Bengal;

(e) "Hostel" means the State Legislators' Hostel, Kolkata;

(f) "House Committee" means the House Committee constituted by the Speaker in accordance with a motion adopted in the West Bengal Legislative Assembly on 21st April, 1976;

(g) "Member" means a Member of the West Bengal Legislative Assembly;

(h) "Member of the Parliament" means a Member of Lok Sabha and Rajya Sabha;

(i) "occupant" means a person occupying a seat in the Hostel other than a Member or Members of Parliament or other State Legislatures;

- (j) "month" means a calendar month;
- (k) "non-session period" means the time when the Assembly is not in session, but does not include the period when any Committee of the West Bengal Legislative Assembly holds its sittings;
- (l) "rent" means charges for accommodation;
- (m) "Secretary" means the Secretary of the West Bengal Legislative Assembly or any other officer of the West Bengal Legislative Assembly for the time being authorised to perform the functions of the Secretary;
- (n) "Speaker" means the Speaker of the West Bengal Legislative Assembly;
- (o) "week" means seven calendar days.

3. (1) The Hostel is intended for the residence of the Members of the West Bengal Legislative Assembly. No Member's guest will be allowed to stay in the State Legislators' Hostel for Medical Treatment.

(1) Where a Member intends to reside in his room in the State Legislators' Hostel permanently, he will have to obtain prior permission from Mr. Speaker.

(2) A Member shall be _____ to occupy a single seat unless otherwise allowed by the Authority on submission of an agreement duly signed in the form mentioned in Appendix 'A' and shall invariably note the time and date of arrival in the occupation register kept at the counter by affixing his signature against the entries. In default, the entries made by officer assigned with this task shall be conclusive and no dispute thereon shall be accepted.

4. (1) Accommodation for a person other than a Member or his guest may be reserved on application made to the Secretary at least seven days before the accommodation is required indicating the probable number of days for which accommodation is solicited which shall not without obtaining special permission of the Authority or any officer of West Bengal Legislative Assembly duly authorised by the Authority, exceed seven days. The Authority reserves the right to refuse accommodation to any person other than a Member or his guest without assigning any reason.

(2) Any person other than a Member accommodated in the Hostel shall have to execute an agreement in the form mentioned in Appendix 'B' and all such guests, companions and security guards shall, record their names, attended with signatures, in the relevant register

maintained at the Reception Counter indicating the dates and time to their arrival and ultimate departure. All such persons have to be introduced to the Receptionist by the Members whom they are respectively accompanying. In default, the entries made by the officer assigned with this task shall be conclusive and no dispute thereon shall be accepted.

(3) A Member while recommending his/her guest(s) to stay in the State Legislators' Hostel should mention full permanent address of the guest(s) concern in his/her application, otherwise no guest will be allowed to stay in the State Legislators' Hostel as prayed for.

5. (1) A Member may stay in the State Legislators' Hostel with an accompanying guest on payment of usual charges (the tariff rates mentioned in clause (b) of Appendix 'C' subject to the availability of accommodation) for such guest after obtaining necessary permission from Mr. Speaker.

(2) Security Guard accompanying a Member may be allowed to stay in the State Legislators' Hostel on payment of usual charges depending on availability of accommodation. The concerned Member shall have to obtain prior permission for the purpose.

(3) The rooms of the Hostel are furnished and no extra bed, linen and furniture will be provided.

6. An ailing Member may, the permission of Mr. Speaker, accommodate an accompanying guest in his own room on payment of usual charges.

7. Where the Member's companion is his spouse, parent, son or daughter, such companion will be allowed to stay in the State Legislators' Hostel, free of charge, after obtaining permission from Mr. Speaker.

8. (1) The tariff rates for accommodation of the Members of Parliament and their guests shall be charged as per rates given in the Appendix 'C'. The Authority reserves the right to add or alter the rates at his pleasure which shall be in force from the date such addition or alternation is made.

(2) The Members and accompanying Officials only of any Committee from a Sister Legislature, while on official study visit of such Committee to this Legislature, will be provided with rent free accommodation at the Hostel, subject to availability of accommodation at that time.

(3) The Members and the occupants shall have to make entries in the occupation register at the time of vacating the occupation and

leave the key with the officer of the Hostel and in case of default he or she shall be treated to be in continuous occupation and the charges thereof shall be double the usual rates.

9. The occupants shall keep all their personal belongings under lock and key at owner's risk and shall take them back while leaving. The authority shall not be responsible for the loss and/or damage of any article which shall be kept exclusively at owner's risk.

10. The visitors may be allowed on request and with the concurrence of the Members/occupants from 6 a.m. to 10 p.m. and prescribed rent shall be charged if any visitor stays beyond 10 p.m.

11. (1) Cooking shall not be permitted in the rooms, balconies and/or verandah of the Hostel.

(2) No pet or animal shall be allowed in the premises of the Hostel.

12. (1) A vegetarian-cum-non-vegetarian canteen is attached to the Hostel and a Member, his guests and/or the occupant may arrange for their own food directly with the caterer on payment of the tariff rates prescribed from time to time.

(2) A washerman is attached to, the Hostel whose services may be available on payment.

(3) The services of the room-attendants may be available for the Members and occupants except for the works outside the premises of the Hostel.

(4) The telephones provided in the Hostel are for the use of the Members. The Members are entitled to use the telephone free of charges for the local calls.

(5) The non-Members may also use the telephone free of charge for the local calls.

13. (1) The occupants on being allowed accommodation by the Authority shall pay their charges in advance for the period they propose and are allowed to stay and no refund shall be made in cash when he/she leaves the Hostel earlier.

(2) The occupants shall be responsible for the loss and/or damage of any article in the room including key of the room, electric and sanitary fittings and shall make good the loss before departure.

(3) The Authority reserves the right to ask any occupant to vacate the seat in the Hostel on 48 hours' notice if the accommodation is otherwise required.

14. (1) The Members shall clear the bills towards lodging and other charges in time on presentation of the bills and any default or delay shall be interpreted as a concurrence of the Member for the adjustment of the bills against their fixed monthly allowance and/or travelling allowance and the recovery shall be made from the allowance of the Member payable at the next earliest opportunity.

(2) For the purpose of these rules, the amount of the last allowance of the Member shall be released on production of "No Dues Certificate", when he/she ceases to be a Member.

15. (1) The occupants who will behave in a disorderly manner and/or overstay without obtaining necessary permission are liable to be evicted and shall be debarred from applying for any further accommodation without assigning any reason.

(2) The Authority may institute or cause to be instituted checks of all residential accommodation either through the Chairman and/or the Members of the House Committee or through an officer authorised for the purpose to ensure that the rules are properly observed and strictly adhered to and to report any breach.

16. The Hostel shall remain open from 6 a.m. to 11 p.m. but check-in time and check-out time will be 10 a.m. and 9 a.m. respectively.

17. (1) With regard to the matters not specifically provided for in these rules, the decision of the Authority shall be final and binding.

(2) In the event of a dispute whatsoever arising out of anything pertaining to the accommodation in the Hostel, the decision of the Speaker taken in consultation with the Chairman of the House Committee shall be final.

APPENDIX A

I,....., hereby agree to the allotment of one double bedded Room in Unit of the Hostel subject to the following conditions:

- (a) that I shall pay to the Government dues pertaining to such occupation by deduction of my allowance every month and/ or after presentation of the bill if not paid in cash earlier;
- (b) that I shall not sublet any seat to any person;
- (c) that I shall abide by the existing rules and rules formulated from time to time.

Signature of the M.L.A.

Dated.....

APPENDIX B

I,, son of
of Village/Town
P.O.....,P.S
District....., State.....
presently designated asin.....
do hereby agree to the allotment of the seat No..... in Room
No.....in the Hostel and do hereby deposit Rs.....
(Rupees only) as an advance for
..... days for which necessary permission has been duly
obtained subject to the following conditions:

- (i) that I shall abide by the existing rules and rules formulated from time to time in respect of accommodation in the Hostel;
- (ii) that I shall not share or sublet my seats and/or the room to any other person;
- (iii) that in the event of my disorderly behaviour or overstaying without permission, I shall be liable to be evicted without assigning any reason and no dispute thereupon will arise and/or will be entertained;
- (iv) that I shall be responsible for any loss or damage to any article of the Hostel and shall pay the cost or compensation in cash before departure;
- (v) that I shall vacate accommodation on the expiry of the period so allowed and/or on demand in 48 hours notice;
- (vi) that the decision of the Speaker shall be binding on me in all respect.

Dated.....

Signature.

Note: Clauses (iii) and (v) are not applicable to the Members of the Parliament and Members of other State Legislatures.

APPENDIX C

The tariff rates are noted below:

- (a) (i) For Members □ Re. 0.50 per day for a single seat;
- (ii) For Ex-Members □ Rs. 40/- per day per Room (Non-AC);
- (b) (i) Members of the Parliament □ Rs. 20/- per day and part thereof in Non-AC Room;
- (ii) Ex-Members of the Parliament from this State □ Rs. 40/- per day per Room (Non AC) and part thereof;
- (iii) Ex-Members of Parliament from other States □ as detailed in Dell hereunder.
- (c) For others □
 - (i) Rs. 30/- per day per head in Non-AC Room allotted to the MLA in SLH-I & II;
 - (ii) Rs. 300/- per day per room (Non-AC) in SLH-III;
 - (iii) Rs. 1200/- per day per double beded AC Room in the SLH-III;
 - (iv) Rs. 1500/- per day per AC Suite in the SLH-III;
 - (v) Rs. 30/- per day per in the dormitories in the SLH-I.

For the Ex-MLA and the Ex-MP of the State and their spouses, children and dependant parents the charge will be Rs. 20/- per day per head for accommodation at SLH.

Members for their guests, and Ex-MLA for himself are eligible for reservation of rooms at SLH for maximum 4 days a month and 24 days a year. No extension will be allowed under any circumstances.

All payments will have to be made in advance at the time of booking. If payment is not made, accommodation will not be confirmed. Refund of payments will be entertained only if reservation is cancelled 48 hours in advance.

Note: Part of a day will be reckoned as a full day for the purpose of realising occupation charges.

**Government Order regarding reimbursement of the cost
of supply of cooking gas (LPG) to the Chief Minister
and each Minister and each Minister of State**

GOVERNMENT OF WEST BENGAL

Home (C&E) Department

ORDER

No. 1744-A.R.

Calcutta, the 20th February, 1991

In exercise of the power conferred by the proviso to sub-section (2), read with the said sub-section, and sub-section (1) of, and the Explanation to, section 4, and clause (d) of section 2, of the West Bengal Salaries and Allowances Act, 1952 (West Bengal Act V of 1952) (hereinafter referred to as the said Act), the Governor is pleased hereby to order that the Chief Minister and each Minister and each Minister of State shall, in the absence of piped gas, be reimbursed the cost of supply of two cylinders of cooking gas (LPG) per month, irrespective of whether the Chief Minister or the Minister or the Minister of State resides in the official residence or in the rented house or in his own house.

2. The claim for reimbursement in each case shall be supported by cash memo., issued by the seller.

3. In terms of the provisions of sub-section (1) of section 8 of the said Act, this order shall apply to the Speaker and, in terms of the provisions of sub-section (2) of the said section, this order shall also apply to the Deputy Speaker.

4. The charges shall be debited,-

- (a) in the case of the Chief Minister, Ministers and Ministers of State, to the head "2013-Council of Ministers-00-Non-Plan-101-Salary of Minister and Deputy Ministers", and
- (b) in the case of the Speaker and the Deputy Speaker, to the head "2011-State Legislatures-02-State Legislatures-Non-Plan-3-Legislative Assembly", in the State Budget for the respective year.

5. This has the concurrence of the Finance Department *vide* their u/o. No. Group 'D' No. 2/1143, dated the 11th October, 1990.

By order of the Governor,

M.GUPTA

Secy. to the Govt. of West Bengal.

**Government Order regarding sanction of air-journey of
one attendant accompanying the Speaker, the Deputy
Speaker and the Leader of the Opposition**

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT

Parliamentary Affairs

From: The Joint Secretary to the
Government of West Bengal

To: The Pay and Accounts Officer,
Calcutta Pay & Accounts Office

No. 37-P.A./PA2T-5/90

Dated, the 26th February, 1991

Sir,

As inconveniences are being felt by the Speaker, Deputy Speaker and the Leader of the Opposition of the West Bengal Legislative Assembly to undertake air-journeys without attendant in cases of urgency, I am directed by order the Governor to say that the Governor after careful of the matter and after consultation with the Speaker, West Bengal Legislative Assembly has been pleased to decide that when travelling by air, the Speaker, Deputy Speaker and the Leader of the Opposition will, in cases of urgency, be entitled to the air-fare actually paid for one attendant/companion, but in that case he will not be entitled to send any other attendant by train. The decision of the Speaker or the Deputy Speaker or the Leader of Opposition whether it is a case of urgency will be final.

2. This order issues with the concurrence of the Finance Department vide their u/o No. Group 'P'-2620 dated 12.10.1990 and No. Group 'P'-504 dated 25.2.1991.

Sd/- Illegible

Joint Secy. to the Govt. of West Bengal.

**Rule regarding payment of electricity charges towards
consumption of electricity for the domestic purposes
by the Speaker and the Deputy Speaker**

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT

Parliamentary Affairs

NOTIFICATION

No. 261-P.A.

Dated, 23rd October, 1973

In exercise of the powers conferred by section 10 read with section 8 of the West Bengal Salaries and Allowances Act, 1952 (West Bengal Act V of 1952), the Governor is pleased to make with effect from the 18th May, 1972, the following rule regulating the supply of electricity for domestic purposes to the Speaker and the Deputy Speaker, namely:-

All expenses towards consumption of electricity for domestic purposes by the Speaker and the Deputy Speaker shall, when such Speaker or Deputy Speaker, as the case may be, has not been provided with any furnished residence by the State Government, be borne by the State Government.

M. M. KUSHARI

Secy. to the Govt. of West Bengal.

Government order regarding sanction of Cellular Telephone Allowance to Speaker, Deputy Speaker, Leader of the Opposition, Chief Government Whip and Parliamentary Secretaries

GOVERNMENT OF WEST BENGAL

Home Department

Constitution & Elections

Writers' Buildings, Kolkata-1

ORDER

No. 409-Home (Cons.) Dated, Kolkata, the 13th December, 2005.

The question of introduction of a Cellular Telephone Allowance to the Speaker, Deputy Speaker, Leader of the Opposition, Chief Government Whip and Parliamentary Secretaries of the State on the recommendations of the Committee on Entitlements of the Members of the West Bengal Legislative Assembly (2004-2005) has been under active consideration of the government for sometime past. After careful consideration of all aspects associated with the issue the Governor has been pleased to that with effect from the 1st day of April, 2004, the Speaker, Deputy Speaker, Leader of the Opposition, Chief Government Whip and the Parliamentary Secretaries of the West Bengal Legislative Assembly/State Government shall be entitled to a Cellular Telephone Allowance @Rs. 1,000/- (Rupees one thousand) only per month.

2. The Governor is further pleased to direct that the Cellular Telephone Allowance as sanctioned here-in-above shall be drawn in the monthly pay bill of the Speaker, Deputy Speaker, Leader of the Opposition, Chief Government Whip and Parliamentary Secretaries.

3. This order issues with the concurrence of the Finance Department vide their U.O. No. 1519 Gr. 'P' (Pay) dt. 20.07.2005.

4. All concerned are being informed.

Sd/-

*Additional Chief Secretary,
Home Department,
Government of West Bengal.*

**Government Order regarding drawal of salary by a
teacher elected a Member of the State
Legislature/Parliament**

EDUCATION DEPARTMENT

C.S.Branch

No. 1859-Edn. (CS)/2L-7/77

Dated, the 8th November, 1967

From: Shri S. C. Chakraborty, IAS,
Deputy Secretary to the
Government of West Bengal

To : The Director of Public Instruction,
West Bengal

Sub : Drawal of salary by a teacher elected a
Member of the State Legislature/Parliament

Ref: His Letter No. 2205, dated 11.7.1967

The undersigned is directed by order of the Governor to say that the Governor is pleased to lay down the following procedure for the guidance of all concerned:

When a teacher (of a school, college or university) becomes a Member of the State Legislature/Parliament, there would be no bar to his holding both the positions and accepting two salaries. It should be possible for the authorities of the institutions and the teacher concerned to come to a mutually satisfactory arrangement in regard to the performance of duties. In many cases particularly for Members of the State Legislature it should be possible to adjust the routine of the teacher to some extent in order to enable him to serve his institution and also to attend the Sessions of the Legislature. To the extent this is not possible, the teacher may be allowed leave for such periods as may be necessary and as permissible under the rules applicable to him. This may be particularly necessary in the case of the Head of an institution.

S. C. CHAKRABORTY,

Deputy Secy. to the Govt. of West Bengal.

**Government Order regarding drawal of salary by an
employee of a Co-operative Institution elected a
Member of the State Legislature/Parliament**

GOVERNMENT OF WEST BENGAL

Department of Co-operation

From : The Dy. Secy. to the
Government of West Bengal

To: The Managing Director,
West Bengal State Co-operative Bank Ltd.

No. 2293-Co-op/D/3P-21/99

Dt. Cal., the 1st July, 1999

Subject : Privilege of MLA while in service in a
Co-op. Institution

The undersigned is directed by order of the Governor to say that the Governor is pleased to lay down the following procedure for the guidance of all concerned:

When an employee of a Co-op. Institution becomes a Member of the State Legislature/Parliament there would be no bar to his holding both the positions and accepting two salaries. It should be possible for the authorities of the institutions and the employee concerned to come to a mutually satisfactory arrangement in regard to the performance of duties. To the extent this is not possible, the leave as admissible under the rules applicable to him should be allowed to the employee when the Assembly Session is on and for attending sub-committee meetings including Government meetings as a Member.

R. S. BHAKAT,

Deputy Secy. to the Govt. of West Bengal.

**Government Order regarding sanction of leave to a
teacher elected a Member of the State
Legislature/Parliament**

**EDUCATION DEPARTMENT
Secondary Branch**

No. 1608-Edn.(S)/2L-3/85

Dated, the 6th November, 1985

From : Shri S. K. Ghosh,
Deputy Secretary to the
Government of West Bengal

To : The Director of School Education,
Government of West Bengal

Sub : Sanction of leave to a teacher elected a
Member of the State Legislature/Parliament

Sir,

In partial modification of this Department Memo. No. 1859-Edn. (CS), dated 8th November, 1967 on the above subject, I am directed by order of the Governor to say that similar arrangement as contained in the memo., under reference, may also please be made henceforth for enabling a teacher who is also an M.L.A./M.P. to attend the meetings of any Committee set up by the State Legislature/Parliament or to undertake study tours as a Member of such Committee.

Yours faithfully,

S. K. GHOSH,

Deputy Secy. to the Govt. of West Bengal.

**Government Order regarding drawal of daily allowance
and conveyance allowance by MLA, Members of
Committees/Commissions, etc. set up by the
Government, when attending any meeting
of such Committees/Commissions, etc.**

FINANCE DEPARTMENT

Audit Branch

Memorandum No. 1011-F

Calcutta, the 9th February, 1977

At present the M.L.A., Members of Committees/Commissions, etc., set up by Government are entitled to daily allowance and conveyance allowance at the scale and rate as laid down in sub-section III of section A of rule 5 in Appendix I of West Bengal Service Rules, Part II, whereas while serving as Members of different Committees under the Legislative Assembly they are entitled to the same at the scale and rate as laid down in Bengal Legislative Assembly (Members' Allowances) Rules 1959, as amended from time to time.

2. The position being it has since been decided by Government that the M.L.A., Members of Committees/Commissions, etc., set up by Government shall be entitled to draw their daily allowance and conveyance allowance when attending any meeting of such Committees/Commissions set up by Government at the same scale and rate as are admissible to them under the Bengal Legislative Assembly (Members' Allowances) Rules, 1959, as amended from time to time.

3. Formal amendment to Appendix I of West Bengal Service Rules, Part II, shall be made in due course.

A. K. BANERJEE,

Joint Secy. to the Govt. of West Bengal.

**Letter from Ministry of Defence, Government of
India regarding release of vehicles from
Surplus Defence Stock to MLAs/MLCs**

GOVERNMENT OF INDIA

Ministry of Defence

No. 10(1)/83/D(O. II)

New Delhi, dated, the 8th May, 1987

To

The Secretary,
West Bengal Legislative Assembly,
Calcutta

Sub: Release of Vehicles from Surplus Defence
Stock to MLAs/MLCs

Sir,

As you are aware that Members of State Legislatures are eligible for direct release of vehicles from the Surplus Defence Stock to enable them to tour their respective constituencies. Under the existing orders, a total of three vehicles (viz., Jonga/Jeep/Motorcycle) may be allotted to a Member during the tenure of the House of their being a Member of the concerned House. Although Members are required to route their requests for release of vehicles through the Legislative Assembly (Vidhan Sabha)/Legislative Council (Vidhan Parishad) Secretariat of their respective States, quite often Members approach this Ministry direct for that purpose. In order to regulate the release of vehicles and to ensure that the vehicles are released in favour of the Bonafide Members of State Legislature, it is requested that this Ministry may kindly be supplied with an up-to-date list of Members of Legislative Assembly/Council of your State at an early date.

2. It would be appreciated if such lists are furnished to this Ministry as soon as the House is reconstituted after fresh elections.

3. In this connection it may also be stated that Members of State Legislatures approach this Ministry frequently for renewal of authority letters for release of vehicles, sometime without valid reasons. There have been renewal for 4-10 times. This creates avoidable work all round. It has now been decided that henceforward

no authority letter will be revalidated/renewed unless cogent reasons are given for not purchasing a vehicle within the original period of validity which is now 180 days. This may please be brought to the notice of Hon'ble Members.

Yours faithfully,

A. S. RAO,

Under-Secy. to the Government of India

**Government Order regarding supply of printed letter
head and envelopes to the Members**

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT

Parliamentary Affairs

No. 63-P.A./PA 3R-1/89

Dated, the 14th March, 1990

From : The Deputy Secretary to the
Government of West Bengal.

To: 1. The Accountant General (A & E), West Bengal,
Treasury Buildings, Calcutta-1.
2. The Accountant General (Audit)-I, West Bengal,
4, Brabourne Road, Calcutta-1.
3. The Accountant General (Audit)-II, West Bengal,
18, Rabindra Sarani, Calcutta-1.
4. The Pay & Accounts Officer,
Calcutta Pay & Accounts 81/2/2, Phears Lane,
Calcutta-700 012.

Sir,

I am directed by order of the Governor to say that the Governor has been pleased to decide that one thousand printed letter head inscribed with the name of individual Member thereof and envelopes free of cost will be supplied to all Members of the West Bengal Legislative Assembly every year with effect from the current financial year.

2. The Secretary, West Bengal Legislative Assembly will arrange to supply the printed letter head and envelopes to all the members.

3. The cost is debitable to the Head of Account "2011-State Legislatures-02-State Legislatures-Non-Plan-1-Assembly Secretariat-Office Expenses etc."

This issues with the concurrence of the Finance Department vide their u/o. No. Group P-2629 dated 18.8.1989.

Yours faithfully,

Sd/- Illegible

Deputy Secretary to the Gout. of West Bengal.

**Order issued by Metro Railway for issue of
Metro Railway Tickets in exchange of
Rail Travel Coupon**

**METRO RAILWAY
KOLKATA**

No. Metro/DIV/C.352

Dated: 20.04.2002
T2.03.2003

Sub: Joint Traffic and Accounts Procedure Order for Issue of Tickets of Metro Railway, Kolkata in exchange of Rail Travel Coupon (RTC) presented by Member of Legislative Assembly (MLA) of West Bengal.

Ref: (i) Director, Traffic Commercial (Rates) Railway Board's letter No. TC-IV2910/83/Metro dated 6.7.92.
(ii) Commercial Circular No. 9/92 dtd. 16.10.92.
(iii) IRCA Tariff No. 25, Part-I Vol.I.

In modification to the Commercial Circular No.9/92 dated 16.10.92, the following order is issued for issue of Metro Railway Tickets in exchange of Rail Travel Coupon (RTC) presented by MLAs of West Bengal with immediate effect.

1. Rail Travel Coupon book must be presented personally by the MLA, undertaking the journey to the booking clerk without detaching any coupon from the book. Loose coupons i.e. coupons detached from the book will not be accepted under any circumstances.
2. The Booking Clerk will personally remove from the book, the number of coupons necessary for the journey. To guard against impersonation, the Booking Clerk may ask the holder of the coupon book to write his/her signature on a piece of paper to compare with the signature in the coupon book. In case where coupons in excess of those actually required are detached from a coupon book by a Booking Clerk, a suitable remark should be made by the Booking Clerk on the back of the coupons "wrongly detached" and signed with date, designation and stamped. Such loose coupons should be accepted when presented for the issue of ticket provided-
 - (a) the coupon books from which the coupons have been detached is produced, and

- (b) the period of availability of the coupon book has not expired.
3. In exchange for the coupons, the Booking Clerk will issue maximum two (one for the MLA and other for the companion). Single or Return Journey/LMR/EMR tickets as may be required, scoring out the fare printed thereon and stamping on the face of the ticket RTC in indelible ink.
4. Availability of Coupon Book and the ticket A coupon book can be issued from any date and will be valid for three (3) years. For example a book issued on 30th July, 2001 will be valid for use till midnight of 29th July, 2004.

Availability of the Tickets issued on RTC will be the same as other tickets issued by Metro Railway.

5. Coupons not transferable (a) Coupons are not transferable and must be used only on journeys connected with the work of the Legislative Assembly.
- (b) In the event of the person ceasing to be a Member of the W.B. Legislative Assembly, the Coupon Book should be returned to the Secretary, Legislative Assembly, W.B.
- (c) If the concerned MLA does not purchase tickets for himself/herself against coupons issued to him/her, the tickets for companions shall not be issued against coupons.
6. Coupons for the face value of the tickets will be given at the Booking Counter at the time of purchase of ticket. If the coupons available in a book are not sufficient for a journey the balance amount will be paid in cash at full tariff fare.
- NOTE-If coupons from two different books are presented in favour of the same MLA for the issue of tickets, they should be accepted.
7. The use of coupons is limited to payment of basic fares of passenger tickets at Booking Offices. Coupons cannot, in any circumstance be accepted towards payment of any other charge, i.e. penalties etc. which have to be paid in cash.

8. Each coupon will be numbered with the book number and the coupon number in serial order.
9. Eastern Railway Administration will supply Rail Travel Coupon Books of different denominations on receipt of requisition for RTC made by the Secretary, Legislative Assembly. A coupon book will be available for use only by the MLA whose name is specified on the coupon book. The name of the Member concerned should be filled in by the Secretary, West Bengal Legislative Assembly before the Book is issued to the member concerned.
10. Luggage-As permitted to Metro Rail Passengers (Circular No. Metro/Div./C-352 dtd. 02.7.96) or issued from time to time, like other passengers.
11. Un-exchanged Coupons Members found travelling with unexchanged coupons will be considered as travelling without ticket and will be liable to the prescribed penalties. In such case penalty must be paid in cash.
12. Refunds (a) Refunds on unused coupons-These coupons shall not be accepted by the Metro Railway Booking Offices. These coupons should be deposited with the Eastern Railway Authority for granting refund as per Coaching Tariff No.25 Part-I, Vol. I para No. 246.14(i).
(b) Subject to Railway Rules, refund shall be admissible on unused/partially used Daily Ticket or damaged defective LMR/EMR, on its presentation to the Metro Railway Administration as follows.
(i) In all cases, the refund should be made only to the State Government and not to the individual members as per Coaching Tariff No.25 Part-I, para No. 246.14(2).

On receipt of any Unused or Partially used or damaged ticket, the SS or Shift Incharge will check the ticket to see that RTC is stamped on the front, validity, remaining rides etc. & will issue a Ticket Deposit Receipt (TDR) to the MLA concerned, after taking his signature in the Refund Register. The format of the TDR will be as follows.

Metro Railway Ticket Deposit Receipt

No.

Dated:

LMR/EMR Ticket No..... Zone
 issued against RTC from Station..... Code
 No..... Valid up to has been
 deposited by Shri
 MLA on..... at.....hrs. due
 to

PTD Reading

Binary Code

Remaining Ride

Amount refundable

Remarks

Signature of the MLA

Sig. of SS/Sr. TS/TS.

Full Name:

Station Stamp.

- (ii) The TDR will be prepared in 3 copies with double sided carbon (1st copy Passenger, 2nd Accounts and 3rd Station Copy). At the end of a month, a Refund Statement will prepared in triplicate and 2 copies will be sent to FA & CAO/Metro Railway along with the Tickets issued against RTC for refund for onward process and refund via Eastern Railway.

13. Accountal & Disposal RTC:

All Tickets issued in exchange of RTC shall be recorded in the Daily Trains Cash-cum-Summary book in a separate column. RTC will be treated as voucher. RTC accepted in exchange of Tickets and should be sorted out separately for each type of ticket and submitted to the Traffic Accounts Office along with the relevant Passenger Classification on Return, duly listed in a manuscript form appearing at Annexure-I of this JPO. The list together with the RTCs should be put in a cover and stitched to the respective passenger classification return to avoid their loss in transit.

SS/Sr. TStrS will prepare daily, one list in duplicate for tickets issued against RTCs, one copy of which will accompany cash remittance note. RTCs will be preserved and submitted once in a month to the Traffic Accounts Office along with passenger classification. One copy will be retained in the station as office copy. The credit taken in connection with tickets issued in exchange for Rail Travel Coupons should be verified with the original coupons received from the stations in support of such credits.

14. Metro Railway will, also have to raise the debit on Eastern Railway for the Tickets issued in exchange for RTCs and send the Refund Statements along with a summary for onward process.

DA: As above.

Sd/- Illegible
SAO(O&M)

Sd/- Illegible
Dy. Com.

RETURN OF RAIL TRAVEL COUPON (RTC) FOR THE
MONTH OF 20

Srl. No.	Coupon No.	No. of Coupon	Date	Fare	Ticket No.	Type of Ticket	Value Dt.	Remarks
-------------	---------------	------------------	------	------	---------------	-------------------	--------------	---------

7-
CR,
E,;

Signature of Sr. TS/TS.

**Government Order extending facility of
Railway Travel in AC 1st Class against
Railway Travel Coupon to Members**

**DEPARTMENT OF PARLIAMENTARY AFFAIRS
WRITERS' BUILDINGS**

E-Block, Top Floor
Calcutta 700 001

No. 1158-PA

Dated, the 23rd May, 1994

From: Shri S. K. Mukherjee,
Joint Secretary to the Government of W.B.

To : The Secretary, Railway Board,
Ministry of Railways, Government of India,
Rail Bhavan, New Delhi 110 001

Sub : Facility of travel by AC 1st Class to Members of
Legislative Assembly, West Bengal

Sir,

I am directed to say that the Government of West Bengal have decided to allow the facility of Railway Travel in AC 1st Class against Railway Travel Coupon by the Members of West Bengal Legislative Assembly in addition to the existing facilities of rail travel being enjoyed by them on certain conditions which will regulate the issue of Rail Travel Coupons to the MLAs in this respect. Necessary Government order has been issued in this regard.

The Ministry of Railways are, therefore, requested to henceforth allow the Members of Legislative Assembly of West Bengal to travel by AC 1st Class upon tendering Rail Travel Coupon therefore. The relevant railway rules may kindly be amended to this effect and intimated to all concerned.

Yours faithfully,
Sd/- S. K. MUKHERJEE,
*Joint Secretary to the
Government of West Bengal.*

**Government order regarding Revision of Railway
Travel Entitlements for the Members**

**Government of West Bengal
Department of Parliamentary Affairs
Writers' Buildings, E-BLOCK, Top Floor,
Kolkata-700 001
FAX: (033) 2214 3959**

No. 812-PA/3R-01/2010 Pt.1

Date: 29.09.2010

From: Shri Nandadulal Bhakat IAS
Joint Secretary to the Government of West Bengal

To: The Pay & Accounts Officer-I
Kolkata Pay & Accounts Office,
81/2/2, Phears Lane, Kolkata-700 001.

Subject: Revision of Railway Travel Entitlements for the
Members of the State Legislative Assembly, with effect
from 01.08.2010

Sir,

I am directed by order of Governor say that the Governor has been pleased to decide that in terms of The West Bengal Legislative Assembly (Members' Emoluments) (Amendment) Act, 2010 and in supersession of the previous G.O. No. 326-P.A./3R-01/2009 Pt III dated 19.03.2010 read with G.O. No. 359-P.A./3R-01/2009 Pt III dated 31.03.2010 on the above subject the entitlement of the Members of the West Bengal Legislative Assembly in the matter of Railway/Air travel outside the State of West Bengal shall be revised with retrospective effect from the 1st day of August, 2010 as follows.

2. In respect of journey to any place or places within India but outside the State of West Bengal, a Member, either himself or accompanied by not more than two persons shall now be entitled to railway coupons or vouchers subject to a maximum ceiling equivalent to fifty thousand rupees a year.

3. Likewise, a Member either himself or with not more than two persons accompanying him may undertake journey by air to any place or places within India outside the State of West Bengal subject to the maximum ceiling of fifty thousand rupees a year.

4. However, it is clarified that the Member himself and accompanied by not more than two persons shall be entitled to perform

journeys both by air and rail but the total amount of air fare and railway coupons or vouchers shall not exceed the maximum limit of fifty thousand rupees a year.

5. In case of journey by air, a Member shall be entitled to reimbursement of the air fare for himself and for not more than two persons accompanying him only on production of bills and other supporting documents, if any, in connection with such journey in the manner as followed for drawal of traveling allowance by such Member. In calculating the maximum limit of fifty thousand rupees a year, journeys undertaken by a Member to any place or places outside the state of West Bengal in connection with his/her duties as a Member of any Committee of the West Bengal Legislative Assembly or any Member of any delegation appointed by the West Bengal Legislative Assembly will not be taken into account.

6. The charge shall be debitable to the Head of Account "2011-State Legislatures-02-State Legislatures-101-Legislative Assembly-NP-Non Plan-001-Establishment of the Members of Legislative Assembly (LA)-V-11-Travel Expenses". (Code: 2011-02-101-NP-001-V-11)

7. The Assistant Secretary, West Bengal Legislative Assembly shall act as Drawing and Officer in respect of the expenditure sanctioned hereinabove.

8. This order issues with the concurrence of the Finance Department vide their U.O. No. 2501-Gr.P (Service) dated 19.07.2010 read with U.O. No. 2519-Gr.P (Service) dated 20.07.2010.

9. The Principal Accountant General (A & E), West Bengal is being informed accordingly.

Yours faithfully,

Sd/-

*Joint Secretary to the
Government of West Bengal.*

**Government order regarding carrying forward of issued
Railway Travel Coupons to next financial year**

**Government of West Bengal
Department of Parliamentary Affairs
Writers' Buildings, Main-Block
Top Floor, Kolkata-700 001**

No. 162 (Sanction)-P.A./3R-03/2014 Date: 02nd September, 2014

From: The Deputy Secretary
 to the Government of West Bengal

To: The Accountant General (A & E)
 West Bengal
 Treasury Buildings, Kolkata-1.

Sir,

It appears from Section 4(c) (1a) of the West Bengal Legislative Assembly (Members Entitlement 1937 that the Members are entitled to The Railway Travel for out side the state journey to a maximum amount of 50,000/- (Rupees fifty thousand) only in a year for journeys performed by the member, either himself or with not more than 2 person accompanying him, to any place or places within India outside the state of West Bengal.

There was a demand for long time passed that these existing amount of Rs. 50,000/- p.a. per member or a part thereof, if remain unused in the current financial year, may be permitted to carry forward the unused amount of the coupons in respect of journeys out side the state of West Bengal to the next financial years.

After careful consideration the Governor has been pleased to order that "The Railway Travel Coupon for outside the State Journey" which the Hon'ble Members of the West Bengal Legislative Assembly are presently enjoying (Rs. 50,000/- p.a.) may be carried forward to the next financial year in case of non exhaustion of the said amount in a financial year by any Member of the West Bengal Legislative Assembly.

This order issues with the concurrence of the Finance Deptt.

vide their U.O. No. Gr.-D/2014-2015/0423, dt. 26/08/2014.

All the Treasury Officers and Pay and Accounts Officer, Kolkata are being informed.

This will take effect from the date of issue of this order.

Yours faithfully,

Sd/-

*Deputy Secretary to the
Government of West Bengal.*

**Government Order regarding procedure for
payment of arrears of a deceased Member of
West Bengal Legislative Assembly**

**West Bengal Legislative Assembly Secretariat
"Assembly House", Kolkata-700 001**

MEMORANDUM

No. 840-L.A/Estab

Dated, Kolkata, the 28th May, 2002

It is experienced that a number of claims made by the legal heirs of the deceased members of the West Bengal Legislative Assembly regarding payment of the admissible life time arrears are lying undisposed owing to the fact that under the extant rules the members are the self drawing officers and that no officer of this secretariat is empowered to act as the Drawing and Disbursing Officer and/or empowered to act as the Sanctioning Authority to settle the payment of such unclaimed arrears. Individual cases are referred to the Government for obtaining necessary concurrence to dispose of the cases which is a time consuming process. The matter has been under the active consideration of the Government for some time past.

After careful consideration of the matter in all its aspects, the Governor in consultation with the Speaker, West Bengal Legislative Assembly has been pleased to decide that the Secretary, West Bengal Legislative Assembly shall act as the 'Sanctioning Authority' and the D.D.O., West Bengal Legislative Assembly Secretariat shall act as the D.D.O. in respect of the payment of life time arrears of the deceased members of West Bengal Legislative Assembly subject to the condition that the Sanctioning Authority is fully satisfied about the identity, right and title of the claimant.

Before issuance of individual Government Order an indemnity bond, in the format prescribed, in T.R. 17 of the W.B.T.R.-I for double the gross amount due for payment duly stamped shall be obtained from the identified claimant and due regard shall be given to SR 174 of W.B.T.R. Volume I modified under Finance Department G.O. No. 400-F, dated the 13th January, 1992 and also Finance Department Memo No. 3797-F, dated the 20th April, 1985.

This order issues with the concurrence of the Finance (Audit) Department vide their U.O. No. 965, Group T, dated the 25th April, 2002.

The Accountant General, West Bengal and Pay and Accounts Officer, Kolkata Pay & Accounts Office are being informed.

M. SARKER

*Secretary,
West Bengal Legislative Assembly.*

**Government Order regarding procedure for payment of
arrears of deceased Presiding Officers and Leader
of the Opposition**

**West Bengal Legislative Assembly Secretariat
"Assembly House", Kolkata-700 001**

MEMORANDUM

No. 1134-L.A/Estab

Dated, Kolkata, the 23rd June, 2003

In terms of G.O. No. 840-L.A./Estab, dated the 28th May, 2002, lifetime unclaimed arrears of the deceased members of West Bengal Legislative Assembly are settled without any further reference to the State Government. But in case of settlement of lifetime unclaimed arrears of the deceased Presiding Officers and Leader of the Opposition of West Bengal Legislative Assembly who themselves are self-drawing officers, certain difficulties are experienced. While lifetime unclaimed arrears of such officers as members of Legislative Assembly can be settled in terms of G.O. No. 840-L.A./Estab dated the 28th May, 2002, claims made virtue of their holding the post of Presiding Officers and Leader the Opposition of West Bengal Legislative Assembly, as the case may be, cannot be settled in terms of the G.O. under reference. The matter has been under the active consideration of the Government for some time past.

After careful consideration of the matter in all its aspects, the Governor in consultation with the Speaker, West Bengal Legislative Assembly has been pleased to decide that the Principal Secretary, West Bengal Legislative Assembly shall act as the 'Sanctioning Authority' and the Drawing and Disbursing Officer, West Bengal Legislative Assembly Secretariat shall act as the Drawing and Disbursing Officer in respect of the payment of life time unclaimed arrears of the deceased Presiding Officers and Leader of the Opposition of West Bengal Legislative Assembly accrued for holding their offices as such subject to the condition that the 'Sanctioning Authority' is fully satisfied about the identity, right and title of the claimant.

Before issuance of individual Government Order, an indemnity bond, in the format prescribed, in T.R. 17 of the W.B.T.R.-I for double the gross amount due for payment duly stamped shall be obtained

from the identified claimant and due regard shall be given to SR 174 of WBTR Volume I modified under Finance Department G.O. No. 400-F, dated the 13th January, 1992 and also Finance Department Memo No. 3797-F, dated the 20th April, 1985.

This order issues with the concurrence of the Finance (Audit) Department vide their U.O. No. 174, Group T, dated the 14th May, 2003.

The Accountant General, West Bengal and Pay and Accounts Officer, Kolkata Pay & Accounts Office are being informed.

M. SARKER

*Principal Secretary,
West Bengal Legislative Assembly.*

**Government Order regarding purchase of Colour T.V.
for installation in the Chambers of Ministers**

GOVERNMENT OF WEST BENGAL

HOME DEPARTMENT

Constitution & Elections

Writers' Buildings

Kolkata-700 001

MEMORANDUM

No. 266-Home (Cons.)/RIM-39/07 Dated, the 13th August, 2007

The undersigned is directed to state that a proposal for allowing a Minister-in-Charge/Minister-of-State to purchase a Colour T.V. set for official purpose has been under active consideration of the Government for some time past.

After careful consideration of all aspects associated with the issue, the Governor has now been pleased to decide that a Minister- would be entitled to a Colour T.V. set of his/her choice for installation in his/her office chamber for official purpose.

This order issues with the concurrence of the Finance Department of this Government vide their u/o no. 274 Group 'T' dated 06.07.2007.

The Accountant General (A&E), West Bengal and the Pay and Accounts Officer, Kolkata Pay & Accounts Office, Kolkata are being informed.

By order of the Governor,

Sd/-

*Special Secretary to the
Govt. of West Bengal.*

**Government Order regarding purchase of Mobile Handset
for Presiding Officers and Leader of the Opposition**

West Bengal Legislative Assembly Secretariat

ASSEMBLY HOUSE

Kolkata-700 001

MEMORANDUM

No. 143-LA/Estab.

Dated, Kolkata the 17th January, 2008

The undersigned is directed to state that the Minister-in-Charge/ Minister-of-State-in-Charge/Minister-of-State have already been allowed to purchase a Mobile Handset for official purpose in terms of Home (Constitution & Election) Department, Memo No. 287-Home (Cons.)/RIM (Cons.)-61/07 dated the 17th September, 2007.

In the light of the aforesaid G.O., the undersigned is further directed by order of the Hon'ble Speaker, West Bengal Legislative Assembly, to convey sanction to the purchase of a Mobile Handset at a price not exceeding Rs. 5,000/- only each for official purpose of Hon'ble Speaker/Deputy of the Opposition, West Bengal Legislative Assembly.

The charge is debitabale to the head 2011-State Legislatures-02-State Legislatures-103-Legislative Secretariat-Non-Plan-001-Assembly Secretariat-13-Office Expenses-04-other office expenses (Voted/charged) Code No. 2011-02-103-NP-001-13-V/C-04 in the State Budget of the appropriate financial year.

This order issues with the concurrence of the Finance (A) Department, Government of West Bengal, vide their U.O. No. 2525 Gr. T dated the 10th January, 2008.

The Accountant General (A&E), West Bengal and the Pay & Accounts Officer, Kolkata Pay & Accounts Office, are being informed.

J. L. CHAKRABORTY,

Secretary,

West Bengal Legislative Assembly.

**Government Order regarding internet connectivity in
residential telephones of Presiding Officers and
Leader of the Opposition**

West Bengal Legislative Assembly Secretariat

ASSEMBLY HOUSE

Kolkata-700 001

MEMORANDUM

No. 170-LA/Estab.

Dated, Kolkata the 22nd January, 2008

The undersigned is directed to state that the Minister-in-Charge/Minister-of-State-in-Charge/Minister-of-State have already been allowed to use the Internet connectivity in a residential telephone in terms of Home (Constitution & Election) Department Memo No. 297-Home (Cons.)/RIM (Cons.)-66/07 dated the 26th September, 2007.

In the light of the aforesaid G.O., the undersigned is further directed by order of the Hon'ble Speaker, West Bengal Legislative Assembly, to say that Hon'ble Speaker/Deputy Speaker/Leader of the Opposition, West Bengal Assembly would also be entitled to Internet connectivity in a residential telephone subject to the condition that the expenditure per telephone shall not exceed Rs. 500 (Rupees five hundred) per month, excluding service charges. The charge is debitable to the head 2011-State Legislatures-02 State Legislatures-103-Legislative Secretariat-Non-Plan-001-Assembly Secretariat-13 Office Expenses-04-Other office expenses (voted/charged)-Code No. 2011-02-103-NP-001-13-V/C-04 in the State Budget of the appropriate financial year.

This order issues with the concurrence of the Finance(A) Department, Government of West Bengal, vide their U.O. No. 2639 Group T dated the 16th January, 2008.

The Accountant General (A&E), West Bengal and the Pay & Accounts Officer, Kolkata Pay & Accounts Office, are being informed.

J. L. CHAKRABORTY,

Secretary,

West Bengal Legislative Assembly.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF PARLIAMENTARY AFFAIRS

WRITERS BUILDINGS, E-BLOCK, TOP FLOOR, KOLKATA-700 001

Telephone & Fax 033 2214 3059 E-mail ID: parliamentarybengal@wb.gov.in

No. 449-P.A./3R-01/2012

Date: 09.07.2012

From: Shri Nandadulal Bhakat IAS.
 Additional Secretary to the Government of West Bengal

To: The Pay & Accounts Officer,
 Kolkata Pay & Accounts Officer,
 81/2/2 Pheass Lane Kolkata-700012.

Subject: Implementation of the decision on offering Computer facilities to the Members of the West Bengal Legislative Assembly.

Sir,

In supersession of all Government Orders issued on the subject, I am directed by the order of the Governor to state that under the proviso contained in the West Bengal Legislative Assembly (Computer Facilities to the Members) Rules, 2012, the Members of the West Bengal Legislative Assembly with effect from the 13th day of May, 2012, shall be entitled to avail themselves of the benefits as follows.

1. A Member subject to a maximum ceiling of fifty thousand rupees per tenure, shall be entitled to one time reimbursement of the following during his/her tenure of office as a Member of the West Bengal Legislative Assembly.
 - 1.1 Purchase of computer in his/her own name as an elected Member of a particular Assembly Constituency.
 - 1.2 Purchase of devices as indicated below:
 - (a) CD-ROM;
 - (b) CDs & DVDs;
 - (c) CD Writers and DVD-Writers;
 - (d) Pen Drives;
 - (e) Printer;
 - (f) Scanner;
 - (g) Speakers;
 - (h) Data Cables;
 - (i) Web Cameras;
 - (j) Headsets;
 - (k) USB HUBs and;
 - (l) Any Software that is utilizable for specific purpose of public service.

2. A Member shall also be entitled to reimbursement of Annual Maintenance contract subject to ceiling of ten thousand rupees per tenure.
3. Members shall be entitled to get reimbursement of a consolidated sum of five thousand rupees per month to cover all inclusive expenses on account of Telephone usage and internet usage taken together.
4. All claims for cases of reimbursement as referred to hereinabove shall be made in the prescribed Form enclosed herewith this Order and supported by appropriate bills and vouchers in original.
5. Expenditure on this shall be debitible to the Head of Account "2011-02-State Legislatives-101-Legislative Assembly-NP-Non Plan-001-Establishment of Members of Legislative Assembly(LA)-V-50-other Expenses" (Code-2011-02-101-NP-001-V-50)
6. The Accounts Officer, West Bengal Legislative Assembly shall act as the Drawing and Disbursing Officer in respect of the expenditure to be sustained under the aforementioned budget and of account.
7. The Order issues with the concurrence of Finance Department vide their U.O. No. 1816 Gr. T dated 02.02.2012.
8. The Principal Accountant General (A & E) is being informed.

Encl: As stated

Yours faithfully,

Sd/-

(N.D. Bhakat)

*Additional Secretary to the
Government of West Bengal.*

No.449/1(7)-PA

Date: 09.07.2012

Copy forwarded for information and necessary action to:

1. The Principal Accountant General (A & E). Treasury Buildings, Kolkata-700001
2. The Secretary, West Bengal Legislative Assembly
3. The Home (C & E) Department
4. Private Secretary to Hon'ble Minister-in-Charge, Parliamentary Affairs Department
5. Private Secretary to the Chief Government whip
6. Private Secretary to Hon'ble Minister of State, Parliamentary Affairs Department
7. Departmental Guard File

*Deputy Secretary to the
Government of West Bengal.*

Enclosure to G.O.No.449 PA 3R 01/2012 dated 09.07.2012

West Bengal Legislative Assembly

Assembly House, Kolkata-700001

Application for claiming reimbursement of expenses incurred in connection with purchase of Computer with Device/AMC vide ANNEXURE-4 The West Bengal Legislative Assembly (Computer Facilities to the Members) Rules, 2012

I,
Member, do hereby request for reimbursement of the expenditure of a total sum of Rs..... (Rupees
.....) as undernoted.

SL No.	Particulars of Expenditure			Amount
	Bill No.	Bill Date	Bill Type (Please state whether purchase with Device/Upgrading/AMC)	
01.				Rs.
02.				Rs.
03.				Rs.
04.				Rs.
05.				Rs.
Total :				Rs.

My Machine Identification No. is

I also hereby enclose all the relating bills, each in triplicate.

SL No.	Bills presented	Amount
01.	Total Amount of Previous Bills taken together	Rs.
02.	Present Bills	Rs.
Total amount of Bills so far		Rs.

Signature :

Name :

Constituency :

Date :

**Government Order regarding entitlements of the Members
on Telephone and Internet usage**

**Government of West Bengal
Department of Parliamentary Affairs**

Writers' Buildings, Kolkata-700 001

Telephone & Fax 033 2214 3959

E-mail ID: parliamentarybengal@wb.gov.in

No. 115-P.A./3R-01/2012

Date: 27.02.2013

From: Shri Nandadulal Bhakat IAS
Additional Secretary to the Government of West Bengal

To: The Pay & Accounts Officer,
Kolkata Pay & Accounts Office,
81/2/2, Phears Lane, Kolkata-700 012.

Subject: Implementation of the decision of the entitlements on
Telephone and Internet usage for the Members of the
West Bengal Legislative Assembly.

Sir,

In cancellation of G.O. No. 594-Department of Parliamentary Affairs/3R-01/2009 Pt. V dated 28.09.2012 previously issued by this Department, I am directed by the order of the Governor to the state that under the West Bengal Legislative Assembly (Telephone Facilities to Members) Rules, 2005, as amended upto date the Members of the West Bengal Legislative Assembly shall be entitled to avail themselves of the benefits in relation to Telephone and Internet usage with effect from the 1st day of February, 2012, as follows:

Every Member so long as he continues to be such member, shall be entitled to a consolidated sum of five thousand rupees per month as telephone and internet charges allowances.

The D.D.O of the West Bengal Legislative Assembly shall act as the Drawing and Disbursing Officer in respect of the expenditure to be sanctioned under the aforementioned budget head of account.

The Order issues with the concurrence of Finance Department vide their U.O. No. 435 Gr. P (2) dated 20.02.2013.

The Principal Accountant General (A&E) is being informed.

Enclo: As stated

Yours faithfully,

Sd/-

(N.D. Bhakat)

*Additional Secretary to the
Government of West Bengal.*

**Government Order regarding revision of allowances for
purchase of Books, Newspapers and Periodicals in
respect of Member**

**Government of West Bengal
Department of Parliamentary Affairs**

Writers' Buildings, E-Block
Top floor, Kolkata-700 001

No. 285 (Sanction)-P.A./3R-01/2009

Date: 23.02.2010

From: Shri Nandadulal Bhakat IAS
Joint Secretary to the
Government of West Bengal.

To: The Pay & Accounts Officer-I
Kolkata Pay & Accounts Office
81/2/2, Phears Lane, Kolkata-12.

Subject: Revision of Allowances for purchase of books,
newspapers and periodicals in respect of Members of
the West Bengal Legislative Assembly with effect from
01.12.2009.

Sir,

I am directed by order of the Governor to say that the Governor has been pleased to decide that in terms of the West Bengal Legislative Assembly (Members Emoluments) (Amendment) Act, 2009, (West Bengal Act XIII of 2009) and in supersession of the previous G.O. No. 1131 - PA dated 31.10.2000 on the subject, the allowance for purchase of books, newspapers and periodicals in respect of Members of the West Bengal Legislative Assembly shall be revised from the existing rate of two thousand rupees per year to three thousand rupees per year with effect from 01.12.2009.

2. It is further hereby directed that on receipt of the bill as per specimen (copy enclosed) and duly signed by the concerned Member, the Secretary, West Bengal Legislative Assembly will take necessary steps for passing of the bills exceeding Rs. 3,000/- (Rupees three thousand only) in lump per annum as allowance on account of purchase of books, periodicals and newspapers for use of the Member in order to ensure payment.

3. The charge involved is debitible to the head of account "2011
- 02 - State Legislatures - 101 - Legislative Assembly - NP -

Non Plan - 001-Establishment of Members of Legislative Assembly (LA)- V - 50 - Other charges". (Code: 2011-02-101-NP-001-V-50).

4. This Order issues with the concurrence of Finance Department vide their U.O. No. 4600 Group - P (Service) dated 10.12.2009.

5. The Principal Accountant General (A&E) West Bengal is being informed accordingly.

Yours faithfully,

*Joint Secretary to the
Government of West Bengal.*

**Letter regarding exemption from Paying Parking Fees in
Kolkata Municipal Corporation Area**

**The Kolkata Municipal Corporation
Car Parking Department
5, S.N. Banerjee Road, Kolkata-700 013**

Memo No. CMP/72/14-15

Date: 28.05.2014

From: Chief Manager
Car Parking Department
Office No.2286-1125, 2286-1000
Extension-2829

To: Shri S.K. Mondal
Joint Secretary cum Committee Officer
West Bengal Legislative Assembly Secretariat
Assembly House
Kolkata-700001

Subject: Your reference No. 445 LA/MT (W/E) dated
21/05/2014.

Respected Sir,

With reference to your above said letter addressed to the Municipal Commissioner dated 21/05/2014, I am directed to inform you that KMC can charge fee for car parking on KMC roads (fee parking zone) but not within the jurisdiction of private premises or inside of a premises.

In fee parking stretches of KMC area vehicles with stickers of Members of Legislative Assembly of West Bengal are exempted from paying parking fees.

Thanking you,

Yours faithfully,

Sd/- Illegible
Chief Manager (Car Parking)

(A)
Government of West Bengal
Home Department
Co-ordination Branch
Writers' Buildings, Kolkata - 700 001.

No. 135 -Home (Cons.) Dated, Kolkata, the 22nd February. 2013.

NOTIFICATION

To assist the Chief Minister, Minister-in-Charge, Minister of State, Parliamentary Secretary, Speaker and Deputy Speaker to the West Bengal Legislative Assembly, Leader of the Opposition and Chief Govt. Whip, the Governor has been pleased to create new posts of "Executive Assistant" and "Special Executive Assistant" w.e.f. 1st day of March, 2013 by abolishing the posts of "Confidential Assistant" and "Special Assistant" simultaneously.

Every Minister / Minister of State / Parliamentary Secretary/ Speaker/ Deputy Speaker to the West Bengal Legislative Assembly / Leader of the Opposition / Chief Govt. Whip will be entitled to get one "Executive Assistant" and he / she may recommend any person according to his / her choice for such appointment to Home Department. Any Minister holding charge of more than one Department will be entitled to get one "Executive Assistant" for each such Department. The Chief Minister will be entitled to get one "Special Executive Assistant" in addition to one "Executive Assistant".

The posts are created on purely temporary and contractual basis and will be terminated automatically with the cessation of the Office of the Minister/ Minister of State/ Parliamentary Secretary/ Speaker / Deputy Speaker to the West Bengal Legislative Assembly/ Leader of the Opposition/ Chief Govt. Whip or until further orders whichever is earlier.

A consolidated pay of 18,000/- p.m. will be paid to the "Executive Assistant" by the Department concerned. In addition, they will be entitled to (i) one residential telephone with STD facility and (ii) traveling allowance facility in terms of rule 22·11 of the WBSR, Part- II, No medical benefit will be admissible during his/ herservice tenure. No pensionary benefit or Family pension will be admissible after termination of service. Terms and conditions for "Special

Executive Assistant" will be the same as admissible to "Executive Assistant".

The charge in this regard will be debited from the head of account under the concerned departments.

This Notification supersedes the earlier executive instruction etc.. if any, with regard to the appointment of "Confidential Assistant" and "Special Assistant".

By order of the Governor,

Sd I- Sanjay Mitra
**Chief Secretary to the
Government of West Bengal.**

(B)

**Government of West Bengal
Home Department
Co-ordination Branch**

Writers' Buildings, Kolkata - 700 001.

No.259-Home (Cons.)

Dated, Kolkata, the 21st March, 2013.

NOTIFICATION

In continuation of this Department's Notification No. 135-Home (Cons.) Dated 22/02/2013, this is hereby informed that the post of "Special Executive Assistant" and "Executive Assistants" to assist the Chief Minister, Minister-in-Charge, Minister of State, Parliamentary Secretary, Speaker and Deputy Speaker to the West Bengal Legislative Assembly, Leader of the Opposition and Chief Govt. Whip have been created vide *Finance Department's U.O. No. 3294 Gr. P (Service) Dated 05/10/2012.*

By order of the Governor,

Sd/- G. Bhattacharya
**Special Secretary to the
Government of West Bengal.**

Department of Planning and Statistics
Government of West Bengal
Bidhayak Elaka Unnayan Prakalpa
Updated Guidelines-2019

"Bidhayak Elaka Unnayan Prakalpa" (BEUP) was introduced by the Government of West Bengal in the Financial Year 2000-2001. Initially for every member of the Legislative Assembly of the state a sum of Rs. 15 lakh was provided for that financial year. In the year 2001-2002 the amount was increased to Rs. 25 lakh per financial year. The amount was further enhanced to Rs. 40 lakh from the financial year 2006-07. The amount was again enhanced to Rs. 50 lakh from the financial year 2008-09. Further it was stepped up to Rs. 60 lakh from the financial year 2010-11. With this fund MLAs are enable to formulate developmental schemes for their constituencies as per the locally felt needs for creation of durable assets for community benefits (not for any particular religious sector) and service support system in conformity with the comprehensive area development and socio economic developmental plans of the District/ Municipality/Corporation /Siliguri Mahakuma Parishad in accordance with guidelines formulated hereunder. This guideline shall be called Updated Bidhayak Elaka Unnayan Prakalpa Guidelines, 2019.

1. **Prakalpa:**

- 1.1 Each MLA is entitled to recommend schemes for Rs. 60 lakh for each financial year for his/ her Constituency during the tenure of membership of the Legislative Assembly. The work under this Prakalpa shall be developmental in nature based on locally felt-needs. The emphasis should be on creation of durable assets. This fund may also be used for provision of service support facilities and community benefits for the socio economic benefit of the constituency (*Community embraces all religion and not any particular religion*). The MLA should recommend developmental schemes in conformity with the overall priorities fixed for the District /Municipality/ Corporation/Siliguri Mahakuma Parishad under the District Plan by the District Planning Committee or the respective Committee. A list of suggested schemes is given in Annexure-I.
- 1.2 The MLAs may recommend construction of sheds etc. which are required by SHGs for income generation purposes. Self

Help Groups, having bank accounts (Government Schemes), may construct infrastructure facilities for income generation schemes provided the income generation schemes are approved and the infrastructure is required for meeting critical gaps, example, construction of sheds for piggery, goatry etc. However, movable assets cannot be purchased.

- 1.3 Under this Prakaalpa no fund should be recommended for expenditure like pay and allowances, purchase of vehicles, air-conditioners, other consumables, costly signboards etc. for Government or Panchayat or any office. The scheme should not be solely for the benefit of private institution or individuals. A list of schemes that shall not be permissible under this Prakaalpa is given at Annexure - II.

2. **Recommendation of schemes, sanction and execution thereof:**

- 2.1 Each MLA shall recommend scheme as per his/her entitlement of funds under this Prakaalpa during the term of the Assembly for each of the financial years as early as possible in accordance with the provisions laid down in these Guidelines. The processing of the schemes (i.e. feasibility, preparation/vetting of the estimates, sanction with necessary approval) should be completed within 3 (three) months from the date of the recommendation.
- 2.2 However no MLA shall be entitled to recommend any scheme under this prakaalpa after notification of the next Assembly Election or after the date of his or her resignation or termination of the membership from that Legislative Assembly or after the dissolution of the term of that Assembly.
- 2.3 The MLAs will prepare the outlines of the schemes as per para 1.1 to 1.3 of the guidelines for the constituencies keeping the developmental needs for the area in view. To ensure consistency with the overall District Plan and to avoid duplication, such scheme will be sent to the Secretary of the concerned District Planning Committee for consultation and sanction of the fund by the said Committee for areas outside the jurisdiction of Kolkata Municipal Corporation and DGAHC.

- 2.4 The schemes considered under this Prakalpa for recommendation should clearly indicate the nature of work, its location, information regarding the ownership of land, preferably with estimated cost subject to vetting by competent authority and beneficiaries to be covered. The land on which the scheme is proposed to be executed should be owned by the Government /Urban Local Bodies/ Panchayats. In case where a particular scheme is proposed to be executed on any private land, the owner of the land will have to issue a "No Objection" certificate in favour of the Sanctioning Authority.
- 2.5 For constituencies under Kolkata Municipal Corporation (KMC) area, the MLAs will have to send schemes to the Commissioner, Kolkata Municipal Corporation.
- 2.6 As a part of inclusive growth, MLA may take up Scheduled caste/ Scheduled Tribes/ Women/ children/Minorities related scheme under BEUP which may also be indicated to the District Planning Committee / Respective Authority.
- 2.7 The scheme should be whether it is in conformity with these guidelines before sending it to the implementing agencies for processing. The Commissioner, KMC/ Sabhadhipati or District Magistrate who are Sanctioning Authorities for the Prakalpa within their respective jurisdiction will give administrative approval and financial sanction against duly vetted estimates only. They will get the detailed schemes prepared on the basis of the recommendations received from the MLAs and duly vetted by the appropriate authority before according administrative approval and financial sanction for the schemes. The P&RD Department's circular No. 3969- PN/U/FP-1/5 dt. 25.7.06 regarding delegation of financial powers in respect of 3 tiers Panchayats for execution of different schemes is to be followed. Schemes of Rs. 10 lakh or more are to be executed by Zilla Parishads. Schemes having cost or estimate of more than 2 lakh but less than 10 lakh are to be executed by Panchayat Samities. Remaining scheme costing up to Rs. 2 lakh may be executed by Gram Panchayat Samities.

However, in special cases, the Zilla Parishads may get the schemes costing more than Rs. 10 lakh executed by Panchayat Samities. Similarly, Panchayat Samities may get the schemes having cost estimates of more than Rs. 2 lakh but less than Rs. 10 lakh executed by the Gram Panchayats.

- 2.8 The Commissioner, KMC/ DM who are Sanctioning Authorities for the Prakash within their respective Jurisdiction will give administrative approval and sanction amounts against duly vetted estimates only. They will get the detailed schemes prepared on the basis of the recommendations received from the MLAs and duly vetted by the appropriate authority before according administrative approval and financial sanction for the schemes. The Sanctioning Authorities will send these sanctioned schemes to the respective executing agencies to be selected as per procedure outlined in para 2.10. A copy of the sanction order will be sent to the MLA concerned. Funds under this Prakash will be placed with the concerned Sanctioning Authority. The said Sanctioning Authority will Sub-allot the fund (placed with them by the Nodal Department) to the executing agencies for execution of the schemes so sanctioned. The Sanctioning Authority will monitor and collect expenditure report and Utilization Certificates from the executing agencies for the funds sanctioned by them and send a consolidated report to the concerned agencies and the Nodal Department.
- 2.9 In case a constituency falls in more than one district, placement of fund by Nodal Department and sanction of the schemes by Sanctioning Authority for the whole Constituency area will be dealt within the district in which major areas of the Constituency falls. However, the executing agency for the area of the constituency falling under the other district(s) may be selected from those other districts.
- 2.10 A nominated MLA will also be entitled to recommend schemes for Rs. 60 lakhs for execution in a particular financial year. He/ She will choose a particular area/areas anywhere in the state with prior intimation to the Nodal Department for execution of the schemes under his/her entitlement. The fund will be placed by the Nodal Department accordingly to the concerned Sanctioning Authority. The preparation and

financial sanction of the scheme recommended by the nominated MLA will be processed by the agencies of the concerned area as provided in the previous paragraph.

- 2.11 The schemes under this prakalpa will be executed by the Panchyat bodies of local self government, Urban Local Bodies, Government Departments, Government Corporation, and Agencies under the Government. The particular executing agency may be selected in consultation with the concerned MLA. In special cases, the schemes, may be executed by organizations other than those mentioned above provided the Sanctioning Authority is satisfied about the credentials of the said organizations. An agreement (stated in Annexure-VII) will have to be executed by such organizations with the Sanctioning Authority to the effect that the fund placed with them for execution of the scheme will be utilized for the purpose for which it is placed with them, failing which, the said organizations will, be bound to refund the amount to the Government.
- 2.12 Since the entitlement of an MLA has been raised to Rs. 60 lakh per annum under BEUP, he/she may recommend scheme up to Rs. 8 lakh (Rupees eight lakh only) where an NGO/ any such organization is the implementing agency. It is stressed that the amount of Rs. 8 lakh per NGO is for all time to come. Where there are a number of implementing agencies working under an apex NGO, the apex NGO will get the amount. The individual NGO working under the apex NGO will not get any fund directly from the Government.
- 2.13 It has been observed, especially in the KMC areas, that Sanctioning Authorities generally do not sanction funds to registered clubs or NGOs, who do not possess their own land, or any immovable assets in their name. These clubs/ NGOs may carry out their activities from rented/leased location.

To prevent the operation of 'fly by night operators', before sanctioning funds under BEUP scheme, such clubs/ NGOs should arrange collateral security in the form of a bank guarantee or fixed deposit, equal to the amount required to be sanctioned to them from the BEUP scheme.

This collateral security is liable to get frozen or the bank guarantee is liable to get evoked by the Sanctioning Authority in case of any misappropriation/misrepresentation/fraud/defalcation by the said NGO/Club.

- 2.14 Procedure normally followed for execution of work by the State Government will be followed in the execution of schemes under this Prakalpa.
- 2.15 Beneficiary Committee would be appointed by the Sanctioning Authority in consultation with the MLA for supervision of a particular scheme. The Beneficiary Committee may consist of not more than three members one of whom may be nominated by the concerned MLA, if he/she so desires.
- 2.16 A plaque carrying the inscription 'BEUPWork' indicating the cost involved, the commencement, completion and inauguration date and name of the MLA sponsoring the project may be permanently erected at the site. However, the cost of such plaque should be minimum and should be included in the estimated amount of the relevant BEUP scheme.
- 2.17 If the work recommended by the former MLA is pending for sanction due to administrative reasons, it should be executed after sanction with intimation to the newly elected MLA of the respective constituency from the available fund.
- 2.18 If the work recommended by the former MLA is under execution, it should be completed. Schemes of the MLAs of the earlier Legislative Assembly sanctioned by the Sanctioning Authorities but not executed earlier shall be executed even if the previous MLA ceases to be a member. Beneficiary Committee appointed for the supervision of the particular scheme shall continue to function with an additional member nominated by the new MLA.
- 2.19 The spirit of the guideline is once a scheme is recommended by the MLA and gets sanctioned thereupon, it has to be implemented unless it is technically not feasible. This technical feasibility question may be decided by the concerned technical officer within three months from the date of recommendation as per Para 2.1 of the guideline.

- 2.20 If a scheme sanctioned earlier is executed partly, the unfinished work shall be completed, depending upon the nature of the scheme and the scope of utility of the scheme out of the unspent balance, if any, of the former MLA. If no unspent fund is available, such fund shall be made available from the entitlement of the new MLA in consultation with him/her.
- 2.21 Schemes once sanctioned should be executed. If, however, a scheme sanctioned earlier cannot be executed due to serious technical flaws and administrative difficulties, the scheme may be revised by the Sanctioning Authority in consultation with the new MLA.
- 2.22 When a new MLA is elected on a seat being vacated by a previous MLA due to termination, resignation etc., the new MLA will not change any scheme already recommended by the earlier MLA and sanctioned by the Sanctioning Authority.
- 2.23 If any scheme recommended by any MLA is not feasible, partly or fully, for execution for whatever reasons, the MLA will be approached for modification or change of the said scheme and the MLA will consider recommending modification or change of the scheme accordingly. When there is a change of the membership of the Legislative Assembly for the same constituency and the MLA who originally recommended a scheme is not available for consultation for such change of the scheme for reasons of termination of the membership, the newly elected MLA will be entitled to recommend a new scheme in place of the one recommended by the former MLA.
- 2.24 It has been reported that in some cases an executing agency participating in a tender process under BEUP offers an excessively lower price to get the work awarded. After the award of work they follow unscrupulous practices, do substandard work and take a huge amount of time for completing the work. In order to safeguard the interests of the Government, an Additional Performance Security shall be obtained from the successful bidder, if the accepted bid by the successful bidder having own prime machineries (if applicable) as described in the NIT is less than 15 (fifteen)% of the estimated amount. Alternatively, the Additional Performance Security shall be obtained from the successful bidder who does not own prime machineries if such a bidder's bid value more or less than 10(ten)% of the estimated amount.

The Additional Performance Security shall be equal to 10% of the Tender Amount for both the above cases.

The Additional Performance Security shall be submitted through online net banking/ RTGS/ NEFT/ Bank Draft before issuance of Work Order.

If the successful bidder fails to submit Additional Performance Security within 7(seven) working days from the date of LoA or the time period as approved by the Tender inviting Authority, his earnestmoney will be forfeited.

If the bidder fails to complete his work apropos the work order successfully, the Additional Performance Security along with Security Deposit lying with the Government shall be forfeited at any time during the pendency of contract period as per relevant Clauses of the Contract. Necessary provisions regarding deductions of Security Deposit from the progressive bills of the Contractor as per relevance clauses of the contract will in no way be effected/ altered by this Additional Performance Security.

Henceforth, these provisions shall be mandatorily incorporated in all Notice Inviting Tender and should be a part of the Contract/ Agreement.

3. Prescribed Authorities:

3.1 **Nodal Department:** At the state level, Department of Planning and Statistics is the Administrative Department for this Prakalpa in respect of the release of the funds, formulation of the guidelines, monitoring of performance and evaluation of schemes executed.

3.2 **Sanctioning Authority:** The designated sanctioning authorities for schemes recommended by the MLAs shall be as follows:

(A) For districts, the Sanctioning Authority shall be either the Sabhadhipati of the Zilla Parishad (Chairman, District Planning Committee) or the District Magistrate (Secretary, District Planning Committee).

(B) Commissioner, Kolkata Municipal Corporation, for Kolkata Municipal Corporation area.

- 3.3 **Drawing & Disbursing Authority** : The designated Drawing & Disbursing Authority for release offunds against sanctioned schemes shall be as follows:
- (A) District Magistrate for Districts.
 - (B) Commissioner, Kolkata Municipal Corporation for Kolkata Municipal Corporation area.
- 3.4 **Executing Agencies:** The scheme under this prakalpa will be executed by Panchyat bodies (Zilla Parishad/Panchayat Samiti/ Gram panchayat) urban Local Bodies, Government Departments, Government Corporations and Agencies under the Government. The particular executing agency may be selected in consultation with the concerned MLA. In special cases, the. schemes may be executed by organizations other than those mentioned above provided the Sanctioning Authority is satisfied about the credentials of the said organizations.

Executive Agencies, having no PL/Deposit Account for the purpose of implementation ofBEUP projects, can open Bank Account. (Vide U.O. No. Group T/2017-18/1206 dated 23.03.2018).

4. Entitlement of fund

- 4.1 Each Member of a newly constituted Assembly shall be entitled to the full amount as admissible for each financial year under this Prakalpa as per the provisions of the Guidelines for the full term of the Assembly.
- 4.2 When the tenure of the MLA begins within the first half of the financial year or ends in the 2nd half of the financial year then the said MLA shall be entitled to the full amount for that financial year. When the tenure of the MLA starts within the second half of the financial year, the MLA shall be entitled to 50 percent of the annual entitlement for that particular financial year. Again, when the tenure of the MLA ends in the first half of the financial year, the said MLA shall be entitled to recommend schemes for 50 percent of the annual entitlement for that financial year; and when the tenure ends in the second half of the financial year, the said MLA will be entitled to recommend schemes for the full annual entitlement.

- 4.3 If any person ceases to be an MLA due to resignation, termination or otherwise, the new MLA of the Constituency will be entitled to get the balance amount of the fund that remained unsanctioned prior to the start of the tenure of the new MLA for the remaining period of the Assembly.
- 4.4 If, during the term of the Assembly any MLA is unable to recommend schemes apropos his/her entitlement during his/her tenure for reasons beyond his/her control, as per the provisions of the Guidelines, the MLA elected subsequently for the balance period of the term of that Assembly, shall be entitled to recommend schemes for such amount in addition to the funds which he/she shall normally be entitled to recommend during his/her tenure of membership of that Assembly.
- 4.5 However, no MLA shall be entitled to recommend any schemes under this Prakalpa after notification of the next Assembly Election or after the date of his /her resignation or termination of the membership from that Legislative Assembly or after the dissolution of the term of that Assembly. The funds that are covered by recommended schemes may be utilized for _____ of those recommended schemes during the term of the next Assembly. But, if any fund under the Prakalpa for a term of the Assembly still remain unutilized for not being covered by any recommended schemes at the time of the dissolution of the Assembly, in that case, such amount shall stand lapsed and such unutilized funds that are not covered by recommended schemes should be deposited under the appropriate Head of Account by way of Treasury Challan with intimation to the Nodal Department. The unutilized funds not covered by recommended schemes should be deposited with the Treasury within 6(six) months or the next 31st March from the date of dissolution of the Assembly, whichever is later. A copy of the treasury Challan should be sent to the Nodal Department.
- 4.6 The non-recommended and non-sanctioned BEUP funds lying unutilized should be deposited in the P.L. A/C or L.F. A/C of the district concerned may be debitible to the respective treasury to the Head of Account "*2575-other Special Area Programmes-60-other- 917- Deduct- Recoveries of Over Payment-017-Bidhayak Elaka Unnyan Prakalpa-70-Deduct-Recoveries*". A copy of the Treasury Challan should be sent to the Nodal Department.

5. Fund release & Maintenance

5.1 The Nodal Department will release 50% of the annual entitlement of the MLAs for the financial year as 1st instalment. The 2nd instalment i.e. 50% of the remaining annual entitlement will be released after receipt of Utilization Certificate for not less than 30% of the total fund released for the concerned constituency up to that point of time in case of executing agency like Panchayati Raj Institutions, Urban Local Bodies, Kolkata Municipal Corporation and other Government organisation. However, Certificates for utilization of at least 50% fund released will have to be submitted for Non-Government executing agencies.

5.2 Contingency Fund

Provision shall be made for additional two percent (2%) of the total annual entitlements of each MLA which shall be earmarked for meeting contingent expenditure for. proper implementation, supervision, monitoring, third parties inspection; creating awareness among public/ stake holder etc. of BEUP scheme.

The allotment may be used for the following purposes:

- (i) Monitoring, holding meetings, holding workshops etc. for BEUP by any/all stake holders.
- (ii) Third party inspection, physically audit and quality checking for BEUP.
- (iii) Development of software system for physical and financial monitoring at State Level.
- (iv) Translation and printing of BEUP guidelines and relevant orders in English as well as in Vernacular.
- (v) Hiring of services/consultants for accounting, data entry, Software support including uploading of data on website only for BEUP purpose.
- (vi) Creating awareness among public/ stake holders about the scheme and dissemination of information of ongoing and completed works for BEUP purpose.

- (vii) Purchase of stationery for BEUP purpose.
- (viii) Office equipment including computer hardware/software for BEUP purpose.
- (ix) Communication instruments, Fax charge/ Computers, postal charge for BEUP purpose.
- (x) Expenses incurred to make BEUP works monitoring software and BEUP portal operational.
- (xi) Hiring of vehicles and fuel to carry out inspection of BEUP works.
- (xii) Outsourcing of technical estimates of fund necessary in specialized case.

The District Magistrate and KMC shall furnish separate UC for this allotment.

5.3 Third Party inspection. Physical Audit & Quality Checking.

The Scheme Sanctioning Authority will carry out third party inspection, physical audit and quality checking for the BEUP Schemes as per following criterion :-

- (i) All schemes in which fund involvement is Rs. 20.00 lakh and above should compulsorily be covered.
- (ii) 50% of the schemes in which fund involvement is Rs. 10.00 lakh and above but below Rs. 20.00 lakh must be covered.
- (iii) 20% of the schemes in which fund involvement is Rs. 5.00 lakh and above but below Rs. 10.00 lakh must be covered.
- (iv) For remaining work a sample test of at least 5% of schemes must be covered. .

The Scheme Sanctioning Authority may select any agency or engage retired Engineers (not below the rank of Assistant Engineer) to carry out third party inspection and physical audit.

Third party inspection for the schemes under BEUP for a particular financial year should be completed by 30th September of the next financial year.

Prescribed proforma and guidelines are given at ANNEXURE-VIII and ANNEXURE-IX to ensure uniform inspection, physical audit and quality checking of the scheme under BEUP throughout the state.

- 5.4 The fund provided under this Prakaalpa for each Assembly Constituency for each financial Year as per guidelines shall be carried over to the next financial year if unutilized for not being covered by recommended scheme but within the term of that Assembly. Funds released in a particular year, if unutilized for not being covered by recommended schemes, can be carried forward to the subsequent financial year without detracting from the allocation of Rs. 60 lakh per financial year per constituency. However, release of funds shall be made with reference to the actual progress achieved in expenditure and execution of works. For example, if out of Rs. 60 lakh allotted for a constituency in a financial year, Rs. 25 lakh is spent, the balance of Rs. 35 lakh can be carried over to the next financial year when this amount, together with fresh allocation of Rs. 60 lakh (total Rs. 95 lakh) would be the entitlement of the financial year and could be spent. Release of fund by the Nodal Department for any constituency will be in accordance with the provision of the Guidelines. However, any fund that remains unutilised for not being covered by recommended scheme at the time of dissolution of the Assembly, shall stand lapsed.
- 5.5 In case, any MLA is not willing to utilize the fund for his /her constituency, he/she will intimate this in writing to the Nodal Department and the Nodal Department, in that case, will not release fund for his/her constituency. If such fund has already been placed, it will be withdrawn by the Nodal Department.
- 5.6 For the Assembly Constituencies falling mainly under Kolkata Municipal Corporation area, the funds will be placed with the Commissioner, Kolkata Municipal Corporation. For all Districts fund will be placed with the District Magistrate. The Commissioner Kolkata & District Magistrate will maintain MLA-wise and Constituency-wise separate accounts of fund and intimate the concerned MLAs and the Sanctioning Authorities when funds are credited to and debited from these accounts.
- 5.7 Fund released by the Nodal Department under the Prakaalpa will be credited to the Personal Ledger Account of the concerned Commissioner, Kolkata Municipal Corporation & District Magistrate. The Sanctioning Authority will maintain MLA-wise separate accounts in suitable subsidiary ledgers for this fund.

- 5.8 The Department of Planning & Statistics will release funds to the Commissioner, KMC/DM as the case may be.

6. Monitoring & Reporting

- 6.1 For effective implementation of the work taken up under this Prakalpa, the Sanctioning Authorities will arrange regular monitoring meetings, at least once in a month, with the executing agencies and the MLAs or their representatives. Regular field visits should also be undertaken to ensure quality of the work. 100% works carried out by the Trust/NGOs and societies by the BEUP fund and at least 10% of the other BEUP works under implementation every year would be inspected at the District level. The MLAs or their representatives should be associated with such visits whenever possible.
- 6.2 The sanctioning Authorities shall send monthly report of total expenditure scheme-wise and constituency-wise to the Nodal Department in the prescribed Proforma given at Annexure'III'. A copy of the same shall be endorsed to the concerned MLA. Certificate in the prescribed proforma (Annexure- shall be sent to the Nodal Department in duplicate by the Sanctioning Authority.
- 6.3 Review Meeting on BEUP should be held once in a month at Block Level for discussions on sanctions received, implementation of schemes and their completion and submission of Utilization Certificates, in addition to the meetings at the District Level. The Review Meetings should be held with the stakeholders who are directly involved in the implementation of this prakalpa. The date of this meeting should be communicated to the MLAs in advance so that the MLAs are able to attend such meetings. The Sub-Divisional Officers should preferably chair these meetings to oversee the progress of implementation of the scheme. The DPLOs must attend the Block Level Meetings. The implementing agencies must (A) submit the vetted estimates, once a scheme is sanctioned, early (B) submit the UCs, once the scheme is completed, expeditiously. The District Magistrate, Divisional Commissioners and Planning Department should be apprised of the outcome of the Review Meetings.

- 6.4 Regular review & monitoring of the performance in the Districts under this Prakashpa will be conducted by the concerned sanctioning authority every month in which the concerned MLAs /their Representatives and Executing Agencies should be requested to remain present. Detailed report of such meetings shall invariably be sent to the Nodal Department.
- 6.5 For review of the time-bound performance and implementation of the schemes under the prakalpa, each District/Kolkata Municipal Corporation should set up a "Review Committee" that shall meet at least once in a quarter to assess the position of funds available, recommendation received, its processing for sanction, implementation, execution and realization of UCs for completed schemes etc. Problems in execution, if any, should also be deliberated by the committee for redress/remedy. The scheme-wise assessment/detailed report of such meeting shall invariably be sent to the Nodal Department. The District Magistrate shall chair the Committee. DPLO shall be the Member Secretary. The concerned Additional District Magistrate shall be a Member. In respect Kolkata Municipal Corporation the Commissioner, Kolkata Municipal Corporation (KMC) shall chair the Committee, the Officer-in-Charge of the Prakashpa in the KMC shall be the Member Secretary and the concerned Joint Commissioner/Joint Secretary or Deputy Secretary shall be a Member. MLAs/their representatives and representatives of the Executing Agencies should be present at the review meeting as permanent invitees.

7. Maintenance of records

- 7.1 Sanctioning Authority shall maintain MLA-wise and financial year-wise accounts relating to each term of Assembly regarding the release of funds, recommendation of schemes, sanctions and completion thereof. The prescribed Proformas are given at Annexure V & VI. The accounts for each term of Assembly should be closed within six months or the next 31 st March, whichever is later, from the date of dissolution of the Assembly and the amount utilized for not being covered by any recommended scheme should be deposited with the Treasury under the appropriate Head of Account.

- 7.2 Sanctioning authority should maintain register MLA-wise, Year-wise (Annexure-V) pertaining to each term of Assembly regarding the recommended schemes i.e., date of recommendation, nature of work, site, sector, estimated amount, date of sanction, date of commencement of work, date of completion of work, actual expenditure and date of submission of Utilization Certificate and Audit Certificate. [Reasons for non-completion of projects or revisions in estimate or any change in sanctioned scheme should be recorded in the "Remarks" column of the register for sanction of funds under the Prakash for SC/ST areas on SC/ST beneficiaries or women or children component schemes or SHGs or Minorities.]
- 7.3 Minutes of all Review Meetings and Committee Meetings held for monitoring of the performance of the schemes undertaken in the Districts or Kolkata Municipal Corporation area should be duly recorded in a register at the respective office of review. Copies of the minutes of such Review Meetings should be sent to the Nodal Department positively for records.
- 7.4 Records should be maintained in respect of all inspections conducted from time to time.

8. Ownership & Maintenance of Assets:

The ownership of the durable assets created should preferably lie with the Local Body (Urban/Rural) or the Head of the Educational Institute. As owners, the Local Body / Institute should ensure proper operation, maintenance and management of the durable assets by the users as applicable, on behalf of the Government.

9. Audit:

This Prakash shall be subject to the Financial Rules and Audit Scrutiny as per norm of the Government.

10. Date of Effect

This updated guideline shall be effective from the 1st day of August, 2019. However, this guide line shall not affect any action in respect of implementation of BEUP work that had already completed and taken in accordance with BEUP Revised Guidelines (1st April, 2008) if, found any contrary to BEUP, 2019.

Annexure-1**Illustrative but not exhaustive list of schemes that can be taken under BEUP****I. Agriculture and Allied Activities:**

- 1.1 Construction / extension of infrastructure facility for agriculture market not covered under any scheme of Govt, or Local Body.
- 1.2 Construction / extension of infrastructure facility for Veterinary aid centres, artificial insemination centre & breeding centres managed by Govt. or Local Bodies not covered under any scheme.
- 1.3 Construction/ extension of infrastructure facility for fishery in community pond or pond of Government/ Local Bodies with approval of the concerned authority not covered under any scheme.

II. Irrigation and Flood Control

- 2.1 Construction / extension minor Irrigation system not covered under any scheme
- 2.2 Water harvesting structure for irrigation purpose not covered under any scheme.
- 2.3 Construction/ extension of drainage system / culvert in water logging of flood prone areas not covered under any scheme.

III. Energy

- 3.1 Purchase of installation for use of Solar Energy/Solar lighting from WBREDA in remote area not covered under any scheme.
- 3.2 Electrification of Rural/ Urban Roads not covered under any scheme.
- 3.3 Bio-gas plants for community lighting through WBREDA for household purpose not covered under any scheme.
- 3.4 Electrification of uncovered pockets/ areas in Urban and Rural area not covered under any scheme / project of the Power Department.

- 3.5 Procure Generator Set (Green Generator) for Government/ Government aided/ Government Sponsored schools for educational purpose only, provided such facilities will be managed and maintained by the concerned school.

IV. Transport

- 4.1 Construction of part roads, approach roads, link roads etc. In villages, lanes/by lanes in towns/cities & emergency repairs thereof not covered under any scheme.
- 4.2 Construction of Culverts/Bridges on roads or emergency repairs not covered under any scheme.
- 4.3 Construction of footpaths and footbridges especially in rural areas not covered under any scheme.
- 4.4 Any work required to improve/ extend the benefit of the schemes/ projects at 4.1, 4.2 & 4.3 that could not be undertaken due to paucity of funds and not covered in the original cost estimate.
- 4.5 *Purchase of ambulance* *local bodies such as Panchayati Raj Municipalities & Municipal corporations, Society is permissible.* Ambulance may be purchased by recognized NGOs also. In that case a formal agreement (in annexure-VII) will have to be executed by the Society / Trust/ NGO with district authority in favour of the Government in advance for this purpose. This agreement will be registered under the relevant registration Act on a non-judicial stamp paper of Rs. 10/- or more as is applicable in the state.
- 4.6 Purchase of Air-Conditioned Ambulance is permissible.
- 4.7 Purchase of dead body carrier van is allowed.

V. Social Service

A. Education

- 5.1 Extension, extra classrooms or repairing of building for Schools, Hostels, and Laboratories belonging to Government or Local Bodies or Government aided/ Government Sponsored Institutions not covered under any scheme.

- 5.2 Construction, extension, repair or provision for drinking water, toilet with water supply and kitchen of Government/ Government aided/ Government Sponsored schools and its hostels, Government Social Welfare Homes or those of Local Bodies not covered under any scheme
- 5.3 Arrangement of lighting of Saksharata Kendras/Adult Education centre not covered under any scheme.
- 5.4 Electronic Projects like computers or related hardware to High School/ College where computer study has been introduced.
- 5.5 Arrangement for solar lighting in Schools/Educational Institutions/ Government Social Welfare Homes where electric light cannot be provided.
- 5.6 Extension of infrastructure for public libraries & Community Reading Rooms to encourage Literacy program especially adult literacy not covered under any scheme.
- 5.7 Text Books may be purchased for libraries of Government / Government-aided/ Government sponsored schools. Reference books required to pursue the school curriculum up to class XII and required for appearing at examinations for getting admission in engineering, medical and other technical institutions may also be purchased. For Government libraries-books on literature, poetry, story books, biographies etc. may be purchased which generally gear up the overall knowledge and intellectual status of the reader. For Government libraries a committee for selecting books should be set up with the librarian as the chairman.
- 5.8 Furniture may be purchased for Government / Government-aided / Government sponsored schools.

B. Water Supply and Sanitation

- 5.9 Sinking of tube-well/arsenic free tube-well where necessary for providing drinking water to the people in villages, towns or Cities not covered under any scheme.
- 5.10 Sinking of arsenic free tube-wells may be executed by the NGOs, especially in arsenic affected Blocks of the districts of Malda, Murshidabad, Burdwan, Hooghly, Howrah, North 24-Paraganas, South 24-Paraganas and Nadia by the NGOs even

on private land with consent of the land owners as per provisions of Para 2.4 of BEUP scheme.

- 5.11 The benefit of such tube-wells must be for the community within the locality and not for any private individual or owner of the land subject to the ratification of the site by PHE Department of the State Government. The ownership of the assets should be with the State Government/ Local Bodies (Urban/ Rural) and the responsibility of the management and maintenance of such assets should lie with such NGOs or owner of the land. A suitable agreement should be made between the NGOs and Local Bodies before undertaking the scheme regarding the use of the tube-wells by the members of the community and its maintenance.
- 5.12 Provision for toilets, sanitation and water supply etc. for educational institutions not covered under any scheme.
- 5.13 Provision for toilets, sanitation and water supply for Anganwadi Centres and sub-centres not covered under any scheme.
- 5.14 Provision for toilets, sanitation and water supply for visiting patients and patient party in Health Centres/Clinics/ Hospitals etc. of Government or Local Bodies.
- 5.15 Construction of pay and use toilet facilities with water supply at bus stands/market places not covered by any scheme, provided such facilities will be managed and maintained by the concerned Authorities.
- 5.16 Arrangements for toilet, sanitation and water supply for readers of Public Libraries or Community reading room as necessary, not covered by any scheme, provided such facilities will be managed and maintained by the concerned Authorities.
- 5.17 Purchase of drinking water tanker is allowed.

C. Housing:

- 5.18 Construction/ extension of Rescue shelters for the old or handicapped or flood effected people on Government land or land of the Local Body not covered under any scheme. The implementing agencies must have the technical proficiency.

- 5.19 Repair /renovation, of Rural Tourism Centre; arrangement for toilet & drinking water supply as necessary not covered by any other scheme.
- 5.20 Renovation and repair works of heritage and archaeological monuments and buildings may be done provided it is permitted by archaeological survey of India.

E. Games & Sports

- 5.21 Purchase of movable sports equipment with their accessories like football, volleyball, carrom board, table tennis, cricket, badminton and chess and fixed multi-gym will be allowed. However, a No Objection Certificate from Sports Department and Youth Service Department of the Government is necessary.

F. Social Welfare:

- 5.22 Purchase of motorboats for Flood & Cyclone affected areas or riverine areas by Local specially Gram Panchayat of riverine areas.
- 5.23 Rest shed with toilets and drinking water facilities at bus stand or regulated market area not covered under any scheme.
- 5.24 Construction of cultural centres/community halls for backward classes/minorities and/or in backward areas for community benefit.
- 5.25 Infrastructure creation required by SHGs for their income generating schemes.
- 5.26 Purchase of ambulance through local bodies, such as PRIs, Municipalities and Municipal Corporation.
- 5.27 Purchase of Oxygen Cylinder is allowed where implementing agencies are local bodies.
- 5.28 Purchase of Solid Waste Disposal Trolley Van and Plastic Dustbin for Local Bodies are allowed.

Annexure-11**Illustrative but not exhaustive list of works NOT PERMISSIBLE under BEUP**

1. Construction of any office buildings, residential buildings & other buildings other than those permitted in Annexure-I.
2. Works belonging to commercial organizations, private institutions, associations/unions or professionals etc.
3. Repair and maintenance works or any type for restoration/ upgradation of any durable asset other than those mentioned in Annexure-I and also Government schools, Government sponsored/ aided school, Hospitals, Health centres, ICDS centers, Angwnwadi centres, SSKs, Government or Government sponsored Libraries.
4. Electronic gadget like computers etc. for Clubs/Institutions and other except Government/Government sponsored/ Government aided school where Computer study has been introduced as a subject.
5. Purchase of inventory/ stock of any type not in line with the suggested works at Annexure-1 and the provision of the guidelines.
6. Acquisition of land and buildings or any compensation for land and buildings acquired.
7. Assets for individual benefit.
8. Grants & loans to any organization or local bodies.
9. Place of religious worship.
10. Memorials or Memorial Buildings.

Annexure-III

**Monthly Progress report B.E.U.P (Bidhayak Elaka Unnayan Prakalpa)
16th Assembly (Financial Year : 20__)**

District :

Dated on

(in lakh)

No. & Name of Agency	Name of M.L.A.	Fund allotted by Department of Planning			Schemes recommended by M.A.		Sanctioned Scheme		Total amount released in lakhs Agency	Completed Scheme		Total Expenditure incurred	% of utilization with respect to fund released by Department of Planning (Clmn. 13x100/Clmn.5)
		1st Inst	2nd Inst	Total	No.	Amount	No.	Amount		No.	Amount		
									10	11	12	13	14

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**Quarterly Progress report B.E.U.P (Bidhayak Elaka Unnayan Prakalpa)
16th Assembly (Financial Year: 2016-17, 2017-18 & 2018-19)**

-- Updated on --

District:

(i lakh)

No. & Name of Assembly Constituency	Name of M.L.A.	Fund Alloted by Department of Planning							TITIAL	Schemes recomend ByM.L.A		Sanctioned Scheme		Schemes for which fund released by DM/ DGHC/KMC		Scheme started but not completed		Scheme sanctioned but not started		% of utilization (Clmn. 21/100/ Clmn.9	No. & dt. of Monitoring Meeting during 20..	No. of Field Visits during 20..	
		IstInst	ndInst	IstInst	2ndInst	IstInst	2ndInst			No	Amount	No	Amount	No	Amount	No	Amount	No	Amount				
										10	11	12	13	14	15	16	17	18	19				20

Annexure-IV**Bidhayak Elaka Unnayan Prakalpa (BEUP)**
Utilization Certificate

Certified that an amount of Rs. _____ (Rupees _____) only as detailed below from the Government of West Bengal, Department of Planning is received in respect of Sri/ Smt. _____ (Name of the MLA) of _____ Assembly Constituency for execution of schemes recommended by the concerned Hon'ble MLA and sanctioned by the Authority concerned for implementation under Bidhayak Elaka Unnayan. Prakalpa (BEUP):

(t In Lakh)

Sl. No. & Date	Financial Year	Sanctioned Amount		Amount as per UC	
		GO	NGO	GO	NGO
1	2	3		4	

N.B.:GO - Government

NGO - Non-Government

Out of the total fund of Rs. _____ (Rupees _____) only a cumulative amount of Rs. _____ (Rupees _____) only has been actually spent and utilized for implementation of the scheme sanctioned and a sum of Rs. _____ (Rupees _____) only has remained unutilized up to _____ (date) which will be utilized shortly.

Certified that I have satisfied myself that the conditions on which the grants-in-aids was sanctioned have been duly fulfilled/ are being fulfilled and that the money was actually spent for the purpose for which it was sanctioned.

I have exercised the following checks to ensure that utilization of fund as per the sanctioned conditions:

1. Fund Cash Book
2. Allotment Register
3. Cheque Issue Register
4. Utilization Certificate from Executing Agency collected
5. Joint field inspection by the undersigned/representative

(Sanctioning Authority)

Annexure-V

Bidhayak Elaka Unnayan Prakalpa (BEUP)
MLA-wise & Scheme-wise Register

1. Name of the Member of Legislative Assembly:
2. Assembly Constituency & No.:
3. Assembly Term & Period:
4. Nodal authority:
5. Name of the Project/Scheme with Work Reference No.:
6. Date of recommendation:
7. Priority, if indicated:
8. Sector:
9. Location:
10. Beneficiaries:
11. Estimated cost of the Project:
12. Date of Sanction:
13. Year of Allotment:
14. Allocation of Fund:
(Diversion to be indicated)
15. Project Period:
16. Name of the Implementing/Executing Agency:
17. Date of Commencement of work:
18. Completed Project:
 - i) Date of completion of work:
 - ii) Date of submission of UC:
 - iii) Actual Expenditure/Utilized Fund:
19. Ongoing Project:
 - i) Expected date of completion:
 - ii) Percentage of work completed & expected date of completion:
 - iii) Funds released :
 - iv) Funds utilized:
20. Remarks:
(for incomplete/delayed projects/reasons thereof)

Annexure-VI

**Bidhayak Elaka Unnayan Prakalpa (BEUP)
Fund Allocation and Utilization Register**

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Financial Year	Instalment No. and date of release	Amount released	No. of schemes sanctioned	Amount	No. of schemes completed	Amount	Balance available	UC submitted	Percentage (%) of UC
1	2	3	4	5	6	7	8	9	10

AGREEMENT FORM

This Agreement is made on.....between the Government of West Bengal acting through (Designation and Address) the District Authority hereinafter called the "First Party"; of the first part.

AND

The Chief Executive of the(.....)
Name and address of the Registered Society/ Registered Trust/NGO, hereinafter called the "Second Party" of the second part.

AND

Whereas the First Party as the District Authority to get the development works implemented in district, the locally felt needs on the recommendation of the Member of Legislative Assembly as per the Bidhayak Elaka Unnayan Prakalpa (BEUP) Updated Guidelines, 2019.

AND

Whereas the Second Party is a society registered under Society Registration Act, 1860 or a Trust, registered under the Indian Trust Act, 1882/ or any Registration Act of any State Government is engaged in social service and welfare activities for the general public since (Date, Month & Year) for more than years and is well established and reputed one in the field of social service and welfare activities with nonprofit operation and with sound financial position.

Now therefore it is hereby agreed between both the parties to the Agreement and binds themselves to the following terms and conditions :-

1. The First Party shall undertake the creation of durable asset on the recommendation of the Member of Legislative. Assembly as per the guidelines as amended from time to time for implementation of the work under the aforesaid BEUP.
2. The Second Party will be eligible to receive and manage the assets created out of the funds provided to the First Party under the BEUP scheme as per guidelines on the subject meant for the benefit and use by and/or for the public. The Second Party will not be the one of the ambulance.

3. The Second Party shall ensure that durable assets, created out of BEUP funds must always be available for the use of or by the general public. The Second Party will ensure that the proposed assets should be open and accessible to all without distinction or discrimination. The proposed asset should not have been recommended only for the use of a specific community or for members of any specific club/ association/ society etc. In case it is found that the Second Party is not using the asset so created under BEUP, for the purpose that was meant and/ the public do not have access, the First Party will issue necessary notice to the Second Party and after considering the views of the Second Party, if the First Party consider necessary will take over such asset and may recover the cost to the extent of investment made under BEUP along with interest at the rate of 18%.
4. The following commitment will be binding and should be obtained in writing from the user agency by the Sanctioning Authority:-
 - (a) The user agency shall undertake full responsibility for operation, maintenance, upkeep and insurance of the asset with a Government Insurance Company.
 - (b) The asset should always be available for the use of or by the general public. There should be no distinction or discrimination in the accessibility and usage of asset.
 - (c) The asset should be used only for the purpose for which it has been recommended. If any agency in the usage of the asset is observed subsequently then the asset should be taken over by the district authority and the cost along with the interest @ 18% would be recovered from the user agency.
 - (d) Sale/ transfer/ modification of the asset cannot be done by the user agency. In such event the district authority shall take over the asset.
 - (e) The user agency shall submit Annual Report to the district authority on use and Maintenance of the asset.
5. No part of the income or property, profit or income of the organization should directly or indirectly benefit the founder, trustee, relative of the founder or trustee/member or a person

who has contributed to the organization in a financial year. The income should be used only for promoting the service/ welfare objectives of the organization.

6. The District Magistrate on behalf of the State Government shall always and at all time be the absolute owner of the durable asset created out of the BEUP funds.
7. The First Party shall call for the necessary records from the society/ Trust/ NGO such as Memorandum of Association of the Society with special reference to section 13 of the Society Registration Act, 1860 and the Trust Deed of the Trust with special reference too Section 77 and Section 78 of the Trust Act and be satisfied with the existence and reputation of the organization, and its sound financial position and its overall public reputation. The renewal of registration of the service organization should not be on a year to year basis in Audit and Accounts for the last five years should be examined.
8. The Second Party shall give a declaration to the First Party, to the effect that the Society/Trust/ NGO it represents is a live organization continuously functioning at least for the last five years engaging itself in social service and/or public welfare activities. The existence of Society/ Trust/ NGO shall be reckoned from date it started its activities in the field or date of registration, whichever is later.
9. If a Trust/Society/ NGO has availed of the BEUP funds up to Rs. 8 lakh, no more work can be recommended for that Trust/ Society/ NGO under the scheme (i.e. a Trust/ Society/ NGO can receive only Rs. 8 lakh in its lifespan).
10. The funds are to be allotted only to the open body of the Trust/ Society/NGO.
11. The BEUP funding is not permissible to a Trust/Society, any MLA or his/ her family members is the President/ Chairman or Member of the managing Committee or Trustee of the registered Trust/ Society in question. Family members would include MLA and MLA's spouse which would comprise of their parents, brothers, sisters, children, grandchildren and their spouses and their-in-laws.

12. When funds are recommended towards a Society/ Trust by a member of Legislative Assembly and clarifications/documents as required under the Guidelines for scrutiny before sanctioning are requested by the District Authorities, the said Trust/ Society should provide the requisite documents within a maximum period of three months from the date of receipt of the letter from the district administration. In case the documents are not received even after a period of three months, the district administration can send two reminders within a month. If the required information is still not received, the recommendation by the MLA towards the Trust/ Society may be treated as cancelled by the district administration and intimation of the same may be given to the recommending MLA as well.
13. The Second Party herein undertakes the full responsibility to ensure operation, maintenance, insurance of the ambulance with a Government Insurance Company and upkeep of the asset which will be subject to periodical audit by Accountant General and inspection by the First Party or any of its representatives/ nominee duly authorised in this behalf.
14. The Second Party shall to the First Party annual report and its audited accounts on regular basis and within 90 days of the end of the financial year.
15. The Second Party shall not sell/transfer/otherwise dispose of any interest in or of such asset created out of BEUP fund without prior written approval of the State Government. After the written approval of the Government, the sale proceed of the asset shall always vest and belong to the first party in all circumstances to the extent of investment made under BEUP including the interest @18%.
16. Since this indenture creates a future interest in the immovable property of the value of more than Rs. 100/-this agreement be registered under Registration Act in the respective district.
17. In this indenture, wherever such an interpretation would be required to give the fullest possible scope and effect to the terms of the Agreement here in contained, the expressions District Authority and the Society or Trust/ NGO shall include their respective successors or permitted Assignees.

In WITNESS WHEREOF the parties' here-to-have through their duly authorized representative executed this Agreement on day and year here-in-above-written.

Executed for and on behalf of the
Governor of(State)
Party

By the District Authority execute
this by dated

In presence of the following
witnesses:

witnesses:

- 1.
- 2.

Executed for and on behalf of the
Society/ Trust/ NGO/
second by-

having authority to sign and
Agreement vide resolution

of
In presence of the following

- 1.
- 2.

Annexure-VIII**Reports of Third Party Physical Audit and Quality Checking under BEUP.****(Attach supporting papers wherever required)**

1	Name of district:	
2	Name of work:	
3	Tender amount of the work:	
4	Actual amount of the work executed:	
5	Details of physical inspection:	
6	Deviation from quantity of items of work from the tendered quantity, if any, with reasons found:	
7	Deviation from the specifications of work as per Tender Agreement, if any:	
8	Details of Field Sample Tests and laboratory tests carried out:	
9	Whether any deviations are made from the specified locations as per Tender Agreement, with reasons if any:	
10	Type of activity: (a) Creation of Assets: (i) Functionality: (ii) Maintenance: [Whether proper maintenance are made of the assets generated by BEUP. If not, details of the same to be furnished] (iii) Target Group: (b) Supply of Consumables: (i) Specify Type: (ii) Target Group: (c) Generation of Services:	

11	Example: Whether ambulance and other vehicles including motor boats are maintained properly, and used in the specific purpose as per tender agreement. If not, details of the same are to be furnished:	
12	Example: Whether tube wells under BEUP are installed as per specification and the water is potable for human being are to be verified through laboratory testing and the report of the same are to be furnished:	
13	Overall impression regarding quality of work, adherence to specification & maintenance of assets built.	
14	Any other item as required by the authority:	

Annexure-IX**Following points are to be taken into consideration during Quality Inspection, which should reflect in the Final Report:****(A) COMMON POINTS APPLICABLE TO ALL SCHEMES**

1. Whether the name plate/plaque is present & installed is to be observed. If present, whether name of the MLA, name of Scheme, amount of Scheme is mentioned are to be inspected. If not, the matter should be reported.
2. Opinion of beneficiaries/local people regarding utility of the scheme may be reported, available.
3. Photographs of the inspected works are to be taken covering defects occurred, if any.
4. Any other points as deem fit by the inspecting authority are to be mentioned to improve quality aspect of the schemes.
5. Whether target people of the scheme is well aware or not so that the target people can avail the scheme/work property.

(B) WATER SUPPLY SCHEMES & TUBE WELLS

1. There might have some case where poor quality of water is obtained from some tube wells in the morning, which is rectified after drainage of some initial water. In such case, samples for lab report should be collected in the morning.
2. Whether proper drainage of water adjacent to the tube wells is ensured should be reported.
3. Whether any corrosion is visible at the plumbing fittings and storage tanks are to be reported.
4. No of people (approx) getting benefit by a tube well (whether is it feasible as per location or not).

(C) DRAINS

1. Whether horizontal members (struts) are provided in roadside drains & whether horizontal displacement has taken place in the drain walls are to be reported.
2. Whether any blockage of water flow is observed during inspection are to be reported.

(D) BRIDGE/CULVERTS

1. Whether railing provided are suffering to ensure safety of the pedestrians are to be reported.
2. Whether approach roads& protection works adjacent to the bridge/culvert structure are in order to be reported.
3. Whether there are any visible cracks in the bridge structure are to be reported.
4. Whether any blockage of water flow is observed during inspection are to be reported.

(E) BUILDINGS, TOILET BLOCKS, ICDS CENTRES

1. Whether there are any visible cracks in walls, ceiling, doors & windows are to be reported.
2. ICDS centre-Whether the centre is covered from all sides against rain & storm and whether toilet block is functioning properly are to be reported.
3. Toilet Blocks-Whether any defect is there in the drainage system is to be reported.
4. Wether proper drainage from roof is ensure should be reported. Occurrence of soakage in ceiling inside or outside of the building is to be observed.
5. Community Hall-Max accommodation, purpose of the hall, whether it is used for any kind of social event like marriage, birthday celebration and also party meeting by taking rent, if so,then how rent amount is utilised for the community hall.

(F) BOUNDARY WALLS

1. Whether the boundary wall has enclosed the entire premise are to be reported. If not, details are to be furnished.
2. Any visible crack formation of other defects is to be reported.
3. Height of boundary wall is meeting the goal of the wall or not.

(G) ROAD WORKS

1. In case the edge of the road is higher or lower than the ground level, whether proper edge protection has been made by earth cushion, bullah pilling or any other measure as necessary are to be reported.

2. Whether there is any edge failure, crack formation, potholes on any other visible deformation are to be reported.

(H) RETAINING WALLS/GUARD WALLS

Occurrence deflection or slip formation of the retaining wall/ guard wall from its original alignment is to be reported.

(I) AMBULANCES/OTHER VEHICLES

1. Whether the vehicles is properly utilised are to be reported in consultation with the beneficiaries.
2. Technically feasible whether any type of modern technology is incorporated or not.
3. Response time of the ambulance is satisfactory or not.
4. Driver Availability.

Sector Wise Report On BEUP

Annexure-X

SL No.	Sector	2016-17			2017-18			2018-19			Tender Amount Approved by Agency (Rs. In Lakh)	Expenditure (Rs. InLakh)
		No of Schemes Taken up	Completed Schemes	Running Schemes	No of Schemes Taken up	Completed Schemes	Running Schemes	No of Schemes Taken up	Completed Schemes	Running Schemes		
1	Agriculture & Allied Activities											
2	Irrigation & Flood Control											
3	Energy											
4	Transport											
5	Education											
6	Water Supply & Sanitation											
7	Housing											
8	Tourism											
9	Social Welfare											
10	Others											
	Total											

PART III

Acts, Rules and Government Orders relating to
Amenities and Facilities to Ex-Members

**PENSION & OTHER FACILITIES AVAILABLE TO
EX-MEMBERS AND OTHER SPOUSES**

As per West Bengal Legislature (Members' Pension) (Amendment) Act, 2010 with effect from the 1st January, 2011.

1. Pension Any person who has served as a Member of the Legislative Assembly or the Legislative Council is entitled to draw Pension @ t 8,000.00 of one term or part thereof. Additional t 500.00 per month for every additional one year of membership, subject to a maximum pension of t 12,000.00 per month with effect from 1st August, 2010.
2. Medical Allowance Any person who has served as a Member of the Legislative Assembly or the Legislative Council is entitled to draw medical allowance @ t 6,000.00 per month with effect from 1st August, 2010 and such medical allowance shall be paid to such Member at the time of drawing his/her pension.
3. Travel Free travel facility by State run buses and trams with one companion. Railway Travel Coupon for journeys to and from any place throughout India in ACII Tier Class for 25,000 km. with one companion per year (i.e. t 30,000.00 in a financial year).
4. Spouse Pension Where any person entitled to or drawing pension dies, the spouse of such persons is entitled to draw pension @ 50% of the pension admissible to such person on the date of his death or @ t 3,000.00 per month whichever is higher.
5. Medical Allowance The Spouse of the deceased pensioner who was drawing medical allowance is entitled to draw medical allowance @ t 2,000.00 per month.
6. Medical Treatment Any person who has served as a Member of the Legislative Assembly or Legislative Council and also spouse of such person is entitled to get such medical facilities in a State Government Hospital as are admissible to the Group-A employee of the State Government.

**The West Bengal Legislature (Members' Pension)
Act, 1986**

(WEST BENGAL ACT XVIII OF 1986)

AMENDED	West Bengal Act IX of 1987
AMENDED	West Bengal Act XI of 1991
AMENDED	West Bengal Act XXI of 1994
AMENDED	West Bengal Act IX of 1997
AMENDED	West Bengal Act XI of 1998
AMENDED	West Bengal Act XXVII of 2000
AMENDED	West Bengal Act X of 2001
AMENDED	West Bengal Act IV of 2002
AMENDED	West Bengal Act XVII of 2005
AMENDED	West Bengal Act VIII of 2007
AMENDED	West Bengal Act XVI of 2009
AMENDED	West Bengal Act XIX of 2010

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the
Calcutta Gazette, Extraordinary, of the
18th July, 1986.]

*An Act to provide for the pension of the Members of the
West Bengal Legislature.*

Whereas it is expedient to provide for the pension of the Members of the West Bengal Legislature;

It is hereby enacted in the Thirty-seventh year of the Republic of India, by the Legislature of West Bengal, as follows:

1. Short title and commencement: (1) This Act may be called the West Bengal Legislature (Members' Pension) Act, 1986.

(1) It shall come into force on the 1st day of April, 1986.

2. Definitions: In this Act, unless the context otherwise requires-

- (a) "Legislative Assembly" means the Legislative Assembly of the State of West Bengal;
- (b) "Legislative Council" means the Legislative Council of the State of West Bengal existing immediately before the coming into force of West Bengal Legislative Council (Abolition) Act, 1969 (20 of 1969).

3. *Pension:* (1) With effect from the date of commencement of this Act, there shall be paid a pension of¹[eight thousand rupees] per mensem to every person who has served, after the 1st day of January, 1952, for a period of five years, whether continuous or not,-

- (a) as a Member of the Legislative Assembly, or
- (b) as a Member of the Legislative Council, or
- (c) partly as a Member of the Legislative Assembly and partly as Member of the Legislative Council:

Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of²[five hundred rupees] per mensem for every year in excess of five, so however, that in no case the pension payable to such person shall exceed ³[twelve thousand rupees] per mensem.

⁴[(1A.)] Notwithstanding anything contained in sub-section (1), where a person has served, after the last day of January, 1952-

- (a) as a Member of the Legislative Assembly for any part of the term thereof, or
- (b) as a Member of the Legislative Council for any part of his term as such Member,

he shall be deemed to have served for a period of five years as such Member and shall, subject to the proviso to sub-section (1), be paid a pension of-

- (i) four hundred rupees per mensem with effect from the 1st day of April, 1986 till the 26th day of August, 1990⁵
- (ii) five hundred and fifty rupees per mensem with effect from the 27th day of August, ⁶1990 and
- ⁷[(iii) seven hundred and fifty rupees per mensem with effect from the 1st day of April, 1997.]

(2) Where any person entitled to pension under sub-section (1) ⁴[or sub-section (1A)]-

- (a) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union Territory, or

¹Substituted for the words "four thousand rupees" by West Bengal Act XIX of 2010.

²Substituted for the words "three hundred rupees" by West Bengal Act XVI of 2009.

³Substituted for the words "eight thousand rupees" by West Bengal Act XIX of 2010.

⁴Inserted by sec. 2(3) of the West Bengal Legislature (Members' Pension) Act, 1991 (West Ben. Act, XI of 1991).

⁵Omitted by West Bengal Act IX of 1997.

⁶Substituted by *ibid.*

⁷Inserted by *ibid.*

- (b) becomes a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 (19 of 1966), or
- (c) is employed on a salary under the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government, or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or Local Authority,

such person shall not be entitled to any pension under sub-section (1) ¹[or sub-section (1A)] for the period during which he continues to hold such office or as such Member, or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such Member, or so employed, or where the remuneration referred to in clause (c) payable to such person, is, in either case, less than the pension payable to him under sub-section (1) ²[or sub-section (1A)], such person shall be entitled only to receive the balance as pension under that sub-section.

(3) ³[Any person, including a freedom fighter, entitled to any pension from the Central Government or any State Government, or any Corporation owned or controlled by the Central Government, or any State Government, or any local authority, under any law or otherwise, shall also be entitled to pension under sub-section (1) or sub-section (1A), as the case may be.]

(4) [Omitted by West Bengal Act XI of 1998.]

(5) In computing the number of years, for the purposes of sub-section (1) ⁴[or sub-section (1A)], the period during which a person has served as a Chief Minister or Minister or Minister-of-State or Deputy Minister or Parliamentary Secretary of the Government of West Bengal or Speaker or Deputy Speaker of the Legislative Assembly or Chairman or Deputy Chairman of the Legislative Council as defined in the West Bengal Salaries and Allowances Act, 1952

¹Inserted by sec. 2(3) of the West Bengal Legislature (Members' Pension) Act, 1991 (West Ben. Act XI of 1991).

²Inserted by sec. 2(4) of *ibid*.

³Substituted by West Bengal Act XI of 1998.

⁴Inserted by West Bengal Act XI of 1991.

(West Bengal Act V of 1952), or as the Leader of the Opposition as referred to in the second proviso to section 3 of the Bengal Legislative Assembly (Members' Emoluments) Act, 1937 (Bengal Act II of 1937), or has served in more than one such capacity by virtue of his membership in the Legislative Assembly or in the Legislative Council, shall also be taken into account.

(6) For the avoidance of doubt, it is hereby declared that, for the purpose of pension under this Act,-

- (a) where a general election is held for the purpose of constituting a new Legislative Assembly on the expiration of the duration of the existing Legislative Assembly or on its dissolution, but no election of any Member from an Assembly constituency can be held simultaneously with such general election for any reasons whatsoever, and a Member is elected from such constituency at an election held after such general election, the period of five years in respect of such Member shall be deemed to have commenced from the date appointed for the first meeting of the Legislative Assembly after the general election;
- (b) where the Legislative Assembly is dissolved before the expiration of the period of its duration referred to in clause (1) of article 172 of the Constitution of India, the period commencing from the date appointed for the first meeting of the Legislative Assembly after the general election held for the purpose of constituting a new Legislative Assembly and ending on the date of such dissolution shall be deemed to be the period of five years:

Provided that the provisions of this clause shall not apply for the purpose of additional pension under this Act;

- (c) where the Legislative Assembly remains suspended under article 356 of the Constitution of India, the period during which the Legislative Assembly remains so suspended shall be taken into account;
- ¹[d] where a Member of the Legislative Council would have continued as such Member but for the coming into force of the West Bengal Legislative Council (Abolition) Act, 1969, the period up to which the Member would have continued in accordance with the provisions of clause (2) of article 172 of the Constitution of India shall be taken into account.

¹Added by section 2 of the West Bengal Legislature (Members' Pension) (Amendment) Act, 1987 (West Bengal Act IX of 1987).

(7) where any person entitled to or drawing pension under this Act dies, the spouse of such person shall ¹[whether or not such spouse draws any pension from any other source] be entitled to draw pension at the rate of fifty per cent of the pension admissible to such person on the date of his death ²[or three thousand rupees per mensem,] whichever is higher.

³[(8)] where any person entitled to or drawing pension under this Act died in between the 1st day of April, 1977 and the 1st day of April, 1986, the spouse of such person shall be entitled to pension at the rate of fifty per cent of the pension that would have admissible to such person on the 1st day of April, 1986 or five hundred rupees, whichever is higher.

⁴[3A.] Any person who has served as a Member of the Legislative Assembly or Legislative Council and ⁵[the spouse of such person] only shall be entitled to such medical facilities as are admissible to the Group A employees of the State Government.

⁶[3B.] Any person who has served as a Member of the Legislative Assembly or Legislative Council shall be entitled to a ⁷medical allowance [at the rate of rupees six thousand per month] and such medical allowance shall be paid to such Member at the time of drawing his pension.

Additional
medical
facilities
to Ex-
Members

⁸[Provided that where any person entitled to or drawing medical allowance under this section dies, the spouse of such person shall be entitled to a medical allowance⁹ at the rate of rupees two thousand per month.]

4. *Power to make rule:* (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

¹Inserted by West Bengal Act IX of 1997.

²Substituted for the words "or one thousand and five hundred rupees per mensem" by West Bengal Act XVI of 2009.

³Inserted by West Bengal Act XXVII of 2000.

⁴Inserted by West Bengal Act IX of 1997.

⁵Substituted by West Bengal Act XI of 1998.

⁶Substituted by West Bengal Act IV of 2002.

⁷Substituted for the words "at the rate of rupees four thousand per month" by West Bengal Act XIX of 2010.

⁸Inserted by West Bengal Act XVII of 2005.

⁹Substituted for the words "at the rate of rupees one thousand per month" by West Bengal Act XVI of 2009.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:

- (a) the form in which and the authority to whom an application for pension shall be made;
- (b) the form in which certificates, if any, shall be furnished along with the application for pension;
- (c) the declarations to be made at the time of drawing the pension;
- (d) any other matter necessary for proper implementation and enforcement of this Act.

5. *Power to decide in the case of doubt or dispute:* If any doubt or dispute arises as to whether a person is entitled to any pension or as to the amount of pension or as to the period for which he shall be entitled to pension under this Act, the matter shall be referred to the State Government, and the decision of the State Government thereon shall be final.

**The West Bengal Legislature (Members' Pension)
Rules, 1987**

[Published under Government of West Bengal,
Home (Parliamentary Affairs) Department
Notification No. 129-P.A., dated the 22nd March, 1987)
(As amended vide P.A. Department Notifications
No. 30-P.A., dt. 14.01.1998, No. 343-P.A., dt. 11.03.1998,
No. 714 P.A., dt. 28.04.1999 and No. 925 P.A., dt. 11.12.2015)

In exercise of the power conferred by section 4 of the West Bengal Legislature (Members' Pension) Act, 1986 (West Bengal Act XVIII of 1986), the Governor is pleased hereby to make the following rules:-

RULES

1. Short title and commencement: (1) These rules may be called the West Bengal Legislature (Members' Pension) Rules, 1987.

(2) They shall be deemed to have come into force on the 01.04.1986.

2. Definitions: In these rules, unless the context otherwise requires,-

- (a) "Act" means the West Bengal Legislature (Members' Pension) Act, 1986 (West Bengal Act XVIII of 1986),
- (b) "Form" means a form appended to these rules,
- (c) "Governor" means the Governor of the State,
- (d) "Legislative Assembly" has the same meaning as in the Act,
- (e) "Legislative Council" has the same meaning as in the Act,
- (f) "State" means the State of West Bengal,
- (g) "Secretary" means the Secretary to the West Bengal Legislative Assembly, and includes any person for the time being performing the duties of the Secretary,
- (h) "Treasury" means any treasury of the State, and includes a "Sub-treasury",
- (i) "Pension" means the pension admissible under the Act,
- (j) "Pensioner" means a person entitled to a pension under section 3 of the Act,
- (k) "Ex-Member" means an Ex-Member of the Legislative Assembly or the Legislative Council.
- [(l) "Spouse-Pensioner" means the spouse of a pensioner, entitled to pension under the Act.)*

3. Authority to sanction pension and to issue Pension Payment Order: The Secretary shall be the authority to sanction pension and to issue Pension Payment Order to a pensioner.

4. *Application for pension:* (1) Every pensioner shall make an application in duplicate to the Secretary in Form I ¹ or Form VI, as the case may be). The application shall be accompanied by three copies of the latest photograph of the pensioner in passport size and three specimen signatures or three sets of left hand thumb and finger impressions of the pensioner, duly attested by a gazetted officer of the Central Government or a Group A officer of the State Government or a sitting Member of Parliament or of the Legislative Assembly.

²[(1A) Subject to fulfillment of requirements under sub-section (1) or sub-section (1A) of section 3 of the Act, any person who is or has been a Member or Ex-Member of the West Bengal Legislative Assembly or West Bengal Legislative Council shall duly fill up Form-VA in duplicate and submit it to the Secretary with all necessary documents and latest joint photographs with his or her spouse.)

(2) A pensioner residing in Calcutta as defined in the Calcutta Municipal Corporation Act, 1980 (West Ben. Act IX of 1980), may draw pension from Alipore Treasury in the district of South 24-Parganas.

5. Determination and authorisation of pension: (1) On receipt of the application for pension, the Secretary shall verify or cause to be verified the facts stated in the application with reference to the records available, for the purpose of determining the amount of pension.

(2) If the facts stated in the application are found correct and the application is not otherwise defective, the Secretary shall determine the amount of pension payable to the pensioner.

(3) If the Secretary finds that any correction of the facts furnished in the application is necessary or that the application is otherwise defective, he shall return the application to the pensioner for making the correction or rectifying the defect, as the case may be.

(4) The pensioner shall make the required correction or rectify the defect and return the application to the Secretary and thereupon the Secretary shall determine the amount of pension payable to the pensioner.

(5) After the determination of the amount of pension under sub-rule (2) or sub-rule (4), the Secretary shall issue an order in Form III ³ or Form VII, as the case may be,) sanctioning the pension and send a copy of the order to the pensioner and the Treasury Officer concerned.

(6) The Secretary shall then issue a Pension Payment Order in Form IV ⁴ or Form VIII, as the case may be,) to the Treasury Officer concerned and send the same to him along with two copies of the latest

¹Amended by Notification No. 714 PA, dated 28.04.1999.

²Inserted by an amendment vide Notification No. 925- PA/3R-02/2013, dated 11th December, 2015 published in Kolkata Gazette Extraordinary dated 22.12.2015.

³Amended by Notification No. 714 PA, dated 28.04.1999.

⁴Amended by Notification, *ibid*.

photograph of the pensioner in passport size and two specimen signatures or two sets of left hand thumb and finger impressions of the pensioner, as furnished with the application made under rule 4, under intimation to the pensioner. The Treasury Officer shall, on receipt of the Pension Payment Order, disburse the pension to the pensioner. The Pension Payment Order shall be in two separate parts, one part being meant for the pensioner and having the words "Pensioner's portion" inscribed on it and the other part being meant for the Disbursing Officer and having the words "Disbursing Officer's portion" inscribed on it. Entries regarding every payment shall be made in both the parts at appropriate place.

(7) On receipt of the intimation from the Secretary under sub-rule (6), the pensioner shall obtain his portion of the Pension Payment Order from the Treasury Officer concerned.

6. *Due date of pension:* The pension for a month shall be payable monthly on the first working day of the following month.

7. *Drawal of pension:* (1) The pensioner shall present a bill for monthly pension in Form V *[or Form IX, as the case may be,] along with his portion of the Pension Payment Order at the Treasury for receiving payment. The Pension Payment Order as aforesaid shall be returned to the pensioner after making necessary entries thereon.

(2) The procedure for the _____ of pension at the Treasury shall, in other respect _____ the procedure for receipt of pension through a representative and production of life certificate, etc.) be the same as is laid down in the Treasury Rules, West Bengal and the Subsidiary Rules made thereunder, Volume I.

8. *Pension to be kept in abeyance:* (1) A pensioner shall,-

- (a) on his election to the office of the President or Vice-president or appointment to the office of the Governor of any State or the Administrator of any Union Territory, or
- (b) on his becoming a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of Delhi Administration Act, 1966 (19 of 1966), or
- (c) on his employment on a salary under the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government, or any local authority or on his becoming otherwise entitled to any remuneration from such Government, Corporation or local authority, forthwith inform the Secretary

and the Treasury Officer concerned to that effect and his pension shall, subject to the proviso to sub-section (2) of section 3 of the Act, be kept in abeyance during the period which he continues to hold such office or as such Member, or is employed, or continues to be entitled to such remuneration.

(2) The Secretary shall, on receipt of the information from the pensioner or on his own information, issue direction to the Treasury Officer concerned to keep the pension in abeyance and to stop payment of pension to the pensioner.

(3) The Treasury Officer shall, on receipt of the direction as aforesaid, stop payment of pension to the pensioner.

9. Refixation of pension: (1) If after the issue of the order sanctioning the pension, any fact which has a bearing on the amount of pension already sanctioned comes to the knowledge of the Secretary, he shall, after due verification, determine the amount of pension and issue revised order and communicate the same to the Treasury Officer concerned and the pensioner, provided no order reducing the pension shall be issued except after giving the pensioner an opportunity of being heard. While issuing the revised order the Treasury Officer concerned shall be authorised to make necessary corrections in both parts of the Pension Payment Order.

(2) The Treasury Officer shall, on receipt of the revised order under sub-rule (1), make _____ in both parts of the Pension Payment Order in accordance with the said order.

(3) If on the refixation of pension under sub-rule (1), the amount of pension is reduced, the pensioner shall be liable to refund the amount of the pension drawn by him in excess within such time as may be specified by the Secretary and if such amount is not so refunded, it shall be liable to be adjusted against future payment of pension, subject to such general or special order as may be issued by the Government in this behalf.

10. Resumption of pension: A pension kept in abeyance under rule 8 shall not be resumed till a fresh sanction for resumption and fresh Pension Payment Order are issued by the Secretary. For resumption of pension, a pensioner shall apply in Form II in duplicate and furnish the requisite documents in the same way as in the case of initial application under rule 4.

11. Return of Pension Payment Order: On the death of the pensioner ¹[or Spouse-Pensioner, as the case may be,] the Pension Payment Order shall invariably be returned by his/her family to the Pension Disbursing Officer with a report of the death of the pensioner ²[or Spouse-Pensioner, as the case may be.]

¹Amended by Notification No. 714 P.A., dated 28.04.1999.

²Amended by Notification, *ibid*.

FORM I**APPLICATION FOR PENSION**

[See rule 4(1) : to be submitted in duplicate]

From : Shri/Shrimati/Kumari.....
 Ex-member of West Bengal Legislative Assembly/West Bengal
 Legislative Council (here mention the House in which last served).

To : The Secretary,
 West Bengal Legislative Assembly,
 Assembly House, Kolkata.

Sir,

In terms of section 3 of the West Bengal Legislature (Members' Pension) Act, 1986 (West Ben. Act XVIII of 1986), I am entitled to pension in respect of the following period(s) during which I served as a Member of the-

- (a) West Bengal Legislative Assembly-
- (i) From.....Constituency: from.....to.....
 - (ii) From.....Constituency: from.....to.....
 - (iii) From.....Constituency: from.....to.....
 - (iv) From.....Constituency: from.....to.....
- (b) West Bengal Legislative Council-
- (i) From.....Constituency: from.....to.....
 - (ii) From.....Constituency: from.....to.....
 - (iii) From.....Constituency: from.....to.....
 - (iv) From.....Constituency: from.....to.....

Total Period.....years.....months.....days.

2. It is requested that steps may kindly be taken to sanction pension in my favour. I desire to draw my pension from the Government Treasury at.....

3. I enclose herewith the following documents regarding myself duly attested by a gazetted officer of the Central Government/a Group A Officer of the State Government/a sitting Member of Parliament/the West Bengal Legislative Assembly:-

- (i) Three specimens of signature/Three sets of left hand thumb and finger impressions.
 - (ii) Three copies of my latest photograph in passport size.
4. (i) My present address is.....
- (ii) My permanent address is.....

5. I hereby declare* that-

- (i) I am not holding the office of the President or Vice-President or the office of the Governor of any State or the Administrator of any Union Territory;
- (ii) I am not a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 (19 of 1966);
- (iii) I am not employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority or become otherwise entitled to any remuneration from such Government, corporation or local authority;
- (iv) I am not entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority, under any law or otherwise;
- (v) I am holding the office of or Member of.....or employed as inand the total remuneration received by me is Rs.....p.m. (a certificate from the competent authority to be attached);
- (vi) I am in receipt of Rs.....p.m. as pension from Central Government/State Government/corporation owned or controlled by the Central Government/State Government/local authority, being drawn from(here mention the Treasury or the Disbursing Officer).

(A certificate from the Disbursing Officer to be attached.)

NAME IN BLOCK LETTERS

Yours faithfully,

STATION:

DATE:

Note.-Pension drawn by a pensioner from the Central Government or any State Government as a freedom fighter shall not be taken into account in calculating the amount of pension to which he is entitled under sub-section (1) of section 3 of the Act.

*Score out in ink the portion which is not applicable.

FORM II**APPLICATION FOR RESUMPTION OF PENSION***(See rule 10 : to be submitted in duplicate)*

From : Shri/Shrimati/

Kumari.....

Ex-member of West Bengal Legislative Assembly/West Bengal
Legislative Council (here mention the House in which last served).To : The Secretary,
West Bengal Legislative Assembly,
Assembly House, Kolkata.*Subject:* Sanction of pension under the West Bengal Legislature
(Members' Pension) Act, 1986 (West Ben. Act XVIII of
1986).

Sir,

I was in receipt of pension as a retired member of the Legislature from the Treasury *at*.....*vide* the Pension Payment Order No.....issued by the Secretary, West Bengal Legislative Assembly. My pension was kept in abeyance with effect from the I am now entitled to resumption of pension. I, therefore, request that necessary steps may kindly be taken to sanction the pension in my favour. The up-to-date particulars of my having remained as a Member of Legislature is given below:

- (a) West Bengal Legislative Assembly-
- (i) From.....Constituency: from.....to.....
 - (ii) From.....Constituency: from.....to.....
 - (iii) From.....Constituency: from.....to.....
- (b) West Bengal Legislative Council-
- (i) From.....Constituency: from.....to.....
 - (ii) From.....Constituency: from.....to.....
 - (iii) From.....Constituency: from.....to.....

2. I desire to draw my pension from the Government Treasury at.....

3. I enclose herewith the following documents regarding myself duly attested by a gazetted officer of the Central Government/the Group A Officer of the State Government/the sitting Member of Parliament/the West Bengal Legislative Assembly:-

- (i) Three specimens of signature/three sets of left hand thumb and finger impressions.
 - (ii) Three copies of my latest photograph in passport size.
4. (i) My present address is.....
- (ii) My permanent address is.....

5. I hereby declare* that-

- (i) I am not holding the office of the President or Vice-President or the office of the Governor of any State or the Administrator of any Union Territory;
- (ii) I am not a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 (19 of 1966);
- (iii) I am not employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority or become otherwise entitled to any remuneration from such Government, corporation or local authority;
- (iv) I am not entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority, under any law or otherwise;
- (v) I am holding the office of or Member of.....or employed as inand the total remuneration received by me is Rs.....p.m. (a certificate from the competent authority to be attached);
- (vi) I am in receipt of Rs.....p.m. as pension from Central Government/State Government/corporation owned or controlled by the Central Government/State Government/local authority, being drawn from(here mention the Treasury or the Disbursing Officer).

(A certificate from the Disbursing Officer to be attached.)

NAME IN BLOCK LETTERS

Yours faithfully,

STATION:

DATE:

Note.-Pension drawn by a pensioner from the Central Government or any State Government as a freedom fighter shall not be taken into account in calculating the amount of pension to which he is entitled under sub-section (1) of section 3 of the Act.

*Score out in ink the portion which is not applicable.

FORM III

WEST BENGAL LEGISLATIVE ASSEMBLY SECRETARIAT

ORDER

No.....

Kolkata, the.....

Sanction is hereby accorded to the grant of a pension of Rs.....
(Rupees.....) only per month in favour of
Shri/Shrimati/Kumari for his/her having
remained as Member of the-

(i) West Bengal Legislative Assembly

From.....to.....

From.....to.....

(ii) West Bengal Legislative Council

From.....to.....

From.....to.....

2. The grant of this pension shall take effect from the

3. The pension shall be payable from.....and shall be kept
in abeyance and shall cease to be paid during the period mentioned in
sub-rule (1) of rule 8 of the West Bengal Legislature (Members' Pension)
Rules, 1987.

Secretary,
West Bengal Legislative Assembly.

FORM IV

[See rule 5(6)]

WEST BENGAL LEGISLATIVE ASSEMBLY SECRETARIAT

PENSION PAYMENT ORDER

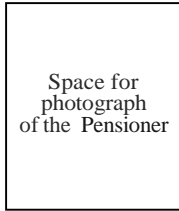
(Disbursing Officers' Portion)

No.....

Debitable to State Government :

Head of Account: Major Head-2071-Pensions and Other Retirement Benefits
Sub-Major Head-01-Civil
Minor Head-III-Pensions to Legislators

VOTED



- 1. Name of Pensioner.....
- 2. Residence showing Village and Parganas.....

Space for signature of the Pensioner

- 3. Class of pension Pension under the West Bengal Legislature (Members' Pension) Act, 1986 (West Ben. Act XVIII of 1986).
 - 4. Amount of monthly pension Rs.....
(Rupees)
 - 5. Date of commencement.....
 - 6. Office and place of payment.....
Office of.....
- No..... Kolkata, the.....

UNTIL FURTHER NOTICE AND ON THE EXPIRATION of every month, be pleased to pay to.....

.....the sum of

Rupees.....

.....being the amount of pension under the West Bengal Legislature (Members' Pension) Act, 1986 (West Ben. Act XVIII of 1986) as per details given below:

Pension due under section 3 of the Act: Rupees.....
Less Salary/Remuneration/Pension being received under sub-sections (2) and (3) of section 3 of the Act: Rupees.....

Net pension payable: Rs.....
(Rupees)

The payment should commence from.....

(Signature).....

(Designation).....

FORMV

(See rule 7)

STATE : WEST BENGAL

Pension Bill of a person entitled to pension under section 3 of the West Bengal Legislative (Members' Pension) Act, 1986 (West Ben. Act XVIII of 1986).

Pension Payment Order No.

Shri/Shrimati/Kumari.....

District Head of Account

Voucher No.....

2071-Pensions and
Other Retirement Benefits

Date.....

01-Civil

III- Pensions to Legislators.

 Amount of pension due to me
as a person entitled to pension
under section 3 of the Act for the

Rs.....

Total.....

month of.....Rs.....

.....20.....

in words (Rupees.....)

I hereby declare* that

- (i) I am not holding the office of the President or vice-President or the office of the Governor of any State or the Administrator of any Union Territory;
- (ii) I am not a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 (19 of 1966);
- (iii) I am not in receipt of any pension from the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government, or any local authority, under any law or otherwise;

 *Score out in ink the portion which is not applicable.

(iv) I am holding the office of.....or Member of.....or employed as.....in..... and the total remuneration received by me is

Rs.....p.m.

(A certificate from the competent authority to be attached);

(v) I am in receipt of Rs..... p.m. as pension from Central Government/State Government/Corporation owned or controlled by the Central Government/State Government/Local Authority being drawn from.....

(Here mention the Treasury or the Disbursing Officer)

(A certificate from the Disbursing Officer to be attached)

Name in Block Letters

Yours faithfully,

Signature of
the Pensioner.....

Station.....

Date.....

Pay Rs.....

(Rupees.....)

Received Payment
(Revenue Stamp if
amount exceeds Rs. 500/-)

Signature.....

Treasury Officer

Signature of
the Pensioner.....

Note 1.-Pension drawn by a person from the Central Government or any State Government as a freedom fighter shall not be taken into account in calculating the amount of pension to which he is entitled under sub-section (1) of section 3 of the Act.

Note 2.-In case a life certificate is not attached to the Bill, it will be considered that the Pensioner has attended the Treasury personally to receive the amount of pension.

CERTIFICATE TO BE GIVEN IN CASE OF
NON-ATTENDANCE OF PENSIONER IN
PERSON

(To be signed by a responsible Government Officer or by some other well-known and trustworthy person or by any other officer referred to in S.R. 274 of the Treasury Rules, West Bengal and Subsidiary Rules made thereunder, Volume I).

Certified that I have seen the Pensioner Shri/Shrimati/Kumari.....
.....and that he/she is alive on this date and the
bill has been signed by him/her in my presence.

Signature.....

Station.....

Designation

Date.....

Stamp.....

For use in Treasury

Noted on page.....

for Rs.....

Objected to Rs.....

Auditor.....

Treasury Officer.....

- 8. Contingencies on the happening of which this declaration shall become invalid (viz. Insanity/Divorce/Remarriage)
- The above declaration is true to the best of my knowledge and belief.

Yours faithfully,

Date:

Place:

(Signature of the declarant)

Name of the Member/Ex-Member.....
 P.P.O. No. under the Ex-Member Pension Scheme (if any)

Identification (for Ex-Member declarant only):-

The above declarant is identified by me and he signed in my presence.

Identified by (signature, name & seal)
 (To be signed by a Gazetted Officer of the Central Government or a Group 'A' Officer of the State Government or a sitting Member of Parliament or of the Legislative Assembly)

- Note:*
1. Give the complete postal address with proper PIN.
 2. Do not leave any column blank. Please write 'N.A.' for whichever is not applicable.
 3. Validation of declaration is subject to its acceptance by the Secretary, W.B.L.A.
 4. Any change/correction of spouse information in future may be declared.

:: For office use only ::

West Bengal Legislative Assembly Secretariat

1. Declarant is a/an Member/Ex-Member of the West Bengal Legislative Assembly/Council elected (last term) from Constituency
in the year.....
2. Date on which the declaration was furnished by the declarant
3. Date on which the declaration was received by this Secretariat

4. Previous Declaration made by this declarant (if any) *vide* Registration No..... dt..... in favour of his/her spouse Shri/Smt..... may be cancelled.
5. Necessary entries regarding spouse information as per the above declaration have been recorded at Register Page No..... on (date).....
6. Declaration may be accepted and registered *vide* Serial No..... dt.....
7. Remarks (if any)

(D.A./H.A.)

(Officer-in-Charge)

Spouse information as per the above declaration is accepted and recorded in this Secretariat in connection with the Spouse Pension Scheme under the West Bengal Legislature (Members' Pension) Rules, 1987.

Secretary,

Dated:

West Bengal Legislative Assembly.

FORM VI**APPLICATION FOR PENSION FOR SPOUSE OF
EX-MEMBER**

[See rule 4(1A); to be submitted in duplicate]

To
The Secretary,
West Bengal Legislative Assembly,
Assembly House,
Kolkata.

1. Name of the widow/widower.....
2. Age
3. (a) Present postal address.....
(b) Permanent postal address.....
4. Name of husband/wife.....
5. Period of membership of husband/wife in the West Bengal Legislature:
 - (a) West Bengal Legislative Assembly-
 - (i) From.....Constituency, From.....to.....
 - (ii) From.....Constituency, From.....to.....
 - (iii) From.....Constituency, From.....to.....
 - (iv) From.....Constituency, From.....to.....
 - (v) From.....Constituency, From.....to.....
 - (b) West Bengal Legislative Council-
 - (i) From.....Constituency, From.....to.....
 - (ii) From.....Constituency, From.....to.....
 - (iii) From.....Constituency, From.....to.....
6. Date of death of ex-Member
(copy of death certificate
attached)
7. Pension payment order No. of the deceased and the name of the Treasury/
Sub-treasury from which pension was being drawn.....

8. Name of the Treasury/United Bank of India (Town Branch) from which payment of pension is desired.....

I declare that the facts mentioned above are correct to the best of my knowledge and belief. I have also enclosed three copies of photograph of mine and three copies of my specimen Signature/Left Thumb and Finger Impressions, duly attested.

Place:

Signature/Left Thumb Impression
of Spouse of ex-Member of the
Legislative Assembly/Legislative
Council.

Date:

FORM VII

[See rule 5(5)]

West Bengal Legislative Assembly Secretariat

ORDER

No.....

Kolkata, the.....

Sanction is hereby accorded to the grant of a pension of Rs.....
(Rupees) only per month in
favour of Shri/Shrimati , spouse
of Late for latter's having remained as
Member of the

(i) West Bengal Legislative Assembly:-

From.....to.....

From.....to.....

(ii) West Bengal Legislative Council:-

From.....to.....

From.....to.....

2. The grant of this pension shall take effect from.....

3. The pension shall be payable from.....

Secretary,

West Bengal Legislative Assembly.

FORM VIII

[See rule 5(6)]

West Bengal Legislative Assembly Secretariat

PENSION PAYMENT ORDER

**(For spouse of deceased Member of the West Bengal
Legislature) (Disbursing Officer's Portion)**

Serial No.....

Debitable to State Government:

Head of Account:

Major Head-2071-Pensions and Other
Retirement Benefits
Sub-Major-Head-01-Civil
Minor Head-111-Pensions to
Legislators

VOTED

Space for
Photograph
of the spouse
of the deceased
pensioner

1. Name of the spouse of deceased Pensioner.....
2. Residence showing Village, Post Office, Police Station and District.....

Space for signature of the
spouse pensioner

3. Class of pension Pension under the West Bengal Legislature (Members' Pension) Act, 1986 (West Ben. Act XVIII of 1986), read with the West Bengal Legislature (Members' Pension) (Amendment) Act, 1997 (West Ben. Act IX of 1997) & West Bengal Legislature (Members' Pension) (Amendment) Act, 1998.

- 4. Amount of monthly pension Rs.....
(Rupees.....).
- 5. Date of commencement.....
- 6. Office and place of payment.....
Office of.....
No.....Kolkata, the.....

UNTIL FURTHER NOTICE AND ON THE EXPIRATION
of every month, be pleased to pay to.....
the sum of Rupees.....
.....being the amount of
pension under the West Bengal Legislature (Members' Pension) Act, 1986
(West Ben. Act XVIII of 1986) read with the West Bengal Legislature
(Members' Pension) (Amendment) Act, 1997 and the West Bengal
Legislature (Members' Pension) (Amendment) Act, 1998, as per details given
below.....

Pension due under section 3(7) of the West Bengal Legislature (Members'
Pension) (Amendment) Act, 1997 (West Ben. Act IX of 1997) read with
the West Bengal Legislature (Members' Pension) (Amendment) Act, 1998
(West Ben. Act XI of 1998) Rupees.....

The payment shall commence from.....

(Signature).....

(Designation)

Notes

- 1. Payment under this order, at the sub-Treasury, will be made to the pensioner in person upon the production of this order and presentation of a bill in Form IX.
- 2. Personal appearance at the Treasury may be waived in the case of a pensioner specially exempted by the Government or who seeks payment through a representative and sends a Life Certificate signed by a Group A employee of the State Government or Central Government or by any other officer referred to in S.R. 274 of the Treasury Rules, West Bengal and the Subsidiary Rules made thereunder, Vol. I. Except in the case of pensions received in person, payment of pension by Treasury will be subject to production of Life Certificate.
- 3. On the death of the pensioner, this order should be immediately returned by his/her family to the Pension Disbursing Office with a report of the date of death of the pensioner.
- 4. Formal claims for lifetime arrears, if any, duly supported by legal authority, where necessary, should be submitted to the Pension Disbursing Office.

Amount of pension Rs.....(in words).....

Every separate payment is to be recorded below by the Disbursing Officer-

Month for which pension is due	Date of payment	Disbursing Officer's initial	Date of payment	Disbursing Officer's initial	Remarks
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
January					
February					

FORM IX

[See rule 7(1)]

STATE : WEST BENGAL

Pension bill of a spouse entitled to pension under section 3(7) of the West Bengal Legislature (Members' Pension) (Amendment) Act, 1986 (West Ben. Act XVIII of 1986).

Shri/Shrimati.....	
District Head of Account	Voucher No.....
2071-Pensions and other Retirement Benefit	
01-Civil	Date.....
111-Pensions to Legislators	
<hr/>	
Amount of pension due to me as a spouse entitled to pension under section 3(7) of the West Bengal Legislature (Members' Pension) Act, 1986 (West Ben. Act XVIII of 1986) for the month of.....	Rs.....
Rs....., 20..... in word Rupees.....	Total)
Name in Block Letters	Yours faithfully,
	Signature of the Pensioner.....
Station.....	
Date.....	Received payment
Pay Rs.....	Revenue Stamp if amount
(Rupees)	exceeds Rs. 500/-
Treasury Officer	Signature.....
	Signature of the Pensioner.....

*Note 1.-*In case a life certificate is not attached to the bill, it will be considered that the pensioner has attended the Treasury personally to receive the amount of pension.

CERTIFICATE TO BE GIVEN IN THE CASE OF NON-
ATTENDANCE OF PENSIONER IN PERSON

(To be signed by a Group 'A' Government employee, State or
Central Government referred to in Subsidiary Rules 274 of
the Treasury Rules, West Bengal, and the Subsidiary
Rules made thereunder, Volume I)

Certified that I have seen the pensioner Shri/Shrimati
..... and that he/she is alive on this
date and the bill has been signed by him/her in my presence.

Station.....

Signature.....

Designation

Date.....

Stamp.....

For use in Treasury

Noted on page.....

Admitted for Rs.....

Objected to Rs.....

Auditor.....

Treasury Officer.....

Conditions Governing Payment of Pension

1. Pension will not be payable under this order so long as the pensioner:-

- (i) remains elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union Territory;
- (ii) remains a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 (19 of 1966);
- (iii) remains employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority:

Provided that where the pensioner is entitled to any other pension payable to such pensioner for holding such office or being such pensioner or so employed or where the remuneration referred to in condition (iii) is less than the pension payable under this order, the pensioner shall be entitled to receive only the balance as pension under this order.

*[2. Where the pensioner is also entitled to any other pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority, under any law or otherwise, then,-

- (a) where the amount of such other pension is equal to or in excess of that to which he/she is entitled under this order, he/she shall not be entitled to any pension under this order; and
- (b) where the amount of such other pension is less than that to which he/she is entitled under this order, he/she shall be entitled to receive only the difference as pension under this order.]

3. The first payment of pension under this order and subsequent payments of pension will be subject to the production by the pensioner of a declaration regarding holding of an office employment/receiving of any other pension, etc. Further the pensioner is required to inform the officer who issued the pension payment order as well as the Pension Disbursing Officer about his election/employment as referred to in condition 1 or his getting pension as referred to in condition 2.

Note : Pension drawn by a person from the Central Government or any State Government as freedom fighter shall not be taken into account in calculating the amount of pension to which he is entitled under sub-section (1) of section 3 of the Act.

4. Payment under this order, at the Treasury/Sub-Treasury will be made to the pensioner in person upon the production of this order and presentation of a bill in Form V.

Personal Appearance at the Treasury/Sub-Treasury may be waived in the case of a pensioner specially exempted by the Government or who seeks payment through a representative and sends a Life Certificate signed by a responsible Government Officer or by some other well-known trustworthy person or by any other officer referred to in S.R. 274 of the Treasury Rules, West Bengal and the Subsidiary Rules made thereunder, Vol I. Except in the case of pensions received in person, payment of pension by Treasury or Sub-Treasury will be subject to production of Life Certificate.

Note: On the death of the pensioner, this Order should be immediately returned by his/her family to the Pension Disbursing Office with a report of the date of death of the pensioner.

Formal claims for life time arrears, if any, duly supported by legal authority, where necessary, should be submitted to the Pension Disbursing Office.

Amount of pension Rs.....
(in words)

Every separate payment is to be recorded below by the Disbursing Officer-

Month for which pension is due	Date of payment	Disbursing Officer's initial	Date of payment	Disbursing Officer's initial	Remarks
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
January					
February					

**The West Bengal Legislative Assembly (Medical
Facilities to Ex-Members and their Spouses)
Rules, 1999**

[Published under Government of West Bengal,
Parliamentary Affairs Department Notification
No. 1518-P.A., dated the 2nd December, 1999, in exercise
of the power conferred by sub-section (1)
of section 4 of the West Bengal Legislature (Members'
Pension) Act, 1986 (West Bengal Act XVIII of 1986)]
(As amended vide P.A. Deptt. Notification No. 176 P.A.,
dt., 6th February, 2002.)

RULES

1. (1) These rules may be called the West Bengal Legislative Assembly (Medical Facilities to ex-Members and their Spouses) Rules, 1999.
 - (2) They shall be deemed to have come into force on the 1st day of April, 1997.

 2. Every ex-Member of the Legislative Assembly and the Legislative Council, as defined in the West Bengal Legislature (Members' Pension) Act, 1986 (West Bengal Act XVIII of 1986) (hereinafter referred to as the said Act), and his/her spouse only shall be entitled for himself/herself to such medical facilities as are admissible to a Group 'A' employee of the State Government, as provided in section 3A of the said Act.
- ¹ [2A. For the purpose of reimbursement of the medical expenditure to ex-Member of the Legislative Assembly and the Legislative Council and his spouse as stated in section 3A of the said Act, the following officer shall be the Drawing and Disbursing Officer, namely:-
- (a) if the place of residence of an ex-Member of the Legislative Assembly and the Legislative Council and his spouse is in non-municipal area, the Block Medical Officer of Health;
 - (b) if the place of residence of an ex-Member of the Legislative Assembly and the Legislative Council and his spouse is in municipal area of a district, the respective Sub-divisional Medical Officer of Health or the Chief Medical Officer of Health, as the case may be; and

1. Inserted *vide* Notification No. 176 P.A. dt. 06.02.2002.

- (c) if the place of residence of an ex-Member of the Legislative Assembly and the Legislative Council and his spouse is in Calcutta Municipal Corporation area, the Deputy Secretary or the Assistant Secretary of the West Bengal Legislative Assembly, as the case may be.]

3. All claims for re-imbusement of medical expenses under these rules shall be preferred in an application in the Form set out in the Schedule to these rules and supported by prescriptions and receipts or vouchers or cash memos, as the case may be, showing payment made by the ex-Member or his/her spouse, and shall be submitted to the ¹[respective Drawing and Disbursing Officer.]

²[4(1). On receipt of the application under rule 3, the Drawing and Disbursing Officer shall scrutinize the claim and draw the amount in prescribed bill against the Head of Account mentioned in the schedule to the rule and send the bill to the concerned Treasury Officer or Pay and Accounts Officer, Kolkata, as the case may be, from where the ex-Member and his/her spouse draws the pension.]

(2) The application shall be returned to the applicant for making necessary correction or for rectifying the defect, as the case may be, if the ³[Drawing and Disbursing Officer] finds that any correction of the facts furnished in the application is necessary or that the application is otherwise defective.

⁴(3) The applicant shall, after making the required correction or rectifying the defects as instructed by the Drawing and Disbursing Officer, re-submit the application to the Drawing and Disbursing Officer and thereupon, the Drawing and Disbursing Officer shall send the same to the concerned Treasury.]

(4) After receiving the application as corrected/rectified under sub-rule (3), ⁵[along with the bill from the Drawing and Disbursing Officer,] the Treasury Officer shall pass such amount as is admissible to a Group 'A' employee of the State Government and shall make the payment.

(5) The original prescriptions, if any, shall, after being duly cancelled by the concerned Treasury Officer, be returned to the ⁶[Drawing and Disbursing Officer] and the bill along with the receipts, vouchers or cash memos, as the case may be, shall be kept by the Treasury Officer after cancelling the same.

1. Amended *vide* Notification No. 176 P.A. dt. 06.02.2002.

2. Substituted *vide* Notification, *ibid*.

3. Amended *vide* Notification, *ibid*.

4. Substituted *vide* Notification, *ibid*.

5. Amended *vide* Notification, *ibid*.

6. Amended *vide* Notification, *ibid*.

Form of Application-cum-Bill for reimbursement of expenses of Attendance and treatment of ex-Members of the Legislative Assembly/Legislative Council under rule 3 of the West Bengal Legislative Assembly (Medical Facilities to ex-Members and their Spouses) Rules, 1999

PART I

Head of Account: Major Head-2071-Pensions and other Retirement Benefits
Sub-Major Head-01-Civil
Major Head-111-Pensions to Legislators

VOTED

1. (a) Name of the patient
(b) Name of the ex-Member
(c) Relationship with the patient
(d) Present address of the patient

2. Duration of Membership of the ex-Member
 - (a) West Bengal Legislative
 - (i) from.....Constituency; from.....to.....
 - (ii) from.....Constituency; from.....to.....
 - (iii) from.....Constituency; from.....to.....
 - (iv) from.....Constituency; from.....to.....
 - (b) West Bengal Legislative Council:
 - (i) from.....Constituency; from.....to.....
 - (ii) from.....Constituency; from.....to.....
 - (iii) from.....Constituency; from.....to.....
 - (iv) from.....Constituency; from.....to.....

3. I, pension holder as ex-Member/spouse of ex-Member
 - (1) Pension payment order No.
 - (2) Name of the Treasury

4. (a) Nature of ailment
(b) Duration of ailment
(Receiving indoor treatment in Government Hospital)
(c) Name and address of the Government Hospital where treated

- 5. (a) Details of special nursing charges (Appointed during treatment in Government Hospital)
- (b) Details of the charge for special attendant or aya (Appointed during treatment in Government Hospital)
- (c) Details of cost of medicines (Purchased during the indoor treatment in Government Hospital)
- 6. Bills of the amount claimed:
 - (a) For special nursing charges
 - (b) For cost of special attendant : or aya in Government Hospital
 - (c) For cost of medicines purchased during indoor treatment in Government Hospital

Total

Certified that amount claimed in _____ bill was not drawn before.

Date.....

Signature of the
ex-member/spouse
(whichever is applicable)

(In case of inability to sign by the patient, his/her left thumb impression may be countersigned by appropriate authority).

- Notes:**
- (1) Prescription and cash memo or vouchers in respect of all the items and the discharge certificate issued by the hospital should be attached in original.
 - (2) Cash Memos or vouchers mentioned at Note (1) should be referred by the Controlling Officer after scrutiny to the applicant by cancelling them with a "checked and cancelled" stamp.
 - (3) A List containing the names of the medicines purchased during the indoor treatment in a Government Hospital including their costs and dates of purchase respectively, is to be furnished and such list should be countersigned by the authorised medical attendant after verification.

Date.....
Address.....

Signature of the Authorised
Medical Attendant.

PART II

- (a) Certificates to be signed by the Authorised Medical Attendant in the case of claim for reimbursement of the charges of special nursing or special attendant or aya and the cost of medicines.
- (b) Certified that special nursing or special attendant or aya for the patient was considered essential and advised for the period..... (forenoon/afternoon) to(forenoon/afternoon) for the prevention of a serious consideration in the condition of the patient.
- (c) Certified that the medicines as detailed in the statement enclosed were prescribed for the patient and the same were available during the period of treatment in the hospital from..... to.....

Date:

Signature of the Authorised
Medical Attendant.

For use in the office of the Controlling Officer and Passing Authority.

Certified that the claim in the bill has been scrutinised carefully, found to be in order and is covered by the rules and orders in force.

Signature of the Controlling Officer
(Sub-divisional Medical Officer/
Chief Medical Officer of Health/
Superintendent of the Hospital
where treatment is received).

Date:

Payment.....(Rupees.....) only.

Treasury Officer,
By order of the Governor,
Principal Secy. to Govt. of West Bengal.

**Government Order extending facility of Rail Travel in
AC-II Tier against Railway Travel Coupon to
Ex-Members along with one companion**

GOVERNMENT OF WEST BENGAL

Department of Parliamentary Affairs

Writers' Buildings, E-Block, Top Floor
Kolkata-700 001

No. 414-P.A./3R-02/2009 Pt. III

Date: 23.04.2010

From: Shri Nandadulal Bhakat, IAS
Joint Secretary to the Government of West Bengal

To The Pay & Accounts Officer-I
Kolkata Pay & Accounts Office
81/2/2, Phears Lane, Kolkata-700 012

Subject: Revision of facility of Railway Travel to the Ex-Members
of West Bengal Legislative Assembly.

Sir,

In cancellation of previous G.O. No. 333-P.A./3R-02/2009 Pt. III dated 22.03.2010 issued by this Department, it has been decided by the State Government to revise the entitlement of ex-members of the State Legislature for availing the facility of Railway Travel up to a maximum distance of 10,000 km. per annum. I am, therefore, directed by order of the Governor to say that the Governor has been pleased to accord sanction to the expenditure to be incurred for journeys undertaken by every ex-member of the State Legislature by AC-II Class 2-Tier Sleeper by availing the facility of Railway Travel Coupon up to a maximum distance of 12,500 km per annum for ex-member himself/herself and an additional distance of 12,500 km per annum for his/her companion with retrospective effect from the 1st day of December, 2009.

2. The Railway Board in the Ministry of Railways, Government of India is being requested accordingly to issue instructions to all concerned so that ex-M.L.A. of the West Bengal Legislative Assembly are issued tickets for himself/herself and his/her companion against coupons for AC-II Class 2-Tier Sleeper for the type of journey and for such distances as specified in Para above.

3. The expenditure shall be debitable to the Head of Account "2011-State Legislatures-02-State Legislatures-IOI-Legislative Assembly-NP-Non-Plan-001-Establishment of the Members of Legislative Assembly (LA)-V-11-Travel Expenses" (Code: 2011-02-101-NP-001-V-11).

4. The D.D.O. of the West Bengal Legislative Assembly will act as the Drawing & Disbursing Officer in respect of the expenditure sanctioned hereinabove.

5. The order issues with the concurrence of Finance Department vide their U.O. No. 4600 (Group-'P' Service) dated 10.12.2009 read with U.O. No. 52 (Group-'T') dated 22.04.2010.

6. The Principal Accountant General (A & E) is being informed accordingly.

Yours faithfully,

Sci/-

*Joint Secretary to the
Government of West Bengal.*

**Government Order regarding payment of
Pension to Ex-Members through Public Sector Banks**

GOVERNMENT OF WEST BENGAL

Finance Department

Audit Branch

No. 13090-F

Calcutta, the 26th December, 1990

MEMORANDUM

Sub: Payment of Pension to Ex-Members of the
West Bengal Legislative Assembly through
Public Sector Banks.

The undersigned is directed to enclose a copy of United Bank of India letter No. GT/WB State M.L.A. Pension/4405/115-90, dt. 9/7/90 in terms of which the U.B.I. District Town Branches will make payment of M.L.A. Pension.

The pension payment scheme as in Appendix 17B of TRWB, Volume-I will apply *mutatis mutandis-only* the Town Branches will make pension payment.

On the option of Ex-M.L.A. pensioners, the Treasury Officer will arrange credit of monthly pension by the third week of each month to the concerned Town Branches. Where a single name Pension Account is to be opened by the Ex-M.L.A. pensioner, the pensioner will receive his monthly pension by the 1st week of the following month.

The Treasury Officers will continue to make pension payment on individual pension claim submitted by the pensioners till they opt for payment through Town Branches. This will apply in respect of future Ex-M.L.A. pensioners also.

G. N. CHATTERJEE
*Deputy Secretary to the
Government of West Bengal.*

**Letter from United Bank of India regarding
payment of pension to Ex-Members through
Public Sector Banks**

UNITED BANK OF INDIA

GOVERNMENT TRANSACTION DEPARTMENT

Head Office

16, Old Court House Street
Calcutta-700 001

No. GT/WB State M.L.A. Pension/4405/115-90

Dated, the 9th July, 1990

The Asstt. Secy.
Finance Deptt. (Bank Pension Cell)
Govt. of West Bengal (W. Buildings)
Calcutta-1

Reg.: Payment of Pension to Ex-Members of the
W.B. Legislative through Public
Sector Banks.

Dear Sir,

We are glad to inform that our management is pleased to accept the scheme in principle to make payment of pension to Ex-Members of the W.B. Legislative Assembly through our District Town Branches.

On hearing from you further in this regard, (i.e. the date of commencement etc.) we will advise our concerned branches in the District Town.

Yours faithfully,
Sd/- Illegible
Chief Officer

**Government order regarding payment of pensions to the
ex-MLAs and other through Public Sector Banks**

Government of West Bengal

Finance Department

Audit Branch

No. 6953-F

Kolkata, the 23rd July, 2001

MEMORANDUM

Subject: Payment of pensions to the retired non-Government aided
College teachers including non-teaching staff and MLAs/
MLCs through Public Sector Banks.

The undersigned is directed to say that the question of payment to the pensioners of the non-Government aided Colleges, teachers and non-teaching staff and ex-MLA/MLCs has been under active consideration of the Government for sometime past. After careful consideration of all aspects of the matter and in consultation with the Dept. of Govt. & Bank Accounts, Central Office of the Reserve Bank of India, Mumbai and with the participant Public Sector Banks Governor has been pleased to decide that the existing scheme for payment of pension to the State service pensioners as incorporated in Appendix 17A (Part-A Scheme) and 17-B (Part-B Scheme) of the West Bengal Treasury Rules, Vol-II shall also cover all the pensioners of the non-Government aided Colleges, teachers including non-teaching staff and the ex-MLAs/MLCs subject to observance of the same procedure and the terms and conditions as prescribed in the said Rule, for the present, the extended facility in favour of the said groups of pensioners will be available in all pension paying branches of (1) UCO Bank (2) Bank of India (3) Bank of Baroda (4) United Bank of India (5) Indian Bank and (6) Mallabhum Gramin Bank who have agreed to take this responsibility on existing terms and conditions as prescribed in the Rules referred to above.

This order will come into force with immediate effect.

Necessary amendment to the Treasury Rules will be made in due course.

All concerned are informed accordingly.

Sd/- S.K. Pal

Jt. Secretary to the Government
of West Bengal
Finance Department

Scheme for payment of Pension to Ex-Members of the West Bengal Legislature through Public Sector Banks

The West Bengal Legislature (Members' Pension) Act, 1986 confers pensionary benefits on the Ex-Members of the West Bengal Legislature on certain conditions laid down therein. The pension ranging between Rs. 400/- and Rs. 500/- per month is payable with effect from 1st April, 1986 or any latter date.

2. Applications from Ex-Members of the West Bengal Legislature in the prescribed forms are received by the Secretary, West Bengal Legislative Assembly, who after verification of the entitlement in accordance with section 3 of the aforesaid Act issues an order sanctioning the pension as well as the Pension Payment Order in prescribed forms to the concerned pensioner and the Treasury Officer.

3. Option has been given to the pensioners in matter of drawal of pension from either the Treasury/Sub-Treasury or any of the Public Sector Bank branch situated within the jurisdiction of the Treasury/Sub-Treasury in the State of West Bengal.

4. The Scheme will come into force from the month of i.e. pension for the month of.....payable on..... and onwards.

5. The following rules will be followed in respect of pensions to be drawn from Public Sector Banks. As for pensions to be drawn from Treasuries/Sub-Treasuries the provisions of the rules prescribed in West Bengal Legislature (Members' Pension) Rules, 1987 should be followed.

6. Pension payments will be automatic; no bill will be required to be submitted. The amount of monthly pension will be credited by the paying branch; selected by the pensioner, to his individual's Savings Bank/Current Account at the commencement of the following month. Every pensioner availing of this facility will open Savings Bank/Current Account in his name in a Public Sector Bank falling within the jurisdiction of Treasury/Sub-Treasury, requirement as per rules of the Bank.

Pension will not be paid in cash or through a 'Joint' or an 'Either or Survivor' Account.

Note: The account of a pensioner to which pension is credited under the captioned scheme should not be allowed to be operated upon by another person by virtue of a power of attorney executed by the pensioner in his favour. In case, the pensioner is already having an account and has authorised power of attorney holder to operate on it as his agent, he should be asked to open a new account in his/her sole name or revoke the mandate in favour of the attorney before the pension is credited to such an account.

7. The procedure to be followed for the various stages of the transfer of pension payment work to Public Sector Banks and the accounting of pension payment is outlined in the following paragraphs.

8. Existing pensioners who are desirous of drawing their pension from a Public Sector Bank Branch will apply to the Treasury Officer/ Sub-Treasury Officer from whom they are receiving pension, in form at Annexure-I in duplicate along with copy of Pension Payment Order (PPO). In that application they are also required to authorise the Bank to receive their pension payments on behalf of them for credit to their Saving Bank/Current Account and further to authorise that the receipt given by the Bank for the amount of their pension should be treated as legal quittance.

Future pensioners will indicate their option in the prescribed application form for pension and in form at Annexure-I in duplicate.

9. The pensioners should present before the Treasury/Sub-Treasury in person in respect of action to be taken by them as per paragraph 3 above in the form as in Annexure-I in duplicate along with copy of Pension Payment Order (PPO).

16. The pensioners will be required to furnish a life certificate once in a year in the month of November in the form prescribed in Annexure-V. Officers of the Public Sector Banks are also authorised to give life certificate for this purpose besides those mentioned in Subsidiary Rule 274 of West Bengal Treasury Rules, Volume-I.

17. The pensioners will also be required to submit a declaration in the form at Annexure-VI at the time of first payment of pension and in the months of May and November thereafter.

19. *Transfer of Pension:* Transfer of pension may be of the following categories:

- (1) Transfer to another district within the State.
- (2) Transfer within a district.
- (3) Transfer from one Public Sector Bank to another or from one branch to another of the same Public Sector Bank situated within the jurisdiction of the same Treasury/Sub-Treasury.

In respect of transfer falling within category (1) above the application for transfer is to be addressed to the Treasury/Sub-Treasury Officer concerned through the paying Branch of the Public Sector Bank who should certify that the relative account of the pensioner has been closed. On receiving such application the Treasury Officer/Sub-Treasury Officer may send the disburser's half of the Pension Payment Order (PPO) by registered post to the concerned Treasury/Sub-Treasury where transfer is desired under intimation to the paying branch of the Public Sector Bank, the Pensioner and the Secretary, West Bengal Legislative Assembly and the Accountant General (A&E), West Bengal. The pensioner's copy of the Pension Payment Order (PPO) may be handed over to the pensioner or sent to him by registered post against due acknowledgement. Both on the pensioner's half and on disburser's half of the Pension Payment Order (PPO) it should be indicated in red ink as to the amount of pension and the month up to which the pension has been paid. It should also be indicated the month from which the Treasury/Sub-Treasury Officer to whom the pension is transferred will make pension payment. The Treasury/Sub-Treasury will acknowledge receipt of the Pension Payment Order (PPO) and intimate the Secretary, West Bengal Legislative Assembly and the Accountant General (A&E), West Bengal the month from which payment of pension has been resumed.

In respect of transfer falling under category (2) above the same procedure as in (1) above shall be followed.

In respect of transfer falling under category (3) above, where transfer from one paying branch to another paying branch of the same Public Sector Bank is involved, the transfer may be entertained by the Public Sector Bank itself under intimation to the Treasury/Sub-Treasury Officer. If the request for transfer involves change of Public Sector Bank, the application for transfer shall be sent to the Treasury/Sub-Treasury Officer through the paying branch of the Public Sector Bank with a report about closing of account. The Treasury/Sub-Treasury Officer will transfer the payment of pension to the desired Public Sector Bank after ascertaining that the pensioner has opened single name Savings Bank/Current Account with that Public Sector Bank. The paying branch of the Public Sector Bank from which pension payment is transferred will give the following certificate to the Treasury/Sub-Treasury Officer:

"Certified that the payment of pension up to the month of.....has been made and that the Account has been closed."

20. *Arrears of Pension on death of pensioner:* The amount standing at the single name Savings Bank/Current Account of a pensioner on his death shall be paid to the legal heirs of the deceased on the advice of the Treasury/Sub-Treasury Officer.

21. *Cessation of Pension:* When pension ceases to be payable to pensioner on death etc. and in terms of rule 8 of the West Bengal Legislature (Members' Pension) Rules, 1987, the Treasury/Sub-Treasury Officer shall amend his records and forward the Pension Payment Order (PPO) to the Secretary, West Bengal Legislative Assembly for similar action and record.

22. *Miscellaneous:* If a pensioner fails to draw his pension through his Bank Account for over six months, in other words, if he does not operate his single name Savings Bank/Current Account opened for the purpose for over six months, further withdrawals from the account should not be allowed by the Bank unless the pensioner personally appears at the Bank. In respect of those cases of non-withdrawal of pension over six months, the bank will send a report to the Treasury/Sub-Treasury and the latter will stop further payment. If the pensioner re-appears before the Treasury the arrears of undrawn pension may be drawn by submitting a fresh bill and payment arranged through the Bank as usual.

23. The relevant provisions of the West Bengal Legislature (Members' Pension) Rules, 1987, may be deemed to stand amended to the above extent.

ANNEXURE I

**Application for Drawal of Pension by
Ex-Members of the West Bengal Legislature
through Public Sector Banks**

(To be submitted in duplicate)

[Vide Rules 7, 8 and 9]

To
The Treasury/Sub-Treasury Officer,

Sir,

I opt to draw my pension through Public Sector Bank and give below necessary particulars to enable you to make arrangements in this regard:

1. Particulars of pensioners:
 - (a) Name
 - (b) Pension Payment Order No.
 - (c) Present Address
2. Particulars of authorised Public Sector Bank:
 - (a) Name
 - (b) Branch where payments desired
3. *Pensioners Savings Bank/Current Account No. at the Branch to which pension is to be credited.

I agree to the conditions as to giving six monthly and yearly certificates as prescribed in rules.

I hereby declare that I and my heirs and successors accept the liability of making good to Government overpayment, if any, made to me, under the scheme.

*(Not 'Joint' or "Either or Survivor" Account.)

I hereby surrender the pensioner's half of my Pension Payment Order No.....

I hereby authorise (name of Public Sector Bank and Branch) to receive my pension payment on my behalf for credit to my account as stated above and further authorise that the receipt.....given by the Bank for the amount of my pension should be treated as legal quittance.

Yours faithfully,

Place:

Date:

(Signature of the Pensioner)

ACKNOWLEDGEMENT

No.....

Date.....

Received P.P.O. No.....along with declaration for payment of pension throughBank, from Shri/Smt.....

*Treasury I Sub-Treasury Officer
Seal of the Treasury I Sub-Treasury*

ANNEXURE II
Consolidated Pension Bill
[Vide Rule 12]

Bill for Pensions chargeable to.....Paid at the.....
 Treasury from.....to.....20.....

No. of Pension Payment Order	Name of Pensioner	P.P.O. No.	Monthly Amount Rs. P.	Period of claim	Amount Paid Rs. P.

Collection Charges

ANNEXURE III

[Vide Rules 12, 13 and 14]

Original
Duplicate
Triplicate**Cheque Slip**

No.....

To

The Agent/Manager,

.....Bank

.....Branch

The enclosed cheque for Rs..... (Rupees.....
.....) is sent for favour of credit to the Single Name
Accounts of individuals mentioned in Column (1).

Date of Issue of Cheque:

Serial Number of Cheque:

Name of Pensioner	Amount for each Pensioner	Month of Pension	Bank Account No.	Remarks
1	2	3	4	5

COLLECTION CHARGES

 Total in words (Rupees.....)

Treasury / Sub-Treasury Officer

INSTRUCTIONS

1. The Pensioner's Single Name Account will be operated for drawal of pensions only.

2. In the event of the death of the pensioner, the Bank will intimate the actual date of death of the pensioner and the Bank will not release the balance in the account of the pensioner unless clearance is received from Treasury.

3. If the pension has remained undrawn for six months, the Bank will send an intimation to that effect to the Treasury.

ANNEXUREIV

[Vide Rule 14]

ACKNOWLEDGEMENT

(For use in the Bank)

.....Bank

.....Branch

Place.....

Date.....

Received Rs.....(Rupees.....
.....) from the Treasury/Sub-Treasury Officer
.....drawn, vide Cheque
No.....dated.....and cheque slip No.....
The amount minus the collection charges has been credited in the
accounts of pensioner/s holding Single Name Account No.....
as per cheque slip for his/her pension for the month of.....

Seal of the
Bank

Agent/Manager
.....Bank

ANNEXUREV

[Vide Rule 16]

Life Certificate

Certified that I have seen the pensionerholder of Pension Payment Order No..... and that he is alive on this date.

Place.....	Name.....
Date.....	Designation of authorised
	Officer.....

Seal

ANNEXUREVI

[Vide Rule 17]

Non-Employment Certificate

I hereby declare that-

- (i) I am not holding the Office of the President or Vice-President or the Office of the Governor of any State or the Administrator of any Union Territory;
- (ii) I am not a Member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966 (19 of 1966);
- (iii) I am not in receipt of any pension from the Central Government or any State Government, or any Corporation owned or controlled by the Central Government or any State Government, or any local authority, under any law or otherwise;

(iv) I am holding the office of.....or Member of.....or employed as..... in..... and the total remuneration received by me is Rs..... p.m. (A certificate from the competent authority to be attached);

(v) I am in receipt of Rs.....p.m. as pension from Central Government/State Government/Corporation owned or controlled by the Central Government/State Government/local authority being drawn from.....

(Here mention the Treasury or the Disbursing Officer.)

(A certificate from the Disbursing Officer to be attached.)

Station.....

Signature.....

Date.....

Name of the Pensioner.....

Pension Payment

Order No.....

*Score out in ink the portion which is not applicable.

Note: Pension drawn by a person from the Central Government or any State Government as a freedom fighter shall not be taken into account in calculating the amount of pension to which he is entitled under sub-section (1) of section 3 of the Act.

**Government Order regarding payment of
pension to Ex-Member by postal money order**

**GOVERNMENT OF WEST BENGAL
FINANCE DEPARTMENT
Audit Branch**

No. 1149-F

Calcutta, the 8th February, 1991

MEMORANDUM

In continuation of Memo. No. 13090-F, dated 26.12.90 regarding Payment of Pension to Ex-Members of the West Bengal Legislative Assembly through Public Sector Banks, the undersigned is directed to authorise the Treasury Office to arrange payment of MLA pension by postal money order at Government cost where the MLAs will opt for such facility.

The provisions of Appendix 17B of TRWB shall be followed for remittance by Money Order, accounting of the Transactions, and watching the receipt of Life Certificate once in a year.

G. N. CHATTERJEE,
*Deputy Secretary to the
Government of West Bengal.*

**Government Order regarding free travel facilities in
Public Transport System for the Ex-MLAs/Ex-MPs
along with one companion**

**(A) GOVERNMENT OF WEST BENGAL
TRANSPORT DEPARTMENT**

From: SHRI BARIN BASU,

Joint Secretary to the Government of West Bengal.

- To: (1) The Chairman, Calcutta State Transport Corporation,
45, Ganesh Chandra Avenue, Calcutta-13.
(2) Chairman-cum-Managing Director,
Calcutta Tramways Co. (1978) Ltd.,
12, R. N. Mukherjee Road, Calcutta-1.
(3) Chairman, South Bengal State Transport Corporation,
Durgapur.
(4) Chairman, North Bengal State Transport Corporation,
Cooch Behar.
(5) Chairman, West Bengal Surface Transport Corporation,
37, Deshapran Shasmal Road, Calcutta-40.

No. 1407(5)-WT

Dated,

the 11th February, 1994

Dear Sir,

Several representations are being received from Ex-MLAs and Ex-MPs for allowing them to travel by STU Buses within the State along with one companion free of cost.

The matter has been examined in details and it has been decided that henceforth free travel facilities in all types of buses operated by the State Transport Undertakings will be extended to all Ex-MLAs and Ex-MPs elected from the State along with one companion. Suitable passes for this purpose may please be issued to all Ex-MLAs and Ex-MPs on receipt of request from them.

Yours faithfully,

Sd/- B. Basu,

*Joint Secretary to the
Government of West Bengal.*

**(B) GOVERNMENT OF WEST BENGAL
TRANSPORT DEPARTMENT**

From: Shri B. Basu, WBCS,
Joint Secretary to the Government of West Bengal.

- To: (1) The Chairman-cum-Managing Director,
Calcutta Tramways Co. (1978) Ltd.,
12, R. N. Mukherjee Road, Calcutta-700 001.
- (2) The Managing Director,
North Bengal State Transport Corporation,
Cooch Behar.
- (3) The Managing Director,
Calcutta State Transport Corporation,
45, Ganesh Chandra Avenue, Calcutta-700 013.
- (4) The Managing Director,
South Bengal State Transport Corporation,
Durgapur.
- (5) The Managing Director,
West Bengal Surface Transport Corporation,
37, Deshapran Shasmal Road, Calcutta-700 040.

No. 11287(5)-WT/8B-25/94

Date: 5.12.94

*Sub: Free Travel Facilities in Public Transport System
for the Ex-MLAs/MPs.*

Sir,

I am directed by order of the Governor to say that it has been decided by the Government to allow free travel facilities throughout West Bengal in the State Public Transport System including Tramways to the Ex-MLAs/MPs along with a companion.

2. Benefit of free travel facilities in tram cars and buses operated by the State Transport Undertakings will be available to the Ex-MLAs/MPs along with a companion.

3. It has further been decided that henceforth passes shall be issued to the Ex-MLAs/MPs centrally under the signature of Deputy Secretary/Assistant Secretary of this Department in future on the basis of application in this behalf together with a copy of his Identity Card and two copies of passport sized photograph. These passes will be valid for travelling free in all types of State buses/tram cars. However, passes which have already been issued by the MDs of different STCs/CTC shall continue to remain valid.

4. This supersedes all previous order issued in this respect.

Yours faithfully,
Sd/- B. Basu,
*Joint Secretary to the
Government of West Bengal.*

**(C) GOVERNMENT OF WEST BENGAL
TRANSPORT DEPARTMENT**

From: Shri B. Basu, WBCS,
Joint Secretary to the Government of West Bengal.

- To: (1) The Chairman-cum-Managing Director,
Calcutta Tramways Co. (1978) Ltd.,
12, R. N. Mukherjee Road, Calcutta-700 001.
- (2) The Managing Director,
Calcutta State Transport Corporation,
45, Ganesh Chandra Avenue, Calcutta-700 013.
- (3) The Managing Director,
North Bengal State Transport Corporation,
Cooch Behar.
- (4) The Managing Director,
South Bengal State Transport Corporation,
Dr. B. C. Roy Road, Durgapur.
- (5) The Managing Director,
West Bengal Surface Transport Corporation,
37, Deshapran Shasmal Road, Calcutta-700 040.

No. 2495(5)-WT/8B-25/94 Dated, Calcutta, the 23rd March, 1995

*Sub: Free Travel Facilitie in Public Transport System
for Ex-MLAs/MPs.*

Sir,

In continuation of this Department's No. 11287(5)-WT dt. 5.12.94 on the subject noted above I am directed by order of the Governor to say that it has since been decided by Government to allow free travel facilities throughout West Bengal in State Public Transport System including Tramways to the Ex-Members of erstwhile West Bengal Legislative Council along with a companion.

2. It has further been decided that free travel facilities extended to Ex-MLAs/MPs and Ex-MLCs would also include the facility of free travel by Water Transport run by the West Bengal Surface Transport Corporation.

3. The scheme of free travel facilities in Public Transport System as set out in Transport Department's No. 11287(5)-WT dt. 5.12.94 is modified to the extents as mentioned above. Other conditions will remain valid as before.

Yours faithfully,
Sd/- B. Basu,
*Joint Secretary to the
Government of West Bengal.*

(D) **GOVERNMENT OF WEST BENGAL**
TRANSPORT DEPARTMENT

MEMORANDUM

No. 7782-WT/7B-1/86 Pt. II

Calcutta, the 27th June, 1997

Most of the ex-MLAs/ex-MPs are elderly persons and reside far away from Calcutta. It is difficult for them to come to Writers' Buildings to collect free passes for travel in buses operated by STCs. In order to minimise their difficulties, it has been decided by the Government that henceforth all free passes to ex-MLAs/ex-MPs will be issued/renewed from the respective district head quarters in which they reside. The said renewal will be done by the respective D.M.s. For Calcutta area this may be done by the Director, P.V.D., Govt. of West Bengal. Henceforth the passes once issued/renewed shall remain valid till death.

All concerned are being informed accordingly.

By order of the Governor

Sd/- A. K. Das,
*Joint Secretary to the
Government of West Bengal.*

**(E) Letter from Additional Chief Secretary,
Transport Department,
Government of West Bengal**

Shri Sumantra Choudhury, IAS
Additional Chief Secretary

Transport Department
Government of West Bengal
Writers' Buildings
Kolkata-700 001
Phone: (033) 2214-5455
Fax: (033) 2214-4700
E-mail: sumantra_wb(@)yahoo.co.in

No. 3687(2)-WT

Dated: 4th December, 2008

To : 1. The Managing Director
WBSTC
2. The Managing Director
SBSTC

Sir,

It has come to my notice that travel facilities to the MLAs, Ex-MLAs and such other persons who are eligible to have such facilities in STC buses are not extended to the buses run by your corporation on franchise basis. You are requested to ensure that such free travel facilities are extended by the franchise operators in the manner as is applicable in respect of STC buses and if necessary the agreement which may have been executed by you with such franchise operators be suitably amended.

Yours faithfully,

Sd/-
Sumantra Choudhury

(A)

**The West Bengal ex Chief Ministers and ex-Speakers
(Grant of Facilities and Privileges) Rules, 2000**

**GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT**

Constitution and Elections

NOTIFICATION

No. 307 Home (Cons.)

Date: 6.11.2000

WHEREAS the State Government is of the opinion that any person, who has served for at least one full term of five years as the Chief Minister of the Government of West Bengal or as the Speaker of the West Bengal Legislative Assembly, should, in recognition of the services rendered by him as such Chief Minister or Speaker, as the case may be, be granted some facilities and privileges;

Now, THEREFORE, the Governor is pleased hereby to make the following rules regulating the grant of facilities and privileges to ex-Chief Ministers of the _____ of West Bengal and ex-Speakers of the West Bengal Legislative Assembly:

Rules

1. Short title and commencement.-(1) These rules may be called the West Bengal ex-Chief Ministers and ex-Speakers (Grant of Facilities and Privileges) Rules, 2000.

(2) They shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.-In these rules, unless the context otherwise requires,-

- (a) "ex-Chief Minister" means an ex-Chief Minister of the Government;
- (b) "ex-Speaker" means an ex-Speaker of the West Bengal Legislative Assembly;
- (c) "Government" means Government of West Bengal;
- (d) "Minister" means a Minister of the Government;

- (e) "residence" means a permanent residence in or near Calcutta., and includes garden, lawn or compound and any quarters for staff and servants and other buildings appurtenant thereto.

3. *Facilities and priuileges.* -Every ex-Chief Minister and every ex-Speaker shall be provided with-

- (a) security at Government cost in accordance with threat perception;
- (b) a free furnished residence;
- (c) medical benefits at par with those admissible to a Minister;
- (d) Secretarial assistance at Government cost, if required by the ex-Chief Minister or the ex-Speaker, which shall include-
 - (i) one Confidential Assistant,
 - (ii) one Personal Assistant-cum-Typist,
 - (iii) two Attendants,
 - (iv) two Group 'D' staff, and
 - (v) necessary office furniture and equipments;
- (e) a motor car along with driver and fuel, and maintenance of a motor car, at _____ cost;
- (f) electricity, gas for cooking, and newspapers, at par with those admissible to a Minister, at Government cost;
- (g) office expenses allowance at the rate of one thousand rupees per month;
- (h) a telephone (with Subscriber Trunk Dialling facility) at residence at Government cost;
- (i) travelling allowance at par with that admissible to a Minister for travelling within the country; and
- (j) a sumptuary allowance at the following rate:
Rs. 1,500 per month in the case of ex-Chief Minister, and
Rs. 1,000 per month in the case of ex-Speaker.

By order of the Governor,
Sd/-
*Chief Secretary to the
Government of West Bengal.*

(B)

**GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT
CONSTITUTION AND ELECTIONS**

No. 307A-Horne (Cons.)

Dated : 06/11/2000

NOTIFICATION

The Governor is pleased to appoint the 7th November, 2000 as the date with effect from which the West Bengal ex Chief Minister and ex Speakers (Grant of Facilities and Privileges), Rules 2000 as promulgated in notification No. 307-Home (Cons.) dated 06/11/2000 shall come into force.

**By order of the Governor,
Sd/- M. Gupta
Chief Secy. to the Govt. of West Bengal**

PART IV

**Miscellaneous Rules and
Government Orders**

**Government Circular regarding arrangements
in respect of accommodation, food,
transport, etc. for the Members
during study tour**

**GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT
Constitution and Elections**

Circular No. 792-A.R.

Calcutta, the 11th April, 1964

In connection with the study tour of the Members of a Committee set up by the State Legislature for inspecting various projects and schemes, the Governor is pleased to decide that assistance as indicated below should be given in respect of accommodation, food, transport, etc., for the said members:

- (a) The West Bengal Legislative Assembly Secretariat should inform *direct* the Department or the Project Authority concerned about the intended study tour of the members of a Committee.
- (b) The Department or the Project Authority concerned should arrange for the members' local transport at Government cost and for this purpose it may utilise the staff-car or transport at its disposal or may hire such conveyance as may be locally available, necessary expenditure being incurred from contingencies under its control. Where such transport is provided, neither any conveyance allowance, nor any mileage allowance should be admissible to such member(s) for road journey undertaken in such transport.
- (c) The local representative of the Department or of the Project Authority concerned should, as far as possible, try to assist, as a matter of courtesy, in obtaining accommodation and food for the members, but the expenses in this respect should be borne by the members themselves to be recouped by *them* under the travelling allowance rules according to the Finance Department's Circular No. 1309-F., dated the 27th April, 1961.

Sd/- S. K. CHATTERJEE,
Secretary to the
Government of West Bengal

**Government Orders regarding status of
Leader of the Opposition**

(A)

**GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT
Parliamentary Affairs**

MEMORANDUM

No. 33-P.A.

Calcutta the 24th February, 1984

It has been decided that the Leader of the Opposition in the West Bengal Legislative Assembly will enjoy the rank and status of a Cabinet Minister of the State. The Leader of the Opposition, West Bengal Legislative Assembly while on tour in districts may, therefore, be extended facilities and courtesies including transport, accommodation and security as are extended to a Minister of the Government.

Sd/- R. N. Sengupta
Secretary to the
Government of West Bengal

**GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT
Parliamentary Affairs**

MEMORANDUM

No. 232-P.A.

Calcutta, the 10th June, 1985

It has been decided that the Leader of the Opposition in the West Bengal Legislative Assembly who enjoys the rank and status of a Cabinet Minister of the State in terms of Home (P.A.) Department's Memo No. 33-P.A. dated 24.2.84 (copy enclosed), will be placed with Cabinet Ministers in civic functions like visits of V.I.Ps including foreign dignitaries, State Banquets, Dinners and At Homes and in formal State functions such as investitures etc.

Sd/- S. V. Krishnan
Chief Secretary to the
Government of West Bengal

**Government Order regarding status of
Chief Government Whip**

**GOVERNMENT OF WEST BENGAL
HOME DEPARTMENT
Constitution & Elections**

No. 6413-Home (Elec.)/R.I.M.-94/94 Dated, the 19th August, 1994

MEMORANDUM

It has been decided to confer the status of a Minister of State of the Government of West Bengal to the Chief Government Whip.

Sd/-

Chief Secretary to the
Government of West Bengal

Facilities to the Chief Opposition Whip

**GOVERNMENT OF WEST BENGAL
DEPARTMENT OF PARLIAMENTARY AFFAIRS**

No. 3225-P. A.

Dated 2. 9. 1994

From: Shri S. K. Mukherjee,
Joint Secretary to the
Government of West Bengal

To : The Secretary,
West Bengal Legislative Assembly,
Assembly House, Calcutta-700 001.

Sir,

I am directed to say that it has been decided that the Chief Whip of the Opposition Party in the West Bengal Legislative Assembly be provided secretarial assistance so that he can discharge his duties effectively and smoothly. Accordingly, the Department of Parliamentary Affairs is going to provide him necessary staff, that is, one Stenographer Grade 'B' and one Peon for the said purpose.

It is also felt that the Opposition Chief Whip be provided with separate accommodation along with a telephone line facility in the West Bengal Legislative Assembly House.

In the circumstances, I am directed to request you kindly to take necessary action in the matter very early.

Yours faithfully,
Sd/- S. K. MUKHERJEE,
Joint Secretary to the
Government of West Bengal

Government of West Bengal
Department of Parliamentary Affairs
 Writers' Buildings, Block- 'G', 1st Floor, Kolkata- 700 001

MEMORANDUM

No. 637-P.A./IL-09/2016.

Date: 8th September, 2016.

It has been decided that the Deputy Chief Govt. Whip in West Bengal Legislative Assembly will have the rank and status of a Minister of State in West Bengal.

2. This has concurrence of the Finance Department vide their U.O. No. Group P2/2016-2017/0218 dt. 29.08.2016.

Sd/-

Additional Chief Secretary to the
Government of West Bengal

No. 637/1(17)-P.A./IL-09/2016.

Date : 8th September, 2016.

Copy forwarded for information necessary action to:-

1. The Principal Accountant General (A&E), West Bengal, Treasury Buildings, 2, Govt. Place (West), Kolkata-700001.
2. The Principal Accountant General (Audit), West Bengal, Treasury Buildings, Kolkata-700001.
3. Principal Secretary to the Chief Minister, West Bengal.
4. Secretary, West Bengal Legislative Assembly Secretariat.
5. P.S. to Minister-in-Charge, Parliamentary Affairs Department.
6. P.S. to Minister-of-State, Parliamentary Affairs Department.
7. P.S. to the Speaker, West Bengal Legislative Assembly.
8. P.S. to Chief Government Whip, West Bengal.
9. P.S. to Deputy Chief Government Whip, West Bengal.
10. P.S. to Chief Secretary, Govt. of West Bengal.
11. P.S. to Additional Chief Secretary,
Home & Parliamentary Affairs Deptt., Govt. of West Bengal.
12. Finance Department, (Group-P2), Govt. of West Bengal.

13. Secretary, Law Department, Govt. of West Bengal.
14. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I, 81/2/2, Phears Lane, Kolkata-700012.
15. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II, P-1, Hyde Lane, Kolkata-700073.
16. Law Officer, Parliamentary Affairs Department.
17. Guard File.

Sd/-
Deputy Secretary to the
Government of West Bengal

Government of West Bengal
Department of Parliamentary Affairs

Writers' Buildings, Block- 'G', 1st Floor, Kolkata- 700 001

No. 145-P.A./IL-09/2016.

Date : 8th March, 2019.

NOTIFICATION

In Continuation of this Department's Notification No. 637-P.A./IL-09/2016, dated the 8th September, 2016, the Governor is pleased hereby to notify that the 'Deputy Chief Govt. Whip in West Bengal Legislative Assembly' will be entitled to benefits as that of a Minister of State with effect from 29.08.2016.

2. This has concurrence of the Finance Department vide their U.O. No.-422 Group P2 dated 08.03.2019.

By order of the Governor,
Sd/-

Pr. Secy. to the Government of West Bengal.

No. 145/1(18)-P.A./IL-09/2016.

Date : 8th March, 2019.

Copy forwarded for information and necessary action to:-

1. The Principal Accountant General (A&E), West Bengal, Treasury Buildings, 2, Govt. Place (West), Kolkata-700001.
2. The Principal Accountant General (Audit), West Bengal, Treasury Buildings, Kolkata-700001.
3. Principal Secretary to the Chief Minister, West Bengal.
4. Secretary, West Bengal Legislative Assembly Secretariat.
5. P.S. to Hon'ble Minister-in-Charge, Parliamentary Affairs Department.
6. P.S. to Hon'ble Minister-of-State, Parliamentary Affairs Department.
7. P.S. to the Hon'ble Speaker, West Bengal Legislative Assembly.
8. P.S. to Hon'ble Chief Government Whip, West Bengal.
9. P.S. to Deputy Chief Government Whip, West Bengal.
10. P.S. to Chief Secretary, Govt. of West Bengal.

11. P.S. to Principal Secretary, Home & Parliamentary Affairs Deptt., Govt. of West Bengal.
12. Finance Department, (Group-P2), Govt. of West Bengal.
13. Secretary, Law Department, Govt. of West Bengal.
14. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I, 81/2/2, Phears Lane, Kolkata-700012.
15. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II, P-1, Hyde Lane, Kolkata-700073.
16. Law Officer, Parliamentary Affairs Department.
17. Home & Hill Affairs Department (Co-ordination Branch).
18. Guard File.

Sd/-
Deputy Secretary to the
Government of West Bengal

Government of West Bengal
Department of Parliamentary Affairs

Writers' Buildings, Block- 'G', 1st Floor, Kolkata- 700 001

No. 638-P.A./IL-09/2016.

Date: 08.09.2016.

NOTIFICATION

To assist the Chief Govt. Whip in smooth transaction of Government business and better floor co-ordination in the West Bengal Legislative Assembly, the Governor has been pleased to create a new post of "Secretary of the Legislative Party" with rank and status as that of a Minister of State. The appointment to the said post will be made by the Hon'ble Chief Minister through nomination from amongst the members of West Bengal Legislative Assembly.

2. This has concurrence of the Finance Department vide their U.O. No. Group P2/2016-2017/0218 dt. 29.08.2016.

By order of the Governor,

MALAY KUMAR DE

Chief Secretary to the
Government of West Bengal

GOVERNMENT OF WEST BENGAL
FINANCE DEPARTMENT

Budget Branch

Writer's Buildings, Kolkata-700 001

No. 722(70)/FB/0/AP/IP-1(2)/2010

22nd August, 2013

From : Sanjay Mitra, IAS

Chief Secretary to the
Government of West Bengal

To : The Additional Chief Secretary/Principal Secretary/Secretary,
Legislative Assembly Department,
Government of West Bengal, Assembly House, Kolkata-700001

Sir/Madam,

Attention of all Departmental Secretaries is drawn to the requirement of their presence in the meetings of the Assembly Committees. In case, due to pre-occupation or any other emergent exigency, it is not for the Secretary to be personally present in such meeting of the Assembly Committee, the matter should be brought to the notice of the Chairman of the Committee for exemption of his presence and to allow the officials nominated by him to represent the Department.

It may be ensured that there is no dislocation of the scheduled meetings of the Assembly Committees due to lack of communication from the end of the Departmental Secretaries.

Thanking you,

Yours faithfully,

Sd/-
(Sanjay Mitra)

*Chief Secretary to the
Government of West Bengal*

**Government Orders Regarding Official
Dealings Between the Administration
and Members of Parliament and State
Legislatures**

**GOVERNMENT OF WEST BENGAL
PERSONNEL AND ADMINISTRATIVE
REFORMS DEPARTMENT**

**Administrative Reforms Cell, Nabanna, 7th Floor
325, Sarat Chatterjee Road, Howrah-711102**

No. 787-PAR/AR/O/3E-2/2018

Date: 24.12.2018

From: Joint Secretary to the
Government of West Bengal

To : Additional Chief Secretary/Principal Secretary/Secretary/
District Magistrate/W.B. Legislative Assembly.
..... Department/Commission/Board/District

Sub : Official dealings between the Administration and Members of
Parliament and State Legislatures-Observance of proper
procedure

Ref: Office Memorandum : . No. 11013/4/2018-Estt.A-III
Dt. 11.10.2018 issued by Ministry of Personnel, Public
Grievances and Pensions, Government of India.

Sir,

I am directed to forward herewith the copy of the above mentioned Office Memorandum, received from the Under Secretary, Ministry of Personnel, Public Grievances and Pensions, Government of India, along with its enclosure containing, the instructions of 'Official dealings between the Administration and Members of the Parliament and State Legislatures-Observance Procedure', (as outlined vide their office memorandum no. 11013/4/2011-Estt.(A) Dt. 01.12.2011), and to request you for making necessary arrangement towards implementation of the said instruction(s) under the control of your office.

Encl: As stated

Yours faithfully,

*Joint Secretary to the
Government of West Bengal*

(A)

F. No. 11013/4/2018-Estt.A-III

GOVERNMENT OF INDIA
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment Division

North Block, New Delhi

Dated 11 October, 2018

OFFICE MEMORANDUM

Sub: Official dealings between the Administration and Members of Parliament and State Legislatures- Observance of proper procedure.

The undersigned is directed to refer to this Department's Office Memorandum No. 11013/4/2011-Estt.(A) dated 1st December, 2011 subsequently reiterated vide D.O. letter dated the October 9, 2012 from Secretary (Personnel), O.M. No. 11013/2/2012-Estt.A dated 19.11.2014 and O.M. of even No. dated 07.02.2018 (copies enclosed) on the subject mentioned above and to reiterate these instructions for strict compliance on the recommendations of the Committee of Privileges, Lok Sabha in its Sixth Report tabled in the Lok Sabha on 20.12.2017 and Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha in its Fourth and Fifth Report tabled in the Lok Sabha on 01.08.2018.

2. All Ministries/Departments are requested to ensure that instructions issued through aforementioned communications are followed by all officials concerned, both in letter and spirit. Violation of these guidelines will be viewed seriously.

3. Chief Secretaries of all States/UTs are requested circulate these instructions to all State Government officials at the State/ Division and District levels and sensitize them with regard to their duties and obligations in so far as the movement of Members of

Parliament in general and more particularly during Parliament sessions. It is also requested to periodically review implementation of these instructions.

4. Hindi version will follow

(Nitin Gupta)

*Under Secretary to the
Government of India
Tel: 011-23040264*

Encl: As above.

To

1. All Ministries / Departments (as per standard list)
2. Chief Secretaries of all States / UTs (as per standard list)

Copy to:

Secretary, Ministry Affairs, North Block, New Delhi -
with the request to take appropriate action with regard to
recommendation at para 44 of Committee of Privileges, Lok Sabha in
its Sixth Report tabled in the Lok Sabha on 20.12.2017 (copy enclosed).

(B)

F. No. 11013/4/2018-Estt.A-III

GOVERNMENT OF INDIA
Ministry Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment Division

North Block, New Delhi

Dated 7th February, 2018

OFFICE MEMORANDUM

**Sub: Official dealings between the Administration and
Members of Parliament and State Legislatures-
Observance of proper Procedure.**

The Members of Parliament and State Legislatures, as the accredited representatives of the people, occupy a very important place in our democratic set-up. In connection with their duties, they often find it necessary to seek information from the Ministries/ Departments of the Government of India or the State Governments, or make suggestions for their consideration or ask for interviews with the officers.

2. The guidelines concerning official dealings between Administration and Members of Parliament and State Legislatures have been issued by the Ministry of Personnel, Public Grievances and Pensions and reiterated from time to time. The provisions of the Central Secretariat Manual of Office Procedure regarding prompt disposal of communications from MPs have also been reiterated from time to time. However, keeping in view the instances of occasional non-observance of the above guidelines, a need was felt by the Committee of Privileges of the Lok Sabha for consolidating and reiterating the existing instructions. Accordingly, revised comprehensive guidelines were issued by this Department vide Office Memorandum No. 11013/4/2011-Estt.(A) dated 1st December, 2011 (copy enclosed). A copy of former Secretary (P)'s D.O. No. 11013/4/2011-Estt.(A) dated 9th October, 2012 and O.M. No. 11013/2/2012-Estt.(A) dated 19.11.2014 reiterating the said instructions are also enclosed for ready reference.

3. The Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha in its Second Report tabled in the Lok Sabha on 04.01.2018 has recommended that the consolidated instructions/ guidelines on Official dealing between the Administration and Member of Parliament and State Legislature should strictly be complied by all the Government servants, both in letter and spirit.

4. The Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha in Paragraph 43 of its Third Report tabled in the Lok Sabha on 04.01.2018 has recommended **discouraging and desisting the State Government to involve Private companies/ agencies in organizing / sponsoring functions which essentially fall under the domain of State Governments.**

5. All Ministries/ Departments are requested to ensure that the above basic principles and instructions are followed by all officials concerned, both in letter and spirit. Violation of the guidelines laid down on this subject will be viewed seriously.

6. Chief Secretaries of all States/ UTs are requested to circulate these instructions to all State officials at the State/ Division and District levels and to review implementation.

(Nitin Gupta)

*Under Secretary to the
Government of India
Tel: 011-23040264*

Encl: As above.

To

1. All Ministries / Departments (as per standard list)
2. Chief Secretaries of all States / UTs (as per standard list)

(C)

F. No. 11013/2/2012-Estt.A

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment Division

North Block, New Delhi

Dated November 19th, 2014

**Sub: Official dealings between the Administration and
Members of Parliament and State Legislatures-
observance of proper procedure.**

The Members of Parliament and State Legislatures as the accredited representatives of the people occupy a very important place in our democratic set-up. In connection with their duties, they often find it necessary to seek information from the Ministries/ Departments of the Government of India or the state Governments, or make suggestions for their consideration or ask for interviews with the officers.

2. The guidelines concerning official dealings between Administration and Members of Parliament and State Legislatures have been issued by the Ministry of Personnel, Public Grievances and Pensions and reiterated from time to time. The provisions of the Central Secretariat Manual of Office Procedure regarding prompt disposal of communications from MPs have also been reiterated from time to time. However, keeping in view the instances of occasional non-observance of the above guidelines, a need was felt by the Committee of Privileges of the Lok Sabha for consolidating and reiterating the existing instructions. Accordingly, revised comprehensive guidelines were issued by this Department vide Office Memorandum No. 11013/4/2011-Estt.(A) dated 1st December 2011 (copy enclosed). A copy of former Secretary (P)'s D.O. No. 11013/4/2011-Estt.(A) dated 9th October, 2012 reiterating the said instructions is also enclosed for ready reference.

3. The Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha in Paragraph 63 of its First Report tabled in the Lok Sabha on 06.02.2014 has recommended that this Department may sensitise all civil servants and officials in various Ministries and Departments particularly under them for strict compliance of the instructions relating to official dealings issued in this regard between the Administration and the Members of Parliament.

4. The Committee on Violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha at its first sitting held on 28 October, 2014, also felt that the consolidated instructions/ guidelines issued by the Department of Personnel & Training (DoPT) on 1 December, 2011 on Official Dealing between Administration and Members of Parliament need to be again circulated to all concerned Executive Functionaries.

5. All Ministries/ Departments are requested to ensure that the above basic principles and instructions are followed by all officials concerned, both in letter and spirit. Violation of the guidelines laid down on this subject will be viewed seriously.

6. Chief Secretaries of all State/UTs are requested to circulate these instruction to all State Government officials at the State/ Division and District levels and to periodically review implementation.

(J. A. Vaidyanathan)

Director (Establishment)

To

1. All Ministries / Departments (as per standard list)
2. Chief Secretaries of all State / UTs(as per standard list)

(D)

No. 11013/4/2011-Estt. (A)

Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi

01st December, 2011

OFFICE MEMORANDUM

**Sub: Official dealings between the Administration and
Members of Parliament and State Legislatures-
Observance of proper procedure**

The Members of Parliament and State Legislatures as the accredited 'representatives of the people occupy a very important place in our democratic set-up. In connection with their duties, they often find it necessary to seek information from the Ministries/Departments of the Government of India or the State Governments, or make suggestions for their consideration or ask for interviews with the officers. Certain well-recognized principles and conventions to govern the relations between the Members of Parliament/ State Legislatures and Government servants have already been established.

2. Reference is invited to the guidelines concerning the official dealings between Administration and Members of Parliament and State Legislatures which were issued by the Cabinet Secretariat (Department of Personnel and Administrative Reforms, in the O.M. No 25/19/64-Estt. (A) dated 08.11.1974). The importance of adherence to these guidelines was reiterated in the Department of Personnel and Training's O.M. No. 11013/6/2005-Estt (A) dated 17.08.2007. The provisions of the Central Secretariat Manual of Office Procedure regarding prompt disposal of communications from MPs have also been reiterated by the Department of Administrative Reforms and Public Grievances. The Minister of State for Personnel, Public Grievances and Pensions has also written to all Ministers in this regard vide D.O. letter dated 5th May, 2011, requesting that a mechanism may be set up to periodically monitor progress in disposal of references received from Members of Parliament.

3. Some instances of non-adherence to the existing guidelines have been brought to Government's attention by Members of Parliament and a need has been felt for again sensitizing all administrative authorities concerned.

4. The Central Secretariat Manual of Office Procedure provides following instructions for prompt disposal of letters from Members of Parliament:-

Correspondence with Members of Parliament -

- (1) Communications received from a Member of Parliament should be attended to promptly.
- (2) Where a communication is addressed to a Minister or a Secretary to the Government, it should, as far as practicable, be replied to by the Minister or the Secretary himself as the case may be. Where it is not practicable for the Minister to reply, a reply should normally be issued under the signature of an officer of the rank of Secretary to the Government.
- (3) Where a communication is addressed to the head of an attached or subordinate office, Public Sector Undertakings, Financial Institutions (including nationalized banks) Division/Branch in charge in a Ministry/Department/Organization, it should be replied to by the addressee himself. In such cases, care may be taken to ensure that wherever policy issues are involved, approval of the competent authority is obtained before a reply is sent. It should, however, be ensured that the minimum level at which such replies are sent to Member of Parliament is that of Under Secretary and that also in a polite letter form only.
- (4) Information sought by a Member of Parliament should be supplied unless it is of such a nature that it would have been denied to him, if similar information had been sought in Parliament.
- (5) While corresponding with Members of Parliament, it should be ensured that the letter is legible. Pre-printed or cyclostyled replies should be scrupulously avoided.
- (6) In case a reference from an ex-member of Parliament is addressed to a Minister or Secretary, reply to such reference may be sent by the concerned Divisional Head after obtaining approval of the Secretary of Ministry/Department.

In case the reference is addressed to a lower level officer, reply to such reference could be sent by the officer on his own in non-policy cases and after obtaining approval of the higher authorities in policy cases. Here also, it may be ensured that the minimum level at which a reply is sent is that of an Under Secretary and that too in a polite letter form only.

Prompt response to letters received -

- (1) Each communication received from the Member of Parliament, a member of the public, a recognized association or a public body will be acknowledged within 15 days, followed by a reply within the next 15 days of acknowledgement sent.
- (2) Where a delay is anticipated in sending a final reply, or where the information has to be obtained from another Ministry or another office, an interim reply may be sent within a month (from the date of receipt of the communication) indicating the possible date by which a final reply can be given.
- (3) If any such communication is wrongly addressed to a department, it should be transferred promptly (within a week) to the appropriate department under intimation to the party concerned.

5. The aforesaid guidelines also cover Official dealings between Administration and Members of Parliament/State Legislatures. In this context, attention is also invited to Rule 3(2A) of All India Service (Conduct) Rule, 1968 and Rule 3-A of Central Civil Service (Conduct) Rules, 1964 which provide as follows :-

Every member of the service shall in the discharge of his duties act in a courteous manner and shall not adopt dilatory tactics in his dealings with the public or otherwise.

The existing instructions are hereby appropriately strengthened to emphasize the basic principles to be borne in mind by the Government servants while interacting with the Members of Parliament and State Legislatures. These are as follows:-

- (i) Government servants should show courtesy and consideration to Members of Parliament and State Legislatures;

(ii) While the Government servants should consider carefully or listen patiently to what the Members of Parliament and of the State Legislatures may have to say, the Government servant should always act according to his own best judgment and as per the rules;

(iii) Any deviation from an appointment made with a Member of Parliament/State Legislature must be promptly explained to him to avoid any possible inconvenience. Fresh appointment should be fixed in consultation with him;

(iv) An officer should be meticulously correct and courteous and rise to receive and see off a Member of Parliament/State Legislature visiting him. Arrangements may be made to receive the Members of Parliament when, after taking prior appointment, they visit the officer of the Government of India, State Government or local Government. Arrangements may also be made to permit entry of vehicles of the Members to these Offices subject to security requirements/restrictions;

(v) Members of Parliament of the area should invariably be invited to public functions organized by a Government office. Proper and comfortable seating arrangements at public functions and proper order of seating on the dais should be made for Members keeping in view the fact that they appear above officers of the rank of Secretaries to Government of India in the Warrant of Precedence. The invitation cards and media events, if organized for the function held in the constituency, may include the names of the Members of that constituency who have confirmed participation in these functions.

It is clarified that if a constituency of any Member of Parliament is spread over more than one District, the M.P should invariably be invited to all the functions held in any of the Districts which are part of his/her constituency;

(vi) Where any meeting convened by the Government is to be attended by Members of Parliament, special care should be taken to see that notice is given to them in good time regarding the date, time, venue etc. of the meeting. It should also be

ensured that there is no slip in any matter of detail, however minor, it may be. It should especially be ensured that:-

- (a) intimations regarding public meetings/functions are sent through speedier communication devices (to the M.Ps, so that they reach them well in time, and
 - (b) that receipt of intimation by the M.P is confirmed by the officer/ official concerned;
- (vii) Letters from Members of Parliament and Members of State Legislatures must be promptly acknowledged, and a reply sent at an appropriate level expeditiously as per the relevant provisions of the Central Secretariat Manual of Office Procedure;
 - (viii) Information or statistics relating to matters of local importance must be furnished to the MPs and MLAs when asked for. The information so supplied should be specific and answer the points raised. A soft copy of the information should also be sent to the Member via e-mail;
 - (ix) If the information sought by a Member of Parliament cannot be given and is to be refused, instructions from a higher authority should be taken and the reasons for not furnishing the information should be given in the reply;
 - (x) Wherever any letter from a Member of Parliament is in English and the reply is required to be given in Hindi in terms of the Official Languages Act, 1963 and the rules framed thereunder, an English translation should also be sent along with the reply for the convenience of such Members of Parliament from non-Hindi speaking areas;
 - (xi) References from the Committees of Parliament must be attended to promptly;
 - (xii) The officers should not ignore telephonic messages left for them by the Members of Parliament/State Legislatures in their absence and should try to contact at the earliest the Member of Parliament/State Legislature concerned. These instructions also include SMS and e-mails received on official mobile telephones which also should be replied to promptly and on priority;

- (xiii) All Ministries/Departments may ensure that the powers of Members of Parliament/State Legislatures as Chairpersons/ Members of committees under various Centrally Sponsored/ Central Sector government schemes are clearly and adequately defined;and
- (xiv) A Government servant should not approach MPs/MLAs for sponsoring his individual case as bringing or attempting to bring political or non-official or other outside influence is prohibited under the conduct Rules e.g. Rule 18 of the All India Service (Conduct) Rules, 1968 and Rule 20 of the Central Civil Services (Conduct) Rules.

6. All Ministries/Departments are requested to ensure that the above basic principles and instructions are followed by all officials concerned, both in letter and spirit. Violation of the guidelines laid down on this subject will be viewed seriously.

7. Any violation of relevant Conduct Rules in this regard, which violation is established after due enquiry will render the Government servant concerned liable for appropriate punishment as per Rule.

, (C.A. Subramanian)

Joint Secretary to the Government of India

To

All the Ministries/Departments of Government of India

Copy to:-

1. Presidents Secretariat/ Vice Presidents Secretariat.
2. PMO/Cabinet Secretariat.
3. Comptroller and Auditor General of India.
4. UPSC/SSC/LBSNAA/ISTM/CVC/CIC.
5. Lok Sabha Secretariat/ Rajya Sabha Secretariat.
6. All Officers/Sections in Ministry of Personnel, PG & Pension.
7. NIC, DOPT-please upload this OM on this Department's website.

Copy also to:

Chief Secretaries of all States/ UTs with a request to circulate these instructions to all State Government officials at the State/Division and District levels and to periodically review implementation.

(C.A. Subramanian)

Joint Secretary to the Government of India

(E)

D.O. No. 11013/4/2011-Estt.A
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
NORTH BLOCK, NEW DELHI- 110001
9th October, 2012

Dear Chief Secretary,

You would be aware that guidelines concerning official dealings between Administration and Members of Parliament and State Legislatures have been issued by the Ministry of Personnel, Public Grievances and Pensions. However, keeping in view certain instances of occasional non-observance of the above guidelines, the Committee of Privileges of the Lok Sabha recommended consolidation and reiteration of the existing instructions so that all concerned are aware of the same. Accordingly, revised comprehensive guidelines have been issued by this Department vide Office Memorandum No. 11013/4/2011-Estt.A dated 1st December, 2011. Copy of this O.M. was also forwarded to the Chief Secretaries of all the States/UTs vide D.O. letter dated 8.12.2011 from my predecessor with the request that these instructions may be circulated to all officials of the State Government for compliance.

2. A copy of the above instructions dated 1st December, 2011 is again enclosed. It is once again requested that these instructions may be circulated to all officials of the State Government for compliance.

3. Some Members of Parliament have brought to the notice of this Department directly or through Lok Sabha/Rajya Sabha Secretariat that District level officials have not been showing them due regard and courtesy. This has also been raised in the recent meeting of the Committee on violation of Protocol Norms and Contemptuous Behaviour of Government Officers with Members of Lok Sabha constituted by the Hon'ble Speaker. It is, therefore, advised that implementation of the above mentioned instructions are to be periodically reiterated and reviewed in the Conference of District Magistrates/ Collectors and Superintendent of Police of your States / UTs.

4. You may please issue necessary directions to the district level officers and send a copy to this Department for its onward transmission to the Lok Sabha Secretariat, as desired by them.

With regards,

Yours sincerely,

(P.K.Misra)

Chief Secretaries of all States/UTs

Copy alongwith enclosures to:

1. Sh. Sanjay Kothari, Secretary, D/o Administrative Reforms and Public Grievances, Sardar Patel Bhawan, New Delhi with the request to make it as one of the Agenda items for discussing in the Annual Chief Secretaries Conference.

2. Sh. V.R. Ramesh, Joint Secretary, Lok Sabha Secretariat (Privileges & Ethics Branch, Parliament House, New Delhi w.r.t. their O.M.No. 12/1/2012 CoPV dated 13.09.2012.

3. Sh. Alok Rawat, Secretary (Coordination), Cabinet Secretariat, New Delhi.

**TENTH SCHEDULE
TO THE CONSTITUTION OF INDIA**

[(Articles 102(2) and 191(2))]

**Provisions as to disqualification on ground
of defection**

1. *Interpretation.*-In this Schedule, unless the context otherwise requires,-

- (a) "House" means either House of Parliament or the Legislative Assembly or, as the case may be, either House of the Legislature of a State;
- (b) "Legislature Party", in relation to a member of a House belonging to any political party in accordance with the provisions of paragraph 2 or ¹[* * * *] paragraph 4, means the group consisting of all the members of that House for the time being belonging of that political party, in accordance with the said provisions;
- (c) "original political party", in relation to a member of a House, means the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2;
- (d) "paragraph" means a paragraph of this Schedule.

2. *Disqualification on ground of defection.*-(1) Subject to the provisions of paragraphs ²[*] 4 and 5, a member of a House belonging to any political party shall be disqualified for being a member of the House-

- (a) if he has voluntarily given up his membership of such political party; or
- (b) if he votes or abstains from voting in such House contrary to any direction issued by the political party to which he belongs or by any person or authority authorised by it in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority and such voting or abstention has not been condoned by such political party, person or authority within fifteen days from the date of such voting or abstention.

¹Omitted by the Constitution (Ninety-first Amendment) Act, 2003.

²Omitted by *ibid*

Explanation. -For the purposes of this sub-paragraph,-

- (a) an elected member of a House shall be deemed to belong to the political party, if any, by which he was set up as a candidate for election as such member;
- (b) a nominated member of a House shall,-
 - (i) where he is a member of any political party on the date of his nomination as such member, be deemed to belong to such political party;
 - (ii) in any other case, be deemed to belong to the political party of which he becomes, or, as the case may be, first becomes, a member before the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(2) An elected member of a House who has been elected as such otherwise than as a candidate set up by any political party shall be disqualified for being a member of the House if he joins any political party after such election;

(3) A nominated member of a House shall be disqualified for being a member of the House if he joins political party after the expiry of six months from the date on which he takes his seat after complying with the requirements of article 99 or, as the case may be, article 188.

(4) Notwithstanding anything contained in the foregoing provisions of this paragraph, a person who, on the commencement of the Constitution (Fifty-second Amendment) Act, 1985, is a member of a House (whether elected or nominated as such) shall,-

- (i) where he was a member of a political party immediately before such commencement, be deemed, for the purposes of sub-paragraph (1) of this paragraph, to have been elected as a member of such House as a candidate set up by such political party;
- (ii) in any other case, be deemed to be an elected member of the House who has been elected as such otherwise than as a candidate set up by any political party for the purposes of sub-paragraph (2) of this paragraph or, as the case may be, be deemed to be a nominated member of the House for the purposes of sub-paragraph (3) of this paragraph.

3. [Omitted by the Constitution (Ninety-first Amendment) Act, 2003].

4. *Disqualification on ground of defection not to apply in case of merger.*-(1) A member of a House shall not be disqualified under sub-paragraph (1) of paragraph 2 where his original political party merges with another political party and he claims that he and any other members of his original political party-

- (a) have become members of such other political party or, as the case may be, of a new political party formed by such merger;
- (b) have not accepted the merger and opted to function as a separate group,

and from the time of such merger, such other political party or new political party or group, as the case may be, shall be deemed to be the political party to which he belongs for the purposes of sub-paragraph (1) of paragraph 2 and to be his original political party for the purposes of this sub-paragraph.

(2) For the purposes of sub-paragraph (1) of this paragraph, the merger of the original political party of a member of a House shall be deemed to have taken place if, and only if, not less than two-thirds of the members of the legislature party concerned have agreed to such merger.

5. *Exemption.*-Notwithstanding anything contained in this Schedule, a person who has been elected to the office of the Speaker or the Deputy Speaker of the House of the People or the Deputy Chairman of the Council of States or the Chairman or the Deputy Chairman of the Legislative Council of a State or the Speaker or the Deputy Speaker of the Legislative Assembly of a State, shall not be disqualified under this Schedule,-

- (a) if he, by reason of his election to such office, voluntarily gives up the membership of the political party to which he belonged immediately before such election and does not, so long as he continues to hold such office thereafter, rejoin that political party or become a member of another political party; or
- (b) if he, having given up by reason of his election to such office his membership of the political party to which he belonged immediately before such election; rejoins such political party after he ceases to hold such office.

6. *Decision on questions as to disqualification on ground of defection.*-(1) If any question arises as to whether a member of a House has become subject to disqualification under this Schedule,

the question shall be referred for the decision of the Chairman or, as the case may be, the Speaker of such House and his decision shall be final:

Provided that where the question which has arisen is as to whether the Chairman or the Speaker of a House has become subject to such disqualification, the question shall be referred for the decision of such member of the House as the House may elect in this behalf and his decision shall be final.

(2) All proceedings under sub-paragraph (1) of this paragraph in relation to any question as to disqualification of a member of a House under this Schedule shall be deemed to be proceedings in Parliament within the meaning of article 122 or, as the case may be, proceedings in the Legislature of a State within the meaning of article 212.

**7. Bar of jurisdiction of courts.-N* otwithstanding anything in this Constitution, no court shall have any jurisdiction in respect of any matter connected with the disqualification of a member of a House under this Schedule.

8. Rule.-(1) Subject to the provisions of sub-paragraph (2) of this paragraph the Chairman or the Speaker of a House may make rules for giving effect to the provisions of this Schedule, and in particular, and without prejudice to the generality of the foregoing, such rules may provide for-

- (a) the maintenance of registers or other records as to the political parties, if any, to which different members of the House belong;
- (b) the report which the leader of a legislature party in relation to a member of a House shall furnish with regard to any condonation of the nature referred to in clause (b) of sub-paragraph (1) of paragraph 2 in respect of such member, the time within which and the authority to whom such report shall be furnished;
- (c) the reports, which a political party shall furnish with regard to admission to such political party of any members of the House and the officer of the House to whom such reports shall be furnished; and

*Paragraph 7 declared invalid for want of ratification in accordance with the proviso to clause (2) of article 368 as per majority opinion in *Kihoto Hottohon vs. Zachillhu and Others* (1992) I.S.C.C. 309.

- (d) the procedure for deciding any question referred to in sub-paragraph (1) of paragraph 6 including the procedure for any inquiry which may be made for the purpose of deciding such question.

(2) The rules made by the Chairman or the Speaker of a House under sub-paragraph (1) of this paragraph shall be laid as soon as may be after they are made before the House for a total period of thirty days which may be comprised in one session or in two or more successive sessions and shall take effect upon the expiry of the said period of thirty days unless they are sooner approved with or without modifications or disapproved by the House and where they are so approved, they shall take effect on such approval in the form in which they were laid or in such modified form, as the case may be, and where they are so disapproved, they shall be of no effect.

(3) The Chairman or the Speaker of a House may, without prejudice to the provisions of article 105 or, as the case may be, article 194, and to any other power which he may have under this Constitution direct that any wilful contravention by any person of the rules made under this paragraph may be dealt with in the same manner as a breach of privilege of the House.

The Members of West Bengal Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986

[Published under West Bengal Legislative Assembly Secretariat Notification No. 1529-L.A., dated the 18th April, 1986. Made by the Speaker in exercise of the powers conferred by paragraph 8 of the Tenth Schedule to the Constitution of India.]

1. Short Title.-These rules may be called the Members of the West Bengal Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986.

2. Definition.-In these rules, unless the context otherwise requires,-

- (a) "Bulletin" means the Bulletin of the West Bengal Legislative Assembly;
- (b) "Committee" means the Committee of Privileges of the West Bengal Legislative Assembly;
- (c) "Form" means a form appended to these rules;
- (d) "date of commencement", in relation to these rules, means the date on which these rules take effect under sub-paragraph (2) of paragraph 8 of the Tenth Schedule;
- (e) "House" means the West Bengal Legislative Assembly;
- (f) "Leader", in relation to a Legislature Party, means a member of the party chosen by it as its leader;
- (g) "Member" means a member of West Bengal Legislative Assembly;
- (h) "Tenth Schedule" means the Tenth Schedule to the Constitution of India;
- (i) "Secretary" means the Secretary to the West Bengal Legislative Assembly and includes any person for the time being performing the duties of the Secretary.

3. Information to be furnished by leader of a legislature party.-

(1) The leader of each legislature party (other than a legislature party consisting of only one member) shall, as soon as may be but not later than 15 days after the first sitting of the House, or, where such legislature party is formed after the first sitting as soon as may be but not later than 15 days after its formation, furnish the following to the Speaker, namely,-

- (a) a statement (in writing) containing the names of members

of such legislature party together with other particulars regarding such members as in Form I;

- (b) a copy of the rules and regulations (whether known as such or as constitution or by any other name) of the political party concerned; and
- (c) where such legislature party has any separate set of rules and regulations (whether known as such or as constitution or by any other name), also a copy of such rules and regulations.

(2) Where a legislature party consists of only one member, such member shall furnish a copy of the rules and regulations mentioned in clause (b) of sub-rule (1) to the Speaker, as soon as may be but not later than 15 days after the first sitting of the House or, where he has become a member of the House after the first sitting as soon as may be but not later than 15 days after he has taken his seat in the House.

(3) Member not belonging to any party shall submit a statement (in writing) as to his non-affiliation to any political and legislature party to the Speaker as soon as may be but not later than 15 days after the first sitting of the House or, where he has become a member of the House after the first sitting as soon as may be but not later than 15 days after he has taken seat in the House.

(4) In the event of any increase in the strength of a legislature party consisting of only one member, the provisions of sub-rule (1) shall apply in relation to such legislature party as if such legislature party had been formed on the first date on which its strength is increased.

(5) Whenever any change takes place in the information furnished by the leader of a legislature party under sub-rule (1) or by a member under sub-rule (2) he shall, as soon as may be thereafter but not later than 15 days from the date on which the change takes place, furnish in writing information to the Speaker with respect to such change.

(6) In the case of the House in existence on the date of commencement of these rules, the reference in sub-rules (1), (2) and (3) to the date of the first sitting of the House shall be construed as a reference to the date of commencement of these rules.

(7) Where a member belonging to any political party votes or abstains from voting in the House contrary to any direction issued by such political party or by any person or authority authorised by it

in this behalf, without obtaining, in either case, the prior permission of such political party, person or authority, the leader of the legislature party concerned or where such member is the leader, or as the case may be, the sole member of such legislature party, such member shall as soon as may be after the expiry of fifteen days from the date of such voting or abstention and in any case within 30 days from the date of such voting or abstention, intimate the Speaker as in Form II whether such voting or abstention has or has not been condoned by such political party, person or authority.

4. *Information, etc. to be furnished by members.*-(1) Every member who has taken his seat in the House before the date of commencement of these rules shall furnish to the Secretary as soon as may be but not later than 15 days after such date a statement of particulars and declaration as in Form III.

(2) Every member who takes his seat in the House after the commencement of these rules shall, before making and subscribing an oath or affirmation under article 188 of the Constitution and taking his seat in the House, deposit with the Secretary his election certificate or, as the case may be, a certified copy of the notification nominating him as a member and also furnish to the Secretary a statement of particulars and declaration as in Form III.

Explanation.-For the purposes of this sub-rule "Election Certificate" means the certificate of election issued under the Representation of the People Act, 1951 (43 of 1951) and the rules made thereunder.

(3) A summary of the information furnished by the members under this rule shall be published in the Bulletin and if any discrepancy therein is pointed out to the satisfaction of the Speaker, necessary corrigendum shall be published in the Bulletin.

5. *Register of information as to members.*-(1) The Secretary shall maintain, as in Form IV, a register based on the information furnished under rules 3 and 4 in relation to the members.

(2) The information in relation to each member shall be recorded on a separate page in the Register.

6. *References to be made by petitions.*-(1) No reference of any question as to whether a member has become subject to disqualification under the Tenth Schedule shall be made except by a

petition in relation to such member made in accordance with the provisions of this rule.

(2) A petition in relation to a member may be made in writing to the Speaker by any other member:

Provided that a petition in relation to the Speaker shall be addressed to the Deputy Speaker.

(3) The Deputy Speaker shall,-

- (a) as soon as may be after the receipt of a petition under the proviso to sub-rule (2) make a report in respect thereof to the House; and
- (b) as soon as may be after the House has elected a member in pursuance of the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule place the petition before such member.

(4) Before making any petition in relation to any member, the petitioner shall satisfy himself that there are reasonable grounds for believing that a question has arisen as to whether such member has become subject to disqualification under the Tenth Schedule.

(5) Every petition,-

- (a) shall contain a concise statement of the material facts on which the petitioner relies; and
- (b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and where the petitioner relies on any information furnished to him by any person, a statement containing the names and addresses of such persons and the gist of such information as furnished by each such person.

(6) Every petition 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.

(7) Every annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

7. *Procedure.*-(1) On receipt of petition under rule 6, the Speaker shall consider whether the petition complies with the requirements of that rule.

(2) If the petition does not comply with the requirements of rule 6, the Speaker shall dismiss the petition and intimate the petitioner accordingly.

(3) If the petition complies with the requirements of rule 6, the Speaker shall cause copies of the petition and of the annexures thereto to be forwarded,-

- (a) to the member in relation to whom the petition has been made; and
- (b) where such member belongs to any legislature party and such petition has not been made by the leader thereof also to such leader, and such member or leader shall, within seven days of the receipt of such copies, or within such further period as the Speaker may for sufficient cause allow, forward his comments in writing thereon to the Speaker.

(4) After considering the comments, if any, in relation to the petition received under sub-rule (3) within the period allowed (whether originally or on extension under that sub-rule), the Speaker may either proceed to determine the question or, if he is satisfied, having regard to the nature and circumstances of the case that it is necessary or expedient so to do, refer the petition to the Committee for making a preliminary inquiry and submitting a report to him.

(5) The Speaker shall, as soon as may be after referring a petition to the Committee under sub-rule (4), intimate the petitioner accordingly and make an announcement with respect to such reference in the House or, if the House is not then in session, cause the information as to the reference to be published in the Bulletin.

(6) Where the Speaker makes a reference under sub-rule (4) to the Committee, he shall proceed to determine the question as soon as may be after receipt of the report from the Committee.

(7) The procedure which shall be followed by the Speaker for determining any question and the procedure which shall be followed by the Committee for the purpose of making a preliminary inquiry under sub-rule (4) shall be, so far as may be, the same as the procedure for enquiry and determination by the Committee of any question as to breach of privilege of the House by a member, and neither the Speaker nor the Committee shall come to any finding that a member has become subject to disqualification under the Tenth Schedule without affording a reasonable opportunity to such member to represent his case and to be heard in person.

(8) The provisions of sub-rules (1) to (7) shall apply with respect to a petition in relation to the Speaker as they apply with respect to a petition in relation to any other member and for this purpose,

reference to the Speaker in these sub-rules shall be construed as including reference to the member elected by the House under the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule.

8. *Decision on petitions.*-(1) At the conclusion of the consideration of the petition, the Speaker or, as the case may be, the member elected under the proviso to sub-paragraph (1) of paragraph 6 of the Tenth Schedule shall, by order in writing,-

- (a) dismiss the petition, or
- (b) declare that the member in relation to whom the petition has been made has become subject to disqualification under the Tenth Schedule,

and cause copies of the order to be delivered or forwarded to the petitioner, the member in relation to whom the petition has been made and to the leader of the legislative party, if any, concerned.

(2) Every decision declaring a member to have become subject to disqualification under the Tenth Schedule shall be reported to the House forthwith if the House is in session, and if the House is not in session, immediately after the House reassembles.

(3) Every decision referred to in sub-rule (1) shall be published in the Bulletin and notified in the *Official Gazette* and copies of such decision forwarded by the Secretary to the Election Commission of India and the State Government.

9. *Directions as to detailed working of these rules.*-The Speaker may, from time to time, issue such directions as he may consider necessary in regard to the detailed working of these rules.

FORM I

[See rule 3(1)]

Name of the Legislature Party:

Name of the corresponding Political Party:

Sl. No.	Name of the member (in block letters)	F'ather's/ Husband's name	Permanent address	Name of the constituency from which elected
1	2	3	4	5

C-3
C-3
F-3

*Signature of the Leader
of the Legislature Party*

FORM II

[See rule 3(7)]

To
The Speaker,
West Bengal Legislative Assembly.

Sir,
At the sitting of the House held on.....
..... (date) during
voting on
(subject-matter).....

tShri....., M.L.A.
(Division No.....)
member of
(name of political party), and member of

(name of legislature party) has voted/
abstained from voting,

tl,.....,
(name of the member), M.L.A. (Division
No.....),
member of
(name of political party), and leader of/
sole member of

(name of legislature party) voted/
abstained from voting,

contrary to the direction issued by
.....*(tperson/authority/party) without obtaining the
prior permission of the said tperson/authority/party.

2. On (date) the
aforesaid matter was considered by
.....*(tperson/authority/party) and the said
tvoting/abstention twas condoned/was not condoned by thim/it.

Yours faithfully,
(Signature)

Date:

tStrike out inappropriate words/portions.

*Here mention the name of the person/authority/party, as the case may be, who
had issued the direction.

FORM III

[See rule 4]

1. Name of the member (in block letters):
2. Father's/Husband's name:
3. Permanent address:
4. Kolkata address:
5. Date of election/nomination:
6. Party affiliation as on-
 - (i) Date of election/nomination:
 - * (ii) Date of commencement of the rules:
 - (iii) Date of signing this form:

I,
hereby declare that the information given above is true and correct.

In the event of any change in the information above, I undertake to intimate the Speaker immediately.

Date:

*Signature I thumb
impression of member*

*To be filled in only by members elected or nominated before the commencement of the rules.

FORM IV

[See rule 5(1)]

Name of the member (in block letters)	Father's/ Husband's name	Permanent address	Kolkata address	Name of the constituency from which elected	Date of election/ nomination	Name of political party to which he belongs	Name of legislature party to which he belongs	Remarks
1	2	3	4	5	6	7	8	9

**THE WEST BENGAL LEGISLATURE
(REMOVAL OF DISQUALIFICATIONS)
ACT, 2007.**

West Bengal Act XI of 2007

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in
the *Kolkata Gazette, Extraordinary, of the*
29th August, 2007.]

[As Amended by West Bengal
Act XVIII of 2011 and
West Bengal Act XI of 2012.]

An Act to declare that certain offices of profit under the Government of India or the Government of any State specified in the First Schedule to the Constitution of India shall not disqualify the holders thereof for being chosen as, or for being members of the West Bengal Legislative Assembly.

WHEREAS it is expedient to declare in accordance with the provisions contained in sub-clause (a) of clause (1) of article 191 of the Constitution of India that the holders of certain offices of profit under the Government of India or the Government of any State specified in the First Schedule of the said Constitution shall not be disqualified for being chosen as, and for, being members of the West Bengal Legislative Assembly;

It is hereby enacted in the Fifty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

Short title
and
commence-
ment.

1. (1) This Act may be called the West Bengal Legislature (Removal of Disqualifications) Act, 2007.

(2) It shall come into force at once.

Removal of
certain
disqualifica-
tion for
membership.

2. It is hereby declared that none of the following offices, in so far as it is an office of profit under the Government of India or the Government of any State, shall disqualify the holder thereof for being chosen as, or for being a member of the West Bengal Legislative Assembly, namely:-

- (a) any office held by a Minister, Minister of State or Deputy Minister of the State of West Bengal, whether *ex-officio* or by name;
- (b) the office of the Leader of the Opposition in the West Bengal State Legislature;
- (c) the office of the Chairperson of any Committee of the West Bengal Legislative Assembly;
- (d) the office of Chief Government Whip, Deputy Chief Whip or Whip in the West Bengal Legislative Assembly or the office of a Parliamentary Secretary;
- (e) the office of Sheriff in the city of Kolkata;
- (f) the office of Chairman or member of the Syndicate, Senate, Executive Committee, Council or Court of any University in the State of West Bengal or any other body connected with a University;
- (g) the office of a member of any delegation or mission constituted by the Government of India or the State Government for any special purpose;
- *[(ga) the office of Chairperson or member of Director of a committee, or statutory or non-statutory body including any board or trust or trust board, set up by the Central Government or the State Government or any other authority under the

Central Government or the State Government, or the office of Chairman, or the Director, in a Company registered under the Companies Act, 1956 being a nominee of the State Government, or a State Government Company or a State Government Corporation;]

- (h) the office of member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948 or the Reserve and Auxiliary Air Forces Act, 1952 or the office of a member of a Home Guard constituted under any law in the State of West Bengal; 31 of 1948.
56 of 1948.
62 of 1952.
- (i) the office of member of any *Zilla Parishad, Panchayat Samiti, Siliguri Mahakuma Parishad* or Darjeeling Gorkha Hill Council;
- (j) the office of Mayor, Deputy Mayor, Mayor-in-council, Chairman, Vice-Chairman, Chairman-in-council or Councillor of any municipality or municipal corporation in the State of West Bengal;
- (k) the office of Chairperson or member of State Planning Board and District Planning Committee of any district of the State of West Bengal;
- (l) the office of Chairman, Deputy Chairman or Vice-Chairman, Director or member of any statutory or non-statutory body specified in the Schedule annexed to this Act.

Act to have overriding effect over judgement, order etc.

3. (1) Notwithstanding any judgement or order of any court or tribunal or order or opinion of any other authority, the offices mentioned in clauses (a) to (l) of section 2 shall not disqualify or shall be deemed never to have disqualified

the holders thereof for being chosen as, or being, a member of the West Bengal State Legislative Assembly as if this Act had been in force at all material times.

(1) Nothing contained in sub-section (1) shall be construed as to entitle any person who has vacated a seat owing to any order or judgement as aforesaid, to claim any reinstatement or any other claim in that behalf.

(2) For the removal of doubts, it is hereby clarified that any petition or reference pending before any court or other authority on the date of commencement of this Act shall be disposed of in accordance with the provisions of this Act.

Repeal of
West Ben.
Act VI of
1952.

4. The West Bengal Legislature (Removal of Disqualifications) Act, 1952, is hereby repealed.

THE SCHEDULE

[See section 2(1)]

1. Kolkata Metropolitan Development Authority.
2. Asansol Durgapur Development Authority.
3. Siliguri Jalpaiguri Development Authority.
4. Haldia Development Authority.
5. Sriniketan Santiniketan Development Authority.
6. Burdwan Development Authority.
7. Bhangore Rajarhat Area Development Authority.
8. Digha Development Authority.
9. Kolkata Metropolitan Planning Committee.
10. West Bengal Industrial Development Corporation Limited.
11. West Bengal Industrial Infrastructure Development Corporation Ltd.

12. West Bengal Small Industries Development Corporation Limited.
13. West Bengal Handicrafts Development Corporation Limited.
14. West Bengal Minorities Development and Finance Corporation Ltd.
15. West Bengal Handloom and Powerloom Development Corporation Ltd.
16. West Bengal *Khadi* and Village Industry Board.
17. Society for Self-Employment for Urban Youth, a society registered under the West Bengal Societies' Registration Act, 1961. West Ben. ActXXVI of 1961.
18. State Fisheries Development Corporation Limited, West Bengal.
19. West Bengal Fisheries Corporation Limited.
20. Board of Wakf, West Bengal, a body constituted under the Wakf Act, 1995. 43 of 1995.
21. West Bengal Haj Committee, constituted under Haj Committee Act, 2002. 35 of 2002.
22. Central Wakf Council established under section 9 of the Wakf Act, 1995. 43 of 1995.
23. Haj Committee of India, constituted under section 3 of the Haj Committee Act, 2002.
24. West Bengal Minorities' Commission.
25. West Bengal Board of Madrasah Education.
26. West Bengal Urdu Academy.
27. Planning Board (Asiatic Society) established under section 8 of the Asiatic Society Act, 1984. 5 of 1984.
28. West Bengal Comprehensive Area Development Corporation.
29. West Bengal State Rural Development Association.
30. Society for Training and Research on *Panchayat* and Rural Development.

31. West Bengal Forest Development Corporation Limited.
32. West Bengal Wasteland Development Corporation Limited.
33. West Bengal Pulpwood Development Corporation Limited.
34. State Board for Wildlife, West Bengal.
35. West Bengal Labour Welfare Board.
36. West Bengal Cooperative Milk Federation Limited.
37. West Bengal *Go-Sampad Bikash Sanstha*.
38. West Bengal Dairy and Poultry Development Corporation Limited.
39. West Bengal Livestock Development Corporation Limited.
40. Mother Dairy Limited.
41. Society for Training and Research and Urban Governance.
42. West Bengal State Council for Technical Education.
43. West Bengal State Council for Vocational Education and Training.
44. West Bengal Scheduled Castes and Scheduled Tribes Development and Finance Corporation.
45. West Bengal Tribal Development Cooperative Corporation.
46. West Bengal Backward Classes Development and Finance Corporation.
47. *Sundarban* Development Authority.
48. *Sundarban* Infrastructure Development Corporation Limited.
49. West Bengal State Fishermen's Cooperative Federation Limited.
50. West Bengal Ceramic Development Corporation Limited.

51. West Bengal Food Processing and Horticulture Development Corporation Limited.
52. West Bengal Power Development Corporation Limited.
53. West Bengal Renewable Energy Development Authority.
54. West Bengal Agro-Industries Corporation Limited.
55. West Bengal State Minor Irrigation Corporation Limited.
56. West Bengal State Seed Corporation Ltd.
57. West Bengal Essential Commodities Supply Corporation Limited.
58. West Bengal State Consumers Federation Limited.
59. Society of Self-employment of Unemployed Youth, West Bengal.
60. Institute of Environmental Studies and Wetland
61. West Bengal State Literacy Mission.
62. West Bengal *Sishu Siksha* Mission.
63. Kolkata State Transport Corporation Ltd.
64. North Bengal State Transport Corporation Limited.
65. South Bengal State Transport Corporation Limited.
66. West Bengal Surface Transport Corporation Limited.
67. Kolkata Tramways Corporation Limited.
68. West Bengal Transport Infrastructure Development Corporation Limited.
69. West Bengal State Sports Council.
70. West Bengal Mountaineering and Adventure Sports Foundation.
71. West Bengal State Council of Bio-Technology.

72. State Productivity Council, West Bengal.
73. *Paschimbanga Rajya Prarambhik Siksha Unnayan Sanstha.*
74. West Bengal Council for Science and Technology.
75. Centre for Archaeological Studies and Training.
76. Netaji Institute of Asian Studies.
77. West Bengal Horticulture Development Society.
78. *Uttarbanga Unnayan Parshad.*
79. *Paschimanchal Unnayan Parshad.*
80. West Bengal State Marketing Board.
81. West Bengal State Consumers' Cooperative Federation.
82. West Bengal State Cooperative Marketing Federation.
83. West Bengal Housing Board.
84. West Bengal Housing Infrastructure Development Corporation Limited.
85. West Bengal Films Development Corporation Limited.
86. *Roopkala Kendra.*
87. Mass Media Centre, West Bengal.
88. West Bengal Minerals Development and Trading Corporation Limited.
89. West Bengal Pharmaceutical and Phytochemical Development Corporation Ltd.
90. West Bengal State Leather Industries Corporation Limited.
91. West Bengal State Handloom Weavers' Co-operative Society Limited.
92. *Paschim Banga Resham Silpi Samabaya Mahasangha Limited.*
93. Basumati Corporation Limited.
94. Kolkata Improvement Trust.

95. Howrah Improvement Trust.
96. Jaigaon Development Authority.
97. Medinipur-Kharagpur Development Authority.
98. West Bengal Social Welfare Board.
99. West Bengal Commission for Women.
100. West Bengal Women's Development Undertaking.
101. West Bengal Pollution Control Board.
102. West Bengal Heritage Commission.
103. Durgapur Projects Limited.
104. West Bengal State Council of Science and Technology.
105. Hooghly River Bridge Commissioners.
106. West Bengal Tourism Development Corporation.
107. West Bengal Cooperative Milk Producers' Federation.
108. State Animal Welfare Board.
109. West Bengal Cooperative Housing Federation.
110. Health and Family Welfare Samitis at State, District and Block levels.
111. All Swastha Samitis of Medical Colleges and Hospital and Decentralized Hospitals and Medical Teaching Institutions.
112. Rogi Kalyan Samitis for District Hospitals, Sub-divisional/State General Hospitals, Block Primary Health Centres/Rural Hospitals.
113. The West Bengal State Medicinal Plants Board.
114. All Professional councils constituted under different Acts which have provisions of including members of West Bengal Legislative Assembly.
115. State Supervisory Board for pre-conception and prenatal diagnostic techniques (Prohibition of Sex Selection) Act, 1994.

- *[116. All Co-operative Banks.
 - 117. All Wholesale Consumer Co-operative Societies.
 - 118. All Primary Consumer Co-operative Societies.
 - 119. All Primary Agricultural Marketing Co-operative Societies.
 - 120. All Co-operative cold Storage Societies.
 - 121. All Primary Agricultural Credit Co-operative Societies.
 - 122. West Bengal State Co-operative Union.
 - 123. All District Co-operative Unions.
 - 124. West Bengal Central School Service Commission.
 - 125. West Bengal Regional School Service Commission.
 - 126. Shishu Kishore Academy.]
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**COMMONWEALTH PARLIAMENTARY ASSOCIATION,
WEST BENGAL BRANCH**

Rules of the West Bengal Branch

I. *Name and objects.*-The name of the Society shall be the "Commonwealth Parliamentary Association" (West Bengal Branch), hereinafter referred to as "the Association".

The Association shall do all such things as are incidental or conducive to the attainment of the objects for which the "Commonwealth Parliamentary Association" is formed or any of them.

II. *Ordinary members.*-Any sitting member of the West Bengal Legislative Council or the West Bengal Legislative Assembly hereinafter referred to as the West Bengal Legislature shall be entitled to become an ordinary member of the Association without election on payment of the subscription for the current year.

III. *Affiliated members.*-*Ex-members* of the Indian Parliament, the West Bengal Legislature, or any other Legislature in India may be elected by the Executive Committee of the Association (hereinafter called "the Executive Committee") as affiliated members of the Association.

Affiliated members shall not be entitled as such to take part in the management of the Association. All candidates for affiliated membership must be proposed by an ordinary member of the Association and seconded by another ordinary member.

IV. An ordinary member of the Association on ceasing to be a member of the West Bengal Legislature will become an affiliated member without election.

V. *Visiting affiliated members.*-*Members* or affiliated members of the Branch Association in the United Kingdom who may be visiting West Bengal shall be accepted without election and without subscription as visiting members or visiting affiliated members of the Association during their visit to West Bengal.

For the purpose of this rule a visit to West Bengal shall ordinarily mean a visit of not more than three months in duration, but the Executive Committee shall have power to extend the period in individual cases.

VI. *Life members.*-Any sitting member of the West Bengal Legislature shall be entitled to become, without election, a life member of the Association on payment of the life subscription. Any such member on ceasing to be a member of the West Bengal Legislature will become an affiliated member. Ex-members of the West Bengal Legislature or ex-members of the Indian Legislature or ex-members of any other Legislature in India or ex-members of the British Parliament permanently residing in India may be elected life members of the Association on payment of the life subscription.

VII. *Privileges of members.*-Ordinary members shall be entitled to all the privileges specified in Clause III of the Constitution of the Commonwealth Parliamentary Association hereinafter referred to as "the Constitution":

Provided that the members pay the special contribution levied under rule IX.

Affiliated members shall be entitled to all such privileges with the exception of those referred to in sub-clauses (b) and (e) of that clause.

Visiting members shall be entitled to all privileges specified in Clause III of the Constitution so far as the same concerns West Bengal.

Visiting affiliated members shall be entitled to all such privileges save that they shall not receive any guarantee that they will be entitled to the privileges referred to in sub-clauses (b) and (e) of that clause.

VIII. *Subscriptions.*-The annual subscription to the Association for all ordinary members and for all affiliated members, other than visiting members or visiting affiliated members, shall be five rupees per annum payable on the 2nd January each year. The life subscription shall be one hundred rupees payable on joining or election.

The Executive Committee shall have power to alter the amount of the life or annual subscription from time to time as it may deem fit.

An ordinary member becoming an affiliated member or an affiliated member becoming an ordinary member under rule IV shall not become liable for a second subscription during same year.

IX. Any member of the Association who visits the United Kingdom shall pay a special contribution of twenty rupees before he proceeds to that country and enjoys the hospitality of the United Kingdom Branch.

X. *Payment of subscription.*-Every ordinary member shall, upon joining the Association and every affiliated member (other than visiting members or visiting affiliated members), upon election, pay the annual subscription for the year then current; but if he becomes a member after the 31st October the first payment shall cover the period until the close of the following year.

XI. *Subscriptions unpaid.*-A notice shall be issued on the 15th of December every year to all ordinary members and affiliated members drawing their attention to the fact that under the rules of this Branch their subscription would fall due on the 2nd January following. If any member's subscription remains unpaid for one month from the date on which it became payable, a second notice shall be sent to such member, requesting him to pay the same within a month and if such subscription remains unpaid for a month after the date of such notice, the member shall thereupon cease to be a member of this Branch, and his name shall be removed from the list of members.

XII. *Resignation of membership.*-A member may at any time resign his membership by notice in writing, provided that such notice shall not affect the liability of the member to pay the subscriptions for the current year.

XIII. *Officers.*-The officers of this Branch shall be the Presidents, the Vice-Presidents, the Honorary Treasurer and not more than two Honorary Secretaries, and an Honorary Assistant Secretary.

XIV. *Presidents.*-The Presidents shall be the Chairman of the West Bengal Legislative Council and the Speaker of the West Bengal Legislative Assembly, and they shall be the ex-officio Presidents during the period they shall hold their respective offices. In the event of the holder of either of such offices declining to act as President of the Association the Executive Committee shall have power to elect a President from among members of this Branch subject to confirmation at the next Annual General Meeting.

XV. (1) *Vice-Presidents.*-The Vice-Presidents shall be the Leader of the West Bengal Legislative Council, the Leader of the West Bengal

Legislative Assembly, the Leader of the Opposition in the West Bengal Legislative Council and the Leader of the Opposition in the West Bengal Legislative Assembly. They will be ex-officio Vice-Presidents provided they are members of the Association.

(2) At the Annual General Meeting the members may elect from amongst themselves two members to be Vice-Presidents.

XVI. Treasurer and Secretary.-The Treasurer shall be elected from among the members of the Association at the Annual General Meeting on the nomination of the Executive Committee and shall hold office until the next Annual General Meeting. The Honorary Secretary or Secretaries and an Assistant Secretary shall be appointed by the Executive Committee.

XVII. Executive Committee.-The management of the affairs of the Association shall be vested in an Executive Committee. The Executive Committee shall consist of the Presidents, the Vice-Presidents, the Honorary Treasurer and not more than 15 other members, who shall be elected at the Annual General Meeting from amongst the ordinary members of this Branch.

XVIII. Executive the Annual General Meeting all the members of the Executive Committee, other than ex-officio Presidents and ex-officio Vice-Presidents, shall retire from office, but shall be eligible for re-election.

XIX. Casual Vacancies.-The Executive Committee may fill any casual vacancy occurring amongst the officers of this Branch or in the Executive Committee by electing a suitable person from amongst the ordinary members to fill the vacancy and any person so elected shall hold office for the unexpired period of the term of office of the person whose place has become vacant.

XX. Conduct of business.-The Executive Committee may regulate the conduct of its business in such manner as it deems fit.

Questions arising at any meeting of the Executive Committee shall be decided by a majority of votes. In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

The Secretary may in consultation with the Presidents of this Branch and shall on the requisition of any three members of the Executive Committee summon at any time a meeting of the Committee.

The quorum necessary for a meeting of the Committee shall be five.

XXI. *General Meeting.*-The Annual General Meeting of the Association shall ordinarily be held in the month of February or on such date as the Executive Committee shall direct. At this meeting the Annual Report and the accounts of this Branch, any other business of which not less than six clear days' notice has been given, shall be considered.

XXII. *Special General Meeting.*-A Special General Meeting of the Association may be convened at any time and place by the Executive Committee.

On a requisition in writing of not less than ten members of the Association, the Executive Committee shall summon a Special General Meeting. The requisition shall contain a statement of the business for which the meeting is requisitioned.

Not less than fourteen clear days' notice shall be given of the Annual General Meeting or of any Special General Meeting, provided that the Executive Committee may, for reasons of urgency, convene a Special General Meeting at notice.

XXIII. The notice of a General Meeting shall contain a statement of the business to be transacted at the meeting, provided that any member may bring before the Annual General Meeting any other business on giving not less than six clear days' notice in writing to the Secretary. On receipt of such notice, the Secretary shall forthwith send a copy thereof to each member of this Branch. No business shall be transacted at a Special General Meeting other than that stated in the notice convening the meeting.

XXIV. *Quorum.*-The quorum for a General Meeting shall be twelve.

XXV. *Voting.*-Every member shall have one vote. Questions shall be determined by a majority of members present and voting. In case of an equality of votes the Chairman of the meeting shall have a second or casting vote:

Provided that no member shall be entitled to vote on any question at a General Meeting unless he has been a member of this Branch for at least fifteen days prior to the date of the meeting:

Provided further that no member shall be entitled to vote at an election of delegates to attend Parliamentary Conferences or to represent the Association outside India who is not eligible to be nominated for such election under rule XXVII.

XXVI. *Executive Committee-Eligibility* to.-Every ordinary member of the Association entitled to vote at the Annual General Meeting shall be eligible for election to the Executive Committee on being duly proposed and seconded by an ordinary member. Nominations shall be handed in to the Secretary six clear days' prior to the Annual General Meeting and shall contain a declaration that the members nominated have consented to serve upon the Executive Committee.

XXVII. *Eligibility to delegations.*-No member who does not join this Branch within two months from the date of his taking the oath for the first time and who does not remain continuously a member from that time either as an ordinary member or as an affiliated member, shall be eligible for appointment as a member of, or nomination as a candidate for, any delegation to attend Parliamentary Conferences or to represent the Association outside India:

Provided that this rule not affect the eligibility for appointment or nomination as a delegate of a member who has been enrolled as a member of the Association for not less than a continuous period of one year prior to the date of such appointment or nomination:

Provided further that a member of the Association who becomes a Life Member for not less than three months prior to such appointment or nomination shall be eligible for appointment or nomination as a delegate.

In all elections in connection with the election of delegates to be sent abroad to represent the Association, the method of single transferable vote shall be adopted.

XXVIII. *Alteration of Rules.*-These rules may be amended at an Annual General Meeting or at any Special General Meeting provided that due notice has been given of such amendment or amendments in accordance with these rules.

THE WEST BENGAL FORUM FOR PARLIAMENTARY STUDIES RULES

Preliminary

1. (a) These rules may be called "the West Bengal Forum for Parliamentary Studies Rules".

(b) These rules shall come into force from such date as may be appointed by the Speaker.

2. In these rules, unless the context otherwise requires:-

"Forum" means "the West Bengal Forum for Parliamentary Studies",

"President" means the President of the Executive Council of the Forum,

"Vice-President" means the Vice-President of the Executive Council of the Forum,

"Chairman" means the Honorary Chairman of the Forum,

"Member" means Member of the Executive Council of the Forum,

"Secretary" means the _____ of the Forum and includes any person for the time being performing the duties of the Secretary of the Forum,

"Treasurer" means the Treasurer of the Forum and includes any person for the time being performing the duties of the Treasurer,

"Executive Council" means the Executive Council of the Forum,

"Office" means the office of the Forum.

Constitution of the Forum

3. (a) There shall be a Forum for Parliamentary Studies to be known as "the West Bengal Forum for Parliamentary Studies".

(b) The Forum shall operate as an integral organ of the West Bengal Legislative Assembly under its overall control.

Executive Council

4. The Forum shall have an Executive Council consisting of:-

(a) President,

(b) Two Vice-Presidents, and

(c) Thirty Members.

The Honorary Chairman shall be an ex-officio member of Executive Council:

Provided, that the total number of the members of the Executive Council shall not exceed thirty.

5. (a) The Speaker of the West Bengal Legislative Assembly shall be the ex-officio President of the Forum.

(b) Vice-Presidents and other members of the Forum shall be nominated by the Speaker.

(c) Casual vacancies occurring in the Executive Council on the Vice-Presidents'/Members' resignation or otherwise shall be filled by fresh nominations of the Speaker.

6. The tenure of office of the Vice-Presidents and other Members shall be two years.

7. The Honorary Chairman to be appointed by the Speaker, West Bengal Legislative Assembly, shall be the functional head of the Forum.

8. Decision on all matters concerning the programmes and functions of the Forum shall be taken by the Executive Council and such decisions shall be construed the decisions of the Forum.

9. The Executive Council meet as and when necessary, at such place as may be decided by the President.

Secretary and Treasurer

10. The Secretary, West Bengal Legislative Assembly shall be the ex-officio Secretary of the Forum while the Joint Secretary-cum-Committee Officer, West Bengal Legislative Assembly, the ex-officio Treasurer of the Forum.

Functions of the Forum

11. The functions of the Forum shall be-
- (i) to study and analyse the diverse aspects of the parliamentary processes and procedures and to review the performances of the legislative bodies;
 - (ii) to familiarise the new legislators with the role of Parliament in a Parliamentary Democracy and its operational mechanics;
 - (iii) to assist the peoples' representatives to utilise the apparatus of Parliament effectively to cater to the needs and aspirations of the people;

- (iv) to organise seminars, symposia, workshops and orientation and appreciation courses on parliamentary themes for the parliamentarians and officers of the legislatures and the Government;
 - (v) to arrange discussion-sessions to facilitate meaningful inter-action between legislators and the media;
 - (vi) to conduct competitions among the students at different levels on matters of parliamentary interest in suitable forms such as debates, essay competitions, mock parliament etc; and
 - (vii) to undertake any other programme analogous thereto.
12. The Forum shall devise and regulate its own procedure.

Office of the Forum

13. The Forum shall have an office with such staff as may be appointed from time to time.

14. The day-to-day business of the Forum shall be carried on by the office of the Forum under the supervision of the Secretary.

15. The duty of the office shall be to execute and implement the decisions and programmes of the Forum under the guidance and direction of the Honorary Chairman.

Publications

16. The Forum shall publish periodically Reports on its performance and projects. The Forum may also publish a Parliamentary Journal to promote and foster interest in the parliamentary system.

Library

17. The West Bengal Legislature Library shall be deemed to be the library of the Forum as well.

PARTV

RESOLUTION

as adopted
at the

All India Conference of Presiding Officers,
Chief Ministers, Ministers of Parliamentary Affairs,
Leaders and Whips of Parties on
*"Discipline and Decorum in Parliament and
Legislatures of States Union Territories"*

held at

New Delhi on 25 November, 2001

**TEXT OF RESOLUTION AS ADOPTED AT THE
ALL INDIA CONFERENCE OF PRESIDING
OFFICERS, CHIEF MINISTERS, MINISTERS OF
PARLIAMENTARY AFFAIRS, LEADERS AND
WHIPS OF PARTIES ON 'DISCIPLINE AND
DECORUM IN PARLIAMENT AND
LEGISLATURES OF STATES AND UNION
TERRITORIES'**

The Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders of Parties, Whips and other distinguished members of Parliament and Legislatures of States and Union Territories;

Having met in a Conference at New Delhi on 25 November, 2001 to deliberate on the need for 'Discipline and Decorum in Parliament and Legislatures of States and Union Territories';

Taking serious note of the growing tendency to disturb and stall the proceedings of Parliament and State Legislatures and incidents of disorderly conduct by members inside the House which, besides eroding the credibility of these representative institutions, also lead to public disillusionment with the very of parliamentary democracy;

Taking note of the step taken in this direction at the All India Conference of Presiding Officers and others on 'Discipline and Decorum in Parliament and State Legislatures', held at New Delhi on 23 and 24 September, 1992, which considered the matter in great detail;

Also taking note of the unanimous Resolution adopted by the two Houses of Parliament at their commemorative session to mark the Golden Jubilee of Indian Independence on 1 September, 1997 whereby the members committed themselves to maintain the inviolability of the Question Hour, to refrain from transgressing into the well of the House or from shouting slogans, and to desist from any effort at interruptions or interference with the address of the President of the Republic;

Commending the endeavours of the Ethics Committees of Rajya Sabha, Lok Sabha and Andhra Pradesh and Orissa Legislative Assemblies to evolve a Code of Conduct and ethical norms for their members inside and outside the House;

Appreciating the efforts made by the Presiding Officers at their Sixty-fourth Conference held in June, 2001 at Chandigarh on the initiative of Speaker, Lok Sabha to find ways and means for curbing the incidents of

disorderly conduct in Parliament and Legislatures of States/Union Territories, and the ongoing endeavours by Lok Sabha for making provisions in the Rules of Procedure for automatic suspension of members of the House for a specified period for their acts of transgression into the well of the House and creating disorder there; and

Being concerned that all these concerted efforts have proved to be inadequate in curbing this increasingly disturbing trend;

Hold that acts of improper conduct in the House such as shouting of slogans, showing of placards, tearing and throwing of papers, showing of indecent postures, making of improper gestures, rushing to the well of the House, holding demonstrations, sitting on *dharna*, disturbing the proceedings and not allowing other members to speak, not heeding to the directions of the Chair to maintain order, questioning the rulings of the Presiding Officers etc., affect adversely the proper functioning of the Parliament and the Legislatures;

Urge the legislators to realise that they belong to the supreme representative institutions of our democratic polity, that their conduct, both inside and outside the House, has a direct bearing on its success and that being the custodians of the interests of the entire nation, their conduct should not only be exemplary but also conform to the highest democratic traditions and expectations of the people;

Call upon the leaders of political and legislature parties to come forward and play a proactive role in maintaining decorum in Legislatures by restraining their members from indulging in disorderly conduct inside the House and to impress upon them the need for faithful adherence to the norms of discipline, decorum and decent behaviour in the House;

Emphasize that the time has come to seriously introspect and analyse the root causes of this malady and take effective measures to stamp it out from our body politic;

Are of the view that some of the major contributory factors behind this trend of disorderly conduct by members in Legislatures are:

- (i) non-availability of adequate time and consequent frustration of members over perceived inadequacy of opportunities to raise matters pertaining to their grievances on the floor of the House,
- (ii) misgivings created at times by seemingly unresponsive attitude adopted by Government and retaliatory posture by treasury benches,

- (iii) disinclination, at times, on the part of the leadership of legislature parties to adhere to parliamentary norms and to discipline their members,
- (iv) absence of prompt and proper action against erring members under the Rules of Procedure, and
- (v) lack of sufficient training and orientation, especially of new members, in parliamentary procedure and etiquette; and

Awarethat-

- (i) the Presiding Officers of Legislative Bodies in India, at their Conference held at Shimla in October, 1997 and the Committee of Presiding Officer of Legislative Bodies, in their Report on 'Procedural Uniformity and Better Management of the Time of the House', adopted at the Presiding Officers' Conference held at Chandigarh in June, 2001, had recommended that there should be Constitutional provisions to ensure a minimum of 100 sittings of bigger State Legislatures having at least 100 members and 60 sittings for smaller State Legislatures having less than 100 members,
- (ii) the Committee of (Eleventh Lok Sabha), in their Report on 'Ethics, Standards in Public Life, Privileges, Facilities to Members and Other Related Matters' had recommended that 'immediate corrective measures' and 'comprehensive electoral reforms' are required to check the 'criminalisation of politics which was eating into the very vitals of our democratic system',
- (iii) the Committee on Ethics, Rajya Sabha, in their First Report, presented on 8 December, 1998 had recommended that the political parties should 'devise self-controlling norms which should regulate the conduct of their members' and that the parameter for the selection of candidates for elections by political parties should be proven standards in public life', and
- (iv) the Committee of Presiding Officers on 'Procedural Uniformity and Better Management of the Time of the House' had recommended that Departmentally related Standing Committees and Ethics Committees should be constituted in all the Legislatures,

- (v) the Committee on Ethics, Rajya Sabha in their Second Report presented on 13 December, 1999 had recommended that-
 - (a) a Register of Members' Interests be maintained under the authority of the Committee on Ethics or of the House.,
 - (b) every member may be required to furnish information annually relating to any pecuniary interest or other material benefits which he receives, and
 - (c) every member may be required to notify changes, if any, in the information so furnished by him within ninety days of such changes occurring,
- (vi) the Committee on Ethics, Lok Sabha in their First Report on "Ethics Related Matters" laid on the Table of the House on 22 November, 2001 recommended that-
 - (a) it may be made mandatory for each member of Lok Sabha to disclose his/her income, assets and liabilities. For this purpose members may be required to file a financial disclosure statement immediately after their election to Lok Sabha,
 - (b) members may file revised forms whenever any change occurs and also at the end of the tenure of the Lok Sabha, and
 - (c) a Register of Members' Interests may be maintained in the Lok Sabha Secretariat on the basis of information furnished by the members;

Rededicate themselves to preserving, nurturing and strengthening the parliamentary democracy which is the very essence of our polity and to make the parliamentary institutions a success; and

Towards this end Resolve that-

- (i) the prestige of Parliament and the Legislatures of States and Union Territories be preserved and enhanced by adopting and enforcing a Code of Conduct for legislators which forms part of this Resolution as an Annexure,
- (ii) necessary changes, wherever required, be incorporated in the Rules of Procedure of all Legislatures to facilitate the implementation of the said Code of Conduct,
- (iii) all violations or breaches of the Code of Conduct be duly punished by measures like admonition, reprimand, censure or withdrawal from the House for offences of a less serious nature and by automatic suspension from the service of the House for a specific period for grave misconduct as may be specified,

- (iv) immediate steps be taken to ensure a minimum of 110 days of sittings of Parliament and 90 and 50 days of sittings of the Legislatures for the big and small States, respectively, if necessary, through appropriate Constitution amendment,
- (v) necessary changes be made in the Rules of Procedure to strengthen the Committee system in Parliament and Legislatures of States and Union Territories to provide increased participation of legislators in the parliamentary process,
- (vi) Ethics Committees be constituted by the Presiding Officers forthwith in all the Legislatures where these have not already been constituted for enforcing the Code of Conduct,
- (vii) urgent steps be taken requiring-
 - (a) legislators to file a financial disclosure statement comprising information with regard to their income, assets and liabilities immediately after their election to respective Legislatures,
 - (b) legislators to notify changes, if any, in the information furnished by them in their financial disclosure statements within a specified period, and
 - (c) maintenance of a Register of Members' Interests by all Legislatures,
- (viii) earnest endeavours be made by all political parties to lay down parameters with emphasis on proven standards in public life, for selection of candidates for elections,
- (ix) a more responsible and effective role in maintaining decorum in the House be played by the Leader of the House, the Leader of the Opposition and leaders of political and legislature parties by ensuring disciplined behaviour on the part of their members,
- (x) a more positive and responsive attitude be adopted by the Government and Treasury Benches towards the Opposition by being more accommodative and by responding promptly to the matters raised by opposition members on the floor of the House,
- (xi) the treasury and opposition benches in the House should be more tolerant, accommodative and understanding towards each other,

- (xii) Presiding Officers and leadership of political and legislature parties should ensure that the members, especially the new members, are given proper training and orientation in parliamentary procedure, discipline and decorum, by the Bureau of Parliamentary Studies and Training of Lok Sabha and those constituted in some State Legislatures or by other institutions or bodies;

And hope that all concerned will act in accordance with this Resolution in letter and spirit.



*Annexure to the
Resolution*

**CODE OF CONDUCT FOR
MEMBERS OF PARLIAMENT AND
LEGISLATURES OF STATES AND
UNION TERRITORIES**

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PART I

Preliminary

1. This Code may be called the Code of Conduct for members of Parliament and Legislatures of States and Union Territories.

2. Words and expressions used in the Code shall, unless the context otherwise requires, have the meaning assigned to them in the Constitution of India and the Rules of Procedure and Conduct of Business of the Houses of Parliament and Legislatures of States and Union Territories.

PART II

Code of Conduct for Members inside the House

General rules

3. A member, whilst the House is sitting, shall-

- (i) bow to the Chair while entering or leaving the House and also when taking or his seat;
- (ii) always address the Chair;
- (iii) keep to his usual seat while addressing the House;
- (iv) maintain silence when not speaking in the House;
- (v) avoid talking or laughing in Lobby loud enough to be heard in the House;
- (vi) maintain the inviolability of the Question Hour;
- (vii) refrain from transgressing into the well of the House;
- (viii) resume his seat as soon as the Speaker rises to speak.

4. A member, whilst the House is sitting, shall not-

- (i) read any books, newspaper or letter except in connection with the business of the House;
- (ii) interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;
- (iii) pass between the Chair and any member who is speaking;
- (iv) leave the House when the Speaker/Chairman is addressing the House;

- (v) obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when another member is speaking;
- (vi) applaud when a stranger enters any of the Galleries, or the Special Box;
- (vii) shout slogans in the House;
- (viii) sit or stand with his back towards the Chair;
- (ix) approach the Chair personally in the House. He may send chits to the officers at the Table, if necessary;
- (x) wear or display badges of any kind in the House;
- (xi) bring or display arms in the House;
- (xii) display flags, emblems or any exhibits in the House;
- (xiii) leave the House immediately after delivering his speech;
- (xiv) distribute within the precincts of Parliament House any literature, questionnaire, pamphlets, press notes, leaflets, etc. not connected with the business of the House;
- (xv) place his hat/cap on the desk in the House, bring boards in the Chamber for keeping files or for writing purposes, smoke or enter the House with his coat hanging on the arms;
- (xvi) carry walking stick into the House unless permitted by the Speaker on health grounds;
- (xvii) tear off documents in the House in protest;
- (xviii) bring or play cassette or tape recorder in the House;
- (xix) sit on Satyagrah or Dharna inside the House or anywhere within the precincts of Parliament or Legislatures of States and Union Territories;
- (xx) bring cellular phones or pagers in the House.

5. (1) If a private member desires to lay a paper or document on the Table of the House, he shall supply a copy thereof to the Speaker in advance so as to enable him to decide whether permission should be given to lay the paper or document on the Table. If the Speaker/Chairman permits the member to lay the paper or document on the Table, the member may at the appropriate time lay it on the Table.

(2) If a private member, in the course of his speech wishes to quote from a secret Government document, paper or report, he shall supply a copy thereof in advance to the Speaker and also indicate the

portions thereof which he wishes to quote in order to enable the Speaker to decide whether permission should be given. If the Speaker/Chairman permits the member to quote from the document, the member may do so at the appropriate time. If the Speaker/Chairman does not accord the necessary permission, the member shall not quote from the document nor refer to its contents.

6. (1) A member wishing to point out any mistake or inaccuracy in a statement made by a Minister or any other member shall, before referring to the matter in the House, write to the Speaker/Chairman pointing out the particulars of the mistake or inaccuracy and seek his permission to raise the matter in the House.

(2) The member may place before the Speaker/Chairman such evidence as he may have in support of his allegation.

7. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given adequate advance notice to the Speaker/Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the _____ may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

8. Members shall not give any advance publicity to various notices given by them.

9. A member having a personal, pecuniary or direct interest in a matter before the House, while taking part in the proceedings on that matter, shall declare the nature of that interest. It is expected of the member, as a matter of propriety, to decide for himself whether by casting his vote in a division in the House on the matter, his judgement is likely to be deflected from the straight line of public policy by that interest.

Rules to be observed while speaking

10. A member while speaking, shall not-

- (i) refer to any matter of fact on which a judicial decision is pending;

- (ii) make personal reference by way of making an allegation imputing a motive to or questioning the bona fides of any other member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto;
- (iii) use offensive expressions about the conduct or proceedings of Parliament or any Legislature of State/ Union Territory;
- (iv) reflect on any determination of the House except on a motion for rescinding it;
- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;
- (vi) use the President's/Governor's/Lieutenant Governor's name for the purpose of influencing the debate;
- (vii) utter treasonable, seditious or defamatory words;
- (viii) use his right of speech for the purpose of obstructing the business of the House;
- (ix) make any reference to the strangers in any of the Galleries;
- (x) refer to Government officials by name;
- (xi) read a written speech except with the previous permission of the Chair;
- (xii) question or comment on the ruling of the Speaker/Chairman;
- (xiii) use insinuation or offensive and unparliamentary expressions while addressing the Chair;
- (xiv) speak unless called by the Speaker/Chairman;
- (xv) speak unparliamentary words.

PART III

Code of Conduct for Members during President's/Governor's/Lieutenant Governor's Address

11. It is imperative for each and every member or any other person present on the occasion of the President's Address to observe solemnity, dignity and decorum.

12. If any member or other person interrupts or obstructs the President's Address to either House of Parliament or both Houses of Parliament assembled together, either before or during or after the Address, while the President is in the Hall, with any speech or point of order or walk-out or in any other manner, such interruption, obstruction or show of disrespect shall tantamount to an act of disorder and disrespect to the President and may be considered as a grossly disorderly conduct on the part of the concerned member or other person and a contempt of the House which may be dealt with by the House subsequently on a motion moved by a member.

13. If any member or other person interrupts or obstructs the President's Address or mars the dignity of the occasion in any other manner, the President, who is in charge of the proceedings and fully competent to preserve order on the occasion may give such directions as he may consider necessary to preserve order, solemnity and dignity of the occasion.

14. The provisions of clauses 11 to 13 of the Code would be applicable *mutatis mutandis* to the Addresses by Governors of States to members of both Houses of respective State Legislatures and Lieutenant Governors of Union Territories to members of respective Legislative Assemblies.

PART IV

Code of Conduct for Members in Parliamentary Committees/Committees of Legislatures of States and Union Territories

Code of Conduct for Members in Parliamentary Committees

15. Where a member of a Committee has a personal, pecuniary or direct interest in any matter which is to be considered by the Committee, he shall state his interest therein to the Speaker through the Chairman of the Committee.

16. Since the proceedings of a Committee are treated as confidential, it is not permissible for a member of the Committee or any one who has access to its proceedings to communicate directly or indirectly to the press any information regarding its proceedings including its report or any conclusions arrived at, finally or tentatively, before the report has been presented to the House.

17. Whenever a paper or document, marked 'secret' or 'confidential', is circulated to the members of the Committee, the contents of such paper or document shall not be divulged by any member either in the minute of dissent or on the floor of the House, or otherwise, without the permission of the Speaker/Chairman; and where such permission has been obtained, any restriction imposed by the Speaker in regard to the manner in which, or the extent to which the information contained in the document may be divulged, shall be strictly observed.

18. The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table.

Guidelines for Parliamentary Committees and Code of Conduct for Members during study tours of Parliamentary Committees

19. Committees should not normally undertake tours unless it is absolutely necessary to undertake an on-the-spot study tour for proper examination of the subject before the Committee.

20. Where a Committee proposes to undertake a tour, prior permission of the Speaker/Chairman should be taken in all cases.

21. Tours should not be undertaken merely because something has to be seen or discussions have to be held with local authorities. Discussions can always usefully be held in the Parliament House/Assembly/Council Houses and the Officers concerned with the subject matter can be specifically called before the Committee.

22. The whole Committee should not undertake a tour. A small sub-Committee or Study Group consisting of five or six members may be formed for the purpose who may report back to the whole Committee after its study tour. In cases where the Committee consists of more than 30 members, the sub-Committee or Study Group may have a maximum of 10 members.

23. During the tours, Committees should avoid visits to places not included in the official tour programme, except local sight seeing.

24. It is necessary that the expenditure on tours and the strain on the local administration and transport authorities should be kept to the minimum.

25. Terms of reference of the Study Groups or sub-Committees who are sent on study tours should be precise and laid down in writing.

26. A study tour should be undertaken before the official evidence on the subject is taken by the Committee and not after the evidence.

27. A study tour should be undertaken for the absolutely minimum necessary period, not exceeding a week at a time.

28. Sufficient notice of the tour programme should be given to the State Governments/other Departments or Undertakings concerned.

29. There should be no last minute changes in the tour programme by Study Groups as these result in considerable difficulties to the Railways, Airlines, concerned Government Departments and Officers.

30. Members shall avoid intermediate journeys during the tours. When transport is provided by Government/Undertakings during the tours of the Committee, such transport should be used for Committee work and not by individual members for distant private visits.

31. Members during tours, shall take particular care to maintain proper dignity and decorum so that no criticism is made of the Committee in any manner.

32. During the tour, if a member falls ill and the doctor advises him not to undertake further tour, he shall follow the doctor's advice.

33. No member shall give press statements regarding Committee proceedings to press. Whenever any briefing of the press is required to be done, the same should be done by the Chairman of the Committee.

34. Members shall not accept any costly gifts during the tour. Members can, however, accept inexpensive mementos connected with the organisation visited.

35. The Committee or sub-Committee or Study Group, while on tour, shall not accept any invitation for lunch or dinner or other hospitality that might be extended by any private party. At the official lunches or dinners, if any, that might be accepted by the Committee or sub-Committee or Study Group, no liquor should be allowed to be served.

36. No member shall take any other person during the official tours. An attendant or member's spouse may accompany a member on medical grounds with the prior permission of the Chairman of the Committee. In such cases the member shall bear all expenses including hotel charges in respect of his/her spouse or attendant. In case a member is found having any accompanying person without prior permission, he/she would not only bear all the expenses of such a person but would also stand automatically debarred from undertaking any Committee tour thereafter.

37. The spouse or attendant of a member in no case, shall accompany Committee members during official visit to any installation, undertaking, office or establishment and during informal discussions with officers of the concerned establishment, undertaking, etc.

38. The provisions of clauses 15 to 37 would be applicable *mutatis mutandis* to Committees of Legislatures of States and Union Territories and their members.

PART V

Code of Conduct during delegations to foreign countries

39. (i) Members should adhere to protocol norms during the visits to foreign countries.

(ii) While participating in the international Conferences, members should follow rules, guidelines, conditions, etc. as may be provided for in the Statutes/Rules and/or as may be fixed by the organisers.

(iii) During visit of parliamentary delegations to other countries, no member shall give press statements regarding visit. Whenever any briefing of the press is required to be done, the same shall be done by the leader of the delegation.

PART VI

Code of Conduct for Members outside Parliament and Legislatures of States and Union Territories and General Ethical Principles

Code of Conduct for Members outside the Parliament and Legislatures of States and Union Territories

40. Information given to members in confidence or by virtue of their being members of Committees of Parliament/Legislatures of States and Union Territories shall not be divulged to anyone nor used by them directly or indirectly in the profession in which they are engaged, such as in their capacity as editors or correspondents of newspapers or proprietors of business firms and so on.

41. A member shall not try to secure business from Government for a firm, company or organisation with which he is directly or indirectly concerned.

42. A member shall not give certificates which are not based on facts.

43. A member shall not make profit out of Government residence allotted to him by sub-letting the premises.

44. A member shall not unduly influence the Government officials or the Ministers in a case in which he is interested financially either directly or indirectly.

45. A member shall not receive hospitality of any kind for any work that he desires or proposes to do from a person or organisation on whose behalf the work is to be done by him.

46. A member shall not in his capacity as a lawyer or a legal adviser or a counsel or a solicitor appear before a Minister or an executive officer exercising quasi-judicial powers.

47. A member shall not proceed to take action on behalf of his constituents on some insufficient or baseless facts.

48. A member shall not permit himself to be used as a ready supporter of anybody's grievances or complaints without verifying facts.

49. A member shall not endorse incorrect certificates on bills claiming amounts due to him.

50. A member shall not elicit information from Government in an unauthorised manner by inducing a subordinate official to give information which in the course of his normal functions he should not do. Nor shall he encourage any such person to speak to him against his senior officials on matters of public importance and policy.

51. A member shall not write recommendatory letter or speak to Government officials for employment or business contacts for any of his relations or other persons in whom he is directly or indirectly interested.

General ethical principles with which members should abide

52. Members must utilise their position to advance general well being of the people.

53. In case of conflict between the personal interest of members and public interest, they must resolve the conflict so that personal interests are subordinated to the duty of their public office.

54. Members shall resolve conflict between private financial interests/family interest and public interest in a manner that the public interest is not jeopardised.

55. Members holding public offices shall use public resources in such a manner as may lead to public good.

56. Members shall keep uppermost in their mind the fundamental duties listed in Part IV-A of the Constitution.

57. Members shall maintain high standards of morality, dignity, decency and values in public life.

PART VII

Procedure for dealing with complaints regarding breach of Code of Conduct

58. The Presiding Officer or the House, as the case may be, may *suo motu* take up for consideration cases of breach of the Code that have taken place in the House.

59. In other cases the Speaker/Chairman may refer complaints regarding violation of Code of _____ to Committee on Ethics or in its absence to the Committee of _____ for examination and report.

PART VIII

Punishment for breach of Code of Conduct

60. In case of violation of the Code of Conduct the Presiding Officer or the House, as the case may be, can impose any of the following punishments/penalties:

- (a) Admonition;
- (b) Reprimand;
- (c) Censure;
- (d) Withdrawal from the House;
- (e) Suspension from the service of the House for a specific period; and
- (f) Any other penal action considered appropriate by the House.



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