

The West Bengal Panchayat Act, 1973

WEST BENGAL

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Act 41 of 1973

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The West Bengal Panchayat Act, 1973 West Bengal Act 41 of 1973 Last Updated 21st November, 2019 [17th January, 1974.] Assent of the President was first published in the Calcutta Gazette, Extraordinary, dated the 17th January, 1974. An Act to reorganise Panchayats in rural areas of West Bengal and to provide for matters connected therewith. Whereas it is expedient to reorganise Panchayats in rural areas of West Bengal and to provide for matters connected therewith; It is hereby enacted follows:-

Part I – Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the West Bengal Panchayat Act, 1973. (2) [It extends to the whole of West Bengal, except the areas to which the provisions of -(a) the Cantonments Act, 1924, (b) the Howrah Municipal Corporation Act, 1980, (c) the Calcutta Municipal Corporation Act, 1980, (d) the Siliguri Municipal Corporation Act, 1990, (e) the Asansol Municipal Corporation Act, 1990, (f) the Chandernagore Municipal Corporation Act, 1990, (g) the West Bengal Municipal Act, 1993, (h) the Durgapur Municipal Corporation Act, 1994, or any parts or modifications thereof apply or may hereafter be applied.] [Sub-section (2) first substituted by W.B. Act 18 of 1994, then again substituted by W.B. Act 24 of 1997. Previous sub-section (2) was as under:- '(2) It extends to the whole of West Bengal, except the areas to which the provisions of -(a) the Cooch Behar Town Committee Act, 1903, (b) the Cantonments Act, 1924, (c) the Bengal Municipal Act, 1932, (d) the Chandernagore Municipal Act, 1955, (e) the Howrah Municipal Corporation Act, 1980, (f) the Calcutta Municipal Corporation Act, 1980, (g) the Siliguri Municipal Corporation Act, 1990, (h) the Asansol Municipal Corporation Act, 1990, (i) the Chandernagore Municipal Corporation Act, 1990, or any parts or modifications thereof, apply or may hereafter be applied. '] (3) This section shall come into force at once; the remaining sections shall come into force on such date or dates and in such area or

areas as the State Government may, by notification, appoint and different dates may be appointed for different sections and for different areas.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(1)"auditor" means an auditor appointed under section 186 and includes any officer authorised by him to perform all or any of the functions of an auditor under Chapter XVIII;(2)"Block" means an area referred to in section 93;(3)"Block Development Officer" means an officer appointed as such by the State Government [and includes the Joint Block Development Officer in charge of the Block] [Words inserted by W.B. Act 37 of 1984.];(4)"case" means a criminal proceeding in respect of an offence triable by a Nayaya Panchayat;(4a)["Collector" means an officer appointed as such by the State Government;] [Clause (4a) inserted by W.B. Act 37 of 1984.](4b)["Council" means the Darjeeling Gorkha Hill Council constituted under the Darjeeling Gorkha Hill Council Act, 1988;] [Clause (4b) inserted by W.B. Act 20 of 1988.](5)"District Magistrate" includes an Additional District Magistrate, a Deputy Commissioner, an Additional Deputy Commissioner and any other Magistrate appointed by the State Government to discharge all or any of the functions of a District Magistrate under this Act;(6)["Director of Panchayats" means the Director of Panchayats and Rural Development, Government of West Bengal, and includes a Joint Director of Panchayats and Rural Development, a Deputy Director of Panchayats and Rural Development and an Assistant Director of Panchayats and Rural Development;] [[Clauses (6) and (7) substituted by W.B. Act 24 of 1997, which were earlier as under:-'(6) 'Director of Panchayats' means the Director of Panchayats. Department of Panchayats. Government of West Bengal, and includes a Joint Director of Panchayats, a Deputy Director of Panchayats and an Assistant Director of Panchayats;(7)'District Panchayat Officer' means an officer appointed as such by the State Government;'.]](7)["District Panchayat Officer" means a District Panchayat and Rural Development Officer appointed as such by the State Government;] [[Clauses (6) and (7) substituted by W.B. Act 24 of 1997, which were earlier as under:-'(6) 'Director of Panchayats' means the Director of Panchayats. Department of Panchayats. Government of West Bengal, and includes a Joint Director of Panchayats, a Deputy Director of Panchayats and an Assistant Director of Panchayats;(7)'District Panchayat Officer' means an officer appointed as such by the State Government;'.]](8)"District Planning Committee" means the District Planning Committee established by the State Government for a district;(8b)"Executive Assistant" of a Gram Panchayat means an Executive Assistant appointed as such in a Gram Panchayat under subsection (2) of section 35;] [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.](9)"Extension Officer, Panchayats" means an officer appointed as such by the State Government;(9a)["general election" means an election of members held simultaneously for constitution of Gram Panchayats, Panchayat Samitis, Mahakuma Parishad, or Zilla Parishads or any two or more of Gram Panchayats, Panchayat Samitis, Mahakuma Parishad, or Zilla Parishads in such area as the State Government may by notification specify;] [Clause (9a) inserted by W.B. Act 17 of 1992.](10)["Gram" means an area referred to in section 3;] [[Clause (10) substituted by W.B. Act 2 of 1983, w.e.f. 19.1.1983, which was earlier as under:-'(10) 'Gram' means any mauza, part of a mauza or group of contiguous mauzas or parts thereof declared by the State Government under sub-section (1) of section 3 to be a Gram;'.]](11)"Gram Panchayat" means a Gram Panchayat constituted under section 4;(11a)["Gram Sabha" means a body consisting of persons registered in the electoral rolls pertaining to a Gram

declared as such under sub-section (1) of section 3;] [[Clause (11a) first inserted by W.B. Act 10 of 1978, then substituted by W.B. Act 20 of 1988, and finally clauses (11a), (11b) and (11c) substituted by W.B. Act 18 of 1994. Previous clause (11a) was as under:-(11a) 'hill areas' has the same meaning as in the Darjeeling Gorkha Hill Council Act. 1988;'.]](11b)["Gram Sansad" means a body consisting of persons registered at any time in the electoral rolls pertaining to a constituency of a Gram Panchayat delimited for the purpose of last preceding general election to the Gram Panchayat] [[Clause (11a) first inserted by W.B. Act 10 of 1978, then substituted by W.B. Act 20 of 1988, and finally clauses (11a), (11b) and (11c) substituted by W.B. Act 18 of 1994. Previous clause (11a) was as under:-(11a) 'hill areas' has the same meaning as in the Darjeeling Gorkha Hill Council Act. 1988;'.]](11c)["hill areas" has the same meaning as in the Darjeeling Gorkha Hill Council Act, 1988;] [[Clause (11a) first ins by W.B. Act 10 of 1978, then substituted by W.B. Act 20 of 1988, and finally clauses (11a), (11b) and (11c) substituted by W.B. Act 18 of 1994. Previous clause (11a) was as under:-(11a) 'hill areas' has the same meaning as in the Darjeeling Gorkha Hill Council Act. 1988;'.]](12)"Karmadhyaksha" means the Karmadhyaksha of a Sthayee Samiti of a Panchayat Samiti elected under section 125 or of a Sthayee Samiti of a Zilla Parishad elected under section 172, as the case may be;(12a)["Leader" in a Panchayat relating to a recognized political party means a Leader selected as such within the concept and meaning of sub-section (3) of section 213A;] [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.]](12b)[[Clause (12a) inserted by W.B. Act 20 of 1988.] "Mahakuma Parishad" means the Mahakuma Parishad or the subdivision of Siliguri in the district of Darjeeling constituted under section 185B;](13)["mauza" means an area defined, surveyed and recorded as such in the revenue record of a district and referred to in clause (g) of article 243 of the Constitution of India as the lowest unit of area for the purpose of public notification for specifying a village;] [[Clause (13) substituted by W.B. Act 18 of 1994, which was earlier as under:-(13) 'mauza' means an area defined, surveyed and recorded as a distinct and separate village in the revenue record of the district in which it is situate;'.]](13a)["Municipality" means an institution of self-government constituted under article 243Q of the Constitution of India;] [Clause (13a) inserted by W.B. Act 2 of 1995.](14)"notification" means a notification published in the Official Gazette;(15)"Nyaya Panchayat" means a Nyaya Panchayat constituted under section 51;(15a)["office bearer" means the Pradhan, Upa-Pradhan, Sabhapati, Sahakari Sabhapati, Sabhadhipati or Sahakari Sabhadhipati or any two or more of them together;] [Clauses (15a) and (15b) inserted by W.B. Act 18 of 1994.](15b)["Panchayat" means an institution of [self-government constituted under article 243B of the Constitution of India], [Clauses (15a) and (15b) inserted by W.B. Act 18 of 1994.] and includes Gram Panchayat, Panchayat Samiti, Mahakuma Parishad or Zilla Parishad;(16)"Panchayat Samiti" means a Panchayat Samiti constituted under section 94;(16a)["population" means the population as ascertained at the last preceding census of which the relevant figures have been published;] [Clause (16a) inserted by W.B. Act 17 of 1992.](17)"Pradhan" means a Pradhan of a Gram Panchayat elected under section 9;(18)"prescribed" means prescribed by rules made under this Act;(19)"prescribed authority" means an authority appointed by the State Government by notification, [for any one or more purposes] [Substituted 'for all or any of the purposes' by W.B. Act No. 8 of 2010, dated 13.5.2010.] of this Act;(20)"public street" means any street, road, lane, gully, alley, passage, pathway, bridge, square or court, whether a thoroughfare or not, over which the public have a right of way, and includes side drains or gutters and the land up to the boundary of any abutting property, notwithstanding the projection over such land or any verandah or other superstructure;(20A)["recognised political party" means a national party or a State party recognised as such by the

Election Commission of India by notification for the time being in force;] [Clause (20A) inserted by W.B. Act 18 of 1994.](21)"Sabhapati" means a Sabhapati of a Panchayat Samiti, elected under section 98;(22)"Sabhadhipati" means a Sabhadhipati of a Zilla Parishad, [elected under section 143, and includes the Sabhadhipati of the Mahakuma Parishad;] [Words and figures substituted for the words and figures 'elected under section 143;' by W.B. Act 20 of 1988.](23)"Sahakari Sabhapati" means a Sahakari Sabhapati of a Panchayat Samiti, elected under section 98;(24)"Sahakari Sabhadhipati" means a Sahakari Sabhadhipati of a Zilla Parishad, [elected under section 143, and includes the Sahakari Sabhadhipati of the Mahakuma Parishad;] [Words and figures substituted for the words and figures 'elected under section 143;' by W.B. Act 20 of 1988.](25)"Scheduled Castes" means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes in relation to the State of West Bengal under article 341 of the Constitution of India;(26)"Scheduled Tribes" means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of West Bengal under article 342 of the Constitution of India;(26A)["Secretary" of a Gram Panchayat means a Secretary appointed as such in a Gram Panchayat under sub-section (2) of section 35;] [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.][[(26AA)] [Clause (26A) inserted by W.B. Act 18 of 1994.] "State Election Commissioner" means the State Election Commissioner referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;(26B)["State Government" means the State Government in the Department of Panchayats and Rural Development;] [Clause (26B) inserted by W.B. Act 15 of 1997.](27)"State Planning Board" means the West Bengal State Planning Board established by the State Government;(27A)["Sub-divisional Officer" means an officer appointed as such by the State Government, and includes an Additional Sub-divisional Officer having jurisdiction;] [Clause (27A) inserted by W.B. Act 24 of 1997.](28)"suit" means a civil suit triable by a Nyaya Panchayat;(29)"Upa-Pradhan" means an Upa-Pradhan of a Gram Panchayat, elected under section 9;(30)"year" means the year beginning on the first day of April;(31)"Zilla Parishad" means a Zilla Parishad of a district constituted under section 140.

Part II – Gram Panchayat

Chapter II

Constitution of Gram Panchayat

3. Gram.

(1)The State Government may, by notification, declare for the purposes of this Act any mauza or part of a mauza or group of contiguous mauzas or parts thereof to be a Gram:[Provided that any group of mauzas or parts thereof, when they are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force, may also be declared to be a Gram] [Proviso inserted by W.B. Act 2 of 1983. w.e.f. 19.1.1983.](2)The notification under sub-section (1) shall specify the name of the Gram by which it shall be known and shall specify the local limits of such Gram.(3)The State Government may, after making such enquiry as it may think

fit and after consulting the views of the Gram Panchayat or Panchayats concerned, by notification - (a) exclude from any Gram any area comprised therein; or (b) [include in any Gram any area contiguous to such Gram or separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force; or] [[Clause (b) substituted by W.B. Act 2 of 1983, w.e.f. 19.1.1983. which was earlier as under: -] (b) include in any Gram any area contiguous to such Gram: or'.]] (c) divide the area of a Gram so as to constitute two or more Grams; or (d) unite the areas of two or more Grams so as to constitute a single Gram.

4. Gram Panchayat and its constitution.

(1) For every Gram the State Government shall constitute a Gram Panchayat bearing the name of the Gram. (2) Persons whose names are included in the electoral roll [prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election] [Words 'in force on the last date of nominations for Panchayat election' first substituted for the words 'for the time being in force' by W.B. Act 37 of 1984, then the words within third brackets substituted for the words 'of the West Bengal Legislative Assembly in force on the last date of nomination for Panchayat election' by W.B. Act 18 of 1994.] pertaining to the area comprised in the Gram, shall elect by secret ballot at such time and in such manner as may be prescribed, from among themselves such number of members [not being less than five] [Words substituted for the words 'not being less than seven' by W.B. Act 2 of 1983, w.e.f. 19.1.1983.] or [more than thirty] [Words substituted for the words 'more than twenty-five' by W.B. Act 18 of 1994.] [as the prescribed authority may, having regard to the number of voters in hill areas and other areas and in accordance with such rules as may be made in this behalf by the State Government, determine] [Words substituted for the words 'as may be determined by the prescribed authority in accordance with such rules as may be made in this behalf by the State Government' by W.B. Act 10 of 1978.] [* * * * *] [Words 'and the members so elected shall be the members of the Gram Panchayat' omitted by W.B. Act 17 of 1992.]: [Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a Gram Panchayat, and the number of seats so reserved shall bear, are nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that Gram Panchayat to be filled up by election as the population of the Scheduled Castes in the Gram or of the Scheduled Tribes in that Gram, as the case may be, bears to the total population of that Gram and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that Gram, as the case may be, bears with the total population in that Gram] [First to fifth provisos inserted by W.B. Act 17 of 1992.]: [Provided further that not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:] [First to fifth provisos inserted by W.B. Act 17 of 1992.]: [provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a Gram Panchayat shall be reserved for women, and the constituencies for the seats so reserved for

women shall be determined by rotation, in such manner as may be prescribed] [First to fifth provisos inserted by W.B. Act 17 of 1992.]:[provided also that notwithstanding anything contained in the foregoing provisions of this sub-section [* * * *] [First to fifth provisos inserted by W.B. Act 17 of 1992.] when the number of members to be elected to a Gram Panchayat is determined by the prescribed authority or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a Gram Panchayat in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:][provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to a Gram Panchayat, be disqualified for election to any seat not so reserved:] [First to fifth provisos inserted by W.B. Act 17 of 1992.][provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing [, by order, direct the prescribed authority to make fresh determination] [Sixth and seventh provisos inserted by W.B. Act 18 of 1994.] of the number of members of a Gram Panchayat or fresh reservation on rotation of the number of seats in such Gram Panchayat and, on such order being issued by the State Election Commissioner, the determination of the number of members [or the number of seats to be reserved or the sequence of rotation of reservation of seats or any combination of them as may be specified in such order] [Words substituted for the words 'and the reservation of the number of seats' by W.B. Act 24 of 1997.] shall not be varied for [the next] [Words inserted by W.B. Act 15 of 1997.] three successive general elections:][Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India.] [Sixth and seventh provisos inserted by W.B. Act 18 of 1994.](2A)[The Gram Panchayat shall consist of the following member:-(i)members elected under sub-section (2);(ii)members of the Panchayat Samiti, not being Sabhapati or Sahakari Sabhapati, elected thereto from the constituency comprising any part of the Gram.](3)For the convenience of the election the prescribed authority shall, in accordance with such rules as may be made in this behalf by the State Government, -(a)divide the area of a Gram into constituencies, [* * * *] [Words ',not being less than three or more than fourteen.' omitted by W.B. Act 2 of 1983. w.e.f. 19.1.1983.] on the basis of number of members of Gram Panchayat determined under sub-section (2);(b)allocate to each such constituency seats [, not exceeding two,] [Words substituted for the words ',not exceeding three,' by W.B. Act. 2 of 1983. w.e.f. 19.1.1983.] on the basis of electorate of the Gram:[Provided that such division into constituencies and such allocation of seats shall be made in such manner that the ratio between the population of the Gram and the number of seats in the Gram Panchayat shall, so far as practicable, be the same in any Gram Panchayat.] [Proviso inserted by W.B. Act 18 of 1994.][* * * * *] [[Sub-section (3A) first inserted by W.B. Act 10 of 1978, then omitted by W.B. Act 2 of 1983. w.e.f. 19.1.1983. The sub-section was as under:-(3A) Notwithstanding anything contained in the foregoing provisions of this section, for the purpose of first election under this Act the local limits of jurisdiction of a Gram Sabha constituted under the West Bengal Panchayat Act, 1957, shall form a constituency:Provided that the prescribed authority may, if it thinks fit necessary so to do for the purpose of allocation of seats to a constituency, divide the local limits of jurisdiction of a Gram Sabha constituted under that Act into such number of the constituencies as the prescribed authority may think fit.']](4)Every Gram Panchayat constituted under this section shall be [,notwithstanding anything contained in section 210,] [Words and figures inserted by W.B. Act 10 of 1978.] be notified in the Official Gazette and shall come into office with effect from the date of its first meeting at

which a quorum is present.(5)Every Gram Panchayat shall be a body corporate having perpetual succession and a common seal and shall, by its corporate name, sue and be sued.

5. Effect of alteration of the area of a Gram.

(1)When an area is excluded from a Gram under clause (a) of sub-section (3) of section 3, such area shall, as from the date of the notification referred to in that sub-section, cease to be subject to the jurisdiction of the Gram Panchayat of that Gram and, unless the State Government otherwise directs, to the rules, orders, directions and notifications in force therein.(2)When an area is included in a Gram under clause (b) of sub-section (3) of section 3, the Gram Panchayat for that Gram shall, as from the date of the notification referred to in that sub-section, have jurisdiction over such area and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Gram shall apply to the area so included.(3)[When the area of any Gram is divided under clause (c) of sub-section (3) of section 3 so as to constitute two or more Grams, there shall be reconstitution of the Gram Panchayats for the newly constituted Grams in accordance with the provisions of this Act, and the Gram Panchayat of the Gram so divided shall, as from the date of coming into office of the newly constituted Gram Panchayats, cease to exist.] [[Sub-section (3) substituted by W.B. Act 2 of 1983, which was earlier as under:-(3) When the area of any Gram is divided under clause (c) of sub-section (3) of section 3 so as to constitute two or more Grams, the Gram Panchayat of that Gram shall, as from the date of the notification referred to in that sub-section, cease to exist and there shall be reconstitution of the Gram Panchayats for the newly-constituted Grams in accordance with the provisions of this Act.'.]](4)[When the areas of two or more Grams are united under clause (d) of sub-section (3) of section 3 so as to constitute a single Gram, there shall be reconstitution of the Gram Panchayat for the newly constituted Gram in accordance with the provisions of this Act, and the Gram Panchayats of the Grams so united shall, as from the date of coming into office of the newly constituted Gram Panchayat, cease to exist.] [[Sub-section (4) substituted by W.B. Act 2 of 1983. which was earlier as under:-(4) When the areas of two or more Grams are united under clause (d) of sub-section (3) of section 3 so as to constitute a single Gram, the Gram Panchayats of the said Grams shall, as from the date of the notification referred to in that sub-section, cease to exist and a separate Gram Panchayat shall be constituted for the new Gram in accordance with the provisions of this Act.'.]](5)When under sub-section (3) of section 3 any area is excluded from, or included in, a Gram, or a Gram is divided so as to constitute two or more Grams, or two or more Grams are united to constitute a single Gram, the properties, funds and liabilities of the Gram Panchayat or Panchayats affected by such reorganisation shall vest in such Gram Panchayat or Panchayats, and in accordance with such allocation, as may be determined by order in writing by the prescribed authority, and such determination shall be final.(6)An order made under sub-section (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganisation.[Explanation. - For the purpose of reconstitution of the Gram Panchayat after division referred to in sub-section (3) or after unification referred to in sub-section (4), -(a)it shall not be necessary to hold general elections to the newly constituted Gram Panchayat or Gram Panchayats when the terms of office of the members of the former Gram Panchayats within the scope and meaning of sub-section (1) of section 7, do not expire; and(b)such members having unexpired terms of office shall be declared by the State Government or such authority as may be empowered, by order, by the State Government

in this behalf, by notification in the Official Gazette, as members to the newly constituted Gram Panchayat that comprises the constituencies, wholly or in part, from which such members were elected to the former Gram Panchayats and any such member shall hold office in the newly constituted Gram Panchayat for the unexpired portion of the term of his office.]

6. Effect of inclusion of a Gram or part thereof in municipality, etc.

- [(1) If, at any time, the whole of the area of a Gram is included in a Municipality by a notification under any law for the time being in force or in an area under the authority of a Town Committee or a Cantonment, the Gram Panchayat concerned shall cease to exist within six months from the date of the notification or with effect from such date as may be specified in the notification or with effect from the date on which elections to the newly constituted body are completed, whichever is earlier, and the properties, funds and other assets vested in such Gram Panchayat and all the rights and liabilities of such Gram Panchayat shall vest in and devolve on the Commissioners of the Municipality or on the Town Committee or on the Cantonment Authority, as the case may be, in accordance with the orders of the prescribed authority. The employees of such Gram Panchayat shall be given an opportunity to exercise their option for joining the Municipality or the Town Committee or the Cantonment Authority, as may be constituted over the area of the Gram, or any of the Gram panchayats within the State where such vacancy exists, as may be prescribed by the State Government. On the basis of their option they shall be deemed to be employees of the Municipality or the Town Committee or the Cantonment Authority or any other Gram Panchayat, as the case may be, and their services shall be continuous.] [[Sub-Section (1) substituted by W.B. Act 18 of 2004, which was earlier as under:-(1) If, at any time, the whole of the area of a Gram is included in a municipality by a notification under any law for the time being in force or in an area under the authority of a Town Committee or a Cantonment, the Gram Panchayat concerned shall cease to exist within six months from the date of the notification or with effect from such date as may be specified in the notification or with effect from the date on which elections to the newly constituted body are completed, whichever is earlier, and the properties, funds and other assets vested in such Gram Panchayat and all the rights and liabilities of such Gram Panchayat shall vest in and devolve on the Commissioners of the Municipality or on the Town Committee or on the Cantonment Authority, as the case may be, in accordance with the orders of the prescribed authority. The persons employed under such Gram Panchayat shall, with effect from the date on which the Gram Panchayat ceases to exist, be deemed to be employed by the Municipality or the Town Committee or the Cantonment Authority, as the case may be, on terms and conditions not being less advantageous than what they were entitled to immediately before such inclusion.'](2)[If, at any time, a part of the area of a Gram is included in a Municipality by a notification under any law for the time being in force or in an area under the authority of a Town Committee or a Cantonment, the area of the Gram shall be deemed to have been reduced to the extent of the part so included in such Municipality or under the authority of such Town Committee or Cantonment on expiry of six months from the date of the notification or with effect from such date as may be specified in the notification or with effect from the date on which election to the newly constituted body from the area so included are completed, whichever is earlier and the properties, funds and liabilities of the Gram Panchayat in respect of the part so included shall vest in and devolve on the Municipality. Town Committee or Cantonment Authority, as the case may be, in accordance with such allocation as may be determined by the

prescribed authority and such determination shall be final and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in the area under the authority of the Municipality, Town Committee or Cantonment, as the case may be, shall apply to the part of the area of the Gram so included.] [[Sub-Section (2) substituted by W.B. Act 15 of 1997, which was earlier as under:-(2) If, at any time, a part of the area of a Gram is included in a municipality or in an area constituted as a notified area under section 93A of the Bengal Municipal Act, 1932, or in an area under the authority of a Municipal Corporation, a Town Committee or a Cantonment, the area of the Gram shall be deemed to have been reduced to the extent of the part so included in a municipality or in the area constituted as a notified area or under the authority of a Municipal Corporation, a Town Committee or a Cantonment, and the properties, funds and liabilities of the Gram Panchayat cancelled in respect of the part so included shall vest in and devolve on, the Commissioners of the Municipality or the notified area authority or on the Municipal Corporation or on the Town Committee or on the Cantonment Authority, as the case may be, in accordance with such allocation as may be determined by the prescribed authority and such determination shall be final and. unless the State Government otherwise directs, all rules, orders, directions and notifications in force in the area under the authority of the Commissioners of the Municipality, notified area authority. Municipal Corporation. Town Committee or Cantonment, as the case may be, shall apply to the part of the area of the Gram so included.'.]

6A. [Constitution of Gram Panchayat comprising whole or part of area of Municipality. [Section 6A inserted by W.B. Act 2 of 1995.]

(1) If the State Government is of opinion that the whole or any part of the area of a Municipality has changed its character and should constitute one or more Gram Panchayats, the State Government may, by notification, after previous publication of the draft of the notification in the Official Gazette, - (a) include such area in an existing Gram Panchayat to be specified in the notification, or (b) constitute one or more Gram Panchayats in such area: Provided that the draft of the notification shall also be published in at least two local newspapers published from any place within the district in which the area of the Municipality is situated, inviting objections and suggestions within a period of two months from the date of such publication, and any objection or suggestion which may be received, shall be considered by such authority as may be appointed by the State Government in this behalf, within three months from the date of such publication, after giving the persons concerned an opportunity of being heard. (2) Within six months from the date of publication of the notification under sub-section (1), elections shall be held to the Gram Panchayat from the area specified in the notification and, with effect from the date of completion of such elections, the area shall be deemed to be included in the Gram Panchayat so specified or so constituted, as the case may be, and the Municipality in the area so notified shall cease to exist: Provided that if such area or any part thereof constitutes under any law for the time being in force one or more constituencies of a Panchayat Samiti or Zilla Parishad or of the Mahakuma Parishad, elections to that Panchayat Samiti or Zilla Parishad or to the Mahakuma Parishad, as the case may be, such constituency or constituencies shall be held simultaneously with the elections to the Gram Panchayat: Provided further that if such area cannot constitute one or more constituencies of a Panchayat Samiti or Zilla Parishad or of the Mahakuma Parishad, the area shall be included in a contiguous constituency and no election shall be held from that constituency to the Panchayat Samiti or the Zilla Parishad or the

Mahakuma Parishad, as the case may be, during the unexpired term of the members of such body holding office at the time.(3)With effect from the date on which the area as aforesaid is included in a Gram Panchayat, -(a)the properties, funds and liabilities of the Municipality in respect of the area so included, shall vest in and devolve on the Gram Panchayat, the Panchayat Samiti, the Zilla Parishad or the Mahakuma Parishad in accordance with such allocation as may be determined by the prescribed authority, and(b)the persons among those employed by the Municipality in respect of the area so included shall be deemed to be employed by the Gram Panchayat, the Panchayat Samiti, the Zilla Parishad or the Mahakuma Parishad in accordance with such allocation as may be determined by the prescribed authority.]

7. [Term of office of members of Gram Panchayat [Substituted by W.B. Act 18 of 1994.]

.- (1) The members of a Gram Panchayat shall, subject to the provisions of sections 11 and 213A, hold office for a period of five years from the date appointed for its first meeting and no longer.(2)There shall be held a general election for the constitution of a Gram Panchayat within a period not exceeding five years from the date of the previous general election held for the Gram Panchayat:] ['Explanation' inserted by W.B. Act 15 of 1997.][Provided that if the first meeting of the newly-formed Gram Panchayat cannot be held before the expiry of the period of five years under sub-section (1), the State Government may, by order, appoint any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the Gram Panchayat under this Act or any other law for the time being in force, for a period not exceeding three months or until the date on which such first meeting of the newly-formed Gram Panchayat is held, whichever is earlier.] [Added by W.B. Act 8 of 2010.]

7A. [[Section 7A first inserted by W.B. Act 17 of 1992, then omitted by W.B. Act 18 of 1994, which was as under:-

'7A. General election to Gram Panchayats. - (1) There shall be held a general election for the constitution of a Gram Panchayat in accordance with the provisions of section 4 before the expiry of the term of office of the members thereof under section 7.(2)Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that circumstances exist under which it is not possible to hold election in the area or any part of the area of a Gram Panchayat, it may, on the expiry of the term of office of the members of the Gram Panchayat under sub-section (1) of section 7, by an order published in the Official Gazette, extend such term of office for such period, not exceeding six months at a time, as may be specified in the order:Provided that prior to the issue of any notification for such extension of the term of office beyond six months from the date of expiry of the term under sub-section (1) of section 7, such notification shall be laid before the State Legislature and shall be subject to such modification as the State Legislature may make.'.]* * * * *

*) [Sub-Section (2A) inserted by W.B. Act 17 of 1992.]

8. Disqualifications of members of Gram Panchayat.

- Subject to the provisions contained in sections 94 and 97, a person shall not be qualified to be a member of a Gram Panchayat, if -(a)he is a member of [* * * *] [Words 'a Nyaya Panchayat or a Panchayat Samiti or a Zilla Parishad or of' omitted by W.B. Act 37 of 1984.] any municipal authority constituted under any of the Acts referred to in sub-section (2) section 1; or(b)[he is in the service of the Central or the State Government or a Gram Panchayat or a Panchayat Samiti [or a Zilla Parishad or the Mahakuma Parishad or the Council;] [[Clause (b) substituted by W.B. Act 6 of 1985, w.e.f. 25.1.1985, which was earlier as under:-(b) he is in the service of the Central or the State Government or a Gram Panchayat or a Panchayat Samiti or a Zilla Parishad;']] and for the purposes of this clause, it is hereby declared that a person in the service of any undertaking of the Central or the State Government or any statutory body or Corporation or any public or Government company or any local authority or any co-operative society or any banking company or any university or any Government sponsored institution or any educational or other institution or undertaking or body receiving any aid from the Government by way of grant or otherwise or a person not under the rule-making authority of the Central or the State Government or a person receiving any remuneration from any undertaking or body or organisation or association of persons as the employee or being in the service of such undertaking or body or organisation or association of persons out of funds provided or grants made or aids given by the Central or the State Government, shall not be deemed to be in the service of the Central or the State Government; or](c)he has, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of, the Gram Panchayat, or the Panchayat Samiti of the Block comprising the Gram concerned, [or the Zilla Parishad of the district, or the Mahakuma Parishad, or the Council:] [Words substituted for the words 'or the Zilla Parishad of the district;' by W.B. Act 20 of 1988.]Provided that no person shall be deemed to be disqualified for being elected a member of a Gram Panchayat by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956, which contracts with or is employed by the Gram Panchayat or Panchayat Samiti of the Block comprising the Gram [or the Zilla Parishad of the district or the Mahakuma Parishad or the Council;] [Words substituted for the words 'or the Zilla Parishad of the district;' by W.B. Act 20 of 1988.] or(d)he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society, or a Government company or a Corporation owned or controlled by the Central or a State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or(e)he has been adjudged by a competent court to be of unsound mind; or(f)he is an undischarged insolvent; or(g)he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or(h)(i)he has been convicted by a court -(A)of an offence involving moral turpitude punishable with imprisonment for a period of more than six months, or(B)of an offence under Chapter IXA of the Indian Penal Code, or(C)under section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952 and five years have not elapsed from the date of the expiration of the sentence; or(ii)he is disqualified for the purpose of elections to the State Legislature under the provisions of Chapter III of Part II of the Representation of the People Act, 1951; or(i)[he has not attained the age of twenty-one years on the date fixed for the scrutiny of nominations for any election; or] [Clauses (i) to (m) inserted by W.B. Act 18 of 1994.](j)[he has been convicted under section 9A at any time

during the last ten years; or] [Clauses (i) to (m) inserted by W.B. Act 18 of 1994.](k)[he has been convicted under section 189 at any time during the last ten years; or] [Clauses (i) to (m) inserted by W.B. Act 18 of 1994.](l)[he has been surcharged or charged under section 192 at any time during the last ten years; or] [Clauses (i) to (m) inserted by W.B. Act 18 of 1994.](m)[he has been removed under section 213 at any time during the period of last five years.] [Clauses (i) to (m) inserted by W.B. Act 18 of 1994.]

9. Pradhan and Upa-Pradhan.

(1)Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect, in the prescribed manner, one of its members to be the Pradhan and another member to be the Upa-Pradhan of the Gram Panchayat:[Provided that the members referred to in clause (ii) of sub-section (2A) of section 4] [Proviso inserted by W.B. Act 17 of 1992.] [shall neither participate in, nor be eligible for, such election:] [Words substituted for the words 'shall not be eligible for such election,' by W.B. Act 18 of 1994.][Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall be a wholetime functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his powers, performance of his functions or due discharge of his duties:] [Proviso inserted by W.B. Act 15 of 1997.][Provided also that after being elected to the office of a full time office bearer, he shall be allowed leave of absence from the place of his employment for his full tenure in the office of the Pradhan with effect from the date of his joining to such office by the Department or authority or undertaking or aided institution of the State Government under which he holds his office of profit:] [Proviso Inserted by Act No. 5 of 2014, dated 31.3.2014.][[(Provided also)] [Provisos inserted by W.B. Act 18 of 1994.] that subject to such rules as may be made by the State Government in this behalf, the offices of the Pradhan and the Upa-Pradhan shall be reserved for the Scheduled Castes and the Scheduled Tribes in such manner that the number of offices so reserved at the time of any general election shall bear, as nearly as may be, the same proportion to the total number of such offices within a district as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in all the Blocks within such district taken together bears with the total population in the same area, and such offices shall be subject to allocation by rotation in the manner prescribed:][Provided also that the offices of the Pradhan and the Upa-Pradhan in any Gram Panchayat having the Scheduled Castes or the Scheduled Tribes population, as the case may be, constituting not more than five per cent of the total population in the Gram, shall be considered for allocation by rotation:] [Provisos inserted by W.B. Act 18 of 1994.][Provided also that in the event of the number of Grams having the Scheduled Castes or the Scheduled Tribes population constituting more than five per cent of the total population, falling short of the number of the offices of the Pradhan and the Upa-Pradhan required for reservation in a district, the State Election Commissioner may, by order, include, for the purpose of reservation, other such offices of the Pradhan and the Upa-Pradhan beginning from the Gram having higher proportion of the Scheduled Castes or the Scheduled Tribes, as the case may be, until the total number of seats required for reservation is obtained:] [Provisos inserted by W.B. Act 18 of 1994.][Provided also that in a district,

determination of the offices of the Pradhan reserved for the Scheduled Castes, the Scheduled Tribes and women shall precede such determination of the offices of the Upa-Pradhan] [Provisos inserted by W.B. Act 24 of 1997.]:[Provided also that if, for any term of election (hereinafter referred to in this proviso as the said term of election), the office of the Pradhan in a Gram Panchayat is reserved for any category of persons in accordance with the rules in force, the office of the Upa-Pradhan in that Gram Panchayat shall not be reserved for the said term of election for any category, and if, in accordance with the rules applicable to the office of the Upa-Pradhan, such office is required to be reserved for the said term of election, such reservation for the same category shall be made in another office of the Upa-Pradhan within the district in the manner prescribed, keeping the total number of offices so reserved for the said term of election equal to the number of such offices required to be reserved in accordance with the rules in force:] [Provisos inserted by W.B. Act 24 of 1997.][Provided also that when in any term of election, an office of the Upa-Pradhan is not reserved on the ground that the corresponding office of the Pradhan is reserved in the manner prescribed, such office of the Upa-Pradhan not reserved on the ground as aforesaid, shall be eligible for consideration for reservation during the next term of election in the manner prescribed:] [Provisos inserted by W.B. Act 24 of 1997.][provided also that not less than one-third of the total number of the offices of the Pradhan and the Upa-Pradhan reserved for the Scheduled Castes and the Scheduled Tribes in a district, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:] [Provisos inserted by W.B. Act 18 of 1994.][Provided also that not less than one-third of the total number of offices of the Pradhan and the Upa-Pradhan in a district including the offices reserved for the Scheduled Castes and the Scheduled Tribes, shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:] [Provisos inserted by W.B. Act 18 of 1994.][Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section or elsewhere in this Act, the principle of rotation for the purpose of reservation of offices under this sub-section shall commence from the first general elections to be held after the coming into force of section 8 of the West Bengal Panchayat (Amendment) Act, 1994, and the roster for reservation by rotation shall continue for every three successive terms for the complete rotation unless the State Election Commissioner, for reasons to be recorded in writing and by notification, directs fresh commencement of the rotation at any stage excluding one or more terms from the operation of the rotation:] [Provisos inserted by W.B. Act 18 of 1994.][Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman, for whom the offices are reserved under this sub-section, shall if eligible for the office of the Pradhan or the Upa-Pradhan, be disqualified for election to any office not so reserved:] [Provisos inserted by W.B. Act 18 of 1994.][Provided also that the provisions for reservation of the offices of the Pradhan and the Upa-Pradhan for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India.] [Provisos inserted by W.B. Act 18 of 1994.](2)The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.(3)The Pradhan and the Upa-Pradhan shall, subject to the provisions of section 12 and to their continuing as members, hold office for a period of [five years] [Words substituted for the words 'four years' by W.B. Act 12 of 1982, w.e.f. 4.8.1982.]:[* * * * *] [[Proviso omitted by W.B. Act 18 of 1994, which was as under:'Provided that a Pradhan or an Upa-Pradhan shall continue in office after the expiry of the said period until a new Pradhan or Upa-Pradhan is elected and assumes office or until an authority, or a person or persons is or are

appointed under the proviso to sub-section (2) of section 7.'.] (4) When - (a) the office of the Pradhan falls vacant by reason of death, resignation, removal or otherwise, or (b) the Pradhan is, by reason of leave, illness or other cause, temporarily unable to act, the Upa-Pradhan shall exercise the powers, perform the functions and discharge the duties of the Pradhan until a new Pradhan is elected and assumes office or until the Pradhan resumes his duties, as the case may be. (5) When - (a) the office of the Upa-Pradhan falls vacant by reason of death, resignation, removal or otherwise, or (b) the Upa-Pradhan is, by reason of leave, illness or other cause, temporarily unable to act, the Pradhan shall exercise the powers, perform the functions and discharge the duties of the Upa-Pradhan until a new Upa-Pradhan is elected and assumes office or until the Upa-Pradhan resumes his duties, as the case may be. (6) When the offices of the Pradhan and the Upa-Pradhan are both vacant, or the Pradhan and the Upa-Pradhan are temporarily unable to act, the prescribed authority may appoint [for a period of thirty days at a time] [Words inserted by W.B. Act 18 of 1994.] a Pradhan and an Upa-Pradhan from among the members of the Gram Panchayat to act as such until a Pradhan or an Upa-Pradhan is elected and assumes office [or until the Pradhan or the Upa-Pradhan resumes duties, as the case may be] [Words inserted by W.B. Act 37 of 1984.]. (7) The Pradhan and the Upa-Pradhan of a Gram Panchayat shall be entitled to leave of absence for such period or periods as may be prescribed. (8) [On election of the Pradhan following a general election or the office of the Pradhan otherwise falling vacant, the Pradhan holding office for the time being or the Upa-Pradhan or any authority or any other member exercising the powers, performing the functions and discharging the duties of the Pradhan shall make over all cash, assets, documents, registers and seals which he may have in his possession, custody or control as soon thereafter as possible on such date, place and hour as may be fixed by the Block Development Officer to the newly-elected Pradhan or, in the case of a vacancy occurring otherwise, to the Upa-Pradhan or to the authority or person, as the case may be, referred to in the proviso to sub-section (2) of section 7 or sub-section (6) of this section or clause (b) of sub-section (1) of section 215 [or section 216] [Sub-Section (8) inserted by W.B. Act 18 of 1983, w.e.f. 23.6.1983.] in the presence of the Block Development Officer or any other officer authorised in writing by him in this behalf. (9) [On the alteration of the area of Gram under sub-section (3) of section 3 or sub-section (2) of section 6 or inclusion of Gram in a Municipality or a notified area or Municipal Corporation or a Town Committee or a Cantonment under sub-section (1) of section 6, and the effect of such alteration or inclusion, as the case may be, coming into force, the Pradhan or the Upa-Pradhan or any other authority or any other person exercising the powers, performing the functions and discharging the duties of the Pradhan immediately before such alteration or inclusion of the area of the Gram concerned shall make over the properties, funds and other assets vested in such Gram Panchayat and all the rights and liability of such Gram Panchayat in compliance with the order of the prescribed authority under sub-section (5) of section 5 and sub-sections (1) and (2) of section 6.] [Sub-Section (9) inserted by W.B. Act 37 of 1984.]. (10) [Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a Pradhan or a Upa-Pradhan from his office if, in its opinion he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers, performance of his functions or discharge of his duties:] [Sub-Section (10) inserted by W.B. Act 15 of 1997.] Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.

9A. [Penalty for default. [Section 9A inserted by W.B. Act 18 of 1983. w.e.f. 23.6.1983.]

- If a Pradhan or an Upa-Pradhan or an authority or a person referred to in sub-section (8) [and sub-section (9)] of section 9 fails to comply with the provisions of that sub-section, he shall be punishable with imprisonment for a term which may extend to three years or liable to pay fine not exceeding two thousand rupees or both and the offence shall be cognizable: Provided that without prejudice to the foregoing penal provisions such default shall also be construed as a misconduct for which he may be debarred from standing as a candidate in any election in any capacity under this Act for such term as may be determined by the prescribed authority after giving the person concerned an opportunity of being heard and any order debarring him shall be in writing stating the reasons therefor and shall also be published in the Official Gazette.]

10. [Resignation of Pradhan or Upa-Pradhan or a member. [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

(1) The Pradhan or the Upa-Pradhan or any other member of a Gram Panchayat may resign his office by notifying in writing his intention to do so, preferably mentioning the reasons for his resignation and also his present postal address for further communication, to the prescribed authority. (2) On receipt of the letter under sub-section (1), the prescribed authority shall issue within three days a letter by registered post to the person tendering such resignation, requesting him to appear in person before the prescribed authority within seven days from the date of receipt of such letter for a hearing on the resignation tendered. (3) During the hearing held under sub-section (2), the prescribed authority shall ascertain whether the resignation has been tendered under own volition of the person and also whether such person intends to withdraw his letter of resignation. (4) The prescribed authority shall pass a reasoned order and either allow such person to withdraw in writing the letter of resignation instantly or accept the resignation tendered with immediate effect: Provided that if such person does not appear in the hearing without any form of communication to the prescribed authority, the letter of resignation tendered by him shall be treated as wilful resignation and the prescribed authority shall accept it forthwith. (5) When the resignation is accepted under sub-section (4), the relevant office shall stand vacated from the date of such acceptance and an intimation in writing shall be sent by the prescribed authority within next three working days to the Executive Assistant of the Gram Panchayat or in his absence to the person officiating in the post as well as to the person tendering resignation directing him to make over charges of his office within next five working days to the person as may be mentioned in the letter or if no person is so mentioned, to relinquish the charges within the aforesaid period in writing addressed to the Executive Assistant with a copy endorsed to the prescribed authority and also to hand over to the Executive Assistant all documents, registers, seals, assets and cash, if any, owned by the Gram Panchayat or any Gram Unnayan Samiti, which are in his custody. (6) The entire process of acceptance of resignation and intimating the person concerned shall be completed within thirty days from the date of receipt of such letter of resignation by the prescribed authority.]

11. Removal of member of Gram Panchayat.

(1)The prescribed authority may, after giving an opportunity to a member of a Gram Panchayat to show cause against the action proposed to be taken against him, by order remove him from office - (a) if after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or (b) if he was disqualified to be a member of the Gram Panchayat at the time of his election; or (c) if he incurs any of the disqualifications mentioned in clauses (b) to (g) of section 8 after his election as a member of the Gram Panchayat; or (d) if he is absent from three consecutive meetings of the Gram Panchayat without the leave of the Gram Panchayat; or (e) if he does not pay any arrear in respect of any tax, toll, fee or rate payable under this Act or the Bengal Village Self-Government Act, 1919, or the West Bengal Panchayat Act, 1957, or the West Bengal Zilla Parishads Act, 1963. (2) Any member of a Gram Panchayat who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order. (3) The order passed by such authority on such appeal shall be final.

12. [Motion of no confidence or removal of Pradhan or Upa-Pradhan. [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

(1) Subject to other provisions of this section, the Pradhan or the Upa-Pradhan of a Gram Panchayat may, at any time, be removed from his office by the majority of the existing members of the Gram Panchayat, referred to in clause (i) of sub-section (2A) of section 4, expressing their lack of confidence against the Pradhan or the Upa-Pradhan or recording their decision to remove the Pradhan or the Upa-Pradhan, at a meeting specially convened for the purpose. (2) For the purpose of removal of the Pradhan or the Upa-Pradhan, one-third of the existing members referred to in sub-section (1) subject to a minimum of three members shall sign a motion in writing expressing their lack of confidence against the Pradhan or the Upa-Pradhan or recording their intention to remove the Pradhan or the Upa-Pradhan, indicating party affiliation or independent status of each of such members and either deliver the motion in person through any of the members or send it by registered post to the prescribed authority; one copy of the motion shall be delivered to the concerned office bearer either by hand or by registered post at the Gram Panchayat office and another copy shall be sent by registered post at his residential address. (3) The prescribed authority on receipt of the motion shall satisfy himself that it conforms to the requirements of sub-section (2) and on his satisfaction shall specially convene, by issue of notice, within five working days of the receipt of the motion, a meeting of the Gram Panchayat to be held in its office fixing date and hour of the meeting and sending such notice at least before clear seven days to each of its existing members for consideration of the motion and for taking a decision on it. (4) The meeting referred to in sub-section (3) shall be held on a working day which shall not be later than fifteen working days from the date of receipt of the motion by the prescribed authority and the meeting so convened shall not be adjourned or cancelled except in pursuance of an order or direction of a competent court or for any other reason beyond control of the prescribed authority. (5) Such meeting shall be presided

over by an officer, as may be authorized by the prescribed authority, in the manner as may be directed by order by the State Government or as may be prescribed and the presiding officer before commencement of the meeting shall ensure that notice has been duly served to every member in the manner laid down in this behalf; quorum required for such meeting shall be more than fifty percent of the existing members referred to in sub-section (1) and the presiding officer shall not be entitled to vote at the meeting although he may advise on one or more points of law without expressing his own views.(6)If there is no consensus decision in the meeting, voting shall be held by open ballot wherein each participating member shall put his full signature or his left thumb impression to be attested by the leader, referred to in section 213A, of the same political party to which the member belongs or by the said presiding officer on the reverse side of the ballot paper.(7)The minutes of the meeting shall be written by the Secretary or in his absence, by any other official as authorized by the presiding officer. Such minutes shall record in brief names of the members present, the procedure followed, names of the members who voted for or against the motion and the decision adopted unanimously or by the majority of its existing members and shall be signed by him as well as by the presiding officer.(8)After the minutes of the meeting is signed by the presiding officer, it shall be read over to all the attending members who shall thereafter put their signatures or left thumb impressions, as the case may be, on the minutes in confirmation of the proceedings recorded. Then the presiding officer shall again put his signature on the same document after recording the names of members, if any, who have declined to sign or left earlier and thereafter he shall collect a copy of the minutes before leaving the premises.(9)(a)The Executive Assistant or in his absence the Secretary of the Gram Panchayat shall, within three working days of the meeting, forward a copy of the minutes of the meeting to the prescribed authority.(b)The presiding officer shall also submit a separate report in writing alongwith a copy of the minutes of the meeting within the aforesaid time to the prescribed authority.(10)On receipt of the minutes of the meeting and the report under sub-section (9), the prescribed authority shall, within next five working days, take such action as he may deem fit and the entire process commencing from submission of motion to the prescribed authority upto the action finally taken by him shall be completed within thirty days.(11)If the motion is not carried by the majority of its existing members or the meeting cannot be held for want of quorum, no notice of any subsequent motion for the removal of the same office bearer shall be taken into cognizance within a period of one year from the date appointed for such meeting.(12)Notwithstanding anything contained in sub-section (1), no meeting for removal of the Pradhan or the Upa-Pradhan under this section shall be convened within a period of one year from the date of election of the Pradhan or the Upa-Pradhan either at the first meeting following reconstitution of Gram Panchayat or for filling casual vacancy in the said office.]

13. Filling of casual vacancy in the office of Pradhan or Upa-Pradhan.

- In the event of removal of a Pradhan or an Upa-Pradhan under section 12 or when a vacancy occurs in the office of a Pradhan or an Upa-Pradhan by resignation, death or otherwise, the Gram Panchayat shall elect another Pradhan or Upa-Pradhan in the prescribed manner.

14. Filling of casual vacancy in place of a member of Gram Panchayat.

- If the office of a member of a Gram Panchayat becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled in the prescribed manner by election of another person under this Act.

15. Term of office of Pradhan, Upa-Pradhan or member filling casual vacancy.

- Every Pradhan or Upa-Pradhan elected under section 13 and every member elected under section 14 to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.

16. Meetings of Gram Panchayat.

(1) Every Gram Panchayat shall hold a meeting at least once in a month [in the office of the Gram Panchayat. Such meeting shall be held on such date and at such hour as the Gram Panchayat may fix at the immediately preceding meeting:] [Words substituted for the words 'at such time and at such place within the local limits of the Gram concerned as the Gram Panchayat may fix at the immediately preceding meeting;' by W.B. Act 37 of 1984.] Provided that the first meeting of a newly-constituted Gram Panchayat shall be held [on such date and at such hour and] [Words inserted by W.B. Act 37 of 1984.] at such place within the local limits of the Gram concerned as the prescribed authority may fix: Provided further that the Pradhan when required in writing by [one-third] [Words substituted for the words 'one-third' by W.B. Act 37 of 1984.] of the members of the Gram Panchayat subject to a minimum of [three members] [Words substituted for the words 'four members' by W.B. Act 37 of 1984.] to call a meeting [shall do so fixing the date and hour of such meeting [to be held] [Words substituted for the words 'shall do within seven days,' by W.B. Act 37 of 1984.] within fifteen days after giving intimation to the prescribed authority and seven days' notice to the members of the Gram Panchayat,] failing which the members aforesaid may call a meeting [to be held] [Words inserted by W.B. Act 15 of 1997.] [within thirty-five days] [Words inserted by W.B. Act 17 of 1992.] after giving intimation to the prescribed authority and seven clear days' notice to the Pradhan and other members of the Gram Panchayat. Such meeting shall be held [in the office of the Gram Panchayat on such date and at such hour] [Words substituted for the words 'at such time and at such place within the local limits of the Gram concerned' by W.B. Act 37 of 1984.] as the members calling the meeting may decide. [The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him within a week of the meeting on the proceedings of the meeting. The prescribed authority shall, on receipt of the report, take such action thereon as it may deem fit:] [Words inserted by W.B. Act 37 of 1984.][***] [Omitted 'proviso' by W.B. Act No. 8 of 2010, dated 13.5.2010.][Provided also that if the Gram Panchayat does not fix at any meeting the date and the hour of the next meeting or if any meeting of the Gram Panchayat is not held on the date and the hour fixed at the immediately preceding meeting, the Pradhan shall call a meeting of the Gram Panchayat on such date and at such hour as he thinks fit.] [Proviso inserted by W.B. Act 37 of 1984.](2) The Pradhan or in his absence the Upa-Pradhan shall preside at the meeting of the Gram Panchayat; and in the absence of the both [or on the refusal of any or both to preside at a meeting]

[Words inserted by W.B. Act 2 of 1995, w.e.f. 28.12.1994.], the members present shall elect one of them to be the President of the meeting.(3)[One-third] [Words substituted for the word 'one-fourth' by W.B. Act 37 of 1984.] of the total number of members subject to a minimum of [three] [Words substituted for the word 'four' by W.B. Act 37 of 1984.] members shall form a quorum for a meeting of a Gram Panchayat:Provided that no quorum shall be necessary for an adjourned meeting.(4)All questions coming before a Gram Panchayat shall be decided by a majority of votes:Provided that in case of equality of votes the person presiding shall have a second or casting vote:[Provided further that in case of any requisitioned meeting the person presiding shall have no second or casting vote.] [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

16A. [[Meetings of the Gram Sansad.] [[Section 16A first inserted by W.B. Act 37 of 1984, then substituted by W.B. Act 17 of 1992. Previous Section 16A was as under:-

'16A. Public meeting of the Gram Panchayat. - (1) Every Gram Panchayat shall hold within the local limits of the Gram an annual and a half-yearly public meeting for each constituency of the Gram at such place, on such date and at such hour as may be fixed by the Gram Panchayat:Provided that such annual or half-yearly meeting for a number of constituencies of a Gram Panchayat taken together may be held at the same place and on the same date and hour:Provided further that the annual public meeting shall ordinarily be held in the month of May and the half-yearly public meeting shall ordinarily be held in the month of November every year.(2)The Gram Panchayat shall, at least seven days before the date of holding the meetings referred to in sub-section (1) give public notice of such meetings by beat of drums as widely as possible, announcing the place, date and hour of the meeting. A notice of such meeting shall also be hung up in the office of the Gram Panchayat.'.]](1)Every constituency of a Gram Panchayat under clause (a) of sub-section (3) of section 4 shall have a [Gram Sansad] [Words substituted for the words 'Gram Sabha' by W.B. Act 18 of 1994.] consisting of persons whose names are included in the electoral roll of the West Bengal Legislative Assembly for the time being in force pertaining to the area comprised in such constituency of the Gram Panchayat.(2)Every Gram Panchayat shall hold within the local limits of the Gram an annual and a half-yearly meeting for each [Gram Sansad] [Words substituted for the words 'Gram Sabha' by W.B. Act 18 of 1994.] at such place, on such date and at such hour as may be fixed by the Gram Panchayat:Provided that the annual meeting of the [Gram Sansad] [Words substituted for the words 'Gram Sabha' by W.B. Act 18 of 1994.] shall be held ordinarily in the month of May and the half-yearly meeting of the [Gram Sansad] ['Words substituted for the words 'Gram Sabha' by W.B. Act 18 of 1994.'] shall be held ordinarily in the month of November every year:[Provided further that a Gram Panchayat may, in addition to the annual and the half-yearly meeting, hold extraordinary meeting of a Gram Sansad, at any time if the situation so warrants or if the State Government, by order, so directs and for the purpose of holding such extraordinary meeting, provisions of this section shall apply.] [Second proviso to sub-section (2) inserted by W.B. Act 15 of 1997.](3)The Gram Panchayat shall, at least seven days before the date of holding the meetings referred to in sub-section (2), give public notice of such meetings by beat of drums as widely as possible, announcing the agenda, place, date and hour of the meeting. A notice of such meeting shall also be hung up in the office of the Gram Panchayat.(4)Every meeting of the Words substituted for the [Gram Sansad] [words 'Gram Sabha' by W.B. Act 18 of 1994.] shall be presided

over by the Pradhan and, in his absence, by the Upa-Pradhan and in the absence of both, the member or one of the members, as the case may be, elected from the constituency comprising the [Gram Sansad] [Words substituted for the words 'Gram Sabha' by W.B. Act. 18 of 1994.] or, in the absence of such member or members, any other member of the Gram Panchayat shall preside over the meeting: Provided that when two members are elected from the constituency, the member senior in age shall have priority in presiding over the meeting: [Provided further that every member elected from the constituency shall attend each meeting of the Gram Sansad] [Second proviso to sub-section (4) inserted by W.B. Act 15 of 1997.]. (4A) [One-tenth of the total number of members shall form a quorum for a meeting of a Gram Sansad] [Sub-Section (4a) inserted by W.B. Act 18 of 1994.]: [Provided that if there is no quorum available in such meeting, the meeting shall be adjourned to be held at the same place and hour on the seventh day after the date of such meeting in the manner as may be prescribed] [[Proviso substituted by W.B. Act 8 of 2003, which was earlier as under: - 'Provided that no quorum shall be necessary for an adjourned meeting which shall be held at the same time and place after seven days.']]. (5) The attendance of the members of the [Gram Sansad] [Words substituted for the words 'Gram Sabha' by W.B. Act. 18 of 1994.] in the annual and the half-yearly meeting and the proceedings of such meetings shall be recorded by such officer or employee of the Gram Panchayat or, in the absence of the officers and employees of the Gram Panchayat, by such member of the Gram Panchayat as may be authorised by the presiding member in this behalf. Such proceedings shall be read out before the meeting is concluded and the presiding member shall then sign it. (6) [A Gram Sansad shall guide and advise the Gram Panchayat in regard to the schemes for economic development and social justice undertaken or proposed to be undertaken in its area [and for the aforesaid purpose, the outlines of such perspective plan and annual plan as adopted by the Gram Sansad for its area shall be the basis of Gram Panchayat plan] [Sub-Section (6) substituted by W.B. Act 18 of 1994.] and may, without prejudice to the generality of such guidance and advice, - (a) identify, or lay down principles for identification of, the schemes which are required to be taken on priority basis for economic development of the village, (b) identify, or lay down principles for identification of, the beneficiaries for various poverty alleviation programmes, (c) [constitute a Gram Unnayan Samiti with such number of functional committees as may be required, in such manner as may be prescribed, having jurisdiction over the area of the Gram Sansad for ensuring active participation of the people in implementation, maintenance and equitable distribution of benefits with respect to such subjects, as may be prescribed:] [[Clause (c) substituted by W.B. Act 8 of 2003, which was earlier as under: - '(c) constitute one or more beneficiary committees comprising not more than nine persons, who are not members of the Gram Panchayat for ensuring active participation of the people in implementation, maintenance and equitable distribution of benefits of one or more schemes in its area.']] Provided that the Gram Unnayan Samiti shall be accountable for its functions and decisions, to the Gram Sansad and the Gram Sansad shall exercise its power and authority in this behalf in such manner, as may be prescribed. (d) mobilise mass participation for community welfare programmes and programmes for adult education, family welfare and child welfare, (e) promote solidarity and harmony among all sections of the people irrespective of religion, faith, casts, creed or race, (f) record its objection to any action of the Pradhan or any other member of the Gram Panchayat for failure to implement any development scheme properly or without active participation of the people of that area.]] [Provided that without prejudice to the terms and conditions laid down in the guidelines relating to a poverty alleviation programme in which beneficiaries are selected not on the basis of entitlement or demand

but using discretion of the Panchayat body concerned, the implementing agency shall take steps to ensure that as nearly as possible three percent of the total number of beneficiaries for such programme shall constitute people with any form of disability.] [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.]

16B. [Public Meeting of the Gram Sabha. [Section 16B inserted by W.B. Act 18 of 1994.]

(1) Every Gram shall have a Gram Sabha consisting of persons registered in the electoral roll pertaining to the area of the Gram. (2) Every Gram Panchayat shall hold within the local limits of the Gram an annual meeting, ordinarily in the month of December every year, of the Gram Sabha after completion of the half-yearly meeting of the Gram Sansads. [Provided that a Gram Panchayat may, in addition to the annual meeting, hold extraordinary meeting of a Gram Sabha at any time if the situation so warrants or if the State Government, by order, so directs and for the purpose of holding such extraordinary meeting, provision of this section shall apply.] (3) One-twentieth of the total number of members shall form a quorum for a meeting of a Gram Sabha: Provided that no quorum shall be necessary for an adjourned meeting which shall be held at the same time and place after seven days. (4) The Gram Panchayat shall, at least seven days before the date of holding the meeting referred to in sub-section (2), give public notice of such meetings by beat of drums as widely as possible, announcing the agenda, place, date and hour of the meeting. A notice of such meeting shall also be hung up in the office of the Gram Panchayat. Similar publicity shall also be given in the case of an adjourned meeting. (5) A meeting of the Gram Sabha shall be presided over by the Pradhan of the concerned Gram Panchayat or, in his absence, by the Upa-Pradhan. (6) All questions coming before a Gram Sabha shall be discussed and points raised there shall be referred to the Gram Panchayat for its consideration. (7) The Gram Sabha shall deliberate upon, recommend for, and adopt resolution on, any matter referred to in sub-section (6) of section 16A and section 17A: [* * * *] [[Proviso first inserted by W.B. Act 15 of 1997, then omitted by W.B. Act 18 of 2004. The proviso was as under: - 'Provided that constitution of a Beneficiary Committee by a Gram Sansad under clause (c) of sub-section (6) of section 16A, shall not be questioned in any meeting of the Gram Sabha.']] (8) The Gram Panchayat shall, on considering and collating the resolutions of the Gram Sansads, place before the Gram Sabha the resolutions of the Gram Sansads and the views of the Gram Panchayat together with its report on the actions taken and proposed to be taken on them for deliberation and recommendation by the Gram Sabha. (9) The proceedings of the meetings of the Gram Sabha shall be recorded by such officer or employee of the Gram Panchayat or, in the absence of officers and employees of the Gram Panchayat, by such member of the Gram Panchayat as may be authorised by the presiding member in this behalf. Such proceedings shall be read out before the meeting is concluded and the presiding member shall then sign the proceedings.]

17. List of business to be transacted at a meeting.

- A list of the business to be transacted at every meeting of a Gram Panchayat except at an adjourned meeting, shall be sent to each member of the Gram Panchayat in the manner prescribed at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting, other than the business of which notice has been so given, except with

the approval of the majority of the members present at such meeting :Provided that if the Pradhan thinks that a situation has arisen for which an emergent meeting of the Gram Panchayat should be called, he may call such meeting after giving three days' notice to the members :Provided further that not more than one matter shall be included in the list of business to be transacted at such meeting.

17A. [[Transaction of business at Gram Sansad meeting.] [Section 17A inserted by W.B. Act 37 of 1984.].

(1)The Gram Panchayat shall place for [deliberation, recommendation and suggestion] [Words substituted for the words 'general information' by W.B. Act 17 of 1992.] -(a)in the annual [meeting of the (Gram Sansad)] [Words 'meeting of the Gram Sabha' first substituted for the words 'public meeting' by W.B. Act 17 of 1992, then the words within first brackets substituted for the words 'Gram Sabha' by W.B. Act 18 of 1994.]- (i)[the supplementary budget of the Gram Panchayat for the preceding year,] [Words substituted for the words 'the budget of the Gram Panchayat.' by W.B. Act 2 of 1995, w.e.f. 28.12.1994.](ii)the report prepared under section 18 [* * * * *] [Words 'and such report shall be deemed to be modified to the extent of the recommendations and suggestions, if any of the Gram Sabhas of the Gram' first inserted by W.B. Act 17 of 1992. then omitted by W.B. Act 18 of 1994.],(iii)[the annual work plan finally approved and adopted for the current year; [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.](iv)the annual budget finally approved and adopted for the current year;](b)[in the half-yearly meeting of the Gram Sansad- [[Clause (b) substituted by W.B. Act 2 of 1995, w.e.f. 28.12.1994, which was earlier as under:-'(b) in the half-yearly meeting of the Gram Sansad the latest report on the audit of the accounts of the Gram Panchayat.'.]](i)the budget of the Gram Panchayat for the following year, and(ii)the latest report on the audit of the accounts of the Gram Panchayat.](2)Such other business relating to the affairs of the Gram Panchayat may also be transacted at such annual or half-yearly [meeting of the (Gram Sansad)] [Words 'meeting of the Gram Sabha' first substituted for the words 'public meeting' by W.B. Act 17 of 1992. then the words within first brackets substituted for the words 'Gram Sabha' by W.B. Act 18 of 1994.] as may be agreed upon by the persons present at such meeting.(3)[Every resolution adopted in a meeting of a [Gram Sansad] [Sub-Sections (3) and (4) inserted by W.B. Act 17 of 1992.] shall be duly considered by the Gram Panchayat in its meeting and the decisions and actions taken by the Gram Panchayat shall form part of the report under section 18 for the following year.](4)[Any omission to act under clause (a) or clause (b) of sub-section (1) or under sub-section (3), shall be deemed to be an act of impropriety and irregularity within the scope and meaning of clause (b) of sub-section (2) of section 190.] [Sub-Sections (3) and (4) inserted by W.B. Act 17 of 1992.](5)[Any omission to act under section 16A or section 16B or under clause (a) or clause (b) of sub-section (1), or sub-section (3), of this section shall be deemed to be a wilful omission or refusal to carry out the provisions of this Act within the scope and meaning of section 213 or incompetence to perform, or persistent default in the performance of, the duties under this Act within the scope and meaning of section 214, as the case may be.] [Sub-Section (5) inserted by W.B. Act 18 of 1994.]

18. [Report on the work of Gram Panchayat. [Section 18 renumbered as sub-section (1) of that Section by W.B. Act 37 of 1984.]

(1)The Gram Panchayat shall prepare in the prescribed manner a report on the work done during the previous year and the work proposed to be done during the following year and submit it to the prescribed authority and to the Panchayat Samiti concerned within the prescribed time.](2)[The Gram Panchayat shall, in October and April every year, prepare a half-yearly report showing the amount received by the Gram Panchayat during the previous half-year from different sources including the opening balance and the amount actually spent on different items of work and a list of beneficiaries.] [Sub-Sections (2) and (3) inserted by W.B. Act 37 of 1984.](3)[The Gram Panchayat shall, immediately after the preparation of the report and the list referred to in sub-section (2), publish the same in the office of the Gram Panchayat for information of the general public.] [Sub-Sections (2) and (3) inserted by W.B. Act 37 of 1984.](4)[The Gram Panchayat shall, as soon as may be after the preparation of the report under sub-section (1) and the report and the list under sub-section (2), place the same in the meetings of the Gram Sansads and the Gram Sabha for discussion and adoption with modifications, if any, and shall furnish copies of the report under sub-section (1) as so modified to the prescribed authority referred to in sub-section (1) and the Panchayat Samiti ordinarily by the middle of January every year.] [Sub-Section (4) inserted by W.B. Act 18 of 1994.]

Chapter III

Powers and duties of Gram Panchayat

19. Obligatory duties of Gram Panchayat.

- [(1) A Gram Panchayat shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall, subject to such conditions as may be prescribed or such directions as may be given by the State Government, -(a)prepare a development plan for the five-year term of the office of the members and revise and update it as and when necessary with regard to the resources available;(b)prepare an annual plan for each year by the month of October of the preceding year for development of human resources, infrastructure and civic amenities in the area;(c)implement schemes for economic development and social justice as may be drawn up by, or entrusted upon it.](2)[[Section 19 renumbered as sub-Section (2) of that Section and sub-Section (1) inserted by W.B. Act 18 of 1994.] [Without prejudice to the generality of the provisions of sub-section (1) and subject to such conditions as may be prescribed or such directions as may be given by the State Government,] [Words, figure and brackets substituted for the words 'subject to such conditions as may be prescribed,' by W.B. Act 18 of 1994.] the duties of a Gram Panchayat shall be to provide within the area under its jurisdiction for -(a)sanitation, conservancy and drainage and the prevention of public nuisances;(b)curative and preventive measures in respect of malaria, small pox, cholera or any other epidemic;(c)supply of drinking water and the cleansing and disinfecting the sources of supply and storage of water;(d)the maintenance, repair and construction of public streets and protection thereof;(e)the removal of encroachments of public streets or public places;(f)the protection and repair of buildings or other property vested in

it;(g)the management and care of public tanks, subject to the provisions of the Bengal Tanks Improvement Act, 1939, common grazing ground, burning ghats and public graveyards;(h)the supply of any local information which the District Magistrate, the Zilla Parishad [the Mahakuma Parishad, the Council] [Words inserted by W.B. Act 20 of 1988.] or the Panchayat Samiti within the local limits of whose jurisdiction the Gram Panchayat is situate, may require;(i)organising voluntary labour for community works and works for the upliftment of its area;(j)the control and administration of the Gram Panchayat Fund established under this Act;(k)the imposition, assessment and collection of the taxes, rates or fees leviable under this Act;(l)the maintenance and [control of the Dafadars, Chowkidars and Gram Panchayat Karmees] [Words substituted for the words 'control of Dafadars and Chowkidars' by W.B. Act 2 of 1995, w.e.f. 28.12.1994.] due [performance by the Dafadars, Chowkidars and Gram Panchayat Karmees] [Words substituted for the words 'performance by the Dafadars and Chowkidars' by W.B. Act 2 of 1995, w.e.f. 28.12.1994.] of the duties imposed on them under this Act;(m)the constitution and administration of the Nyaya Panchayat established under this Act; and(n)the performance of such functions as may be transferred to it under section 31 of the Cattle-trespass Act, 1871.(3)[A Gram Panchayat shall not omit or refuse to act upon any recommendations of a Gram Sansad relating to [a programme or work proposed,] [Sub-Section (3) inserted by W.B. Act 8 of 2003.] prioritization of any list of beneficiaries or scheme or programme so far as it relates to the area of the Gram Sansad unless it decides in a meeting for reasons to be recorded in writing that such recommendation or recommendations are not acceptable or implementable under the provisions of the Act or any rule, order or direction thereunder; such decision of the Gram Panchayat shall be placed in the next meeting of the Gram Sansad.] [Section 19 renumbered as sub-section (2) of that section and sub-section (1) inserted by W.B. Act 18 of 1994.]

20. Other duties of Gram Panchayat.

(1)A Gram Panchayat shall also perform such other functions as the State Government may assign to it in respect of -(a)primary, social, technical [vocational, adult or non-formal education;] [Words substituted for the words 'or vocational education;' by W.B. Act 17 of 1992.](b)rural dispensaries, health centres and maternity and child welfare centres;(c)management of any public ferry under the Bengal Ferries Act, 1885;(d)irrigation [including minor irrigation, water management and watershed development] [Words inserted by W.B. Act 17 of 1992.];(e)[agriculture including agricultural extension and fuel and fodder;] [[Clause (e) substituted by W.B. Act 17 of 1992, which was earlier as under:-(e) grow-more-food campaign:'.]](f)care of the infirm and the destitute;(g)rehabilitation of displaced persons;(h)improved breeding of cattle, medical treatment of cattle and prevention of cattle disease;(i)its acting as a channel through which Government assistance should reach the villages;(j)bringing waste land under cultivation [through land improvement and soil conservation] [Words in clause (j) inserted by W.B. Act 17 of 1992.];(k)promotion of village plantations [social forestry and farm forestry] [Words in clause (k) inserted by W.B. Act 17 of 1992.];(l)arranging for cultivation of land lying fallow;(m)arranging for co-operative management of land and other resources of the village;(n)assisting in the implementation of land reform measure in its area;(o)implementation of such schemes as may be formulated or performance of such acts as may be entrusted to the Gram Panchayat by the State Government;(p)field publicity on matters connected with development works and other welfare

measure undertaken by the State Government;(q)[minor forest produce;] [Clauses (q) to (u) inserted by W.B. Act 17 of 1992.](r)rural housing programme;] [Clauses (q) to (u) inserted by W.B. Act 17 of 1992.](s)[rural electrification including distribution of electricity;] [Clauses (q) to (u) inserted by W.B. Act 17 of 1992.](t)[non-conventional energy sources; and] [Clauses (q) to (u) inserted by W.B. Act 17 of 1992.](u)[women and child development.] [Clauses (q) to (u) inserted by W.B. Act 17 of 1992.](2)If the State Government is of opinion that a Gram Panchayat has persistently made default in the performance of any of the functions assigned to it under sub-section (1), the State Government may, after recording its reasons, withdraw such function from such Gram Panchayat.[Provided that the State Government shall, before making such order of withdrawal, give the Gram Panchayat an opportunity of making a representation against the proposed order.] [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.]

21. Discretionary duties of Gram Panchayat.

- Subject to such conditions as may be prescribed, a Gram Panchayat may, and shall if the State Government so directs, make provision for -(a)the maintenance of lighting of public streets;(b)planting and maintaining trees on the sides of public streets or in other public places vested in it;(c)the sinking of wells and excavation of ponds and tanks;(d)the introduction and promotion of co-operative farming, co-operative stores, and other co-operative enterprises, trade and callings;(e)the construction and regulation of markets, the holding and regulation of fairs, melas and hats and exhibitions of local produce and products of local handicrafts and home industries;(f)the allotment of places for storing manure;(g)assisting and advising agriculturists in the matter of obtaining State loan and its distribution and repayment;(h)filling up of insanitary depressions and reclaiming of unhealthy localities;(i)the promotion and encouragement of cottage[khadi, village and small-scale including food-processing] [Words inserted by W.B. Act 17 of 1992.] industries;(i1)[promotion of dairying and poultry;] [Clauses (i1) to (i3) inserted by W.B. Act 17 of 1992.](i2)[promotion of fishery;] [Clauses (i1) to (i3) inserted by W.B. Act 17 of 1992.](i3)[poverty alleviation programme;] [Clauses (i1) to (i3) inserted by W.B. Act 17 of 1992.](j)the destruction of rabbit or ownerless dogs;(k)regulating the production and disposal of foodstuffs and other commodities in the manner prescribed;(l)the construction and maintenance of sarais, dharmasalas, rest houses, cattle sheds and cart stands;(m)the disposal of unclaimed cattle;(n)the disposal of unclaimed corpses and carcasses;(o)the establishment and maintenance of libraries and reading rooms;(p)the organisation and maintenance of akharas, clubs and other places for recreation or games;(p1)[cultural activities including sports and games;] [Clauses (p1) to (p5) inserted by W.B. Act 17 of 1992.](p2)[social welfare including welfare of the handicapped and mentally retarded;] [Clauses (p1) to (p5) inserted by W.B. Act 17 of 1992.](p3)[welfare of socially and educationally backward classes of citizens and, in particular, of the Scheduled Castes and the Scheduled Tribes;] [Clauses (p1) to (p5) inserted by W.B. Act 17 of 1992.](p4)[public distribution system;] [Clauses (p1) to (p5) inserted by W.B. Act 17 of 1992.](p5)[maintenance of community assets;] [Clauses (p1) to (p5) inserted by W.B. Act 17 of 1992.](q)the maintenance of records relating to population census, crop census, cattle census and census of unemployed persons and of other statistics as may be prescribed;(r)the performance in the manner prescribed of any of the functions of [the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be,] [Words substituted for the words 'the Zilla Parishad' by W.B. Act 20 of 1988.] with its previous approval,

calculated to benefit the people living within the jurisdiction of the Gram Panchayat;(s)rendering assistance in extinguishing fire and protecting life and property when fire occurs;(t)assisting in the prevention of burglary and dacoity; and(u)any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public, not otherwise provided for in this Act.

22. State Government to place funds necessary for the performance of functions and duties under section 20 or 21 at the disposal of the Gram Panchayat.

- Where the State Government assigns any function to a Gram Panchayat under section 20 or where it directs a Gram Panchayat to make provision for any of the items enumerated in section 21, it shall place such funds at the disposal of the Gram Panchayat as may be required for the due performance of such function or for making such provision, as the case may be.

23. Control of building operations.

(1)No person shall [erect any new structure or new building or make any addition to any structure or building] [Words substituted for the words 'erect any structure or building' by W.B. Act 37 of 1984.] in any area within the jurisdiction of a Gram Panchayat except with the previous permission in writing of the Gram Panchayat:[Proviso that where the State Government or an authority or agency under the State Government intends to set up or has set up an industrial estate or industrial park within the jurisdiction of a Gram Panchayat, permission for erection of any structure or building for setting up an industry within such industrial estate or industrial park, shall be obtained from such authority or industrial development authority or corporation as the State Government may by notification specify.] [Inserted by Act No. 8 of 2015.][Provided that such erection of new structure or new building or such addition to any structure or building or such permission of the Gram Panchayat shall be subject to such rules as may be made by the State Government in this behalf:] [Proviso inserted by W.B. Act 18 of 1994.][Provided further that a Gram Panchayat shall not accord permission for erection of a new structure or construction of a new building, if the proposal for such erection or construction, as the case may be, -(a)has any provision for erection or construction of any dry latrine, by whatever name called, and(b)does not have any provision for erection or construction of sanitary latrine of any description.](2)Every person seeking permission under sub-section (1) shall make an application in writing to such authority, in such form, containing such particulars and on payment of such fee [* * * * *] [Words', not exceeding twenty-five rupees.' omitted by W.B. Act 18 of 1994.] as may be prescribed:[Provided that] [Provisos inserted by W.B. Act 37 of 1984.] no permission under sub-section (1) shall be necessary for erection of any new thatched structure, tin shed or tile shed without brick wall covering an area not exceeding [eighteen square metres where such structure or shed does not cover more than three-fourths of the total area of the land (including appurtenant land) and there is a set-back of not less than nine-tenth metre on the road-side:] [Words substituted for the words 'two hundred square feet;' by W.B. Act 18 of 1994.][provided further that the State Government may, by order, exempt any structure or building or any class of structures or buildings from the operation of the provisions of sub-section (1) and of

this sub-section.] [Provisos inserted by W.B. Act 37 of 1984.](3)On receipt of such application the authority, after making such enquiry as it considers necessary and [in accordance with such rules as may be made by the State Government in this behalf,] [Words substituted for the words 'within such time as may be prescribed,' by W.B. Act 18 of 1994.] shall, by order in writing, either grant the permission or refuse it, recording in the case of refusal the reasons therefor.(4)Any person aggrieved by an order of the authority under sub-section (3) refusing permission may, within ninety days from the date of communication of such order to him, prefer an appeal to such appellate authority as may be prescribed.(5)No appeal shall lie against the order of the appellate authority referred to in sub-section (4).(6)Where [any new structure or new building or any new addition to any structure or building is being or has been erected or made, as the case may be,] [Words substituted for the words 'any structure or building is being or has been erected' by W.B. Act 37 of 1984.] in contravention of the provisions of sub-section (1), the authority may, after giving the owner of such building an opportunity of being heard, make an order directing the demolition of the building by the owner within such period as may be specified in the order and in default the authority may itself effect the demolition and recover the cost thereof from the owner as a public demand.(7)Any person who [contravenes] [Word substituted for the words 'erects any structure or building in contravention of by W.B. Act 37 of 1984.] the provisions of sub-section (1) shall be liable on conviction by a Magistrate to a fine which may extend to two hundred and fifty rupees.

24. Improvement of sanitation.

(1)For the improvement of sanitation, a Gram Panchayat shall have the power to do all acts necessary for and incidental to the same and in particular and without prejudice to the generality of the foregoing power, a Gram Panchayat may, by order, require the owner or occupier of any land or building, within such reasonable period as may be specified in the notice served upon him and after taking into consideration his financial position -(a)to close, remove, alter, repair, cleanse, disinfect, or put in good order any latrine, urinal, water-closet, drain, cesspool, or other receptacle for filth, sullage, rubbish or refuse pertaining to such land or building, or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water-closet which opens on to a street or drain or to shut off such latrine, urinal or water-closet by a sufficient roof or wall or fence from the view of persons passing by or dwelling in the neighbourhood;(b)to cleanse, repair, cover, fill up, drain off or remove water from, a private well, tank, reservoir, pool, pit, depression or excavation therein which may be injurious to health or offensive to the neighbourhood;(c)to clear off any vegetation, undergrowth, prickly pear or scrub jungle therefrom;(d)to remove any dirt, dung, nightsoil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building:Provided that a person on whom a notice has been served as aforesaid may, within thirty days of receipt of such notice, appeal to the prescribed authority against the order contained therein whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order:Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out.(2)If the order contained in a notice served as aforesaid, has not been set aside by the prescribed authority and if the person upon whom the notice

has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to two hundred and fifty rupees.

25. Power of Gram Panchayat over public streets, waterways and other matters.

(1) A Gram Panchayat shall have control over all public streets and waterways within its jurisdiction other than canals as defined in section 3 of the Bengal Irrigation Act, 1876, not being private property and not being under the control of the Central or State Government or any local authority, and may do all things necessary for the maintenance and repair thereof, and may -(a) construct new bridges and culverts; (b) divert or close any such public street, bridge or culvert; (c) widen, open, enlarge or otherwise improve any such public street, bridge or culvert and with minimum damage to the neighbouring fields, plant and preserve trees on the sides of such street; (d) deepen or otherwise improve such waterways; (e) with the sanction of the Zilla Parishad [or the Mahakuma Parishad or the Council, as the case may be,] [Words inserted by W.B. Act 20 of 1988.] and where there is a canal as defined in the Bengal Irrigation Act, 1876, with the sanction also of such officer as the State Government may prescribe, undertake irrigation projects; (f) trim hedges and branches of trees projecting on public streets; and (g) set apart by public notice any public source of water supply for drinking or culinary purposes and likewise prohibit all bathing, washing or other acts likely to pollute the source so set apart. (2) A Gram Panchayat may, by a notice in writing, require any person who has caused obstruction or encroachment on or damage to any public street or drain or other property under the control and management of the said Gram Panchayat, to remove such obstruction or encroachment or repair such damage, as the case may be, within the time to be specified in the notice. (3) If the obstruction or encroachment is not removed or damage is not repaired within the time so specified the Gram Panchayat may cause such obstruction or encroachment to be removed or such damage to be repaired and the expenses of such removal or repair shall be recoverable from such person as a public demand. (4) For the purpose of removal of obstruction or encroachment under sub-section (3), the Gram Panchayat may apply to the Sub-divisional Magistrate and the Sub-divisional Magistrate shall, on such application, provide such help as may be necessary for the removal of such obstruction or encroachment.

26. Power of Gram Panchayat in respect of polluted water-supply.

(1) A Gram Panchayat may, by written notice, require the owner of, or the person having control over, a private water-course, spring, tank, well, or other place, the water of which is used for drinking or culinary purpose, after taking into consideration his financial position, to take all or any of the following steps within a reasonable period to be specified in such notice, namely -(a) to keep and maintain the same in good repair; (b) to clean the same, from time to time of silt, refuse or decaying vegetation; (c) to protect it from pollution; and (d) to prevent its use, if it has become so polluted as to be prejudicial to public health: Provided that a person upon whom a notice as aforesaid has been served may, within thirty days from the date of receipt of the notice, appeal to the prescribed authority against the order contained in the notice whereupon the prescribed authority

may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order: Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out. (2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the person upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to two hundred and fifty rupees.

27. Power of Gram Panchayat to prevent growth of water-hyacinth or other weed which may pollute water.

(1) Notwithstanding anything contained in the Bengal Water Hyacinth Act, 1936, a Gram Panchayat may, by written notice, require the owner or occupier of any land or premises, containing a tank or pond or similar deposit of water, after taking into consideration his financial position, not to allow water-hyacinth or any other weed which may pollute water to grow thereon and to eradicate the same therefrom within such reasonable period as may be specified in the notice: Provided that a person on whom a notice as aforesaid has been served may, within thirty days from the date of receipt of the notice, appeal to the prescribed authority against the order contained in the notice whereupon the prescribed authority may stay the operation of the order contained in the notice till the disposal of the appeal and it may, after giving such notice of the appeal to the Gram Panchayat concerned as may be prescribed, modify, set aside or confirm the order: Provided further that the prescribed authority shall, when it confirms or modifies the order contained in the notice after the expiry of the period mentioned therein, fix a fresh period within which the order contained in the notice, as confirmed or modified by it, shall be carried out. (2) If the order contained in a notice served as aforesaid has not been set aside by the prescribed authority and if the owner or occupier upon whom the notice has been served fails, without sufficient reason, to comply with the order in its original form or the order as modified by the prescribed authority, within the time specified in the notice or within the time fixed by the prescribed authority, as the case may be, he shall be liable, on conviction by a Magistrate, to a fine which may extend to two hundred and fifty rupees.

28. Emergent power on outbreak of epidemic.

- In the event of an outbreak of cholera or any other water-borne infectious disease in any locality situated within the local limits of the jurisdiction of a Gram Panchayat, the Pradhan, the Upa-Pradhan or any other person authorised by the Pradhan may, during the continuance of the outbreak, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purpose of drinking and may further take such steps as he deems fit to prevent the drawing of water therefrom.

29. Power of recovery of cost for work carried out by Gram Panchayat on failure of any person.

- If any work required to be done by an order contained in a notice served under sections 24, 26 or 27 is not executed within the period specified in the notice or where an appeal is made to the prescribed authority, within an equal period from the date of the decision on the appeal, the Gram Panchayat may, in the absence of satisfactory grounds for non-compliance, cause such work to be carried out and the cost of carrying out such work shall be recoverable as an arrear of public demand from the person on whom the notice was served.

30. Joint Committees.

(1) Subject to such rules as may be prescribed, two or more Gram Panchayats may combine, by a written instrument duly subscribed by them, to appoint a Joint Committee consisting of such representatives as may be chosen by the respective Gram Panchayats for the purpose of transacting any business or carrying out any work in which they are jointly interested and may -(a) delegate to such Committee the power, with such conditions as the Gram Panchayats may think fit to impose, to frame any scheme binding on each of the constituent Gram Panchayats as to the construction and maintenance of any joint work and the power which may be exercised by any such Panchayat in relation to such scheme; and (b) frame or modify rules regarding the constitution of such committees and the term of office of the members thereof and the method of conducting business. (2) If any difference of opinion arises between the constituent Gram Panchayats under this section, it shall be referred to such officer as the State Government may prescribe, and the decision of the said officer thereon shall be final and binding on each of the constituent Gram Panchayats.

31. Delegation of functions by Zilla Parishad.

(1) A Zilla Parishad [or the Mahakuma Parishad or the Council] [Words inserted by W.B. Act 20 of 1988.] may, with the concurrence of a Gram Panchayat and subject to such restrictions and conditions as may be mutually agreed upon, delegate to such Gram Panchayat any of its functions in the manner prescribed. (2) Where functions are delegated to a Gram Panchayat under this section, the Gram Panchayat, in the discharge of such functions, shall act as the agent of [the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be.] [Words substituted for the words 'the Zilla Parishad,' by W.B. Act 20 of 1988.]

32. Delegation of functions of Gram Panchayat to its Pradhan.

- A Gram Panchayat may, at a meeting specially convened for the purpose, by a resolution delegate to its Pradhan such duties or powers of the Gram Panchayat as it thinks fit and may at any time by a resolution withdraw or modify the same: Provided that when any financial power is delegated to a Pradhan or such power is withdrawn or modified, the Gram Panchayat shall forthwith give intimation thereof to the prescribed authority.

32A. Constitution of Upa-Samitis and delegation of powers, functions and duties of Gram Panchayats to the Upa-Samitis.

(1) Subject to such direction as may be issued by the State Government in this behalf, a Gram Panchayat shall, as soon as may be within three months following the first meeting referred to in section 9, constitute Upa-Samitis as referred to in sub-section (2) and delegate its powers, functions and duties to such Upa-Samitis, in such manner as may be prescribed. (2) Without prejudice to the generality of any other provisions of this Act, a Gram Panchayat shall constitute in such manner as may be prescribed the following Upa-Samitis:-(i) Artha O Parikalpana Upa-Samiti, (ii) Krishi O Pranisampad Bikas Upa-Samiti, (iii) Siksha O Janasasthya Upa-Samiti, (iv) Nari, Sishu Unnayan O Samaj Kalyan Upa-Samiti, (v) Shilpa O Parikathama Upa-Samiti, and (vi) such other Upa-Samiti as the Gram Panchayat may, subject to the approval of the State Government, constitute. (3) The Upa-Samitis referred to in sub-section (2) shall consist of the following members:-(a) the Pradhan and the Upa-Pradhan, ex officio; (b) such number of members as may be prescribed, to be elected by the members from among themselves; and (c) such number of members as may be appointed by the State Government by any general or special order:-(i) from among the officials of the Panchayat bodies having jurisdiction, the State Government or any Statutory Board, Corporation or Organisation or any individual official receiving grant, financial assistance or remuneration from the State Exchequer, and (ii) any person having any specialised knowledge about the locality or any area of activity; (d) the Artha O Parikalpana Upa-Samiti shall have [the leader of the recognised political party in opposition having largest number of members in the Gram Panchayat and] [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.] the Sanchalaks elected in the manner as mentioned in sub-section (4), as members of the Upa-Samiti and shall have no other member referred to in clause (b) of sub-section (3); (e) the Nari, Sishu Unnayan O Samaj Kalyan Upa-Samiti shall have not less than half of the members referred to in clause (b), elected from among the women members of the Gram Panchayat, in the manner as may be prescribed. [Provided that when in a Gram Panchayat, there is a single member in opposition affiliated to a recognised political party, he shall become such member of the said Upa-Samiti and in case, there is no member in opposition affiliated to any recognised political party, the independent member in opposition who is seniormost in age or, when there is only one independent member in opposition, the said member shall become such member of the said Upa-Samiti.] [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.] [Explanation I. [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.] - For the purpose of this clause, a member of the Gram Panchayat shall be considered a member in opposition if in the election of the Pradhan under section 9, he did not cast his vote in favour of the winning candidate or has abstained himself from casting his vote in the said election. Explanation II. - If two or more recognized political parties have equal number of members elected to the Gram Panchayat, the leader of the recognized political party placed higher in the sequential arrangement in the relevant notification issued by the Election Commission of India shall be chosen as such member.] [[Proviso first inserted by W.B. Act 18 of 1994, then substituted by W.B. Act 15 of 1997. Previous proviso was as under:-'Provided further that a Gram Panchayat shall not accord permission for erection of a new structure, or construction of a new building, having provisions for erection or construction, as the case may be of any dry latrine, by whatever name called.']] (4) Members of each Upa-Samiti shall elect one member from among themselves in such manner as may be prescribed to act as Sanchalak for such Upa-Samiti and such Sanchalak shall be responsible for convening the meetings of such Upa-Samiti, co-ordinate

functions of members within such Upa-Samiti and prepare and place report of actions taken or proposed to be taken relating to such Upa-Samiti within the budgetary provision of the Gram Panchayat to the Pradhan and the Gram Panchayat from time to time: Provided that the Pradhan of the Gram Panchayat shall be the ex officio Sanchalak of the Artha O Parikalpana Upa-Samiti: Provided further that the Sanchalak for Nari, Sishu Unnayan O Samaj Kalyan Upa-Samiti shall be elected from among the women members of the Upa-Samiti: Provided also that the members referred to in clause (c) of sub-section (3) shall not be eligible for election as Sanchalak and they shall not have any right to vote. (5) [Subject to such provision as may be prescribed and without prejudice to the general control and authority of Gram Panchayat, the Upa-Samiti shall devise its own procedure for holding the meetings and for performing functions as may be assigned to it.] [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.] (6) The members of the Upa-Samitis may, - (a) take, subject to the direction of the Pradhan, the assistance of the employees of the Gram Panchayat, (b) seek advice and help of the employees of the State Government of any Department at the appropriate level in discharge of their duties, (c) place before the Pradhan and the Gram Panchayat a proposal for execution of a scheme, programme or project within the budgetary provisions of the Gram Panchayat for such purpose when the Pradhan or the Gram Panchayat shall consider the proposal for execution and for sanction of funds: Provided that the Pradhan shall not sanction any fund for a scheme, programme or project without considering the views of the members of the Upa-Samiti to whom powers have been delegated by the Gram Panchayat with respect to such scheme, programme or project, (d) call for any information, return, statement, account or report from the office of the Gram Panchayat and enter on and inspect any immovable property of the Gram Panchayat or inspect any work in progress connected with the functions and duties of the Upa-Samiti, (e) exercise such other powers, perform such other functions and discharge such other duties, as the Gram Panchayat may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe. (7) Each Upa-Samiti shall hold at least six meetings in a year in the office of the Gram Panchayat. (8) [When a vacancy occurs in the office of a Sanchalak or a member of an Upa-Samiti by resignation, death, removal or otherwise, the members of the Upa-Samiti shall elect another Sanchalak or the members of the Gram Panchayat shall elect another member, as the case may be, in the prescribed manner, and the Sanchalak or the member so elected shall hold office for the unexpired portion of the term of the office of the person in whose place he is elected.] [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

Section 32A first inserted by W.B. Act 17 of 1992, then substituted by W.B. Act 15 of 1997 and finally substituted by W.B. Act 8 of 2003. Previous Section 32A was as under: - "32A. Delegation of powers, functions and duties of Gram Panchayat to its members. - (1) Subject to such direction as may be issued by the State Government in this behalf, a Gram Panchayat shall, as soon as may be within three months following the first meeting referred to in section 9, by a resolution carried by the majority of the existing members at a meeting specially convened for the purpose, arrange its powers, functions or duties referred to in Chapter III of this Act, into such number of sets as it may consider necessary and delegate powers, functions or duties relating to any such set or sets to one member or a group of members, severally or jointly as it may think fit: Provided that the Gram Panchayat may take one or more such resolutions in different meetings on different dates: Provided further that each member of the Gram Panchayat shall be delegated, severally or jointly, one or more such sets of powers, functions or duties. (2) When a Gram Panchayat delegates powers, functions or

duties to a group of members, the Gram Panchayat shall also nominate one member from the group to act as Convenor for the group and such Convenor shall be responsible for convening the meetings of the group, shall co-ordinate functions of members within the group and prepare and place report of actions taken or proposed to be taken to the Pradhan and the Gram Panchayat from time to time: Provided that the group shall devise its own procedure for holding the meetings and for performing other functions subject to the direction of the Gram Panchayat and the State Government. (3) Without prejudice to the generality of the provisions under sub-section (1), the Gram Panchayat shall form one or more sets of powers, functions or duties relating to development of women and children, welfare of the Scheduled Castes and Scheduled Tribes, family welfare and other social welfare programmes and shall delegate powers, functions or duties with respect to any such set to one woman member or a group of members and in any such group, women shall comprise not less than half members: Provided that for such group, the Convenor referred to in sub-section (2) shall be a woman. (4) The delegation referred to in sub-section (1) or sub-section (3) shall not prejudice the powers, functions and duties of the Pradhan or the Upa-Pradhan under section 34: Provided also that no financial power shall be delegated to any such member, severally or jointly. (5) The member or the group of members referred to in sub-section (1) or sub-section (3), may - (a) take, subject to the directions of the Pradhans, the assistance of the employees of the Gram Panchayat, (b) seek advice and help of the employees of the State Government of any Department at the appropriate level in discharge of their duties, (c) may place before the Pradhan and Gram Panchayat a proposal for execution of a scheme, programme or project and may seek sanction of fund for such purpose and the Pradhan or the Gram Panchayat shall consider the proposal for execution and for sanction of fund: Provided that the Pradhan shall not sanction any fund for a scheme, programme or project without considering the views of the member or the group of members to whom powers have been delegated by the Gram Panchayat with respect to such scheme, programme or project. (6) The Gram Panchayat may, at any time, by a resolution carried by the majority of the existing members at a meeting specially convened for the purpose, rearrange, modify or withdraw such delegation and again delegate the powers, functions or duties so withdrawn to another member or a group of members, as the case may be."

33. Gram Panchayat may manage estates and interests vested in the State.

- The State Government may, by general or special order published in the Official Gazette, empower of a Gram Panchayat to manage the estates and all interests therein which are vested in the State and to exercise such powers, perform such functions and discharge such duties in connection therewith as may be conferred, assigned or imposed by or under any other law for the time being in force.

34. Powers, functions and duties of Pradhan and Upa-Pradhan.

(1) The Pradhan shall - (a) be responsible for the maintenance of the records of the Gram Panchayat; (b) have general responsibility for the financial and executive administration of the Gram Panchayat; (c) exercise administrative supervision and control over the work of the staff of the Gram Panchayat and the officers and employees whose services may be placed at the disposal of the Gram Panchayat by the State Government; (d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions

and discharge such duties as may be exercised, performed or discharged by the Gram Panchayat under this Act or the rules made thereunder: Provided that the Pradhan shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Gram Panchayat at a meeting; (e) exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe. (2) The Upa-Pradhan shall - (a) exercise such of the powers, perform such of the functions and discharge such of the duties of the Pradhan as the Pradhan may; from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing: Provided that the Pradhan may at any time withdraw all or any of the powers, functions and duties so delegated to the Upa-Pradhan; (b) during the absence of the Pradhan, exercise all the powers, perform all the functions and discharge all the duties of the Pradhan; (c) [exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.] [Clause (c) inserted by W.B. Act 37 of 1984.]

Chapter IV

Establishment of Gram Panchayat

35. Secretary of the Gram Panchayat.

(1) There shall be a Secretary for every Gram Panchayat appointed by the State Government or any authority empowered by the State Government in this behalf. (2) [The Secretary shall be responsible for maintenance and upkeep of the records of the office of the Gram Panchayat and shall discharge such duties as may be prescribed.] [[Sub-Section (2) substituted by W.B. Act 15 of 1997, which was earlier as under: - '(2) The Secretary shall be in charge of the office of the Gram Panchayat and shall discharge such duties as may be prescribed.'.] (3) The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity, of the Secretary. (4) Subject to rules framed by the State Government regarding discipline and control, the Secretary shall act in all matters under the control of the Pradhan, through whom he shall be responsible to the Gram Panchayat.

36. Staff of the Gram Panchayat.

(1) Subject to such rules as may be made by the State Government in this behalf, a Gram Panchayat may appoint such officers and employees as may be required by it and may fix the salaries and allowances to be paid to the persons so appointed: Provided that no post shall be created or abolished and no revision of the scale of pay of any post shall be made by the Gram Panchayat without the prior approval of the State Government or such authority subordinate to it as may be prescribed. (2) The State Government may place at the disposal of the Gram Panchayat the services of such officers or other employees serving under it [and on such terms and conditions] [Words

inserted by W.B. Act 37 of 1984.] as it may think fit: Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the Gram Panchayat at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being: Provided further that the State Government shall have disciplinary control over such officers and employees. (3) [The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the employees of the Gram Panchayat] [Sub-Section (3) inserted by W.B. Act 37 of 1984.]

36A. [Exercise of powers, etc. by the officers and employees. [Section 36A inserted by W.B. Act 37 of 1984.]

- Subject to the provisions of this Act, the rules made thereunder and to any general or special directions as the State Government may give in this behalf, the officers and other employees employed by the Gram Panchayat and the officers and other employees whose services have been placed at the disposal of the Gram Panchayat shall exercise such powers, perform such functions and discharge such duties as the Gram Panchayat may determine.]

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[* * *]

Chapter V consisting of Sections 37, 38, 39 and 40 omitted by W.B. Act 18 of 2004. Chapter V with those secs, were as under:- "Chapter V Dafadars, Chowkidars and Gram Panchayat Karmees 37. Dafadars, Chowkidars and Gram Panchayat Karmees.- (1) For general watch and ward, prevention of crime, protection of life and property, running of office of the Gram Panchayat and discharging all functions relevant thereto as hereinafter provided within the local limits of the jurisdiction of a Gram Panchayat every Gram Panchayat shall, unless otherwise directed or other provisions are made by the State Government, maintain under its control such number of Dafadars, Chowkidars and Gram Panchayat Karmees as the State Government may by general or special order determine. (2) The manner of maintenance of Dafadars, Chowkidars and Gram Panchayat Karmees by

aGram Panchayat, the salary, allowances and gratuity to be paid to them and the nature and the cost of their equipment and all matters relating to their recruitment, conditions of service, superannuation, discipline, punishment and dismissal shall be determined in accordance with such rules as may be made: Provided that the Gram Panchayat shall have disciplinary control over Dafadars, Chowkidars and Gram Panchayat Karmees. 38. State Government may contribute cost of maintenance.- The State Government may contribute to the Gram Panchayat Fund the entire or any part of the cost of maintenance of Dafadars, Chowkidars and Gram Panchayat Karmees including the amount necessary for the payment of salary, allowances, provident fund and gratuity to Dafadars and Chowkidars and the amount necessary for their reward and equipment. 39. Powers and duties of Chowkidars, Dafadars and Gram Panchayat Karmees.- (1) Every Chowkidar, Dafadar or Gram Panchayat Karmee shall exercise the following powers and perform the following duties, namely:- (i) he shall give immediate information to the officer-in-charge of the police-station having jurisdiction over the area and to the Pradhan of the Gram Panchayat, of every unnatural, suspicious or sudden death which may occur, and of any offence specified in the First Schedule which may be committed within the jurisdiction of the Gram Panchayat and he shall keep the officer-in-charge of the said police-station and the Pradhan informed of all disputes which are likely to lead to a riot or serious affray; (ii) he may, without an order from a Magistrate and without a warrant, arrest - (a) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or reasonable suspicion exists of his having been so concerned. (b) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking, (c) any person who has been proclaimed as an offender under any law for the time being in force, (d) any person in whose possession anything is found which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence, with reference to such things, (e) any person who obstructs a police officer while in the execution of his duty or who has escaped, or attempts to escape, from lawful custody. (f) any person reasonably suspected of being a deserter from the Indian Army, Navy or Air Force, and (g) any released convict committing a breach of any rule made under sub-section (3) of section 565 of the Code of Criminal Procedure, 1898: (iii) he shall to the best of his ability prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in the First Schedule; (iv) he shall assist private persons in making such arrests as they may lawfully make, and he shall report such arrests without delay to the officer-in-charge of the police-station having jurisdiction over the area; (v) he shall observe, and from time to time report to such officer-in-charge, the movements of all bad characters within the jurisdiction of the Gram Panchayat: (vi) he shall report to such officer-in-charge the arrival of suspicious characters in the neighbourhood: (vii) he shall report in such manner as may be directed by the District Magistrate, the births and deaths which have occurred within the local limits of the jurisdiction of the Gram Panchayat: (viii) he shall give immediate information to the Pradhan of the Gram Panchayat of the outbreak of any epidemic disease among men or livestock within the local limits of its jurisdiction: (ix) he shall supply any local information which the District or Sub-divisional Magistrate or any police officer may require: (x) he shall obey the orders of the Gram Panchayat in regard to keeping watch within its jurisdiction and in regard to other matters connected with his duties: (xi) he shall give immediate information to the Gram Panchayat of the commission of any offence under this Act or any rule made thereunder which has come to his knowledge and of any

encroachment on, or obstruction to, any road or waterway within the local limits of the jurisdiction of the Gram Panchayat, and of any damage to any property vested in the Gram Panchayat or under its control: (xii) he shall assist any person duly authorised by the Gram Panchayat to collect any rate, tax or fee: (xv) he shall serve such processes as may be prescribed upon persons residing within the jurisdiction of the Gram Panchayat: (xiv) he shall attend the office of the Gram Panchayat on such dates as may be directed by the Pradhan, assist in such manner as may be necessary and act as messenger as and when required: and (xv) he shall carry out such other duties as may be entrusted to him from time to time in accordance with this Act or any rule made thereunder. (2)

Every Dafadar shall exercise all the powers conferred on a Chowkidar under sub-section (1) and shall perform such duties as may be imposed upon him by rules made under this Act. 40. Arrested person to be taken to police station.- Whenever a Dafadar, Chowkidar or Gram Panchayat Karmee arrests any person under section 39 he shall forthwith take the person so arrested to the police-station having jurisdiction over the area in which the arrest is made; Provided that if the arrest is made at night such person shall be so taken, as soon as convenient, by the following morning."

Chapter VI

Property and Fund

41. Power to acquire, hold and dispose of property.

- A Gram Panchayat shall have power to acquire, hold and dispose of property and to enter into contract: Provided that in all cases of acquisition or disposal of immovable property the Gram Panchayat shall obtain the previous approval of the State Government.

42. Vesting of public properties in Gram Panchayat.

(1) All properties within the local limits of the jurisdiction of a Gram Panchayat of the nature hereinafter in this section specified, other than property maintained by the Central or the State Government or a local authority or any other Gram Panchayat, shall vest in and belong to the Gram Panchayat, and shall, with all other property of whatsoever nature or kind which may become vested in the Gram Panchayat, be under its direction, management and control, that is to say- (a) all public streets, including the soil, stones and other materials thereof and all drains, bridges, culverts, trees, erections, materials, implements and other things provided for such streets; (b) all public channels, water courses, springs, tanks, ghats, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps and other water-works, whether made, laid or erected at the cost of the Gram Panchayat or otherwise, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto and also any adjacent land (not being private property) appertaining to any public tank: Provided that water pipes and any waterworks, connected therewith or appertaining thereto which with the consent of the Gram Panchayat are laid or set up in any street by the owners of any mill, factory, dockyard, workshop or the like primarily for the use of their employees shall not be deemed to be public waterworks by reason of their use by the public; (c) all public sewers and drains, and all works, materials and things appertaining thereto and other conservancy works: Provided that for the purpose of enlarging, deepening or otherwise repairing or maintaining any such sewer or drain the subsoil appertaining thereto shall also be deemed to vest in the Gram

Panchayat: Provided further that where any installation or work for the treatment or disposal of sewage is constructed by the owners of any mill, factory, dockyard, workshop or the like primarily for the use of their employees, the laying of sewers and other things appertaining thereto in a street, with the consent of the Gram Panchayat, shall not by virtue of this clause or by reason of their use by the public cause such installation or sewers or works appertaining thereto to vest in the Gram Panchayat; (d) all sewage, rubbish and offensive matter deposited on streets or collected by the Gram Panchayat from streets, latrines, urinals, sewers, cesspools and other places; (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto; and (f) all buildings erected by the Gram Panchayat and all lands and buildings or other property transferred to the Gram Panchayat by the Central or the State Government or acquired by gift, purchase or otherwise for local public purposes. (2) The State Government may, by notification, exclude any street, bridge or drain from the operation of this Act or of any specified section of this Act: Provided that, if the cost of the construction of the work shall have been paid from the Gram Panchayat Fund, such work shall not be excluded from the operation of this Act or any specified section of this Act except after consideration of the views of the Gram Panchayat at a meeting.

43. Allocation of properties to Gram Panchayat.

- The State Government may allocate to a Gram Panchayat any public property situated within its local jurisdiction, and thereupon such property shall vest in and come under the control of the Gram Panchayat.

44. Acquisition of land for Gram Panchayat.

- Where a Gram Panchayat requires land for carrying out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the [Collector] [Word substituted for the words 'District Magistrate' by W.B. Act 37 of 1984.] for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land and such land shall, on acquisition, vest in the Gram Panchayat.

45. Gram Panchayat Fund.

(1) For every Gram Panchayat there shall be constituted a Gram Panchayat Fund bearing the name of the Gram Panchayat and there shall be placed to the credit thereof - (a) contributions and grants, if any, made by the Central or the State Government; [* * * * *] [[Clause (b) omitted by W.B. Act 18 of 2004, which was as under: - '(b) contributions and grants, if any, made by the Zilla Parishad, Mahakuma Parishad, the Council, Panchayat Samiti or any other local authority.'.] (c) loans, if any, granted by the Central Government or the State Government; (d) all receipts on account of taxes, rates and fees levied by it; (e) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of, the Gram Panchayat; (f) all sums received as gift or contribution and all income from any trust or endowment made in favour of the Gram Panchayat; (g) such fines and penalties imposed and realised under the provisions of this Act as may be prescribed; (h) all other sums received by or on behalf of

the Gram Panchayat.[Explanation. - A Gram Panchayat shall not receive to the credit of its Fund-] ['Explanation' inserted by W.B. Act 15 of 1997.](a)any loan from any individual, severally or jointly or any member or office bearer of the Gram Panchayat, or(b)any gift or contribution from any individual, severally or jointly, or any member or office bearer of the Gram Panchayat save and except in pursuance of a resolution in a meeting of the Gram Panchayat accepting such gift or contribution and stating the purpose for which such gift or contribution is offered and accepted.(2)Every Gram Panchayat shall set apart and apply annually such sum as may be required to meet -(a)the cost of administration of the Nyaya Panchayat, and(b)the cost of maintenance of [Dafadars, Chowkidars and Gram Panchayat Karmees] [Words substituted for the words 'Dafadars and Chowkidars' by W.B. Act 2 of 1995, w.e.f. 28.12.1994.] in terms of section 38, and(c)[subject to such direction as may be issued, by order, by the State Government, the cost of its own administration including the payment of salary and allowances of the employees, commission and allowances of the Tax Collectors and remuneration and honoraria of the elected functionaries.] [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.](3)Every Gram Panchayat shall have the power to spend such sums as it thinks fit for carrying out the purposes of this Act.(4)The Gram Panchayat Fund shall be vested in the Gram Panchayat and the balance to the credit of the Fund shall be kept in such custody as the State Government may, from time to time, direct.(5)[In accordance with the powers and functions conferred on the Pradhan under the Act and the rules made thereunder and subject to such general control as the Gram Panchayat may exercise from time to time, all orders for payment from the Gram Panchayat Fund shall be signed by the Pradhan, or in his absence, by the Upa-Pradhan and in pursuance of such orders of payment, cheque or cheques shall be signed jointly by the Pradhan, or in his absence, by the Upa-Pradhan and by the Executive Assistant of the Gram Panchayat:Provided that the Executive Assistant shall be responsible for writing the cheques for signature under the direction of the Pradhan subject to the resolution of the Gram Panchayat:Provided further that if the post of the Executive Assistant in a Gram Panchayat falls temporarily vacant by reason of leave, transfer, resignation or otherwise, the State Government may, [by framing rules or] [[Sub-Section (5) substituted by W.B. Act 15 of 1997, which was earlier as under:-'(5) Subject to such general control as the Gram Panchayat may exercise from time to time, all orders for payment from the Gram Panchayat Fund shall be signed by the Pradhan, or in his absence, by the Upa-Pradhan. All cheques shall be signed jointly by the Pradhan and the Upa-Pradhan and in the absence of the Pandhan or the Upa-Pradhan, as the case may be, by the Upa-Pradhan or the Pradhan and another member authorised by the Gram Panchayat at a meeting in this behalf:Provided that any casual absence of the Pradhan or the Upa-Pradhan for a period not exceeding five consecutive days shall not be construed as absence of the Pradhan or the Upa-Pradhan as the case may be, for the purpose of this sub-section:Provided further that in the event of any difference of opinion between the Pradhan and Upa-Pradhan on whether a cheque for withdrawal from the Gram Panchayat Fund shall be signed, the Gram Panchayat. in a meeting specially convened for the purpose, shall deliberate and issue appropriate directions. If the Pradhan or the Upa-Pradhan refuses to act in accordance with the directions of the Gram Panchayat, the Upa-Pradhan or the Pradhan, as the case may be, with the other member authorised by the Gram Panchayat, shall sign the cheque in the manner as directed by the Gram Panchayat for withdrawal from the Gram Panchayat Fund.'.] by general or special order made in this behalf, empower any employee of the Gram Panchayat to perform, subject to such conditions as may be specified [in the rules or] [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.] in the order, the functions of the

Executive Assistant under this section.]Explanation. - In this section, -(a)absence of the Pradhan shall be deemed to occur when the office of the Pradhan falls vacant or the Pradhan is temporarily unable to act within the concept and meaning of sub-section (4) of section 9.(b)"Executive Assistant" of a Gram Panchayat means an employee appointed as such by a Gram Panchayat under section 36 in terms of such rules as the State Government may make in this behalf and shall also include any other employee of the Gram Panchayat empowered to perform the functions of the Executive Assistant.

46. Imposition of tax by Gram Panchayat.

(1)Subject to such rules as may be made in this behalf, a Gram Panchayat shall impose yearly -(a)[on lands and buildings within the local limits of its jurisdiction, a tax, - [[Clause (a) substituted by W.B. Act 37 of 1984, which was earlier as under:-'(a) on lands and buildings within the local limits of its jurisdiction, a tax at the rate of two per centum of the annual value of such lands and buildings to be paid by the owners and occupiers thereof:'.]](i)at the rate of [one per centum] of the annual value of such lands and buildings when the annual value does not exceed rupees one thousand, and(ii)at the rate of [two per centum] [Words substituted for the words 'one per centum' by W.B. Act 18 of 1994.] of the annual value of such lands and buildings when the annual value exceeds rupees one thousand,to be paid by the owners and occupiers thereof;][* * * * *] [[Clause (b)omitted by W.B. Act 17 of 1992, which was as under:-'(b) on professions, trades, callings and employments carried on or held within the local limits of its jurisdiction, a tax on the basis of the total annual income accrued from such professions, trades callings and employments, subject to a maximum of two hundred and fifty rupees per annum in respect of any one person.'.]](2)The following lands and buildings shall be exempted from imposition of tax under sub-section (1), namely:-(a)lands and buildings, the annual value of which is not more than [two hundred and fifty rupees] [Words substituted for the words 'fifty rupees' by W.B. Act 37 of 1984.];(b)lands and buildings belonging to a local authority and used or intended to be used exclusively for a public purpose and not used or intended to be used for purposes of profits;(c)lands and buildings used exclusively for religious, educational or charitable purposes.(3)The State Government may, by notification, exempt either wholly or in part any other class of properties or classes of properties Specified in the notification from the taxes or rates leviable under this section.[* * * * *] [[Sub-Section (4) omitted by W.B. Act 17 of 1992, which' was as under:-'(4) The tax payable under this Act by any person in the employment of any Government, local authority, company, firm or other association of persons shall be paid by such person or shall be deducted in the manner prescribed, as the case may be, by the Principal Officer thereof from any amount payable to such person on behalf of such Government, local authority, company, firm or other association of persons and the Principal Officer shall deliver the amount in the manner prescribed to the Gram Panchayat concerned.'.]](5)Subject to such rules as may be made in this behalf a Gram Panchayat shall levy -(a)on all transfers of immovable property situated within the local limits of the Gram, a duty in the shape of an additional stamp-duty at the rate of two per centum or, as the case may be, the amount of the consideration for the sale, the value of the property in the case of a gift, the amount secured by the mortgage, the value of the property of the greater value in the case of exchange, or the value of the rent for the first ten years in the case of a lease, as set forth in the instrument;(b)a duty in the shape of an additional stamp-duty at the rate of ten per centum on all payments for admission to any entertainment.(6)The State Government may make

rules for regulating the collection of the duty on transfers of immovable property and duty on entertainment referred to in sub-section (5), the payment thereof to the Gram Panchayat and the deduction of any expenses incurred by the State Government in the collection thereof. Explanation. - In this section, -(a)"annual value", in relation to any land or building, means an amount equal to six per centum of the market value of such land or buildings at the time of assessment estimated in the prescribed manner;(b)"entertainment" includes any exhibition, cinematograph exhibition, performance, amusement, games or sports to which persons are admitted for payment;[* * * * *]
 *) [[Clause (c) omitted by W.B. Act 17 of 1992, which was as under:-'(c) 'Principal Officer' means with reference to -(i)a Government, the drawing and disbursing officer of the person in the employment of such Government,(ii)a local authority, company, firm or other association of persons, the Chairman, Secretary, Treasurer, Manager, or Agent of such local authority, company, firm or other association of persons.'.]

47. Levy of rates and fees.

(1)Subject to such maximum rates as the State Government may prescribe, a Gram Panchayat may levy the following [fees, rates and tolls] [Words substituted for the words 'fees and rates,' by W.B. Act 17 of 1992.] namely:-(i)fees on the registration of vehicles;(ii)fees on plaints and petitions and other processes in suits and cases instituted before the Nyaya Panchayat concerned;(iii)a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government by notification;(iv)a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Gram Panchayat within its jurisdiction;(v)a lighting rate, where arrangement for lighting of public streets and places is made by the Gram Panchayat within its jurisdiction;(vi)a conservancy rate, where arrangement for clearing private latrines, urinals and cesspools is made by the Gram Panchayat within its jurisdiction;(vii)[fees on [registration] [Clauses (vii) to (ix) inserted by W.B. Act 17 of 1992] for running trade, wholesale or retail, within the jurisdiction of the Gram Panchayat unless such [registration] [Words substituted for the words 'licence' by W.B. Act 18 of 1994.] or such trade is prohibited under any law for the time being in force;](viii)[tolls on persons, vehicles or animals or any class of them at any toll-bar which is established by the Gram Panchayat on any road or bridge vested in, or under the management of, the Gram Panchayat] [Clauses (vii) to (ix) inserted by W.B. Act 17 of 1992.];(ix)[tolls in respect of any ferry established by, or under the management of, the Gram Panchayat] [Clauses (vii) to (ix) inserted by W.B. Act 17 of 1992.][* * * * *]
 [[Clauses (x) and (xiii) first inserted by W.B. Act 18 of 1994, then omitted by W.B. Act 18 of 2004, which were as under:-'(x) fees on licence on dogs and birds and other domestic pet animals;'.(xiii)fees for grazing cattle on grazing land vested in or under the management and control of the Gram Panchayat:'.]](xi)[a general sanitary rate where arrangement for the construction and maintenance of public latrines is made by the Gram Panchayat within its jurisdiction;] [Clauses (xi), (xii), (xiv) and (xv) inserted by W.B. Act 18 of 1994.](xii)[a drainage rate where arrangement for regular clearance of common drains is made by the Gram Panchayat within its jurisdiction;] [Clauses (xi), (xii), (xiv) and (xv) inserted by W.B. Act 18 of 1994.][* * * * *] [[Clauses (x) and (xiii) first inserted by W.B. Act 18 of 1994, then omitted by W.B. Act 18 of 2004, which were as under:-'(x) fees on licence on dogs and birds and other domestic pet animals;'.(xiii)fees for grazing cattle on grazing land vested in. or under the management and control of the Gram

Panchayat:'.)](xiv)[fees for use of burning ghat vested in, or under the management and control of, the Gram Panchayat;] [Clauses (xi), (xii), (xiv) and (xv) inserted by W.B. Act 18 of 1994.](xv)[fees on registration for Words substituted for the [shallow or deep tube-wells] [Clauses (xi), (xii), (xiv) and (xv) inserted by W.B. Act 18 of 1994.] fitted with motor driven pump sets and installed for irrigation for commercial purposes, subject to such terms and conditions as may be prescribed.]Explanation. - In this clause, "commercial purpose" includes any purpose for which irrigation water is supplied to the land of any person, other than the owner of the shallow tube-well, on realisation of water rates, by whatever name called, from the owner of such land.(xvi)[fees on the village produces sold in the village market organized by the Gram Panchayat to be determined by means of weight, measurement or by number or any two or more of them;] [Clauses (xvi) and (xvii) inserted by W.B. Act 8 of 2003.](xvii)[fees on erection, exhibition, fixing or retaining upon or over any land, building, wall, hoarding, or structure, any advertisement for public display in any manner whatsoever, in any place whether public or private excepting those exhibited by the State Government in the public interest.] [Clauses (xvi) and (xvii) inserted by W.B. Act 8 of 2003.](2)The Gram Panchayat shall not undertake registration of a vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fee therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.(3)[The scales of tolls, and the fees or rates and the terms and conditions of imposition thereof, shall be such as may be provided by bye-laws.] [Sub-Sections (3) and (4) inserted by W.B. Act 18 of 1994.](4)[Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.] [Sub-Sections (3) and (4) inserted by W.B. Act 18 of 1994.]

47A. [Power to borrow money. [Section 47A inserted by W.B. Act 17 of 1992.]

- A Gram Panchayat may borrow money from the State Government or [* * * *] from banks or other financial institutions for furtherance of its objective on the basis of such specific schemes as may be drawn up by the Gram Panchayat for the purpose.]

48. Budget of the Gram Panchayat.

(1)Every Gram Panchayat shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year [* * * *] [Words 'and shall submit the budget to the Panchayat Samiti having jurisdiction over the area of the Gram' omitted by W.B. Act 18 of 1994.](2)[(a) The budget prepared under sub-section (1) shall be written in vernacular of the district or the locality concerned and copies of the budget shall be posted in such prominent places within the Gram Panchayat as may be prescribed, inviting objections and suggestions by the members of the Gram Sabha.(b)Copies of the budget shall be forwarded to the Panchayat Samiti having jurisdiction over the Gram for its views, if any.(c)The budget with objections, suggestion and views, if any, received from various quarters shall, within such period as may be prescribed, be placed in the meeting of the Gram Sabha for discussions proposing modification, if any, of the budget.(d)The Gram Panchayat shall, within such time as may be prescribed and in a meeting specially convened for the purpose and in the presence of at least

half of the existing members, consider the objections, suggestions, and views, if any, and the discussions in the meeting of the Gram Sabha, and approve the budget with modifications, if any.(e)A copy of the budget approved under clause (d) shall be forwarded to the Panchayat Samiti having jurisdiction.](3)No expenditure shall be incurred unless the budget is approved [under clause (d) of sub-section (2).] [Words, figure, letter and brackets substituted for the words 'by the Panchayat Samiti.' by W.B. Act 18 of 1994.]

49. Supplementary budget.

- [(1) A Gram Panchayat may prepare in each year a supplementary estimate providing for any modification of its budget and [approve it in a meeting specially convened for the purpose and in the presence of at least half of the existing members] [Section 49 renumbered as sub-section (1) of that Section and sub-Section (2) inserted by W.B. Act 18 of 1994.] within such time and in such manner as may be prescribed.] [[Sub-Section (2) substituted by W.B. Act 18 of 1994, which was earlier as under:-'(2) The Panchayat Samiti may, which such time as may be prescribed, either approve the budget or return it to the Gram Panchayat for such modifications as it may direct. On such modifications being made the budget shall be resubmitted within such time as may be prescribed for approval of the Panchayat Samiti. If approval of the Panchayat Samiti is not received by the Gram Panchayat by the last of the year, the budget shall be deemed to be approved by Panchayat Samiti.'.]](2)[A copy of the supplementary estimate as approved under sub-section (1) shall be forwarded to the Panchayat Samiti having jurisdiction.] [Section 49 renumbered as sub-Section (1) of that Section and sub-Section (2) inserted by W.B. Act 18 of 1994.]

50. Accounts.

- A Gram Panchayat shall keep such accounts and in such form as may be prescribed.

Chapter VII

Nyaya Panchayats

51. Constitution of Nyaya Panchayat. - .

1.

) Every Gram Panchayat shall, if authorised by the State Government by notification to do so, constitute a Nyaya Panchayat, consisting of five members, to be called Vicharaks, elected by it at such time and in such manner as may be prescribed from amongst persons whose names are included in the electoral roll of the West Bengal Legislative Assembly for the time being in force pertaining to the area comprised in the Gram, other than a person who is a member of any Gram Panchayat, Panchayat Samiti [, Zilla Parishad, Mahakuma Parishad or Council] [Words substituted for the words 'or Zilla Parishad' by W.B. Act 20 of 1988.] or of any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1, for the trial of -(a)the offences

specified in the Second Schedule or a case transferred to the Nyaya Panchayat under sub-section (2) of section 52;(b)all or any of the classes of civil suits specified in section 61;Provided that no person shall be elected to be a member of a Nyaya Panchayat if he has any of the disqualifications mentioned in section 8.(2)Every Nyaya Panchayat constituted under sub-section (1) shall be notified in the Official Gazette, or in such other manner as may be prescribed, and shall come into office with effect from the date specified in the said notification.(3)Every Nyaya Panchayat shall elect at such time and in such manner as may be prescribed one of its members to be called Pradhan Vicharak to preside over its sittings and in the absence of the Pradhan Vicharak, the Vicharaks present at the sitting of the Nyaya Panchayat shall elect one of them to be the Pradhan Vicharak for the purpose of that sitting.(4)The term of office of a member of a Nyaya Panchayat shall be [five years] [Words substituted for the words 'four years' by W.B. Act 12 of 1982. w.e.f. 4.8.1982.] from the date of the notification mentioned in sub-section (2):Provided that the members of a Nyaya Panchayat shall continue in office until the election of the members of the Nyaya Panchayat by the newly constituted Gram Panchayat after a general election and assumption of office by such members.(5)No Nyaya Panchayat shall try any suit, case or other proceeding pending before it unless at least three members of the Nyaya Panchayat are present during such trial.(6)The Secretary to the Gram Panchayat shall act as the Secretary to the Nyaya Panchayat for the purpose of keeping the records of its proceedings and decisions, and doing such other duties as may be prescribed.

52. Criminal jurisdiction.

(1)Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a Nyaya Panchayat constituted under section 51 shall have jurisdiction, within the local limits of the Gram Panchayat constituting such Nyaya Panchayat, to try all offences specified in the Second Schedule, Part A; and, with effect from the date specified in the notification referred to in sub-section (2) of section 51, no other court shall, except as otherwise provided in this Act, take cognizance of any case triable by a Nyaya Panchayat:Provided that nothing in this Act shall take away the jurisdiction of any court to try a case which a Nyaya Panchayat is prohibited by section 78 from trying or which should be, in the opinion of the Nyaya Panchayat or of the Sessions Judge or the Sub-divisional Judicial Magistrate exercising the power conferred by sub-section (1) of section 79, tried in an ordinary court.(2)A Nyaya Panchayat may try any offence specified in the Second Schedule, Part B, if the case is transferred to it by a Sessions Judge, a Sub-divisional Judicial Magistrate or any other Judicial Magistrate empowered to receive petition under section 190 of the Code of Criminal Procedure, 1898:Provided that -(a)a Judicial Magistrate before whom a complaint of an offence mentioned in the Second Schedule, Part A, cognizable by a Nyaya Panchayat is made, shall transfer the complaint to the Nyaya Panchayat which is competent to try the offence;(b)the Sessions Judge or Sub-divisional Judicial Magistrate may transfer any case from one Nyaya Panchayat to another or to any other court subordinate to him if in the interest of justice he considers it necessary to do so;(c)the Sessions Judge or Sub-divisional Judicial Magistrate may, with the consent of the parties, transfer any case cognizable by a Nyaya Panchayat, if the place of residence of the complainant is situated within the limits of a Gram Panchayat for which there is no Nyaya Panchayat, to any Nyaya Panchayat situated at a distance from such place of residence convenient, in the opinion of the Sessions Judge or the Sub-divisional Judicial Magistrate, as the case may be, for the parties and witnesses.(3)Every offence triable by a Nyaya Panchayat shall ordinarily be tried by the Nyaya

Panchayat within the local limits of whose jurisdiction it was committed.(4)The offence ,of theft triable by a Nyaya Panchayat or any offence which includes theft or the possession of stolen property, triable by a Nyaya Panchayat, may be tried by the Nyaya Panchayat within the local limits of whose jurisdiction such offence was committed or the property stolen was possessed by the thief or by any person who received or retained the same knowing or having reason to believe it to be stolen.(5)An offence triable by a Nyaya Panchayat, committed whilst the offender is in the course of performing a journey, may be tried by the Nyaya Panchayat through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey.(6)When it is uncertain in which of several areas an offence was committed, or where an offence is committed partly in one local area and partly in another, or where an offence is a continuing one and continues to be committed in more local areas than one, or where it consists of several acts done in different local areas, it may be tried by a Nyaya Panchayat having jurisdiction over any such local areas.(7)Whenever a question arises as to which of two or more Nyaya Panchayats subordinate to the same Sub-divisional Judicial Magistrate ought to try any offence, it shall be decided by the Sub-divisional Judicial Magistrate.(8)Whenever a question arises as to which of two or more Nyaya Panchayats not subordinate to the same Sub-divisional Judicial Magistrate, but subordinate to the same Sessions Judge, ought to try any offence, it shall be decided by the Sessions Judge.(9)Where two or more Nyaya Panchayats not subordinate to the same Sessions Judge have taken cognizance of the same offence, the Sessions Judge within the local limits of whose jurisdiction the proceedings were first commenced may direct the trial of such offender to be held in any Nyaya Panchayat subordinate to him and if he so decides all other proceedings against such person in respect of such offence shall be discontinued.

53. How case may be instituted.

- A case before Nyaya Panchayat may be instituted by petition made orally or in writing to the Secretary of the Gram Panchayat or in his absence to a member of the Nyaya Panchayat. If the petition is made orally, the Secretary or the member, as the case may be, shall draw up a statement recording the name of the petitioner, the name of the person against whom the petition is made, the nature of the offence and such other particulars, if any, as may be prescribed, and the signature or the thumb impression of the petitioner shall be taken thereon. The Secretary or the member, as the case may be, shall, thereafter, direct the petitioner to appear before the Nyaya Panchayat on a particular date.

54. Power to dismiss or refuse to entertain petition.

(1)If upon the face of the petition, or on examining the petitioner, the Nyaya Panchayat is of opinion that the petition is frivolous, vexatious or untrue, it shall dismiss the case by an order in writing.(2)If at any time it appears to the Nyaya Panchayat -(a)that it has no jurisdiction to try the case; or(b)that the offence is one for which the sentence which it is competent to pass would be inadequate; or(c)that the case is one which should not be tried by it,it shall direct the petitioner by an order in writing to the court which would have had jurisdiction to try the offence but for the provisions of this Act.

55. Dismissal for default.

- If in any case before a Nyaya Panchayat the petitioner fails to appear on the day fixed, or if in the opinion of the Nyaya Panchayat, he shows negligence in prosecuting his case, the Nyaya Panchayat may dismiss the case for default, and such order of dismissal shall operate an acquittal.

56. Proceeding preliminary to trial.

(1) If the petition be not dismissed, the Nyaya Panchayat shall, subject to the provisions of section 83, by summons require the accused to appear and answer the petition. (2) If the accused fails to appear or cannot be found, the Nyaya Panchayat shall report the fact to the nearest Sub-divisional Judicial Magistrate, who would have had jurisdiction to try the offence but for the provisions of this Act, who may issue a warrant for the arrest of the accused and when arrested may forward him for trial to the Nyaya Panchayat or release him on bail to appear before it. (3) The Nyaya Panchayat shall, if possible, try the case on the day on which the accused appears or is brought before it, but if that is not possible, the Nyaya Panchayat shall release him on his executing a bond for a sum not exceeding twenty-five rupees to appear before it on any subsequent day or days to which the trial may be adjourned: Provided that if the accused fails or refuses to execute a bond, the Nyaya Panchayat shall, instead of releasing him, send him back under custody to the Sub-divisional Judicial Magistrate by whom such accused was arrested and thereupon such Sub-divisional Judicial Magistrate shall, notwithstanding anything contained in sub-section (1) of section 52, take cognizance of the complaint made before the Nyaya Panchayat and shall try such accused person in the same manner and under the same procedure as if the complaint were made before him.

57. Compounding of offences.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Nyaya Panchayat may allow the parties to compound any offence triable by it.

58. Bar to appeal.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried by a Nyaya Panchayat: Provided that the Sessions Judge or Sub-divisional Judicial Magistrate within the local limits of whose jurisdiction the Nyaya Panchayat is situate, if satisfied that failure of justice has occurred, may, of his own motion, or on the application of any of the parties concerned, made within thirty days from the date of the order of the Nyaya Panchayat, cancel or modify any order of conviction or of compensation made by a Nyaya Panchayat or direct the retrial of any case by a court of competent jurisdiction subordinate to him, notwithstanding anything contained in sub-section (1) of section 52.

59. Power to impose fine or to award compensation.

(1) A Nyaya Panchayat shall, after hearing the parties and after considering the evidence adduced by the parties, record its decision in writing, and may sentence any offender convicted by it to pay a fine not exceeding fifty rupees: Provided that if the members for the Nyaya Panchayat present during the trial of a case fail to come to an unanimous decision, the decision of the majority of such members shall be the decision of the Nyaya Panchayat: Provided further that in the case of equality of votes of the members of a Nyaya Panchayat present during the trial of a case, the Pradhan Vicharak, or the person who is elected as Pradhan Vicharak for that sitting, shall have a second or casting vote and the decision of the Nyaya Panchayat shall be in accordance with such second or casting vote. (2) No sentence of imprisonment, simple or rigorous, whether substantive or in default of payment of fine shall be awarded by any Nyaya Panchayat. (3) When a Nyaya Panchayat imposes a fine under sub-section (1), it may, when passing the order, direct that the whole or any part of the fine recovered shall be applied in payment of compensation for any loss or injury caused by the offence. (4) If a Nyaya Panchayat is satisfied that a complaint made before it or transferred to it for trial is false, vexatious or frivolous, it may order the complainant to pay to the accused, such compensation not exceeding twenty-five rupees, as it thinks fit. (5) If such fine or compensation is not paid or realised within thirty days of the passing of the sentence or order or within such further time as the Nyaya Panchayat may allow, the Nyaya Panchayat shall record an order declaring the amount of fine imposed or compensation awarded and that it has not been paid, and shall forward the same to the nearest Sub-divisional Judicial Magistrate, who would have had jurisdiction to try the case but for the provisions of this Act, and the Sub-divisional Judicial Magistrate shall - (a) proceed to execute the order as if it were an order passed by himself, or (b) in default of payment, sentence the accused to imprisonment in accordance with Chapter III of the Indian Penal Code, notwithstanding anything contained in sub-section (2) of this section: Provided that, notwithstanding anything contained in the Indian Penal Code - (a) the fine imposed or compensation awarded by a Nyaya Panchayat shall not be realised from any person who has served his term of imprisonment; (b) the person serving his term of imprisonment shall be forthwith released, if the fine or compensation is paid before the expiry of the term of imprisonment.

60. Release after admonition or on probation of good conduct.

- When any person is convicted by a Nyaya Panchayat and no previous conviction is proved against him, if it appears to the said Nyaya Panchayat that regard being had to the age, character and antecedents of the offender and to the circumstances in which the offence was committed, it is expedient - (a) that the offender should be released after the admonition, the Nyaya Panchayat may, instead of sentencing him to any punishment, release him after due admonition; or (b) that the offender should be released on probation of good conduct, the Nyaya Panchayat may, notwithstanding anything contained in the Code of Criminal Procedure, 1898, instead of sentencing him at once to any punishment, direct that he be released on his executing a bond for a sum not exceeding fifty rupees to appear and receive sentence when called upon during such period (not exceeding one year) as it may direct, and in the meantime to keep the peace and be of good behaviour.

61. Civil jurisdiction.

(1)Notwithstanding anything contained in the Bengal, Agra and Assam Civil Courts Act, 1887, the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, and subject to the provisions of sections 62 and 63, a Nyaya Panchayat shall have, within the local limits of the Gram Panchayat constituting such Nyaya Panchayat; jurisdiction to try the following classes of suits when the value of the suit does not exceed two hundred and fifty rupees, namely:-(a)suits for money due on contracts;(b)suits for the recovery of movable property or the value of such property;(c)suits for compensation for wrongfully taking or damaging movable property; and(d)suits for damages by cattle-trespass.(2)No other court shall have jurisdiction to try any suit of the classes mentioned in sub-section (1):Provided that nothing in this Act shall take away the jurisdiction of any court to try a suit which a Nyaya Panchayat is prohibited by section 78 from trying or which should be, in the opinion of the Nyaya Panchayat or of the District Judge exercising the power conferred by sub-section (2) of section 79, tried by an ordinary court.

62. Suits not to be tried.

- No suit shall lie in any Nyaya Panchayat -(a)on a balance of partnership account;(b)for a share or part of a share under an intestacy, or for a legacy or part of legacy under a Will;(c)by or against the Union of India or a State Government or a local authority or public officers for acts done in their official capacity;(d)by or against minors or persons of unsound mind or when any such person is in the Opinion of the Nyaya Panchayat a necessary party;(e)for the assessment, enhancement, reduction, abatement, apportionment or recovery of rent of immovable property; or(f)by a mortgagee of immovable property for the enforcement of the mortgage by foreclosure or sale of the property or otherwise, or by a mortgagor of immovable property for the redemption of the mortgage.

63. Suits to include whole claim.

(1)Every suit instituted before a Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Nyaya Panchayat.(2)If the plaintiff omits to sue in respect of or relinquishes any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

64. Local limit of jurisdiction.

- No suit shall lie in a Nyaya Panchayat unless at least one of the defendants resides within the limits of its jurisdiction at the time of the institution of the suit, or the cause of action has arisen wholly or in part within those limits.

65. How suit may be instituted.

(1) A suit before a Nyaya Panchayat may be instituted by petition made orally or in writing to the Secretary of the Gram Panchayat or in his absence to a member of the Nyaya Panchayat. If the petition is made orally the Secretary of the member, as the case may be, shall draw up a statement recording the name of the petitioner, the name of the person against whom the petition is made, the nature of the claim and such other particulars, if any, as may be prescribed and the signature or the thumb impression of the petitioner shall be taken thereon. The Secretary or the member, as the case may be, shall thereafter direct the petitioner to appear before the Nyaya Panchayat on a particular date. (2) The plaintiff on instituting his suit shall state the value of the claim.

66. Dismissal of suits barred by limitation, etc.

(1) If at any time the Nyaya Panchayat is of opinion that the suit is barred by limitation it shall dismiss the suit by an order in writing. (2) If at any time it appears to the Nyaya Panchayat that it has no jurisdiction to entertain the suit, it shall direct the petitioner to the court having jurisdiction to try such suit. (3) Where it is proved to the satisfaction of the Nyaya Panchayat that a suit has been adjusted wholly or in part by any lawful agreement or compromise or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject-matter of the suit, the Nyaya Panchayat shall pass a decree in accordance therewith so far as it relates to the suit: Provided that where the Nyaya Panchayat refuses to pass a decree in accordance with the agreement or compromise, it shall record its reasons in writing for so doing.

67. Dismissal of suits for default.

- If in any suit before a Nyaya Panchayat the plaintiff fails to appear on the day fixed, or if in the opinion of the Nyaya Panchayat, he shows negligence in prosecuting his suit, it may dismiss the suit for default: Provided that a Nyaya Panchayat may restore a suit dismissed for default, if within thirty days from the date of such dismissal the plaintiff satisfies the Nyaya Panchayat that he was prevented by sufficient cause from appearing at the time when the suit was called on for hearing.

68. Summons to defendant to appear.

- If on receiving the plaint the Nyaya Panchayat is satisfied that the trial of the suit may be proceeded with, it shall, by summons, require the defendant to appear and answer the suit either orally or in writing.

69. Ex parte decision.

- If the defendant fails to appear and the Nyaya Panchayat is satisfied that the summons was duly served it may decide the suit ex parte: Provided that any defendant against whom a suit has been decided ex parte may, within thirty days from the date of executing any process for enforcement of the decision, apply, orally or in writing, to the Nyaya Panchayat to set aside the order; and the Nyaya

Panchayat, if satisfied that the summons was not duly served on the defendant, or that the defendant was prevented from appearing at the time when the suit was called on for hearing by any sufficient cause, shall set aside the decision and shall appoint a day for proceeding with suit.

70. No order to be set aside without notice to opposite party.

- No decision or order of a Nyaya Panchayat shall be set aside under the proviso to section 67 or under the proviso to section 69 unless notice in writing has been served by the Nyaya Panchayat on the opposite party.

71. Power to determine parties.

(1) Subject to the provisions of clauses (c) and (d) of section 62, the Nyaya Panchayat shall add as parties to a suit any person whose presence as parties it considers necessary for a proper decision thereof, and shall enter the names of such parties in the register of suits, and the suit shall be tried as between the parties whose names are entered in the said register: Provided that when any party is added, notice shall be given to him and he shall be given an opportunity to appear before the trial of the suit is proceeded with. (2) In all cases where a new party appears under the proviso to sub-section (1) during the trial of a suit, he may require that the trial shall begin de novo.

72. Decision of suits.

(1) When the parties or their agents have been heard and the evidence on both sides considered, the Nyaya Panchayat shall, by written order, pass such decree as may seem just, equitable and according to good conscience, stating in the decree the amounts of prescribed fees and the amount, if any, paid to witnesses under sub-section (3) of section 82 and the persons by whom such amounts are payable: Provided that if the members of the Nyaya Panchayat present during the trial of a suit fail to come to a unanimous decision, the decision of the majority of such members shall be the decision of the Nyaya Panchayat: Provided further that in the case of equality of votes of the members of a Nyaya Panchayat present during the trial of a suit, the Pradhan Vicharak, or the person who is elected as Pradhan Vicharak for that sitting, shall have a second or casting vote and the decision of the Nyaya Panchayat shall be in accordance with such second or casting vote. (2) Subject to such conditions and limitations as may be prescribed, and to the provisions of any law for the time being in force, the costs of, and incidental to, all suits shall be in the discretion of the Nyaya Panchayat and the Nyaya Panchayat shall have full power to determine by whom and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid: Provided that where the Nyaya Panchayat directs that the successful party shall not get the costs of the suit, it shall state its reasons in writing. (3) If a Nyaya Panchayat is satisfied that a suit instituted before it is false, vexatious or frivolous, it may direct the plaintiff, by an order in writing, to pay to the defendant such compensation, not exceeding twenty-five rupees, as it may think fit.

73. Instalments.

- A Nyaya Panchayat in ordering the payment of a sum of money or the delivery of any movable property may direct that the money be paid, or the movable property be delivered, by instalments.

74. Decision to be final but power to Munsif to order retrial.

- The decision of a Nyaya Panchayat in every suit shall be final as between the parties to the suit: Provided that the Munsif who would have had jurisdiction to try the suit but for the provisions of this Act, may, on the application to any party to the suit made within thirty days of the decree or order of the Nyaya Panchayat, cancel or modify the decree or order of the Nyaya Panchayat or direct a retrial of the suit by the same or any other Nyaya Panchayat if he is satisfied that there has been a failure of justice.

75. Death of parties.

- If the plaintiff or defendant in any suit dies before the suit has been decided, the suit may, subject to the provisions of clause (d) of section 62, be proceeded with at the instance of, or against the legal representatives of, the deceased plaintiff or defendant, as the case may be.

76. Effect of decision on questions of title, etc.

- The decision of a Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

77. Procedure for Nyaya Panchayat.

(1) The provisions of -(a) the West Bengal Court-fees Act, 1970, (b) the Code of Criminal Procedure, 1898, (c) the Code of Civil Procedure, 1908, and (d) the Indian Evidence Act, 1872, shall not apply to any trial before a Nyaya Panchayat. (2) The procedure to be followed by a Nyaya Panchayat in any trial, in the enforcement of its decisions and orders, and in the method of forming a quorum shall, subject to the provisions of this Act, be in accordance with prescribed rules.

78. Bar to trial of case or suit in which a Panchayat or its member is interested.

- No Nyaya Panchayat shall try any case or suit or other proceeding in which the Gram Panchayat concerned or any member of such Nyaya Panchayat is a party or is interested.

79. Withdrawal or transfer of case or suit.

(1) The Sessions Judge or the Sub-divisional Judicial Magistrate within the local limits of whose jurisdiction the Nyaya Panchayat is situate, may, of his own motion or on the application of any of

the parties to a case or on the motion of the Nyaya Panchayat concerned, withdraw the case pending before a Nyaya Panchayat if, for reasons to be recorded by him in writing, he is of opinion that the case is one which should not be tried or heard by the Nyaya Panchayat, and may try or hear the case himself or transfer it for disposal to another Judicial Magistrate who would have had jurisdiction to try the case but for the provisions of this Act.(2)The District Judge, with the local limits of whose jurisdiction a Nyaya Panchayat is situate, may, of his own motion or on the application of any of the parties to a suit or on the motion of the Nyaya Panchayat concerned, withdraw the suit pending before a Nyaya Panchayat if, for reasons to be recorded by him in writing, he is of opinion that the suit is one which should not be tried or heard by the Nyaya Panchayat, and may try or hear the suit himself or transfer it for disposal to the court of the Munsif who would have had jurisdiction to try the suit but for the provisions of this Act.(3)If at any stage of a case or a suit any party to such case or suit informs the Nyaya Panchayat that he has applied or that he intends to apply for the withdrawal or transfer of the case or suit under sub-section (1) or sub-section (2), as the case may be, the Nyaya Panchayat shall stay further proceedings in the case or suit until such time as it thinks fit.

80. Certain suits and cases not to be tried.

(1)No Nyaya Panchayat shall try any suit in which the matter directly and substantially in dispute has been heard and finally decided by a court of competent jurisdiction in a former suit between the same parties, or between parties under whom they or any of the claim.(2)No Nyaya Panchayat shall proceed with the trial of any suit in which the matter directly and substantially in dispute is pending for decision in the same Nyaya Panchayat or in any other court in a previously instituted suit between the same parties or between parties under whom they or any of them claim.(3)No Nyaya Panchayat shall try a person who has once been tried by a court or a Nyaya Panchayat of competent jurisdiction for an offence and convicted or acquitted of such offence, while such conviction or acquittal remains in force.

81. Inspection.

(1)The Sessions Judge and the Sub-divisional Judicial Magistrate within the local limits of whose jurisdiction the Nyaya Panchayat is situate, shall have the power at all times to inspect the proceedings of any criminal case and the records of criminal cases maintained by a Nyaya Panchayat.(2)The District Judge and the Munsif within the local limits of whose jurisdiction the Nyaya Panchayat is situate, shall have the power at all times to inspect the proceedings of any suit and the records of suits maintained by a Nyaya Panchayat.

82. Attendance of witnesses.

(1)Subject to the provisions of section 85, a Nyaya Panchayat may, by summons, send for any person to appear and give evidence or to produce or cause the production of any document:Provided that no person who is exempt from personal appearance in court under sub-section (1) of section 133 of the Code of Civil Procedure, 1908, shall be required to appear in person before a Nyaya Panchayat.(2)A Nyaya Panchayat shall refuse to summon a witness or to enforce a summons already

issued against a witness, where, in the opinion of the Nyaya Panchayat, the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.(3)A Nyaya Panchayat shall not require any person living outside the limits of the Gram Panchayat concerned to give evidence, unless such sum of money as may appear to the Nyaya Panchayat to be sufficient to defray the travelling and other expenses of such person and for one day's attendance is deposited in the Nyaya Panchayat by the party who cites such person as his witness.(4)If any person whom a Nyaya Panchayat summons by written order to appear or give evidence, or to produce any document before it fails, without lawful excuse, to obey such summons and thereby commits an offence, the Nyaya Panchayat, may take cognizance of such offence and may sentence the person convicted of such offence to a fine not exceeding twenty-five rupees.

83. Appearance of parties.

(1)The parties to cases triable by a Nyaya Panchayat shall appear personally before the Nyaya Panchayat:Provided that the Nyaya Panchayat, if it thinks fit so to do, may dispense with the personal attendance of an accused and permit him to appear by agent.(2)The parties to suits triable by a Nyaya Panchayat may appear by agent.Explanation. - "agent" in sub-sections (1) and (2), means a person who is authorised in writing to appear and plead for either party.(3)Notwithstanding anything contained in sub-section (1) or sub-section (2), no person whose name is included in a list of touts framed and published by Sub-divisional Magistrate under section 80A of the Registration Act, 1908, shall be permitted to appear as an agent of a party before a Nyaya Panchayat.

84. Legal practitioners not to practise.

- Notwithstanding anything contained in the Legal Practitioners Act, 1879, legal practitioners shall not be permitted to practise before a Nyaya Panchayat.

85. Appearance of women.

- No woman shall be compelled to appear in person before a Nyaya Panchayat as an accused or as a witness.

86. Power to issue commission.

- Subject to such rules as may be prescribed, a Nyaya Panchayat may issue a commission to examine any person in accordance with such procedure as may be prescribed.

87. Trial of suit triable by more than one Nyaya Panchayat.

- Where a suit is maintainable in more than one Nyaya Panchayat, the plaintiff may bring the suit in any one of such Nyaya Panchayats and any dispute regarding the jurisdiction of a Nyaya Panchayat to entertain any suit shall be decided by the Munsif who would have had jurisdiction to try the same

but for the provisions of this Act, and the decision of the Munsif thereon shall be final.

88. Realisation of fees and execution of decrees.

(1) All fees imposed and the sums decreed under this Act by a Nyaya Panchayat may be realised under the orders of the Nyaya Panchayat in the same manner as an arrear of rate or tax imposed under this Act and any amount realised in pursuance of such an order shall be paid to the persons entitled to get the same. (2) If the Nyaya Panchayat granting a decree is unable to effect satisfaction thereof, it shall grant the decree-holder a certificate to that effect stating the amount due to him and the amount due as costs of the suit. (3) The decree-holder to whom the certificate referred to in sub-section (2) is granted, may make an application, on production of such certificate, to the court of the Munsif within the local limits of whose jurisdiction the defendant actually and voluntarily resides or carries on business or personally works for gain, for execution of the decree granted by the Nyaya Panchayat. (4) The court of the Munsif, to which the application referred to in sub-section (3) is made, shall execute the decree granted by the Nyaya Panchayat and in executing such decree it shall have the same powers and it shall follow the same procedure as if it were executing a decree passed by itself. (5) An application for execution of a decree of a Nyaya Panchayat made after the expiry of three years from the date of the decree or of any order under the proviso to section 74 modifying any such decree, shall be dismissed, although limitation has not been pleaded: Provided that where the decree is for payment of a sum of money or delivery of any movable property which the decree directs to be made at a certain date, the application from execution of the decree may be made within three years from the date.

89. Registers and records.

- Every Nyaya Panchayat shall maintain such registers and records and submit such returns as may be prescribed.

90. Resignation by member of Nyaya Panchayat and filling of casual vacancy.

(1) A member of a Nyaya Panchayat may resign during his term of office by notifying in writing his intention to do so to the prescribed authority and, on such resignation being accepted by the prescribed authority, shall be deemed to have vacated his office. (2) When the office of member of a Nyaya Panchayat becomes vacant by resignation or otherwise a new member shall, in the same manner as laid down in section 51, be elected by the Gram Panchayat, who shall hold office so long as the member whose office he fills would have been entitled to hold office if such vacancy had not occurred: Provided that no act of the Nyaya Panchayat shall be deemed to be invalid by reason only that the number of members of the Nyaya Panchayat at the time of the performance of such act was less than the prescribed number.

91. Removal of members of Nyaya Panchayat.

(1) The State Government may, by an order in writing, at any time, for good and sufficient reason to

the stated in such order, remove a member of a Nyaya Panchayat.(2)Before removing a member under sub-section (1), the State Government shall allow the member concerned an opportunity of being heard in accordance with such rules as may be prescribed.

92. Reference to Sessions Judge, etc.

- Any reference in this Chapter to the Sessions Judge, the Sub-divisional Judicial Magistrate and the Judicial Magistrate shall, in the district where the West Bengal Separation of Judicial and Executive Functions Act, 1970, is not in force, be construed as a reference to the District Magistrate, Sub-divisional Magistrate and Magistrate, respectively.

Part III – Panchayat Samiti

Chapter VIII

Constitution of Panchayat Samiti

93. Block.

(1)The State Government may, by notification, divide a district into Blocks each comprising such contiguous Grams as may be specified in the notification:[Provided that a Block may comprise such Grams as are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force.] [Proviso inserted by W.B. Act 2 of 1983. w.e.f.

19.1.1983.](2)The notification under sub-section (1) shall specify the name of the Block by which it shall be known and shall specify the local limits of such Block.(3)The State Government may, after making such enquiry as it may think fit and after consulting the views of the Panchayat Samiti or Samitis concerned, by notification -(a)exclude from any Block any Gram comprised therein; or(b)[include in any Block any Gram contiguous to such Block or separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force; or] [[Clause (b) substituted by W.B. Act 2 of 1983. w.e.f.

19.1.1983, which was earlier as under:-(b) include in any Block any Gram contiguous to such Block; or'.](c)divide the area of a Block so as to constitute two or more Blocks; or(d)unite the areas of two or more Blocks so as to constitute a single Block.

94. Panchayat Samiti and its constitution.

(1)For every Block the State Government shall constitute a Panchayat Samiti bearing the name of the Block.(2)The Panchayat Samiti shall consist of the following members, namely:-(i)Pradhans of the Gram Panchayats within the Block, ex officio;(ii)such number of persons not exceeding "three as may be prescribed [on the basis of the number of voters in hill areas and other areas] [Words inserted by W.B. Act 10 of 1978.] to be elected from each Gram within the Block, the Gram being divided [by the prescribed authority] [Words inserted by W.B. Act 2 of 1983. w.e.f. 19.1.1983.] for

the purpose into as many constituencies as the number of persons to be elected and the election being held by secret ballot at such time and in such manner as may be prescribed, [from amongst the persons, whose names are included in the electoral roll] [Words 'in force on the last date of nominations for Panchayat election' first substituted for the words 'for the time being in force' by W.B. Act 37 of 1984, then the words within third brackets substituted for the words 'from amongst themselves by persons whose names are included in the electoral roll of the West Bengal Legislative Assembly in force on the last date of nomination for Panchayat election pertaining to the constituency comprised in such Gram' by W.B. Act 17 of 1992.] [pertaining to the area comprised in the Block, prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election by persons whose names are included in such electoral roll pertaining to the constituency comprised in such Gram:] [Words substituted for the words 'of the West Bengal Legislative Assembly in force on the last date of nomination for Panchayat election pertaining to the area comprised in the Block.' by W.B. Act 18 of 1994.][Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a Panchayat Samiti and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that Panchayat Samiti to be filled up by election as the population of the Scheduled Castes in the Panchayat Samiti area, or of the Scheduled Tribes in that Panchayat Samiti area, as the case may be, bears to the total population of the Panchayat Samiti area and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that Panchayat Samiti area, as the case may be, bears with the total population in that Panchayat Samiti area:] [First to fifth provisos inserted by W.B. Act 17 of 1992.][Provided further that not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:] [First to fifth provisos inserted by W. B. Act 17 of 1992.][Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a Panchayat Samiti shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed:] [First to fifth provisos inserted by W. B. Act 17 of 1992.][Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section [* * * * *] [First to fifth provisos inserted by W. B. Act 17 of 1992.] when the number of members to be elected to a Panchayat Samiti is determined, or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a Panchayat Samiti, in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:][Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to a Panchayat Samiti, be disqualified for election to any seat not so reserved:] [First to fifth provisos inserted by W. B. Act 17 of 1992.][Provided also that such division into constituencies shall be made in such manner that the ratio between the population of the Block and the number of constituencies in the Panchayat Samiti shall, so far as practicable, be the same in any Panchayat Samiti:] [Sixth to eighth provisos inserted by W.B. Act 18 of 1994.][Provided also that the State

Election Commissioner may, at any time, for reasons to be recorded in writing [, by order, direct the prescribed authority to make fresh determination] [Sixth to eighth provisos inserted by W.B. Act 18 of 1994.] of the number of members in a Panchayat Samiti or fresh reservation on rotation of the number of seats in the Panchayat Samiti and, on such order being issued by the State Election Commissioner, the determination of the number of members [or the number of seats to be reserved or the sequence of rotation of reservation of seats or any combination of them as may be specified in such order] [Words substituted for the words 'and the reservation of the number of seals' by W.B. Act 24 of 1997.] shall not be varied for [the next] [Words inserted by W.B. Act 15 of 1997.] three successive general elections:](iii)[[(a) members of the House of the People and the Legislative Assembly or the State elected thereto from a constituency comprising the Block or any part thereof, not being Ministers or directly elected members of Panchayat Samiti or not being Sabhadhipati (or Sahakari Sabhadhipati of Zilla Parishad elected thereto from a constituency comprising the Block, ex Officio;] [[Clause (iii) substituted by W.B. Act 23 of 1979, which was earlier as under:-(iii) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the Block or any part thereof, not being Ministers and members of the Council of States, not being Ministers, having a place of residence in the Block.']]](b)members of the Council of States, not being Ministers, [(registered as electors within the area of the Block;) and] [Words 'Block; and' first substituted for the word 'Block.' by W.B. Act 17 of 1992, then the words within first brackets substituted for the words 'having a place of residence in the Block;' by W.B. Act 18 of 1994.](c)[members of the Zilla Parishad, not being Sabhadhipati or Sahakari Sabhadhipati, elected thereto from the constituency comprising any part of the Block.] [Sub-clause (c) inserted by W.B. Act 17 of 1992.](3)Every Panchayat Samiti constituted under this section shall [* * * * *] [Words and figures ',notwithstanding anything contained in section 210.' first inserted by W.B. Act 10 of 1978, then omitted by W.B. Act 18 of 1994.] be notified in the Official Gazette and shall come into office with effect from the date of its first meeting at which a quorum is present.(4)Every Panchayat Samiti shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

95. Effect of the alteration of the area of a Block.

(1)When any Gram is excluded from a Block under clause (a) of sub-section (3) of section 93, such Gram shall, as from the date of the notification referred to in that sub-section, cease to be subject to the jurisdiction of the Panchayat Samiti of that Block and, unless the State Government otherwise directs, to the rules, orders, directions and notifications in force therein.(2)When a Gram is included in a Block under clause (b) of sub-section (3) of section 93, the Panchayat Samiti for that Block shall, as from the date of the notification referred to in that sub-section, have jurisdiction over such Gram and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Block shall apply to the Gram so included.(3)[When the area of any Block is divided under clause (c) of sub-section (3) of section 93 so as to constitute two or more Blocks, there shall be reconstitution of the Panchayat Samitis for the newly constituted Blocks in accordance with the provisions of this Act, and the Panchayat Samiti of the Block so divided shall, as from the date of coming into office of the newly constituted Panchayat Samitis, cease to exist.] [[Sub-Section (3) substituted by W.B. Act 2 of 1983, w.e.f. 19.1.1983, which was earlier as under:-(3) When the area of any Block is divided under clause (c) of sub-section (3) of section 93 so as to constitute two or more

Blocks, the Panchayat Samiti of the Block shall, as from the date of the notification referred to in that sub-section, cease to exist and there shall be reconstitution of the Panchayat Samitis for the newly-constituted Blocks in accordance with the provisions of this Act.'.] (4) [When the areas of two or more Blocks are united under clause (d) of sub-section (3) of section 93 so as to constitute a single Block, there shall be reconstitution of the Panchayat Samiti for the newly constituted Block in accordance with the provisions of this Act, and the Panchayat Samitis of the Blocks so united shall, as from the date of coming into office of the newly constituted Panchayat Samiti, cease to exist.] [[Sub-Section (4) substituted by W.B. Act 2 of 1983, w.e.f. 19.1.1983, which was earlier as under:- '(4) When the areas of two or more Blocks are united under clause (d) of sub-section (3) of section 93 so as to constitute a single Block, the Panchayat Samitis of the said Blocks shall, as from the date of the notification referred to in that sub-section, cease to exist and a separate Panchayat Samiti shall be constituted for the new Block in accordance with the provisions of this Act.'.] (5) When under sub-section (3) of section 93 any Gram is excluded from, or included in, a Block, or a Block is divided so as to constitute two or more Blocks, or two or more Blocks are united to constitute a single Block, the properties, funds and liabilities of the Panchayat Samiti or Samitis affected by such reorganisation shall vest in such Panchayat Samiti, or Samitis, and in accordance with such allocation, as may be determined by order in writing by the prescribed authority, and such determination shall be final. (6) An order made under sub-section (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganisation. [Explanation. - For the purpose of reconstitution of the Panchayat Samiti after division referred to in sub-section (3) or after unification referred to in sub-section (4), -] ['Explanation' inserted by W.B. Act 15 of 1997.] (a) it shall not be necessary to hold general elections to the newly constituted Panchayat Samiti or Panchayat Samitis when the terms of office of the members of the former Panchayat Samitis within the scope and meanings of sub-section (1) of section 96, do not expire,' and (b) such members having unexpired terms of office shall be declared by the State Government or such authority as may be empowered, by order, by the State Government in this behalf, by notification in the Official Gazette as members to the newly constituted Panchayat Samiti that comprises the constituencies, wholly or in part, from which such members were elected to the former Panchayat Samitis and any such member shall hold office in the newly constituted Panchayat Samiti for the unexpired portion of the term of his office.

95A. [Effect of inclusion of any area of Block in any area of Municipality. [Section 95A inserted by W.B. Act 2 of 1995, w.e.f. 28.12.1994.]

- If, at any time, the whole of the area of a Block is included in the area of a Municipality by a notification under any law for the time being in force or in an area under the authority of a Town Committee or a Cantonment, the Panchayat Samiti for such area shall cease to exist within six months from the date of the notification or with effect from such date as may be specified in the notification or with effect from the date on which elections to the newly constituted body are completed, whichever is earlier, and the properties, funds and other assets vested in such Panchayat Samiti shall vest in and devolve on the Municipality or the Town Committee or the Cantonment Authority, as the case may be, in accordance with the orders of the prescribed authority. The persons employed under such Panchayat Samiti shall, with effect from the date on which the Panchayat Samiti ceases to exist, be deemed to be employed by the Municipality or the Town

Committee or the Cantonment Authority, as the case may be, on terms and conditions not being less advantageous than what they were entitled to immediately before such inclusion.]

96. [Office of members of Panchayat Samiti. [[Section 96 substituted by W.B. Act 18 of 1994, which was earlier as under:-

'96. Term of office of members of Panchayat Samiti. - (1) The members of a Panchayat Samiti other than the ex officio members shall, subject to the provisions of sub-section (2) of this section and section 100, hold office for a period of five years from the date of poll in the general election for constitution of Panchayat Samitis.(2)The period of five years referred to in sub-section (1) shall be held to include any period which may elapse between the expiry' of the said period and the date of the first meeting of the newly formed Panchayat Samiti after a fresh election at which a quorum is present :Provided that if such first meeting of the newly-formed Panchayat Samiti cannot be held within three months of the expiry of the said period of five years, the State Government may by order, terminate the term of office of the members of the Panchayat Samiti continuing in office under this sub-section and appoint any authority, person or persons to exercise and perform, subject, to such conditions as may be specified in the order, the powers and functions of the Panchayat Samiti under this Act or any other law for the time being in force until the date on which such first meeting of the newly-formed Panchayat Samiti is held.'.]](1)The members of a Panchayat Samiti, other than ex officio members, shall, subject to the provisions of sections 100 and 213A, hold office for a period of five years from the date of its first meeting and no longer.(2)There shall be held a general election for the constitution of a Panchayat Samiti within a period not exceeding five years from the date of the previous general election held for the Panchayat Samiti:][Provided that if the first meeting of the newly-formed Panchayat Samiti cannot be held before the expiry of the period of five years under sub-section (1), the State Government may, by order, appoint, any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the Panchayat Samiti under this Act or any other law for the time being in force, for a period not exceeding three months at a time or until the date on which such first meeting of the newly-formed Panchayat Samiti is held, whichever is earlier.] [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.][96A. * * * * *] [[Section 96A first inserted by W.B. Act 17 of 1992, then omitted by W.B. Act 18 of 1994, which was as under:-'96A. General election to Panchayat Samitis. - (1) There shall be held a general election for the constitution of a Panchayat Samiti in accordance with the provisions of section 94 before the expiry of the term of office of the members thereof under section 96.(2)Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that circumstances exist under which it is not possible to Hold election in the area or in any part of the area of a Panchayat Samiti, it may, on the expiry of the term of office of the members of the Panchayat Samiti under sub-section (1) of section 96, by an order published in the Official Gazette, extend such term of office for such period, not exceeding six months at a time, as may be specified in the order :Provided that prior to the issue of any notification for such extension of the term of office beyond six months from the date of expiry of the term under sub-section (1) of section 96, such notification shall be laid before the State Legislature and shall be subject to such modification as the State Legislature may make.'.]]

97. Disqualifications of members of Panchayat Samiti.

- Subject to the provisions contained in section 140 and 142, a person shall not be qualified to be a member of a Panchayat Samiti, if -(a)he is a member [* * * *] [Words 'of a Gram Panchayat other than the Pradhan or a Nyaya Panchayat or a Zilla Parishad or' omitted by W.B. Act 37 of 1984.] of any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1; or(b)[he is in the service of the Central or the State Government or a Gram Panchayat or a Panchayat Samiti or [a Zilla Parishad or the Mahakuma Parishad or the Council;] [[Clause (b) substituted by W.B. Act 6 of 1985, w.e.f. 25.1.1985, which was earlier as under:-'(b) he is in the service of the Central or the State Government or a Gram Panchayat or a Panchayat Samiti or a Zilla Parishad; or'.]] and for the purposes of this clause, it is hereby declared that a person in the service of any undertaking of the Central or the State Government or any statutory body or Corporation or any public or Government company or any local authority or any co-operative society or any banking company or any university or any Government sponsored institution or any educational or other institution or undertaking or body receiving any aid from the Government by way of grant or otherwise or a person not under the rule-making authority of the Central or the State Government or a person receiving any remuneration from any undertaking or body or organisation or association of persons as the employee or being in the service of such undertaking or body or organisation or association of persons out of funds provided or grants made or aids given by the Central or the State Government, shall not be deemed to be in the service of the Central or the State Government; or](c)he has, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of, the Panchayat Samiti, or a Gram Panchayat within the Block concerned [or the Zilla Parishad of the district, or the Mahakuma Parishad or the Council:] [Words substituted for the words 'or the Zilla Parishad of the district;' by W.B. Act 20 of 1988.]Provided that no person shall be deemed to be disqualified for being elected a member of a Panchayat Samiti by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956, which contracts with or is employed by the Panchayat Samiti or any such Gram Panchayat [or such Zilla Parishad or the Mahakuma Parishad or the Council;] [Words substituted for the words 'or such Zilla Parishad;' by W.B. Act. 20 of 1988.] or(d)he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society, or a Government Company or a Corporation owned or controlled by the Central or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or(e)he has been adjudged by a competent court to be of unsound mind; or(f)he is an undischarged insolvent; or(g)he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or(h)[(i) he has been convicted by a court - [[Clause (h) substituted by W.B. Act 15 of 1997, which was earlier as under:-'(h) he has been convicted by a Court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months or an offence under Chapter IXA of the Indian Penal Code or section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952, or Chapter III of Part VII of the Representation of the People Act, 1951, and five years have not elapsed from the date of the expiration of the sentence; or'.]](A)of an offence involving moral turpitude punishable with imprisonment for a period of more than six months, or(B)of an offence under Chapter IXA of the Indian Penal Code, or(C)under section 3 or section 9 of the West Bengal Local Bodies (Electoral

Offences and Miscellaneous Provisions) Act, 1952, and five years have not elapsed from the date of the expiration of the sentence; or(ii)he is disqualified for the purpose of elections to the State Legislature under the provisions of Chapter III of Part II of the Representation of the People Act, 1951; or(i)[he has not attained the age of twenty-one years on the date fixed for the scrutiny of nominations for any election; or] [Clauses (i) to (l) inserted by W.B. Act 18 of 1994.](j)[he has been convicted under section 189 at any time during the last ten years; or] [Clauses (i) to (l) inserted by W.B. Act 18 of 1994.](k)[he has been surcharged or charged under section 192 at any time during the last ten years; or] [Clauses (i) to (l) inserted by W.B. Act 18 of 1994.](l)[he has been removed under section 213 at any time during the last five years.] [Clauses (i) to (l) inserted by W.B. Act 18 of 1994.]

98. Sabhapati and Sahakari Sabhapati.

(1)Every Panchayat Samiti shall, at its first meeting at which a quorum is present, elect, in the prescribed manner, one of its members to be the Sabhapati and another member to be the Sahakari Sabhapati of the Panchayat Samiti:Provided that members referred to in [clauses (i) and (iii)] [Word, brackets and figure 'clause (iii)' first substituted for the words, brackets, letter and figure 'sub-clause (iii) of clause (a)' by W.B. Act 58 of 1978, then the words, brackets and figures within third brackets substituted for the word, brackets and figure 'clause (iii)' by W.B. Act 37 of 1984.] of sub-section (2) of section 94 [shall neither participate in, nor be eligible, for, such election:] [Words substituted for the words 'shall not be eligible for such election.' by W.B. Act 18 of 1994.][Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall not hold any office of profit during the period for which he holds or due to hold such office unless he has obtained leave of absence from his place of employment or shall- not carry on or be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his office powers, due performance of his office functions or due discharge of his office duties:] [Substituted by Act No. 40 of 2017, dated 16.10.2017][Provided also that subject to such rules as may be made by the State Government in this behalf, the offices of the Sabhapati and the Sahakari Sabhapati shall be reserved for the Scheduled Castes and the Scheduled Tribes in such manner that the number of offices so reserved at the time of any general election shall bear, as nearly as may be, the same proportion to the total number of such offices within a district as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in all the Blocks within such district taken together bears with the total population in the same area, and such offices shall be subject to allocation by rotation in the manner prescribed:] [3rd to 7th provisos inserted by W.B. Act 18 of 1994.][Provided also that after being elected to an [office of an office bearer] [Proviso Inserted by Act No. 5 of 2014, dated 31.3.2014.], he shall be all owed lien or leave of absence from the place of his employment for his full tenure in such office with effect from the date of his joining to such office by the Department or authority or undertaking or aided institution of the State Government under which he holds his office of profit;][Provided also that the offices of the Sabhapati and the Sahakari Sabhapati in any Panchayat Samiti having the Scheduled Castes or the Scheduled Tribes population, as the case may be, constituting not more than five per cent of the total population in the Block, shall not be considered for allocation by rotation:] [3rd to 7th provisos inserted by W.B. Act 18 of 1994.][provided also that in the event of the number of Blocks having the

Scheduled Castes or the Scheduled Tribes population constituting more than five per cent of the total population, falling short of the number of the offices of the Sabhapati and the Sahakari Sabhapati required for reservation in a district, the State Election Commissioner may, by order, include, for the purpose of reservation, other such offices of the Sabhapati and the Sahakari Sabhapati beginning from the Block having higher proportion of the Scheduled Castes or the Scheduled Tribes, as the case may be, until the total number of seats required for reservation is obtained:] [3rd to 7th provisos inserted by W.B. Act 18 of 1994.][Provided also that not less than one-third of the total number of the offices of the Sabhapati and the Sahakari Sabhapati reserved for the Scheduled Castes and the Scheduled Tribes in a district, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:] [3rd to 7th provisos inserted by W. B. Act 18 of 1994.][Provided also that not less than one-third of the total number of offices of the Sabhapati and the Sahakari Sabhapati in a district including the offices reserved for the Scheduled Castes and the Scheduled Tribes, shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:] [3rd to 7th provisos inserted by W.B. Act 18 of 1994.][Provided also that in a district, determination of the offices of the Sabhapati reserved for the Scheduled Castes, the Scheduled Tribes and women shall precede such determination for the offices of Sahakari Sabhapati:] [8th to 10th provisos inserted by W.B. Act 24 of 1997.][Provided also that if, for any term of election (hereinafter referred to in this proviso as the said term of election), the office of the Sabhapati in a Panchayat Samiti is reserved for any category of persons in terms of the rules in force, the office of the Sahakari Sabhapati in the Panchayat Samiti shall not be reserved for the said term of election for any category and if, in accordance with the rules applicable to the office of the Sahakari Sabhapati, such office is required to be reserved for the said term of election, such reservation for the same category shall be made in another office of the Sahakari Sabhapati within the district in the manner prescribed, keeping the total number of offices so reserved for the said term of election equal to the number of such offices enquired to be reserved in accordance with the rules in force:] [8th to 10th provisos inserted by W.B. Act 24 of 1997.][Provided also that when in any term of election, an office of the Sahakari Sabhapati is not reserved on the ground that the corresponding office of the Sabhapati is reserved in the manner prescribed, such office of the Sahakari Sabhapati not reserved on the ground as aforesaid, shall be eligible for consideration for reservation during the next term of election the manner prescribed:] [8th to 10th provisos inserted by W.B. Act 24 of 1997.][Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section or elsewhere in this Act, the principle of rotation for the purpose of reservation of offices under this sub-section shall commence from the first election to be held after the coming into force of section 26 of the West Bengal Panchayat (Amendment) Act, 1994, and the roster for reservation by rotation shall continue for every three successive terms for the complete rotation unless the State Election Commissioner, for reasons to be recorded in writing and by notification, directs fresh commencement of the rotation at any stage excluding one or more terms from the operation of the rotation:] [11th to 13th provisos inserted by W.B. Act 18 of 1994.][Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman, for whom the offices are reserved under this sub-section, shall, if eligible for the office of the Sabhapati or Sahakari Sabhapati, be disqualified for election to any office not so reserved:] [11th to 13th provisos inserted by W.B. Act 18 of 1994.][Provided also that the provisions for reservation of the offices of the Sabhapati and the Sahakari Sabhapati for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on

the expiry of the period specified in article 334 of the Constitution of India.] [11th to 13th provisos inserted by W.B. Act 18 of 1994.](2)The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.(3)The Sabhapati and the Sahakari Sabhapati shall, subject to the provisions of section 101 and to their continuing as members, hold office for a period of [five years:] [Words substituted for the words 'four years' by W.B. Act 12 of 1982, w.e.f. 4.8.1982.][* * * * *] [[Proviso omitted by W.B. Act 18 of 1994, which was as under:-'Provided that a Sabhapati or a Sahakari Sabhapati shall continue in office after the expiry of the said period until a new Sabhapati or Sahakari Sabhapati is elected and assumes office or until an authority or a person or persons is or are appointed under the proviso to sub-section (2) of section 96.']](4)When-(a)the office of the Sabhapati falls vacant by reason of death, resignation, removal or otherwise, or(b)the Sabhapati is, by reason of leave, illness or other cause, temporarily unable to act, the Sahakari Sabhapati shall exercise the powers, perform the functions and discharge the duties of the Sabhapati until a new Sabhapati is elected and assumes office or until the Sabhapati resumes his duties, as the case may be.(5)When -(a)the office of the Sahakari Sabhapati falls vacant by reason of death, resignation, removal or otherwise, or(b)the Sahakari Sabhapati is, by reason of leave, illness or other cause, temporarily unable to act, the Sabhapati shall exercise the powers, perform the functions and discharge the duties of the Sahakari Sabhapati until a new Sahakari Sabhapati is elected and assumes office or until the Sahakari Sabhapati resumes his duties, as the case may be.(6)When the offices of the Sabhapati and the Sahakari Sabhapati are both vacant or the Sabhapati and the Sahakari Sabhapati are temporarily unable to act, the prescribed authority may appoint .[for a period of thirty days at a time] [Words inserted by W.B. Act 18 of 1994] a Sabhapati and a Sahakari Sabhapati from among the members of the Panchayat Samiti to act as such until a Sabhapati or a Sahakari Sabhapati is elected [or assumes office or until the Sabhapati or the Sahakari Sabhapati resumes duties, as the case may be,] [Words substituted for the words 'and resumes office' by W.B. Act 37 of 1984.][* * * * *] [[Sub-Section (7) omitted by W.B. Act 37 of 1984, which was as under:-'(7) If the Pradhan of a Cram Panchayat is elected Sabhapati or Sahakari Sabhapati of a Panchayat Samiti, he shall cease to be the Pradhan of the Cram Panchayat, but shall, notwithstanding anything in section 94, continue to be a member of the Panchayat Samiti for the full term of his office as such Sabhapati or Sahakari Sabhapati thereof under sub-section (3) of this section or section 104, as the case may be.']](8)The Sabhapati and the Sahakari Sabhapati of a Panchayat Samiti shall be paid out of the Panchayat Samiti Fund such [remuneration] [Word substituted for the word 'honoraria' by W.B. Act 17 of 1992.] and allowances and shall be entitled to leave of absence for such period or periods and on such terms and conditions, as may be prescribed.(9)[Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a Sabhapati or a Sahakari Sabhapati from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to interfere with due exercise of his powers, performance of his functions or discharge of his duties:] [Sub-Section (9) inserted by W.B. Act 17 of 1992.]Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.

99. [Resignation of Sabhapati, Sahakari Sabhapati or a member. [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

(1)The Sabhapati or the Sahakari Sabhapati or any other member of a Panchayat Samiti may resign his office by notifying in writing his intention to do so mentioning the reasons for his resignation and also his present postal address for further to the prescribed authority.(2)On receipt of the letter under sub-section (1), the prescribed authority shall issue within three days a letter by registered post to the person tendering such resignation, requesting him to appear in person before the prescribed authority within seven days from the date of receipt of such letter for a hearing on the resignation tendered.(3)During the hearing held under sub-section (2), the prescribed authority shall ascertain whether the resignation has been tendered under own volition of the person and also whether such person intends to withdraw his letter of resignation.(4)The prescribed authority shall pass a reasoned order and either allow such person to withdraw in writing the letter of resignation instantly or accept the resignation tendered with immediate effect:Provided that if such person does not appear in the hearing without any form of communication to the prescribed authority, the letter of resignation tendered by him shall be treated as wilful resignation and the prescribed authority shall accept it forthwith.(5)When the resignation is accepted under sub-section (4), the relevant office shall stand vacated from the date of such acceptance and an intimation in writing shall be sent by the prescribed authority within next three working days to the Executive Officer of the Panchayat Samiti or in his absence to the person officiating in the post as well as to the person tendering resignation directing him to make over charges of his office within next five working days to the person as may be mentioned in the letter or if no person is so mentioned, to relinquish the charges within the aforesaid period in writing addressed to the Executive Officer with a copy endorsed to the prescribed authority and also to hand over to the Executive Officer or any other officer, so authorized by him, all documents, registers, seals and assets, owned by the Panchayat Samiti which are in his custody.(6)The entire process of acceptance of resignation and intimating the person concerned shall be completed within thirty days from the date of receipt of such letter of resignation by the prescribed authority.]

100. Removal of member of Panchayat Samiti.

- The prescribed authority may, after giving opportunity to a member of a Panchayat Samiti [other than an ex officio member] [Words inserted by W.B. Act 37 of 1984.] to show cause against the action proposed to be taken against him, by order remove him from office -(a)if after he becomes a member he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or(b)if he was disqualified to be a member of the Panchayat Samiti at the time of his becoming a member; or(c)if he incurs any of the disqualifications mentioned in clauses (b) to (g) of section 97 after his becoming a member of the Panchayat Samiti; or(d)if he is absent from three consecutive meetings of the Panchayat Samiti without the [leave of the Panchayat Samiti:] [Substituted 'leave of the Panchayat Samiti;' by Act No. 40 of 2017, dated 16.10.2017] [* * * * *] [Words 'provided he is not an ex officio member of the Panchayat Samiti' omitted by W.B. Act 37 of 1984.]; or[Provided that a member of a Panchayat Samiti holding simultaneous membership of the House of the People or the Legislative Assembly, shall not be removed from the office, if he remains absent from three consecutive meetings of the

Panchayat Samiti without the leave of the Panchayat Samiti;] [Added by Act No. 40 of 2017, dated 16.10.2017](e)if he does not pay any arrear in respect of any tax, toll, fee or rate payable under this Act or the Bengal Village Self-government Act, 1919, or the West Bengal Panchayat Act, 1957, or the West Bengal Zilla Parishads Act, 1963.(2)Any member of a Panchayat Samiti who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.(3)The order passed by such authority on such appeal shall be final.[* * * * *] [[Sub-Section (4) omitted by W.B. Act 37 of 1984, which was as under:-(4) If an ex officio member of a Panchayat Samiti referred to in sub-clause (i) of clause (a) of sub-section (2) of section 94 is removed from office he shall cease to be the Pradhan of the Gram Panchayat concerned and a new Pradhan shall be elected by the Gram Panchayat in accordance with the provisions of this Act.'.]

101. [Motion of no Confidence or Removal of Sabhapati or Sahakari Sabhapati. [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

(1)Subject to other provisions of this section the Sabhapati or Sahakari Sabhapati of a Panchayat Samiti may, at any time, be removed from his office by the majority of the existing members of the Panchayat Samiti, referred to in clause (ii) of sub-section (2) of section 94, expressing their lack of confidence against the Sabhapati or the Sahakari Sabhapati or recording their decision to remove the Sabhapati or the Sahakari Sabhapati, at a meeting specially convened for the purpose.(2)For the purpose of removal of the Sabhapati or the Sahakari Sabhapati, one-third of the existing members referred to in sub-section (1) shall sign a motion in writing expressing their lack of confidence against the Sabhapati or the Sahakari Sabhapati or recording their intention to remove the Sabhapati or the Sahakari Sabhapati, indicating party affiliation or independent status of each of such members and either deliver the motion in person through any of the members or send it by registered post to the prescribed authority; one copy of the motion shall be delivered to the concerned office bearer either by hand or by registered post at the Panchayat Samiti office and another copy shall be sent by registered post at his residential address.(3)The prescribed authority on receipt of the motion shall satisfy himself that it conforms to the requirements of sub-section (2) and on his satisfaction shall specially convene, by issue of notice, within five working days of the receipt of the motion, a meeting of the Panchayat Samiti to be held in its office fixing date and hour of the meeting and sending such notice at least before clear seven days to each of its existing members for consideration of the motion and for taking a decision on it.(4)The meeting referred to in sub-section (3) shall be held on a working day which shall not be later than fifteen working days from the date of receipt of the motion by the prescribed authority and the meeting so convened shall not be adjourned or cancelled except in pursuance of an order or direction of a competent court or for any other reason beyond control of the prescribed authority.(5)Such meeting shall be presided over by an officer, as may be authorized by the prescribed authority, in the manner as may be directed by order by the State Government or as may be prescribed and the presiding officer before commencement of the meeting shall ensure that notice has been duly served to every member in the manner laid down in this behalf; quorum required for such meeting shall be more than fifty percent

of the existing members referred to in sub-section (1) and the presiding officer shall not be entitled to vote at the meeting although he may advise on one or more points of law without expressing his own views.(6)If there is no consensus decision in the meeting, voting shall be held by open ballot wherein each participating member shall put his full signature or his left thumb impression to be attested by the leader, referred to in section 213A, of the same political party to which the member belongs or by the said presiding officer on the reverse side of the ballot paper.(7)The minutes of the meeting shall be written by the Secretary or in his absence, by any other official as authorized by the presiding officer. Such minutes shall record in brief names of the members present, the procedure followed, names of the members who voted for or against the motion and the decision adopted unanimously or by the majority of its existing members and shall be signed by him as well as by the presiding officer.(8)After the minutes of the meeting is signed by the presiding officer, it shall be read over to all the attending members who shall thereafter put their signatures or left thumb impressions as the case may be on the minutes in confirmation of the proceedings recorded. Then the presiding officer shall again put his signature on the same document after recording the names of members, if any, who have declined to sign or left earlier and thereafter he shall collect a copy of the minutes before leaving the premises.(9)(a)The Executive Officer or in his absence, the Joint Executive Officer of the Panchayat Samiti shall, within three working days of the meeting, deliver the copy of the minutes of the meeting to the prescribed authority.(b)The presiding officer shall also submit a separate report in writing alongwith a copy of the minutes of the meeting within the aforesaid time to the prescribed authority.(10)On receipt of the minutes of the meeting and the report under subsection (9), the prescribed authority shall take such action as he may deem fit within next five working days and the entire process commencing from submission of motion to the prescribed authority upto the action finally taken by him shall be completed within thirty days.(11)If the motion is not carried by the majority of its existing members or the meeting cannot be held for want of quorum, no notice of any subsequent motion for the removal of the same office bearer shall be taken into cognizance within a period of one year from the date appointed for such meeting.(12)Notwithstanding anything contained in sub-section (1), no meeting for removal of the Sabhapati or the Sahakari Sabhapati under this section shall be convened within a period of one year from the date of election of the Sabhapati or the Sahakari Sabhapati either at the first meeting following reconstitution of Panchayat Samiti or for filling a casual vacancy in the said office.]

102. Filling of casual vacancy in the office of Sabhapati or Sahakari Sabhapati.

- In the event of removal of Sabhapati or a Sahakari Sabhapati under section 101 or when a vacancy occurs in the office of a Sabhapati or a Sahakari Sabhapati by resignation, death or otherwise, the Panchayat Samiti shall elect another Sabhapati or Sahakari Sabhapati in the prescribed manner.

103. Filling of casual vacancy in the office of a member of Panchayat Samiti.

- If the office of a member of a Panchayat Samiti becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled in the prescribed manner.

104. Term of office of Sabhapati, Sahakari Sabhapati or member filling casual vacancy.

- Every Sabhapati or Sahakari Sabhapati elected under section 102 and a person who becomes a member under section 103 to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.

105. Meetings of Panchayat Samiti.

(1) Every Panchayat Samiti shall hold a meeting [in its office at least once in every three months on such date and at such hour as the Panchayat Samiti may fix at the immediately preceding meeting:] [Words 'in the office of the Block Development Officer concerned at least once in a month at such time' first substituted for the words 'at least once in a month at such time and at such place within the local limits of the Block concerned' by W.B. Act 58 of 1978, then the words within third brackets substituted for the words 'in the office of the Block Development Officer concerned at least once in a month at such time as the Panchayat Samiti may fix at the immediately preceding meeting;' by W.B. Act 37 of 1984.] Provided that the first meeting of a newly-constituted Panchayat Samiti shall be held [on such date and at such hour and at such place within the local limits of the Block concerned] [Words 'in the office of the Block Development Officer concerned at such time' first substituted for the words 'at such time and at such place within the local limits of the Block concerned' by W.B. Act 58 of 1978, then the words within third brackets substituted for the words 'in the office of the Block Development Officer concerned at such time' by W.B. Act 37 of 1984.] as the prescribed authority may fix: Provided further that the Sabhapati when required in writing by one-fifth of the members of the Panchayat Samiti to call a meeting [shall do so fixing the date and hour of meeting] [Words substituted for the words 'shall do within seven days' by W.B. Act 37 of 1984.] [to be held within fifteen days after giving intimation to the prescribed authority and seven days' notice to the members of the Panchayat Samiti] [Words inserted by W.B. Act 15 of 1997.] failing which [the members aforesaid may call a meeting] [Words substituted for the words 'the members aforesaid may call a meeting' by W.B. Act 17 of 1992.] [to be held within thirty-five days] [Words inserted by W.B. Act 15 of 1997.] after giving intimation to the prescribed authority and seven clear days' notice to the Sabhapati and the other members of the Panchayat Samiti. Such meeting shall be held [in the office of the Panchayat Samiti on such date and at such hour] [Words substituted for the words 'at such place within the local limits of the Block concerned' by W.B. Act 37 of 1984.] as the members calling the meeting may decide. [The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him within a week of the meeting on the proceedings of the meeting. The prescribed authority shall, on receipt of the report, take such action thereon as it may deem fit:] [Words inserted by W.B. Act 37 of 1984.][***] [Omitted 'Provided also that for the purpose of convening a meeting under section 101, at least one-fifth of the members referred to in clause (ii) of sub-section (2) of section 94 shall require the Sabhapati to convene the meeting' by W.B. Act 8 of 2010, dated 13.5.2010.][Provided also that if the Panchayat Samiti does not fix at any meeting the date and hour of the next meeting or if any meeting of the Panchayat Samiti is not held on the date and hour fixed at the immediately preceding meeting, the Sabhapati shall call a meeting of the Panchayat Samiti on such date and at such hour as he thinks fit] [Proviso inserted by W.B. Act 37 of 1984.](2) The Sabhapati or in his absence the

Sahakari Sabhapati shall preside at the meeting of the Panchayat Samiti and in the absence of both [or on the refusal of any or both to preside at a meeting] [Words inserted by W.B. Act 2 of 1995. w.e.f. 28.12.1994.], the members present shall elect one of them to be the President of the meeting.(3)One-fourth of the total number of members shall form a quorum for a meeting of a Panchayat Samiti:Provided that no quorum shall be necessary for an adjourned meeting.(4)All questions coming before a Panchayat Samiti shall be decided by a majority of votes:Provided that in case of equality of votes the person presiding shall have a second or casting vote:[Provided further that in case of a requisitioned meeting the person presiding shall have no second or casting vote.] [Substituted by W.B. Act 8 of 2010, dated 13.5.2010.].

106. List of business to be transacted at a meeting.

- A list of the business to be transacted at every meeting of a Panchayat Samiti, except at an adjourned meeting, shall be sent to each member of the Panchayat Samiti in the manner prescribed, at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting, other than the business of which notice has been so given except with the approval of the majority of the members present at such meeting:Provided that if the Sabhapati thinks that a situation has arisen for which an emergent meeting of the Panchayat Samiti should be called, he may call such meeting after giving three days' notice to the members:Provided further that not more than one matter shall be included in the list of business to be transacted at such meeting.

107. Report on the work of Panchayat Samiti.

- The Panchayat Samiti shall prepare in the prescribed manner a report on the work done during the previous year and the work proposed to be done during the following year and submit it to the prescribed authority and to the Zilla Parishad concerned within the prescribed time.

108. Block Development Officer to attend meeting.

- The Block Development Officer shall attend meetings of the Panchayat Samiti and shall participate in the deliberations thereof.

Chapter IX

Powers and duties of Panchayat Samiti

109. Power of Panchayat Samiti.

(1)[A Panchayat Samiti shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall prepare -(i)a development plan for the five-year term of the office of the members, and(ii)an annual plan for each year by the month of January of the proceeding year,in furtherance of its objective of development of the community as a whole and socio-economic upliftment of the individual members of the community and, without prejudice to

the generality of the above provisions, shall have power to -] [Words, figures and brackets substituted for the words 'A Panchayat Samiti shall have power to -' by W.B. Act 18 of 1994.](a)[(i) undertake schemes or adopt measures, including the giving of financial assistance, relating to the development of agriculture, fisheries, live-stock, khadi, cottage and small-scale industries, cooperative movement, rural credit, water-supply, irrigation and minor irrigation including water management and watershed development, public health and sanitation including establishment and maintenance of dispensaries and hospitals, communication, primary and secondary education, adult and non-formal education, welfare of students, social forestry and farm forestry including fuel and fodder, rural electrification including distribution, non- conventional energy sources, women and child development, social welfare and other objects of general public utility;] [[Clause (i) substituted by W.B. Act 18 of 1994, which was earlier as under:-(1) undertake schemes or adopt measures. Including the giving of financial assistance relating to the development of agriculture, livestock, cottage industries, co-operative movement, rural credit, water-supply, irrigation, public health and sanitation including establishment of dispensaries and hospitals, communication, primary or adult education including welfare of students, social welfare and other objects of general public utility;'.](ii)undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority;[Provided that without prejudice to the terms and conditions laid down in the guidelines relating to a poverty alleviation programme in which beneficiaries are selected not on the basis of entitlement or demand but using discretion of the Panchayat body concerned, the implementing agency shall take steps to ensure that as nearly as possible three percent of the total number of beneficiaries for such programme shall constitute people with any form of disability.] [Added by W.B. Act 8 of 2010, dated 13.5.2010.](iii)manage or maintain any work of public utility or any institution vested in it or under its control and management;(iv)make grants-in-aid of any school, public institution or public welfare organisation within the Block;(b)make grants to the Zilla Parishad [or Mahakuma Parishad or Council] [Words inserted by W.B. Act 20 of 1988.] or Gram Panchayats;(c)contribute with the approval of the State Government such sum or sums as it may decide, towards the cost of water-supply or anti-epidemic measures undertaken by a municipality within the Block;(d)adopt measures for the relief of distress;(e)co-ordinate and integrate the development plans and schemes prepared by Gram Panchayats in the Block, if and when necessary;[* * * * *] [[Clause (f) omitted by W.B. Act 18 of 1994, which was earlier as under:-(f) examine and sanction the budget estimates of Gram Panchayats in the Block.'.](2)Notwithstanding anything in sub-section (1), a Panchayat Samiti shall not undertake or execute any scheme confined to an area over which a Gram Panchayat has jurisdiction unless the Gram Panchayat is of opinion that the implementation of such a scheme is beyond its competence financially or otherwise and passes a resolution to that effect. In the latter case the Panchayat Samiti may execute the scheme itself or entrust its execution to the Gram Panchayat and give such assistance as may be required :[Provided that a Panchayat Samiti may undertake or execute any scheme referred to in sub-clause (ii) of clause (a) of sub-section (1) confined to an area over which a Gram Panchayat has jurisdiction] [Proviso inserted by W.B. Act 37 of 1984.](3)A Panchayat Samiti may undertake or execute any scheme if it extends to more than one Gram.

110. State Government may place other property under Panchayat Samiti.

- The State Government may, from time to time, with the consent of a Panchayat Samiti place any road, bridge, ferry, channel, building or other property vested in the State Government and situated within the Block under the control and management of the Panchayat Samiti subject to such conditions as it may specify: Provided that the State Government may, after considering the views of the Panchayat Samiti, withdraw such control and management to itself subject to such conditions as it may specify.

111. Power of Panchayat Samiti to transfer roads or properties to the State Government or the Zilla Parishad [or a Gram Panchayat] [Words inserted by W.B. Act 37 of 1984.].

- A Panchayat Samiti may transfer to the State Government or to the Zilla Parishad [or Mahakuma Parishad or Council] [Words inserted by W.B. Act 20 of 1988.] [or to a Gram Panchayat] [Words inserted by W.B. Act 37 of 1984.] any road or part of a road or any other property, which is under its control on management, or which is vested in it, on such terms and conditions as may be agreed upon.

112. Panchayat Samiti may take over works.

- A Panchayat Samiti may take over the maintenance and control of any road, bridge, tank, ghat, well, channel or drain, belonging to a private owner or any other authority on such terms as may be agreed upon.

113. Power of Panchayat Samiti to divert, discontinue or close road.

- A Panchayat Samiti may divert, discontinue or close temporarily any road, which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

114. Vesting Panchayat Samiti with certain powers.

(1) A Panchayat Samiti may be vested by the State Government with such powers under any local or special Act as the State Government may think fit. (2) A Panchayat Samiti shall perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871. (3) A Panchayat Samiti shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

114A. [Development Plan in respect of any area of Panchayat Samiti. [Section 114A inserted by W.B. Act 17 of 1992.]

- [(1) Without prejudice to generality of the power under section 114 and notwithstanding anything contained in sections 23, 24 and 25, the State Government may, in the public interest, declare, by notification, its intention to prepare and publish a Development Plan in respect of an area within the jurisdiction of a Panchayat Samiti in accordance with such procedure as may be prescribed or in accordance with the provisions of any other law for the time being in force and, upon the issue of such notification, no new structure or new building shall be erected or constructed or no addition to any structure or building shall be made in such area except with the permission granted by the Panchayat Samiti or any authority, person or persons as may be empowered by the Panchayat Samiti in this behalf and except in accordance with such specifications and conditions as may be prepared and published by the Panchayat Samiti, or such authority, person or persons, as the case may be.][Proviso that where the State Government or an authority or agency under the State Government intends to set up or has set up an industrial estate or industrial park within the jurisdiction of a Gram Panchayat, permission for erection of any structure or building for setting up an industry within such industrial estate or industrial park, shall be obtained from such authority or industrial development authority or corporation as the State Government may by notification specify.] [Inserted by Act No. 8 of 2015.](2)Upon the publication of a Development Plan under sub-section (1), [the provisions of sections 23, 24 and 25] [Words and figures substituted for the words and figures 'the provisions of section 23' by W.B. Act 18 of 1994.] shall cease to be in force in the area referred to in sub-section (1).(3)The State Government may, by order, direct the Panchayat Samiti to make such contribution and grant to one or more Gram Panchayats out of the tolls, rates and fees levied by it under section 133 as may be specified in the order.(4)The State Government may, by order, authorise any officer to render advice, technical or otherwise, to the Panchayat Samiti on the performance of its functions and discharge of its duties under this section and, on receipt of such advice, the Panchayat Samiti shall give due consideration to such advice in a meeting specially convened for the purpose within a period of two months from the date of receipt of such advice.(5)Where any new structure or new building is erected or constructed or any addition to any structure or building is made in contravention of the provisions of sub-section (1), the Panchayat Samiti may, after giving the owner of such structure or building, as the case may be, an opportunity of being heard, made an order directing the demolition of the structure or the building, as the case may be, by the owner within such period as may be specified in the order and, in default, the Panchayat Samiti may itself effect the demolition and recover the cost thereof from the owner as a public demand.(6)Without prejudice to the provisions of sub-section (5), whoever erects any new structure or constructs any new building or makes any addition to any structure or building in contravention of the provisions of sub-section (1), shall, on conviction by a Court, be punishable with fine not exceeding, in each case, one hundred rupees per square metre per month for the area comprising the unauthorised erection or construction or addition, as the case may be, for the period during which such contravention continues, subject to a maximum of two thousand rupees in each such case.[* * * * *] [[Sub-Section (7) omitted by W.B. Act 18 of 1994, which was as under:-'(7) Where the Panchayat Samiti, in exercise of its functions and powers with respect to any area under it, is required to have regard to the provisions of Development Plan before such Development Plan has become operative, the concerned Panchayat Samiti shall have regard to the provisions which, in its opinion, will be required to be included for securing the proper planning of the concerned area.'](8)If it appears to the Panchayat Samiti [or the authority, person or persons empowered under sub-section (1)] [Words, figure and brackets inserted by W.B. Act 18 of 1994.] that it is

expedient in the interest of the proper planning of its areas (including the interest or amenities), having regard to the Development Plan prepared, or under preparation, or to be prepared, and to any other material consideration, -(a)that any use of land should be discontinued, or(b)that any conditions should be imposed on the continuance thereto, or(c)that any building or works should be altered or removed, [the Panchayat Samiti or the authority, person or persons as aforesaid may] [Words substituted for the words 'the Panchayat Samiti may' by W.B. Act 18 of 1994.] by notice served on the owner -(i)require discontinuance of that use, or(ii)impose such conditions as may be specified in the notice on the continuance thereof, or(iii)require such steps, as may be specified in the notice, to be taken for the alteration or removal of any buildings or works, as the case may be, within such period, being not less than one month, as may be specified therein, after the service of the notice.(9)Any person aggrieved by any such notice may, within the period specified in the notice, apply to the authority for the cancellation or modification of the notice.(10)If an application is filed under sub-section (9), the authority or any officer of the authority, appointed in this behalf, may dismiss the application or accept it by quashing or varying the notice as he may think fit.(11)If any person -(a)who has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or(b)who has carried out any work in compliance of the notice,claims from the Panchayat Samiti [or the authority, person or persons empowered under sub-section (1)] [Words, figure and brackets inserted by W.B. Act 18 of 1994.] within the time and in the manner prescribed, for an amount in respect of that damage or of any expenses reasonably incurred by him for complying with the notice, the claim shall be disposed of by the Panchayat Samiti [or the authority, person or person empowered under sub-section (1)] [Words, figure and brackets inserted by W.B. Act 18 of 1994.] in the manner as prescribed.(12)After publication of Development Plan under sub-section (1) and subject to the provisions relating to the development charge and other provisions under this section, no development, institution or change of use of any land shall be undertaken or carried out in that area without obtaining a certificate from the Panchayat Samiti or its authorised officer certifying that the development charge as leviable under this section has been paid or that no such development charge is leviable:Provided that the State Government may, by notification, exempt any development, institution or change of use of any land from the operation of the provisions of this sub-section.(13)Any person or body (excluding a department of the Central or the State Government or any local authority) intending to carry any development on any land shall make an application in writing to the Panchayat Samiti or an officer authorised by it for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed.(14)On such application having been duly made and on payment of the development charge as may be assessed, the Panchayat Samiti or the authorised officer may pass an order, -(i)granting permission unconditionally; or(ii)granting permission, subject to such conditions as it may think fit; or(iii)refusing permission:Provided that without prejudice to generality of clauses (i) to (iii) of this sub-section, the concerned authority may impose conditions -(i)to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land permitted shall be discontinued;(ii)for regulating the development or use of any other land under the control of the applicant or for the carrying out of works on any such land as may appear to the authority expedient for the purpose of the permitted development:Provided further that the concerned authority in dealing with the applications for permission shall have regard to the provisions of the Development Plan prepared,

under preparation or to be prepared and any other material consideration: Provided also that when permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order and the order shall be communicated to the applicant: Provided also that in the case of a department of the Central or the State Government or any local authority intending to carry out any development, other than operational construction (which shall always be outside the purview of the Panchayat Samiti), on any land, the concerned department or authority, as the case may be, shall notify in writing to the Panchayat Samiti of its intention to do so, giving full particulars thereof and accompanied by such documents and plans as may be directed by the State Government from time to time, at least, one month prior to the undertaking of such development. (15) In accordance with the provisions of this section and the rules made thereunder and subject to such conditions [as may be laid down by the Panchayat Samiti, or the authority, person or persons empowered under sub-section (1)] [Words, figure and brackets substituted for the words, figure and brackets 'as may be laid down In the notification under sub-section (1)' by W.B. Act 18 of 1994.] a Panchayat Samiti, shall levy a charge (hereinafter called the development charge) on the carrying out of any development or change of use of land, for which permission is required under this section, in the whole or any part of the area covered by the notification under sub-section (1) at a rate not exceeding those specified in the rules in this behalf by the State Government: Provided that the rates may be different for different parts of the area under notification under sub-section (1): Provided further that the charge shall be leviable on any person who undertakes or carries out such development or changes any such use: Provided also that no development charge shall be levied on development, or change of use, of any land vested in or under the control or possession of the Central Government, the State Government or any local authority: Provided also that the State Government may, by rules, provide for the exemption from the levy of development charge of any development or change of any use of any land specified in the rules. (16) Where the erection of any building or the execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the permission under sub-section (1) or in contravention of any other provision of this section or the rules made thereunder, the Panchayat Samiti, or any officer authorised in this behalf by the Panchayat Samiti, may, in addition to any other action that may be taken, under this section, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or the work has been commenced or is being carried on or has been completed within such period, not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to such person, as may be specified in the order: Provided that no order of demolition shall be made unless such person has been given, by means of a notice served in such manner as may be prescribed, a reasonable opportunity of showing cause why such order shall not be made: Provided further that where the erection or the execution has not been completed, the Panchayat Samiti or the authorised officer may by the same order or by a separate order, whether made at the time of issue of the notice under the first proviso at any other time, direct such person to stop the erection or the execution until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred: Provided also that any person aggrieved by such order of the Panchayat Samiti or its authorised officer may, within thirty days from the date of the order, prefer an appeal against the order to the Sub-divisional Officer having jurisdiction and when an appeal is preferred, the said Sub-divisional Officer may stay the enforcement of the order on such term as he may think fit: Provided also that every order made by

the Sub-divisional Officer on an appeal and, subject to such order, the order made by the Panchayat Samiti or its authorised officer shall be final and conclusive: Provided also that where no appeal has been preferred against an order made by the Panchayat Samiti or its authorised officer or where an order has been confirmed on appeal, whether with or without modification, the person against whom the order has been made shall comply with the order within the period specified therein or, as the case may be, within the period, if any, fixed by the Sub-divisional Officer on appeal, and on the failure of such person to comply with the order within such period, the Panchayat Samiti, or its authorised officer may itself or himself cause the building or the work to which the order relates to be demolished and the expenses for such demolition shall be recoverable from such person as a public demand. (17) The Panchayat Samiti or its authorised officer may, at any time before the issue of the order under sub-section (16), by order, require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith. (18) The Panchayat Samiti or its authorised officer may, at any time during the erection of any building or the execution of any work or at any time within three months after the completion thereof, by a written notice, specify any matter in respect of which such erection or execution is without or contrary to this section or is in contravention of any of the provisions of this section or the rules made thereunder and require the person at whose instance the building or the work has been commenced or is being carried on or the owner of such building or work either - (a) to make such alterations as may be specified by the Panchayat Samiti or its authorised officer in the notice with the object of bringing the building or the work in conformity with such sanction or such provisions of this section or the rules made thereunder, or (b) to show cause, within such period as may be stated in the notice, why such alterations should not be made: Provided that if such person or such owner does not show any cause as aforesaid, he shall be bound to make the alteration specified in the notice: Provided further that if such person or such owner shows the cause as aforesaid, the Panchayat Samiti or its authorised officer shall, by an order, either cancel the notice issued or confirm the same subject to such modification as he thinks fit.]

115. Powers of supervision by Panchayat Samiti over the Gram Panchayat, etc.

- [(1) A Panchayat Samiti shall exercise general powers of supervision over Gram Panchayats in the Block and it shall be the duty of these authorities to give effect to the directions of the Panchayat Samiti] [Section 115 renumbered as sub-section (1) of that Section by W.B. Act 37 of 1984.][* * * *]
[Words 'on matters of policy or planning for development' omitted by W.B. Act 37 of 1984.] (2) [A Panchayat Samiti may - (a) inspect, or cause to be inspected, any immovable property used or occupied by a Gram Panchayat within the Block or any work in progress under the direction of a Gram Panchayat, (b) inspect or examine, or depute an officer to inspect or examine, any department of the Gram Panchayat, or any service, work or thing under the control of the Gram Panchayat, (c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the Gram Panchayats by the State Government for execution either directly or through the Zilla Parishad [or the Mahakuma Parishad or the Council] or the Panchayat Samiti, (d) require a Gram Panchayat, for the purpose of inspection or examination, - (i) to produce any book, record, correspondence or other documents, or (ii) to furnish any return, plan, estimate, statement accounts or statistics, or (iii) to furnish or obtain any report or information.]

115A. [Block Sansad and its constitution. [Section 115A inserted by W.B. Act 8 of 2003.]

(1)Every Panchayat Samiti shall have a Block Sansad consisting of all members of the Gram Panchayat pertaining to the Block and all members of that Panchayat Samiti.(2)Every Panchayat Samiti shall hold an annual and a half-yearly meeting of such Block Sansad at such time and place and in such manner, as may be prescribed.(3)One-tenth of the total number of members shall form a quorum for a meeting of Block Sansad :Provided that if no quorum is available for such meeting, the meeting shall be adjourned to be held at the same time and place on the seventh day from the date of such meeting in the manner as may be prescribed.(4)A meeting of the Block Sansad shall be presided over by the Sabhapati and in his absence by the Sahakari Sabhapati of the Panchayat Samiti.(5)The Block Sansad shall guide and advise the Panchayat Samiti for all matters relating to development including preparation of annual plan and budget, implementation of development programmes, schemes, or projects and for undertaking such activities for economic development and for ensuring social justice as are undertaken or proposed to be undertaken by the Panchayat Samiti:Provided that for such guidance and advice, any member of the Block Sansad on receipt of the notice for any such meeting, may demand in writing to the Executive Officer for placement of any document such as last report on inspection of accounts of the funds of the Panchayat Samiti by the Audit team, budget, Annual Action Plan and on receipt of such demand the Executive Officer with the consent of the Sabhapati, shall place such documents in the meeting for deliberation:Provided further that the deliberations, recommendation and observations passed in the meeting of the Block Sansad, shall be considered in the meeting of the Panchayat Samiti as soon as possible within one month from the date of the meeting of the Block Sansad and the decision of the Panchayat Samiti along with the action taken report shall be placed in the next meeting of the Block Sansad.] [Sub-Section (2) inserted by W.B. Act 37 of 1984.]

116. Powers to prohibit certain [of special nature] [Substituted 'offensive and dangerous' by Act No. 8 of 2015.] trades without licence and to levy fee.

(1)No place within a Block shall be used for any trade or business declared by the State Government, by notification, to be [of special nature] [Substituted 'offensive or dangerous' by Act No. 8 of 2015.], without a [certificate of registration] [Substituted 'licence' by Act No. 8 of 2015.], which shall be renewable, [annually or after every three years depending on the nature of trad] [Substituted by Act No. 8 of 2015.], granted by the Panchayat Samiti, subject to such terms and conditions as the Panchayat Samiti may think fit to impose.(2)The Panchayat Samiti may levy in respect of any [certificate of registration] [Substituted 'licence' by Act No. 8 of 2015.] granted by it under sub-section (1) a fee subject to the maximum rate prescribed by the State Government under sub-section (1) of section 133.(3)Whoever uses without a [certificate of registration] [Substituted 'licence' by Act No. 8 of 2015.] any place for the purpose of any trade or business declared under sub-section (1) to be [of special nature] [Substituted 'offensive or dangerous' by Act No. 8 of 2015.], or fails to comply with any condition in respect of such [certificate of registration] [Substituted 'licence' by Act No. 8 of 2015.], shall [on conviction a Magistrate,] [Words inserted by W.B. Act 37 of 1984.] be punished with a fine, which may extend to one hundred rupees, and to a further fine,

which may extend to twenty-five rupees for each day after conviction during which he continues to do so.(4)The Panchayat Samiti may, upon the conviction of any person for failure to comply with any condition of a [certificate of registration] [Substituted 'licence' by Act No. 8 of 2015.] granted under sub-section (1), suspend or cancel the [certificate of registration] [Substituted 'licence' by Act No. 8 of 2015.] granted in favour of such person.

117. Power of Panchayat Samiti to grant licence for hat or market.

- A Panchayat Samiti may require the owner or the lessee of a hat or market or an owner or a lessee of land intending to establish a hat or market thereon, to obtain a licence in this behalf from the Panchayat Samiti on such terms and conditions as may be prescribed and subject to the provisions of section 133, on payment of a fee for such licence.

118. Powers, functions and duties of Sabhapati and Sahakari Sabhapati.

(1)The Sabhapati shall -(a)be responsible for maintenance of the records of the Panchayat Samiti;(b)have general responsibility for the financial and executive administration of the Panchayat Samiti;(c)exercise administrative supervision and control over the work of the staff of the Panchayat Samiti and the officers and employees whose services may be placed at the disposal of the Panchayat Samiti by the State Government;(d)for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Panchayat Samiti under this Act or the rules made thereunder:Provided that the Sabhapati shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Panchayat Samiti at a meeting;(e)exercise such other powers, perform such other functions and discharge such other duties as the Panchayat Samiti may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.[Explanation. - For the purpose of discharge of responsibility and exercise of administrative supervision and control, the Sabhapati shall rely on the Executive Officer referred to in section 119 and shall generally act through him.] ['Explanation.' inserted by W.B. Act 15 of 1997.](2)The Sahakari Sabhapati shall -(a)exercise such of the powers, perform such of the functions and discharge such of the duties of the Sabhapati as the Sabhapati may, from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing:Provided that the Sabhapati may at any time withdraw the powers and functions delegated to the Sahakari Sabhapati;(b)during the absence of the Sabhapati, exercise all the powers, perform all the functions and discharge all the duties of the Sabhapati;(c)[exercise such other powers, perform such other functions and discharge such other duties as the Panchayat Samiti may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.] [Clause (c) inserted by W.B. Act 37 of 1984.]

Chapter X

Establishment of the Panchayat Samiti

119. Staff of the Panchayat Samiti.

- [(1)(a) There shall be an Executive Officer for every Panchayat Samiti and the Block Development Officer shall be such Executive Officer ex officio.(b)If a Panchayat Samiti is of the opinion that its Executive Officer is consistently failing in discharging his duties and responsibilities in accordance with law, it may pass a resolution in a meeting specially convened for the purpose, supported by the majority of the existing members referred to in sub-section (2) of section 94 and shall bring the matter to the District Magistrate with a request to take appropriate remedial measures within one month from the date of communication of such resolution.(c)If the Panchayat Samiti feels that no action has been taken by the District Magistrate to remedy the situation or the action so far taken has not improved the situation within the next two months, the Panchayat Samiti may, at a meeting specially convened for the purpose, adopt a resolution supported by the majority of the existing members referred to in clause (b) to recall the Executive Officer adducing the reasons for such decision of the Panchayat Samiti and such resolution shall be sent to the State Government with a copy to the District Magistrate.(d)On receipt of the resolution under clause (c), the State Government shall enquire into the circumstances and satisfy itself about the justification of such resolution before recalling such officer:Provided that if after enquiry the State Government is not satisfied about the propriety of recalling such officer, it may initiate procedure under section 209 to rescind the resolution.] [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.](1A)[There shall be a Joint Executive Officer for every Panchayat Samiti and the Joint Block Development Officer of the Block shall be the ex officio Joint Executive Officer.] [Sub-Section (1A) renumbered as sub-Section (1B) and new sub-Section (1A) inserted by W.B. Act 8 of 2003.](1B)[There shall be a Secretary for every Panchayat Samiti and the Extension Officer, Panchayats shall be the ex officio Secretary.] [Sub-Section (1A) renumbered as sub-Section (1B) and new sub-section (1A) inserted by W.B. Act 8 of 2003.](2)[Subject to such rules as may be made by the State Government, a Panchayat Samiti] [Words substituted for the words 'A Panchayat Samiti' by W.B. Act 37 of 1984.] may appoint such other officers and employees as may be required by it and may fix the salaries to be paid to the persons so appointed:Provided that no post shall be created or abolished and no revision of the scale of pay of any post shall be made by the Panchayat Samiti without the prior approval of the State Government:[Provided further that subject to the decision of the Panchayat Samiti, the orders relating to appointment and other service matters concerning any post under the Panchayat Samiti] [Proviso inserted by W.B. Act 15 of 1997.] [shall be signed by, and be issued by or on behalf of, the Executive Officer.] [Words substituted for the words 'shall be issued by or on behalf of the Executive Officer.' by W.B. Act 8 of 2003.](3)[The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the employees of the Panchayat Samiti.] [Sub-Section (3) inserted by W.B. Act 37 of 1984.]

120. Placing the services of State Government officers at the disposal of the Panchayat Samiti.

- The State Government may place at the disposal of the Panchayat Samiti the services of such officers or other employees serving under it [and on such terms and conditions] [Words inserted by W.B. Act 37 of 1984.] as it may think fit:Provided that any such officer or employee shall be recalled

by the State Government if a resolution to that effect is passed by the Panchayat Samiti, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being: Provided further that the State Government shall have disciplinary control over such officers and employees.

121. Control and punishment of the staff of the Panchayat Samiti.

(1) The Executive Officer shall exercise general control over all officers and employees of the Panchayat Samiti. (2) The Executive Officer may award any punishment other than dismissal, removal or reduction in rank to an officer or employee [of a Panchayat Samiti.] [Words substituted for the words 'holding a post carrying a monthly salary of less than rupees two hundred' by W.B. Act 37 of 1984.] (3) The Executive Officer may recommend the dismissal, removal or reduction in rank of an officer or employee [of a Panchayat Samiti] [Words substituted for the words 'holding a post carrying a monthly salary of less than two hundred rupees' by W.B. Act 37 of 1984.] to the [Artha, Sanstha, Unnayan O Parikalpana] [Words substituted for the words 'Artha O Sanstha' by W.B. Act 37 of 1984.] Sthayee Samiti and such Samiti shall forward the case to the Panchayat Samiti with its own recommendation. The Panchayat Samiti may, if it is satisfied with such recommendation of the [Artha, Sanstha, Unnayan O Parikalpana] [Words substituted for the words 'Artha O Sanstha' by W.B. Act 37 of 1984.] Sthayee Samiti, dismiss, remove or reduce in rank any such officer or employee. (4) No officer or other employee [of a Panchayat Samiti] [Words substituted for the words 'holding a post carrying a monthly salary of two hundred rupees or more' by W.B. Act 37 of 1984.] shall be punished by the Panchayat Samiti except by a resolution of the Panchayat Samiti passed at a meeting.

122. Appeal.

(1) An appeal shall lie to the Panchayat Samiti against an order of punishment awarded by the Executive Officer under sub-section (2) of section 121 within one month from the date of that order. (2) An appeal shall lie to the Divisional Commissioner against an order of punishment awarded by the Panchayat Samiti under sub-section (3) or (4) of section 121 within one month from the date of that order.

123. Exercise of powers, etc., by the officers and employees.

- Subject to the provisions of this Act, the rules framed thereunder and to any general or special directions given by the State Government in that behalf the officers and other employees employed by the Panchayat Samiti and the officers and other employees whose services have been placed at the disposal of the Panchayat Samiti shall exercise such powers, perform such functions and discharge such duties as the Panchayat Samiti may determine.

Chapter XI

Sthayee Samitis of the Panchayat Samitis

124. Sthayee Samitis.

(1) A Panchayat Samiti shall have the following Sthayee Samitis, namely:-(i)[Artha, Sanstha, Unnayan O Parikalpana] [Words substituted for the words 'Artha O Sanstha' by W.B. Act 37 of 1984.] Sthayee Samiti,(ii)Janasasthaya [O Parihesh] [Words in clauses (ii) inserted by W.B. Act 17 of 1992.] Sthayee Samiti,(iii)Purta Karya [O Parihalian] [Words in clause (iii) inserted by W.B. Act 17 of 1992.] Sthayee Samiti,(iv)Krishi Sech O Samahaya Sthayee Samiti,(v)[Shiksha, Sanskriti, Tathya O Krira] [Words substituted for the word 'Shiksha' by W.B. Act 17 of 1992.] Sthayee Samiti,(vi)[Sishu O Nari Unnayan, Janakalyan O Tran] [Words substituted for the words 'Khudra Silpa, Tran O Janakalyan' by W.B. Act 15 of 1997.] Sthayee Samiti,(via)[Bon O Bhumi Sanskar Sthayee Samit,] [Clauses (via) to (vid) inserted by W.B. Act 17 of 1992.](vib)[Matsya O Prani Sampad Bikash Sthayee Samiti,] [Clauses (via) to (vid) inserted by W.B. Act 17 of 1992.](vic)[Khadya O Sarbaraha Sthayee Samit,] [Clauses (via) to (vid) inserted by W.B. Act 17 of 1992.](vid)[Khudra Silpa, Bidyut O Achiracharit Shakti] [Clauses (via) to (vid) inserted by W.B. Act 17 of 1992.] Sthayee Samiti,](vii)such other Sthayee Samiti or Samitis as the Panchayat Samiti may, subject to the approval of the State Government, constitute.(2)A Sthayee Samiti shall consist of the following members, namely:-(a)the Sabhapati [and Sahakari Sabhapati] [Words inserted by W.B. Act 17 or 1992.] of the Panchayat Samiti, ex officio;(b)[without prejudice to the provisions in clause (ba),] [Word, letters and brackets inserted by W.B. Act 8 of 2003.] not less than three and not more than five persons to be elected in the prescribed manner by the members of the Panchayat Samiti from among themselves;(ba)[the Karmadhyakshas elected in other Sthayee Samitis as referred to in section 125 shall be ex officio members of the Artha Sanstha Unnayan O Parikalpana Sthayee Samiti referred to in sub-section (1) and no member shall be elected in the manner referred to in clause (b);] [Clauses (ba) to (bc) with provisos inserted by W.B. Act 8 of 2003.](bb)[leader of the recognized political party in opposition having largest number of members in the Panchayat Samiti in comparison with other recognized political parties in opposition shall be a member of the Artha Sanstha Unnayan O Parikalpana Sthayee Samiti;] [Clauses (ba) to (bc) with provisos inserted by W.B. Act 8 of 2003.](bc)[one member from each recognized political party in opposition shall be selected to be a member of each of the Sthayee Samitis other than [the Artha Sanstha Unnayan O Parikalpana Sthayee Samiti, if no member in opposition is elected in a Sthayee Samiti referred to in clause (b):] [Clauses (ba) to (bc) with provisos inserted by W.B. Act 8 of 2003.]]Provided that the members selected from the recognized political party having larger number of members in the Panchayat Samiti shall be the member of Sthayee Samiti placed higher in the consecutive order in sub-section (1):Provided further that if the number of recognised [political] [Word inserted by W.B. Act 31 of 2003.] parties in opposition is less than the number of Sthayee Samitis, the independent candidates in opposition in Panchayat Samiti shall be members of the Sthayee Samitis for which no member of the recognized political parties are available and the member senior in age shall be placed as member in the Sthayee Samiti placed higher in the order of sub-section (1):Provided also that if the number of recognized political parties added with number of independent members falls short of the number of Sthayee Samitis, one additional member from each such political party in opposition in Panchayat Samiti, shall be chosen for membership in the Sthayee Samitis where no member in terms of this clause has been provided and the same sequential order shall be followed for placement of a member in a Sthayee Samiti and such process shall be repeated until all Sthayee Samitis have one member under this clause :Provided also that a member in-opposition may be a

member of more than three Sthayee Samitis if in a term of general election, not more than three members in opposition are elected in the Panchayat Samiti: Provided also that the members of the recognized political party shall jointly decide and intimate the Executive Officer of the Panchayat Samiti by a letter under signature of all such members, the name of the member or members, as the case may be, who shall represent the party as member or members of the Sthayee Samiti and in case of an independent member the Executive Officer shall determine the membership in each Sthayee Samiti: Provided also that the Executive Officer shall place the entire matter of membership under this clause in a meeting of the Panchayat Samiti as early as possible in the next meeting. [Explanation. - For the purpose of this clause, a member of the Panchayat Samiti shall be considered a member in opposition if in the election of the Sabhapati under section 98, he did not cast his vote in favour of the winning candidate or has abstained himself from casting his vote in the said election;] ['Explanation' inserted by W.B. Act 31 of 2003.] (c) [such number of persons being officers of the State Government or of any statutory body or corporation or being eminent persons having specialised knowledge as the State Government may think fit, appointed by the State Government.] [[Clause (c) substituted by W.B. Act 17 of 1992, which was earlier as under: - '(c) not more than five persons being officers of the State Government, appointed by the State Government : Provided that such officers shall not be eligible for election as Karmadhyaksha of the Sthayee Samiti and shall not have any right to vote.']] (3) [No person, other than the Sabhapati or the Sahakari Sabhapati, shall be a member of more than three Sthayee Samitis other than the Artha Sanstha Unnayan O Parikalpana Sthayee Samiti.] [[Sub-section (3) substituted by W.B. Act 31 of 2003. which was earlier as under: - '(3) No person, other than the Sabhapati or the Sahakari Sabhapati, shall be a member of more than three Sthayee Samitis.']] (4) An elected member of a Sthayee Samiti shall hold office for a period of [five years] [Words substituted for the words 'four years' by W.B. Act 12 of 1982, w.e.f. 4.8.1982.] or for so long as he continues to be a member of the Panchayat Samiti, whichever is earlier. (5) The meeting of the Sthayee Samiti shall be held [in the office of the Panchayat Samiti] [Words inserted by W.B. Act 37 of 1984.] at such time and in such manner as may be prescribed. (6) A Sthayee Samiti shall exercise such powers, perform such functions and discharge such duties as may be prescribed or as may be assigned to it by the Panchayat Samiti. (7) The State Government may make rules providing for the removal of members of a Sthayee Samiti including the Karmadhyaksha and for filling up of a casual vacancy.

125. Karmadhyaksha and Secretary.

(1) The members of a Sthayee Samiti shall elect, in such manner as may be prescribed, a Chairman, to be called Karmadhyaksha, from among themselves: Provided that the Sabhapati to the Panchayat Samiti shall be the ex officio Karmadhyaksha of the [Artha, Sanstha, Unnayan O Parikalpana] [Words substituted for the words 'Artha O Sanstha' by W.B. Act 37 of 1984.] Sthayee Samiti: Provided further that the members referred to in [clauses (i) and (ii) of sub-section (2) of section 94 shall not be eligible for such election.] [Word, brackets and figure 'clause (iii)' first substituted for the words, brackets, figure and letter 'sub-clause (iii) of clause (a)' by W.B. Act 58 of 1978, then the words, brackets and figures within third brackets substituted for the word, brackets and figure 'clause (iii)' by W.B. Act 37 of 1984.] [Provided also that the Karmadhyaksha for Sishu O Nari Unnayan, Janakalyan O Tran Sthayee Samiti shall be elected from among the women members of the Sthayee Samiti.] [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.][* * * * *]

[[Sub-Section (2)omitted by W.B. Act 37 of 1984, which was as under:-'(2) If the Pradhan of a Gram Panchayat is elected Karmadhyaksha of a Sthayee Samiti he shall cease to be the Pradhan of the Gram Panchayat, but shall, notwithstanding anything in section 94, continue to be a member of the Panchayat Samiti for the full term of his office as Karmadhyaksha of the Sthayee Samiti.'.] (3) [(a) The Extension Officer, Panchayats shall act as the Secretary to the [Artha, Sanstha, Unnayan O Parikalpana] [[Sub-Section (3) substituted by W.B. Act 23 of 1979, which was earlier as under:-'(3) The Extension Officer, Panchayat, shall act as Secretary to all the Sthayee Samitis.'.] Sthayee Samiti.] (b) [The members referred to in clauses [(a), (b), (ba), (bb) and (bc)] [[Clauses (b) and (c) substituted for previous clause (b) by W.B. Act 37 of 1984. Previous clause (b) was as under:-'(b) The members of a Sthayee Samiti appointed under clause (c) of sub-section (2) of section 124, other than the Artha O Sanstha Sthayee Samiti, shall select in such manner as may be determined by the Karmadhyaksha one of such members to act as the Secretary to such Sthayee Samiti.'.] of sub-section (2) of section 124 of a Sthayee Samiti, other than the Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti, shall select, in such manner [as may be determined by the Sthayee Samiti in conformity with such direction as may be issued by one or more orders, general or special, of the State Government] [Words substituted for the words 'as may be determined by the Karmadhyaksha.' by W.B. Act 8 of 2003.] one of the members referred to in clause (c) of that sub-section to act as the Secretary to such Sthayee Samiti:][Provided that pending the selection of Secretary to a Sthayee Samiti under this clause or during the casual vacancy, if any, in the post of Secretary to a Sthayee Samiti, the Secretary of the Panchayat Samiti shall act as the Secretary to such Sthayee Samiti] [Proviso inserted by W.B. Act 18 of 1994.]. (c) [The Secretary to each Sthayee Samiti shall, in consultation with the Karmadhyaksha, convene the meetings of the Sthayee Samiti] [Clauses (b) and (c) substituted for previous clause (b) by W.B. Act 37 of 1984.]. (4) [Notwithstanding anything contained in section 118 or elsewhere in this Act, the Karmadhyaksha shall -(a)be responsible for the financial and executive administration in respect of the schemes and programmes [under the purview and control of the Sthayee Samiti within the budgetary provisions of the Panchayat Samiti] ;(b)be entitled, in respect of the work of the Sthayee Samiti, to call for any information, return, statement, account or report from the office of the Panchayat Samiti and to enter on and inspect any immovable property of the Panchayat Samiti or to inspect any work in progress and connected with the functions and duties of the Sthayee Samiti:(c)be entitled, when authorised by the Sthayee Samiti, to require the attendance at its meeting of any officer of the Panchayat Samiti;(d)exercise such other powers, perform such other functions and discharge such other duties, as the Panchayat Samiti may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.]

126. Resignation.

- The Karmadhyaksha or any other member of a Sthayee Samiti may resign his office by giving notice in writing to the Sabhapati and on such resignation being accepted by the Panchayat Samiti the Karmadhyaksha or such member shall be deemed to have vacated his office.

127. Casual vacancy.

- When a vacancy occurs in the office of a Karmadhyaksha or a member of a Sthayee Samiti by resignation, death or otherwise, the members of the Sthayee Samiti shall elect another Karmadhyaksha or [the members of the Panchayat Samiti shall elect another] [Words inserted by W.B. Act 37 of 1984.] member, as the case may be, in the prescribed manner. The Karmadhyaksha or the member so elected shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.[Chapter XIA] [Chapter XIA consisting of Section 127A inserted by W.B. Act 37 of 1984.] Samanway Samiti of office bearers and Karmadhyakshas

127A. [[Section 127A omitted by W.B. Act 8 of 2003, which was as under:-

'127A. Samanway Samiti. - (1) There shall be a Samanway Samiti for every Panchayat Samiti consisting of the Sabhapati, the Sahakari Sabhapati and the Karmadhyakshas of all Sthayee Samitis and the Executive Officer of the Panchayat Samiti.(2)The Secretary of the Panchayat Samiti shall act as the Secretary to the Samanway Samiti.(3)The meeting of the Samanway Samiti shall be held at least once in a month in the office of the Panchayat Samiti in such manner as may be prescribed.(4)The Samanway Samiti shall be responsible for co-ordinating the functions between a Sthayee Samiti and the Panchayat Samiti and among the different Sthayee Samitis of the Panchayat Samiti and for monitoring of activities of the Gram Panchayats in respect of the schemes funds for which are allotted by the Panchayat Samiti to the Gram Panchayats for execution of such schemes.(5)The Samanway Samiti shall exercise such other powers, perform such other functions and discharge such other duties as may be prescribed or as may be assigned to it by the Panchayat Samiti at a meeting.'.] * * *] [Sub-Section (4) inserted by W.B. Act 17 of 1992.]

Chapter XII

Property and Fund

128. Power to acquire, hold and dispose of property.

- A Panchayat Samiti shall have the power to acquire, hold and dispose of property and to enter into contracts:Provided that in all cases of acquisition or disposal of immovable property the Panchayat Samiti shall obtain the previous approval of the State Government.

129. Works constructed by a Panchayat Samiti to vest in it.

- All roads, buildings or other works constructed by a Panchayat Samiti with its own funds shall vest in it.

130. Allocation of properties to Panchayat Samiti.

- The State Government may allocate to a Panchayat Samiti any public property situated within its jurisdiction, and thereupon such property shall vest in and come under the control of the Panchayat Samiti.

131. Acquisition of land for Panchayat Samiti.

- Where a Panchayat Samiti requires land to carry out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the Collector for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Land Acquisition Act, 1894 and such land shall, on acquisition, vest in the Panchayat Samiti.

132. Panchayat Samiti Fund.

(1) For every Panchayat Samiti there shall be constituted a Panchayat Samiti Fund bearing the name of the Panchayat Samiti and there shall be placed to the credit thereof -(a) contributions and grants, if any, made by the Central or the State Government including such part of the land revenue collected in the State as may be determined by the State Government; (b) contributions and grants, if any, made by the Zilla Parishad [or Mahakuma Parishad or Council] [Words inserted by W.B. Act 20 of 1988.] or any other local authority; (c) loans, if any, granted by the Central or the State Government or raised by the Panchayat Samiti on security of its assets; (d) all receipts on account of tolls, rates and fees levied by it; (e) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of, the Panchayat Samiti; (f) all sums received as gift or contribution and all income from any trust or endowment made in favour of the Panchayat Samiti; (g) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be prescribed; and (h) all other sums received by or on behalf of the Panchayat Samiti. [Explanation. - A Panchayat Samiti shall not receive to the credit of its fund -(a) any loan from any individual, severally or jointly, or any member or office bearer of the Panchayat Samiti, or (b) any gift or contribution from any individual, severally or jointly, or any member or office bearer of the Panchayat Samiti save and except in pursuance of a resolution adopted in a meeting of the Panchayat Samiti accepting such gift or contribution and stating the purpose for which such gift or contribution is offered and accepted.] (2) Every Panchayat Samiti shall set apart and apply annually such sum as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees. (3) Every Panchayat Samiti shall have power to spend such sums as it thinks fit for carrying out the purposes of this Act. (4) The Panchayat Samiti Fund shall be vested in the Panchayat Samiti and the balance to the credit of the Fund shall be kept in such custody as the State Government may, from time to time, direct. (5) Subject to such general control as the Panchayat Samiti may exercise from time to time, all orders and cheques for payments from the Panchayat Samiti Fund [shall be signed by the Executive Officer, or if authorised by the Executive Officer, by the Joint Executive Officer, subject to such

order as may be issued by the State Government in this behalf.] [Words substituted for the words 'shall be signed by the Executive Officer,' by W.B. Act 8 of 2003.]

133. Levy of tolls, rates and fees.

(1) Subject to such maximum rates as the State Government may prescribe, a Panchayat Samiti may - (a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a kutchra road or any bridge vested in it or under its management, (b) levy tolls in respect of any ferry established by it or under its management, (c) levy the following fees and rates, namely: - (i) fees on the registration of vehicles; (ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government by notification; (iii) a fee for licence referred to in sub-section (2) of section 116; (iv) a fee for licence for a hat or market referred to in section 117; (v) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Panchayat Samiti within its jurisdiction; (vi) a lighting rate, where arrangement for lighting of public streets and places is made by the Panchayat Samiti within its jurisdiction. (2) The Panchayat Samiti shall not undertake registration of a vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and melas within its jurisdiction or levy fee therefor if any such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.

134. Scales of tolls, etc. to be provided by bye-laws.

(1) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws. (2) Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

135. Panchayat Samiti may raise loans and create sinking fund.

- A Panchayat Samiti may, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act and create a sinking fund for the repayment of such loans.

135A. [Panchayat Samiti may borrow money. [Section 135A inserted by W.B. Act 42 of 1978.]

- Notwithstanding anything contained in section 135, a Panchayat Samiti may borrow money from the State Government or [* * * *] ['Explanation' inserted by W.B. Act 15 of 1997.] from banks or other financial institutions, for furtherance of its objective on the basis of specific schemes as may be drawn up by the Panchayat Samiti for the purpose.]

136. Budget of the Panchayat Samiti.

(1) Every Panchayat Samiti shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year [* * * * *] [Words 'or the Mahakuma Parishad or the Council, as the case may be,' first inserted by W.B. Act 20 of 1988, then the words 'and submit the budget to the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be, having Jurisdiction over the area of the Block' omitted by W.B. Act 18 of 1994.](2)[(a) The budget prepared under sub-section (1) shall be written in English and in vernacular of the district or the locality concerned and copies of the budget in both the languages shall be pasted in such prominent places within the Block as may be prescribed, inviting objections and suggestions from the electors of the Panchayat Samiti.(b) Copies of the budget shall be forwarded to the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be, having jurisdiction over the area of the Block for views, if any.(c) The Panchayat Samiti shall, within such time as may be prescribed and in a meeting specially convened for the purpose and in the presence of at least half of the existing members, consider the objections, suggestions and views, if any, and approve the budget with modifications, if any.(d) A copy of the budget approved under clause (c) shall be forwarded to the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be, having jurisdiction.]

137. Expenditure.

- No expenditure shall be incurred unless the budget is approved [under clause (c) of sub-section (2) of section 136.] [Words 'the Zilla Parishad or the Mahakuma Parishad or the Council' first substituted for the words 'the Zilla Parishad' by W. B. Act 20 of 1988, then the words, figures, letter and brackets substituted for the words 'by the Zilla Parishad or the Mahakuma Parishad or the Council' by W.B. Act 18 of 1994.]

138. Supplementary Budget.

- [(1) The Panchayat Samiti may prepare in each year a supplementary estimate providing for any modification of its budget and [may approve it in a meeting specially convened for the purpose and in the presence of at least half of the existing members] [Section 138 renumbered as sub-Section (1) of that Section and sub-Section (2) inserted by W. B. Act 18 of 1994.] within such time and in such manner as may be prescribed.] [[Sub-Section (2) substituted by W.B. Act 18 of 1994. which was earlier as under:-](2) The Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be may, within such time as may be prescribed, either approve the budget or return it to the Panchayat Samiti for such modifications as it may direct. On such modifications being made, the budget shall be resubmitted within such time as may be prescribed for approval of the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be. If the approval of the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be, is not received by the Panchayat Samiti by the last date of the year, the budget shall be deemed to be approved by the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be.'](2)[A copy of the supplementary estimate as approved under sub-section (1) shall be forwarded to the Zilla Parishad or the Mahakuma Parishad or the Council, as the case may be, having jurisdiction.] [Section 138

renumbered as sub Section (1) of the Section and sub-Section (2) inserted by W.B. Act 18 of 1994.]

139. Accounts.

- A Panchayat Samiti shall keep such accounts and in such form as may be prescribed.

Part IV – Zilla Parishad

Chapter XIII

Constitution of Zilla Parishad

140. Zilla Parishad and its constitution.

(1)For every district [except the district of Darjeeling,] [Words inserted by W.B. Act 20 of 1988.] the State Government shall constitute a Zilla Parishad bearing the name of the district.(2)The Zilla Parishad shall consist of the following members, namely:-(i)Sabhapatis of the Panchayat Samitis within the district, ex officio;(ii)[{such number of persons, not exceeding three, as may be prescribed on the basis of the number of voters in the area from each Block within the district, the Block being divided [by the prescribed authority]} [Words 'in force on the last date of nominations for Panchayat election' first substituted for the words 'for the time being in force' by W. B. Act 37 of 1984, then the words 'from amongst the persons, whose names are included in the electoral roll of the West Bengal Legislative Assembly in force on the last date of nomination for Panchayat election pertaining to any Block within the district, by persons whose names are included in such electoral roll pertaining to the constituency comprised in such Block;' substituted for the words 'from among themselves by persons whose names are included in the electoral roll of the West Bengal Legislative Assembly in force on the last date of nominations for Panchayat election pertaining to the constituency comprised in such Block;' by W.B. Act 17 of 1992, and finally, the words within second brackets substituted for the words 'two such persons, one from each of two such constituencies comprised in the Block within the district as may be specified by notification, elected by secret ballot, at such time and in such manner as may be prescribed, from amongst the persons, whose names are included in the electoral roll of the West Bengal Legislative Assembly in force on the last date of nomination for Panchayat election pertaining to any Block within the district.' by W.B. Act 18 of 1994.] for the purpose into constituencies in the prescribed manner, elected by secret ballot at such time and in such manner as may be prescribed from amongst the persons whose names are included in the electoral roll, pertaining to any Block within the district, prepared in accordance with such rules as may be made in this behalf by the State Government and in force on such date as the State Election Commissioner may declare for the purpose of an election,} by persons whose names are included in such electoral roll pertaining to the constituency comprised in such Block:][Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a Zilla Parishad and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that Zilla Parishad to be filled up by election as the

population of the Scheduled Castes in that Zilla Parishad area, or of the Scheduled Tribes in that Zilla Parishad area, as the case may be, bears to the total population of that Zilla Parishad area and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that that Zilla Parishad area, as the case may be, bears with the total population in that that Zilla Parishad area] [1st to 5th provisos inserted by W.B. Act 17 of 1992.]:[Provided further that not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be] [1st to 5th provisos inserted by W.B. Act 17 of 1992.]:[Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a Zilla Parishad shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed] [1st to 5th provisos inserted by W.B. Act 17 of 1992.]:[Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section [* * * * *] [1st to 5th provisos inserted by W.B. Act 17 of 1992.] when the number of members to be elected to a Zilla Parishad is determined, or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a Zilla Parishad, in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:][Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to a Zilla Parishad, be disqualified for election to any seat not so reserved] [1st to 5th provisos inserted by W.B. Act 17 of 1992.]:[Provided also that such division into constituencies shall be made in such manner that the ratio between the total population of all the Blocks in a district and the number of constituencies in the Zilla Parishad shall, so far as practicable, be the same in any that Zilla Parishad] [6th to 8th provisos inserted by W.B. Act 18 of 1994.]:[Provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing] [6th to 8th provisos inserted by W.B. Act 18 of 1994.] [issue an order making fresh determination] [Words substituted for the words 'and by notification, order fresh determination' by W.B. Act 15 of 1997.] of the number of members in a Zilla Parishad or fresh reservation on rotation of the number of constituencies in that that Zilla Parishad and, on such order being issued by the State Election Commissioner, the determination of the number of members [or the number of seats to be reserved or the sequence of rotation of reservation of seats or any combination of them as may be specified in such order] [Words substituted for the words 'and the reservation of the number of constituencies' by W.B. Act 24 of 1997.] shall not be varied for [the next] [Words inserted by W.B. Act 15 of 1997.] three successive general elections:[Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India] [6th to 8th provisos inserted by W.B. Act 18 of 1994.];(iii)[members of the House of People and the Legislative Assembly of the State elected thereto from a constituency comprising the district or any part thereof, not being Ministers or simultaneously directly elected members of Zilla Parishad, ex officio;] [Substituted by Act No. 40 of 2017, dated 16.10.2017](iv)members of the Council of States not being Ministers, [registered as electors within the area of any Block within the district.] [Words substituted for the words 'having a place of residence in the district.' by W. B. Act 18 of 1994.](3)Every Zilla Parishad constituted under

this section [* * * * *] [Words and figures ', notwithstanding anything contained in section 210,' first inserted by W.B. Act 10 of 1978. then omitted by W. B. Act 18 of 1994.] shall be notified in the Official Gazette and shall come into office with effect from the date of its first meeting at which a quorum is present.(4)Every Zilla Parishad shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.(5)[(a) Notwithstanding anything contained in the forgoing provisions of this section, when the area of a district (hereinafter referred to as the former district) is divided so as to constitute two or more districts, for each of the newly constituted districts the State Government shall by notification constitute a Zilla Parishad bearing the name of the district with the following members, namely:-(i)Sabhapatis of the Panchayat Samitis within the newly constituted district, ex officio;(ii)the members elected to the Zilla Parishad of the former district under clause (ii) of sub-section (2) from the constituencies referred to therein comprised in the Blocks within the newly constituted district;(iii)members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the newly constituted district or any part thereof, not being Ministers;(iv)members of the Council of States, not being Ministers, having a place of residence in the newly constituted district.(b)Notwithstanding anything in this Act, every Zilla Parishad constituted under this sub-section shall be deemed to have been duly constituted in accordance with the provisions of this Act and shall come into office with effect from the date of its first meeting at which a quorum is present, and the Zilla Parishad of the former district shall with effect from the date of coming into office of the newly constituted Zilla Parishads, cease to exist.(c)The members of the newly constituted Zilla Parishad, other than the ex officio members, shall, subject to the provisions of section 145, hold office with effect from the date of its first meeting at which a quorum is present for the unexpired portion of the term of office of the members of the Zilla Parishad of the former district.(d)All rules, orders, bye-laws and notifications made or issued from time to time under any law for the time being in force, applicable to the Zilla Parishad of the former district and continuing in force immediately before the coming into office of the newly constituted Zilla Parishads under this sub-section, shall, after the coming into office of the newly constituted Zilla Parishads, continue in force in so far as they are not inconsistent with the provisions of this Act and shall be applicable to the newly constituted Zilla Parishads until they are repealed or amended.(e)The properties, funds and liabilities of the Zilla Parishad of the former district shall vest in the newly constituted Zilla Parishads in accordance with such allocation as may be determined by order in writing by the prescribed authority, and such determination shall be final.](6)An order made [under clause (e) of sub-section (5)] [Words, figure, letter and brackets substituted for the words, figure and brackets 'under sub-section (5)' by W.B. Act 21 of 1985.] may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganisation.

141. [Term of office of members of Zilla Parishad. [[Section 141 substituted by W.B. Act 18 of 1994, which was earlier as under:-

'141. Term of office of members of Zilla Parishad. - (1) The members of a Zilla Parishad other than the ex officio members shall, subject to the provisions of sub-section (2) of this section and section 145, hold office for a period of five years from the date of poll in the general election for constitution of Zilla Parishads.(2)The period of five years referred to in sub-section (1) shall be held to include any period which may elapse between the expiry of the said period and the date of the first meeting

of the newly-formed Zilla Parishad after a fresh election at which a quorum is present :Provided that if such first meeting of the newly-formed Zilla Parishad cannot be held within three months of the expiry of the said period of five years, the State Government may, by order, terminate the term of office of the members of the Zilla Parishad continuing in office under this sub-section and appoint any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the Zilla Parishad under this Act or any other law for the time being in force until the date on which such first meeting of the newly-formed Zilla Parishad is held.'.] (1) The members of a Zilla Parishad, other than ex officio members, shall, subject to the provisions of sections 145 and 213A, hold office for a period of five years from the date of its first meeting and no longer. (2) There shall be held a general election for the constitution of a Zilla Parishad within a period not exceeding five years from the date of the previous general election held for such Zilla Parishad: [[Sub-Section (5) substituted by W.B. Act 21 of 1985. which was earlier as under:-] (5) When the area of a district is divided so as to constitute two or more districts, there shall be reconstitution of the Zilla Parishads for the newly constituted districts in accordance with the provisions of this Act and the Zilla Parishad of the district so divided shall, as from the date of coming into office of the newly constituted Zilla Parishads, cease to exist, and the properties, funds and liabilities of the Zilla Parishad shall vest in the reconstituted Zilla Parishads, in accordance with such allocation, as may be determined by order in writing by the prescribed authority, and such determinations shall be final.'.] [Provided that if the first meeting of the newly-formed Zilla Parishad cannot be held before the expiry of the period of five years under sub-section (1), the State Government may, by order, appoint, any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the Zilla Parishad under this Act or any other law for the time being in force, for a period not exceeding three months at a time or until the date on which such first meeting of the newly-formed Zilla Parishad is held, whichever is earlier.] [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.]

141A. [[Section 141A first inserted by W.B. Act 17 of 1992, then omitted by W.B. Act 18 of 1994, which was as under:-

'141A. General election to Zilla Parishads. - (1) There shall be held a general election for the constitution of a Zilla Parishad or Mahakuma Parishad, as the case may be in accordance with the provisions of section 140 before the expiry of the term of office of the members thereof under section 141. (2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that circumstances exist under which it is not possible to hold election in the area or in any part of the area of a Zilla Parishad or Mahakuma Parishad, it may on the expiry of the term of office of the members of the Zilla Parishad or Mahakuma Parishad, as the case may be, under sub-section (1) of section 141, by an order published in the Official Gazette, extend such term of office for such period, not exceeding six months at a time, as may be specified in the order :Provided that prior to the issue of any notification for such extension of the term of office beyond six months from the date of expiry of the term under sub-section (1) of section 141, such notification shall be laid before the State Legislature and shall be subject to such modification as the State Legislature may make.'.] * *

142. Disqualifications of members of Zilla Parishad.

- A person shall not be qualified to be a member of a Zilla Parishad, if -(a)he is a member [* * * *]
[Words 'of a Gram Panchayat, or a Nyaya Panchayat, or a Panchayat Samiti other than the Sabhapati, or' omitted by W.B. Act 37 of 1984.] of any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1; or(b)[he is in the service of the Central or the State Government or a Gram Panchayat or a Panchayat Samiti or a Zilla Parishad and for the purposes of this clause, it is hereby declared that a person in the service of any undertaking of the Central or the State Government or any statutory body or Corporation or any public or Government company or any local authority or any co-operative society or any banking company or any university or any Government sponsored institution or any educational or other institution or undertaking or body receiving any aid from the Government by way of grant or otherwise or a person not under the rule-making authority of the Central or the State Government or a person receiving any remuneration from any undertaking or body or organisation or association of persons as the employee or being in the service of such undertaking or body or organisation or association of persons out of funds provided or grants made or aids given by the Central or the State Government, shall not be deemed to be in the service of the Central or the State Government; or] [[Clause (b) substituted by W.B. Act 6 of 1985. w.e.f. 25.1.1985, which was earlier as under:-(b) he is in the service of the Central Government or the State Government or a Gram Panchayat or a Panchayat Samiti or a Zilla Parishad; or'.]](c)he has, directly or indirectly by himself or by his partner or employer or an employee, any share' or interest in any contract with, by or on behalf of, the Zilla Parishad or a Gram Panchayat or a Panchayat Samiti within the district:Provided that no person shall be deemed to be disqualified for being elected a member of a Zilla Parishad by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956, which contracts with or is employed by a Gram Panchayat, or a Panchayat Samiti within the district or the Zilla Parishad of the district; or(d)he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society, or a Government company or a corporation owned or controlled by the Central or the State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or(e)he has been adjudged by a competent court to be of unsound mind; or(f)he is an undischarged insolvent; or(g)he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or(h)[(i) he has been convicted by a court - [[Clause (h) substituted by W. B. Act 15 of 1997, which was earlier as under:-(h) he has been convicted by a court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months or an offence under Chapter IXA of the Indian Penal Code or section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952, or Chapter III of Part VII of the Representation of the People Act, 1951 and five years have not elapsed from the date of the expiration of the sentence; or'.]](A)of an offence involving moral turpitude punishable with imprisonment for a period of more than six months, or(B)of an offence under Chapter IXA of the Indian Penal Code, or(C)under section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952, and five years have not elapsed from the date of the expiration of the sentence; or(ii)he is disqualified for the purpose of election to the State Legislature under the provisions of Chapter III of Part II of the Representation of the People Act, 1951; or](i)[he has not attained the age of twenty-one years on the date fixed for

the scrutiny of nominations for any election;] [Clauses (i) to (l) inserted by W.B. Act 18 of 1994.](j)[he has been convicted under section 189 at any time during the last ten years; or] [Clauses (i) to (l) inserted by W.B. Act 18 of 1994.](k)[he has been surcharged or charged under section 192 at any time during the last ten years; or] [Clauses (i) to (l) inserted by W.B. Act 18 of 1994.](l)[he has been removed under section 213 at any time during the last five years.] [Clauses (i) to (l) inserted by W.B. Act 18 of 1994.]

143. Sabhadhipati and Sahakari Sabhadhipati.

(1) Every Zilla Parishad shall, at its first meeting at which a quorum is present, elect, in the prescribed manner, one of its members to be the Sabhadhipati and another member to be the Sahakari Sabhadhipati of the Zilla Parishad: Provided that the members referred to in [clauses (i), (iii) and (iv)] [Words, brackets and figures 'clauses (iii) and (iv)' first substituted for the words, brackets, figures and letter 'sub-clauses (iii) and (iv) of clause (a)' by W.B. Act 58 of 1978, then the words, figures and brackets within third brackets substituted for the words, figures and brackets 'clauses (iii) and (iv)' by W. B. Act 37 of 1984.] of sub-section (2) of section 140 [shall neither participate in, nor be eligible for, such election:] [Words substituted for the words 'shall not be eligible for such election' by W.B. Act 18 of 1994.][Provided farther that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall not hold any office of profit during the period for which he holds or due to hold such office unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his office powers, due performance of his office functions or due discharge of his office duties:] [Substituted by Act No. 40 of 2017, dated 16.10.2017][Provided also that subject to such rules as may be made by the State Government in this behalf, the offices of the Sabhadhipati and the Sahakari Sabhadhipati shall be reserved for the Scheduled Castes and the Scheduled Tribes in such manner that the number of offices so reserved at the time of any general election shall bear, as nearly as may be, the same proportion to the total number of such offices in West Bengal as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in all the Blocks within West Bengal taken together bears with the total population in the same area, and such offices shall be subject to allocation by rotation in the manner prescribed] [3rd to 7th provisos inserted by W.B. Act 18 of 1994.]:[Provided also that after being elected to an [office of an office bearer] [Proviso Inserted by Act No. 5 of 2014, dated 31.3.2014.], he shall be allowed leave or leave of absence from the place of his employment for his full tenure in such office with effect from the date of his joining to such office by the Department or authority or undertaking or aided institution of the State Government under which he holds his office of profit:][Provided also that the offices of the Sabhadhipati and the Sahakari Sabhadhipati in any Zilla Parishad having the Scheduled Castes and the Scheduled Tribes population, as the case may be, constituting not more than five per cent of the total population in the Blocks within the district, shall not be considered for allocation by rotation] [3rd to 7th provisos inserted by W.B. Act 18 of 1994.]:[Provided also that in the event of the number of Zilla Parishad areas having the Scheduled Castes or the Scheduled Tribes population constituting more than five per cent of the total population, falling short of the number of offices of the Sabhadhipati and the Sahakari Sabhadhipati required for reservation in West Bengal the State Election Commissioner,

may, by order, include, for the purpose of reservation, other such offices of the Sabhadhipati and the Sahakari Sabhadhipati beginning from the district having higher proportion of the Scheduled Castes or the Scheduled Tribes, as the case may be, until the total number of seats required for reservation is obtained] [3rd to 7th provisos inserted by W.B. Act 18 of 1994.]:[Provided also that not less than one-third of the total number of offices of the Sabhadhipati and the Sahakari Sabhadhipati reserved for the Scheduled Castes and the Scheduled Tribes in West Bengal, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be] [3rd to 7th provisos inserted by W.B. Act 18 of 1994.]:[Provided also that not less than one-third of the total number of offices of the Sabhadhipati and the Sahakari Sabhadhipati in West Bengal including the offices reserved for the Scheduled Castes and the Scheduled Tribes, shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed] [3rd to 7th provisos inserted by W.B. Act 18 of 1994.]:[Provided also that determination of the offices of the Sabhadhipati within the State reserved for the Scheduled Castes, the Scheduled Tribes and women shall precede such determination for the offices of the Sahakari Sabhadhipati] [8th to 10th provisos inserted by W.B. Act 24 of 1997.]:[Provided also that if, for any term of election (hereinafter referred to in this proviso as the said term of election), the office of the Sabhadhipati in a Zilla Parishad is reserved for any category of persons in accordance with the rules in force, the office of the Sahakari Sabhadhipati in that Zilla Parishad shall not be reserved for the said term of election for any category and if, in accordance with the rules applicable to the office of the Sahakari Sabhadhipati, such office is required to be reserved for the said term of election, such reservation for the same category shall be made in another office of the Sahakari Sabhadhipati within the State in the manner prescribed, keeping the total number of offices so reserved for the said term of election equal to the number of such offices required to be reserved in accordance with the rules in force] [8th to 10th provisos inserted by W.B. Act 24 of 1997.]:[Provided also that when in any term of election, an office of the Sahakari Sabhadhipati is not reserved on the ground that the corresponding office of the Sabhadhipati is reserved in the manner prescribed, such office of the Sahakari Sabhadhipati not reserved on the ground as aforesaid, shall be eligible for consideration for reservation during the next term of election in the manner prescribed] [8th to 10th provisos inserted by W.B. Act 24 of 1997.]:[Provided also that notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, the principle of rotation for the purpose of reservation of offices under this sub-section shall commence from the first election to be held after the coming into force of section 39 of the West Bengal Panchayat (Amendment) Act, 1994, and the roster for reservation by rotation shall continue for every three successive terms for the complete rotation unless the State Election Commissioner, for reasons to be recorded in writing and by notification, directs fresh commencement of the rotation at any stage excluding one or more terms from the operation of the rotation] [11th to 13th provisos inserted by W.B. Act 18 of 1994.]:[Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman, for whom the offices are reserved under this sub-section, shall, if eligible for the office of the Sabhadhipati or the Sahakari Sabhadhipati, be disqualified for election to any office not so reserved] [11th to 13th provisos inserted by W.B. Act 18 of 1994.]:[Provided also that the provisions for reservation of the offices of the Sabhadhipati and the Sahakari Sabhadhipati for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India] [11th to 13th provisos inserted by W.B. Act 18 of 1994.].(2)The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed

manner.(3)The Sabhadhipati and the Sahakari Sabhadhipati shall, subject to the provisions of section 146 and to their continuing as members, hold office for a period of [five years] [Words substituted for the words 'four years' by W.B. Act 12 of 1982. w.e.f. 4.8.1982.]:[* * * * *]]
 [[Proviso omitted by W. B. Act 18 of 1994, which was as under:-'Provided that a Sabhadhipati or a Sahakari Sabhadhipati shall continue In office after the expiry of the said period until a new Sabhadhipati or Sahakari Sabhadhipati is elected and assumes office or until an authority or a person or persons is or are appointed under the proviso to sub-section (2) of section 141.'.]](4)When
 -(a)the office of the Sabhadhipati falls vacant by reason of death, resignation, removal or otherwise, or(b)the Sabhadhipati is, by reason of leave, illness or other cause, temporarily unable to act,the Sahakari Sabhadhipati shall exercise the powers, perform the functions and discharge the duties of the Sabhadhipati until a new Sabhadhipati is elected and assumes office or until the Sabhadhipati resumes his duties, as the case may be.(5)When -(a)the office of the Sahakari Sabhadhipati falls vacant by reason of death resignation, removal or otherwise, or(b)the Sahakari Sabhadhipati is, by reason of leave, illness or other cause, temporarily unable to act,the Sabhadhipati shall exercise the powers, perform the functions and discharge the duties of the Sahakari Sabhadhipati until a new Sahakari Sabhadhipati is elected and assumes office or until the Sahakari Sabhadhipati resumes his duties, as the case may be.(6)When the offices of the Sabhadhipati and the Sahakari Sabhadhipati are both vacant or the Sabhadhipati and the Sahakari Sabhadhipati are temporarily unable to act, the prescribed authority may appoint [for a period of thirty days at a time] [Words inserted by W.B. Act 18 of 1994.] a Sabhadhipati and a Sahakari Sabhadhipati from among the members of the Zilla Parishad to act as such until a Sabhadhipati or a Sahakari Sabhadhipati is elected and assumes office [or until the Sabhadhipati or Sahakari Sabhadhipati resumes his duties, as the case may be] [Words inserted by W.B. Act 37 of 1984.].[* * * * *]] [[Sub-Section (7)omitted by W.B. Act 37 of 1984, which was as under:-'(7) If the Sabhapati of a Panchayat Samiti Is elected Sabhadhipati or Sahakari Sabhadhipati of a Zilla Parishad, he shall cease to be the Sabhapati of the Panchayat Samiti, but shall, notwithstanding anything in section 140 continue to be a member of the Zilla Parishad for the full term of his office as such Sabhadhipati or Sahakari Sabhadhipati thereof under sub-section (3) of this section or section 149, as the case may be.'.]](8)The Sabhadhipati and the Sahakari Sabhadhipati of a Zilla Parishad shall be paid out of the Zilla Parishad Fund such Word substituted for the [remuneration] [word 'honoraria' by W.B. Act 17 of 1992.] and allowances and shall be entitled to leave of absence for such period or periods and on such terms and conditions, as may be prescribed.(9)[Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a Sabhadhipati or a Sahakari Sabhadhipati from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers, performance of his functions or discharge of his duties:] [Sub-Section (9) inserted by W.B. Act 17 of 1992.]Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.

144. [Resignation of Sabhadhipati or Sahakari Sabhadhipati or member. [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

(1)The Sabhadhipati or the Sahakari Sabhadhipati or any other member of a Zilla Parishad may resign his office by notifying in writing his intention to do so, preferably mentioning the reasons for

his resignation and also his present postal address for further communication, to the prescribed authority.(2)On receipt of the letter under sub-section (1), the prescribed authority shall issue within three days a letter by registered post to the person tendering such resignation, requesting him to appear in person before the prescribed authority within seven days from the date of receipt of such letter for a hearing on the resignation tendered.(3)During the hearing held under sub-section (2), the prescribed authority shall ascertain whether the resignation has been tendered under own volition of the person and also whether such person intends to withdraw his letter of resignation.(4)The prescribed authority shall pass a reasoned order and either allow such person to withdraw in writing the letter of resignation instantly or accept the resignation tendered with immediate effect:Provided that if such person does not appear in the hearing without any form of communication to the prescribed authority, the letter of resignation tendered by him shall be treated as wilful resignation and the prescribed authority shall accept it forthwith.(5)When the resignation is accepted under sub-section (4), the relevant office shall stand vacated from the date of such acceptance and an intimation in writing shall be sent by the prescribed authority within next three working days to the Executive Officer of the Zilla Parishad or in his absence to the person officiating in the post as well as to the person tendering resignation directing him to make over charges of his office within next five working days to the person as may be mentioned in the letter or if no person is so mentioned, to relinquish the charges within the aforesaid period in writing addressed to the Executive Officer with a copy endorsed to the prescribed authority and also to hand over to the Executive Officer or any other officer so authorized by him within next seven days all documents, registers, seals and assets owned by the Zilla Parishad which are in his custody.(6)The entire process of acceptance of resignation and intimating the person concerned shall be completed within thirty days from the date of receipt of such resignation by the prescribed authority.]

145. Removal of member of Zilla Parishad.

(1)The prescribed authority may, after giving an opportunity to a member of a Zilla Parishad other than an ex officio member to show cause against the action proposed to be taken against him, by order remove him from office -(a)if after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or(b)if he was disqualified to be a member of the Zilla Parishad at the time of his election; or(c)if he incurs any of the disqualifications mentioned in clauses (b) to (g) of section 142 after his election as a member of the Zilla Parishad; or(d)if he is absent from three consecutive meetings of the Zilla Parishad without the [leave of the Zilla Parishad] [Substituted 'leave of the Zilla Parishad;' by Act No. 40 of 2017, dated 16.10.2017] [* * * *] [Words 'provided he is not an ex officio member of the Zilla Parishad' omitted by W.B. Act 37 of 1984.]; or[Provided that a member of a Zilla Parishad holding simultaneous membership of the House of the People or the Legislative Assembly, shall not be removed from the office, if he remains absent from three consecutive meetings of the Zilla Parishad without the leave of the Zilla Parishad:] [Added by Act No. 40 of 2017, dated 16.10.2017](e)if he does not pay any arrear in respect of any tax, toll, fee or rate payable under this Act, or the Bengal Village Self-Government Act, 1919, or the West Bengal Panchayat Act, 1957, or the West Bengal Zilla Parishads Act, 1963.(2)Any member of a Zilla Parishad who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon,

the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.(3)The order passed by such authority on such appeal shall be final.[* * * * *] [[Sub-Section (4) omitted by W.B. Act 37 of 1984. which was as under:-'(4) If an ex officio member of a Zilla Parishad referred to In sub-clause (1) of clause (a) of sub-section (2) of section 140 is removed from office he shall cease to be the Sabhapati of the Panchayat Samiti concerned and a new Sabhapati shall be elected by the Panchayat Samiti in accordance with the provisions of this Act.'.]]

146. [Motion of no confidence or Removal of Sabhadhipati or Sahakari Sabhadhipati. [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

(1)Subject to other provisions of this section, the Sabhadhipati or the Sahakari Sabhadhipati of the Zilla Parishad may, at any time, removed from his office by the majority of the existing Sabhadhipati. members of the Zilla Parishad, referred to in clause (ii) of subsection (2) of section 140, expressing their lack of confidence against the Sabhadhipati or the Sahakari Sabhadhipati or recording their decision to remove the Sabhadhipati or the Sahakari Sabhadhipati, at a meeting specially convened for the purpose.(2)For the purpose of removal of the Sabhadhipati or the Sahakari Sabhadhipati, one-third of the existing members referred to in sub-section (1) shall sign a motion in writing expressing their lack of confidence against the Sabhadhipati or the Sahakari Sabhadhipati or recording their intention to remove the Sabhadhipati or the Sahakari Sabhadhipati, indicating party affiliation or independent status of each of such members and either deliver the motion in person through any of the members or send it by registered post to the prescribed authority; one copy of the motion shall be delivered to the concerned office bearer either by hand or by registered post at the Zilla Parishad office and another copy shall be sent by registered post at his residential address.(3)The prescribed authority on receipt of the motion shall satisfy himself that it conforms to the requirements of sub-section (2) and on his satisfaction shall specially convene, by issue of notice, within five working days of the receipt of the motion, a meeting of the Zilla Parishad to be held in its office fixing date and hour of the meeting and sending such notice at least before clear seven days to each of its existing members for consideration of the motion and for taking a decision on it.(4)The meeting referred to in sub-section (3) shall be held on a working day which shall not be later than fifteen working days from the date of receipt of the motion by the prescribed authority and the meeting so convened shall not be adjourned or cancelled except in pursuance of an order or direction of a competent court or for any other reason beyond control of the prescribed authority.(5)Such meeting shall be presided over by an officer, as may be authorized by the prescribed authority, in the manner as may be directed by order by the State Government or as may be prescribed and the presiding officer before commencement of the meeting shall ensure that notice has been duly served to every member in the manner laid down in this behalf; quorum required for such meeting shall be more than fifty percent of the existing members referred to in sub-section (1) and the presiding officer shall not be entitled to vote at the meeting although he may advise on one or more points of law without expressing his own views.(6)If there is no consensus decision in the meeting, voting shall be held by open ballot wherein each participating member shall put his full signature or his left thumb impression to be attested by the leader, referred to in section 213A, of the same political party to which the member belongs or by the presiding officer on the

reverse side of the ballot paper.(7)The minutes of the meeting shall be written by the Secretary or in his absence, by any other official as authorized by the presiding officer. Such minutes shall record in brief names of the members present, the procedure followed, names of the members who voted for or against the motion and the decision adopted unanimously or by the majority of its existing members and shall be signed by him as well as by the presiding officer.(8)After the minutes of the meeting is signed by the presiding officer, it shall be read over to all the attending members who shall thereafter put their signatures or left thumb impressions as the case may be on the minutes in confirmation of the proceedings recorded. Then the presiding officer shall again put his signature on the same document after recording the names of members, if any, who have declined to sign or left earlier and thereafter he shall collect a copy of the minutes before leaving the premises.(9)Within three working days of the meeting, the Executive Officer or in his absence the Additional Executive Officer of the Zilla Parishad shall forward a copy of the minutes of the meeting to the prescribed authority. The presiding officer shall also submit a separate report in writing alongwith a copy of the minutes of the meeting within the aforesaid time to the prescribed authority.(10)On receipt of the minutes of the meeting and the report under subsection (9), the prescribed authority shall take such action as he may deem fit within next five working days and the entire process commencing from submission of motion to the prescribed authority upto the action finally taken by him shall be completed within thirty days.(11)If the motion is not carried by the majority of its existing members or the meeting cannot be held for want of quorum, no notice of any subsequent motion for the removal of the same office bearer shall be taken into cognizance within a period of one year from the date appointed for such meeting.(12)Notwithstanding anything contained in sub-section (1), no meeting for removal of the Sabhadhipati or the Sahakari Sabhadhipati under this section shall be convened within a period of one year from the date of election of the Sabhadhipati or the Sahakari Sabhadhipati either at the first meeting following reconstitution of Zilla Parishad or for filling a casual vacancy in the said office.]

147. Filling of casual vacancies in the office of Sabhadhipati or Sahakari Sabhadhipati.

- In the event of removal of a Sabhadhipati or a Sahakari Sabhadhipati under section 146 or when a vacancy occurs in the office of a Sabhadhipati or a Sahakari Sabhadhipati by resignation, death or otherwise, the Zilla Parishad shall elect another Sabhadhipati or Sahakari Sabhadhipati in the prescribed manner.

148. Filling of casual vacancy in the place of an elected member.

- If the office of a member of a Zilla Parishad becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled by election in the prescribed manner.

149. Term of office of Sabhadhipati, Sahakari Sabhadhipati or member filling casual vacancy.

- Every Sabhadhipati or Sahakari Sabhadhipati, elected under section 147 and every member elected under section 148 to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.

150. Meetings of Zilla Parishad.

(1) Every Zilla Parishad shall hold a meeting [in its office at least once in every three months on such date and at such hour as the Zilla Parishad may fix at the immediately preceding meeting:] [Words 'In every three months' first substituted for the words 'in a month' by W.B. Act 42 of 1978, then the words within third brackets substituted for the words 'at least once in every three months at such time and at such place within the local limits of the district concerned as the Zilla Parishad may fix at the immediately preceding meeting : ' by W.B. Act 37 of 1984.] Provided that the first meeting of a newly-constituted Zilla Parishad shall be held at such time and at such place within the local limits of the district concerned, as the prescribed authority may fix: Provided further that the Sabhadhipati when required in writing by one-fifth of the members of the Zilla Parishad to call a meeting [shall do so fixing the date and hour of the meeting] [Words substituted for the words 'shall do within seven days,' by W.B. Act 37 of 1984.] [to be held within fifteen days after giving intimation to the prescribed authority and seven days' notice to the members of the Zilla Parishad,] [Words inserted by W.B. Act 15 of 1997.] failing which the members aforesaid may call a meeting [to be held] [Words inserted by W.B. Act 15 of 1997.] [within thirty-five days] [Words inserted by W.B. Act 17 of 1992.] after giving intimation to the prescribed authority and seven clear days' notice to the Sabhadhipati and the other members of the Zilla Parishad. Such meeting shall be held [in the office of the Zilla Parishad on such date and at such hour] [Words substituted for the words 'at such place within the local limits of the district concerned' by W. B. Act 37 of 1984.] as the members calling the meeting may decide. [The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him within a week of the meeting on the proceedings of the meeting. The prescribed authority shall, on receipt of the report, take such action thereon as it may deem fit:] [Words inserted by W.B. Act 37 of 1984.][***] [Omitted 'Provisio' by W.B. Act No. 8 of 2010, dated 13.5.2010.][Provided also that if the Zilla Parishad does not fix at any meeting the date and hour of its next meeting or if any meeting is not held on the date and hour fixed at the immediately preceding meeting, the Sabhadhipati shall call a meeting of Zilla Parishad on such date and at such hour as he thinks fit] [Proviso inserted by W.B. Act 37 of 1984.](2) The Sabhadhipati or in his absence the Sahakari Sabhadhipati shall preside at the meeting of the Zilla Parishad and in the absence of both [or in the refusal of any or both to preside at a meeting] [Words inserted by W.B. Act 2 of 1995. w.e.f. 28.12.1994.], the members present shall elect one of them to be the President of the meeting.(3) One-fourth of the total number of members of the Zilla Parishad shall form a quorum for a meeting of a Zilla Parishad: Provided that no quorum shall be necessary for an adjourned meeting.(4) All questions coming before a Zilla Parishad shall be decided by a majority of votes: Provided that in case of equality of votes the person presiding shall have a second or casting vote: [Provided further that in case of any requisitioned meeting the person presiding shall have no second or casting vote.] [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.](5) [The Executive Officer and the Additional Executive Officer] [Words substituted for the words 'The Executive Officer' by W.B. Act 37 of 1984.] of a Zilla Parishad shall attend meetings of the Zilla Parishad and shall participate in the deliberations thereof: [Provided that if for any reason the

Executive Officer] [Proviso inserted by W.B. Act 10 of 1979.] [and the Additional Executive Officer] [Words inserted by W.B. Act 37 of 1984.] cannot attend any meeting of the Zilla Parishad Words [the Executive Officer shall] [substituted for the words 'he shall' by W.B. Act 37 of 1984.] depute the Secretary of the Zilla Parishad to attend such meeting.

151. List of business to be transacted at a meeting.

- A list of the business to be transacted at every meeting of a Zilla Parishad except at an adjourned meeting, shall be sent to each member of the Zilla Parishad in the manner prescribed, at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting other than the business of which notice has been so given except with the approval of the majority of the members present at such meeting: Provided that if the Sabhadhipati thinks that a situation has arisen for which an emergent meeting of the Zilla Parishad should be called, he may call such meeting after giving three days' notice to the members: Provided further that not more than one matter shall be included in the list of business to be transacted at such meeting.

152. Report on the work of Zilla Parishad.

- The Zilla Parishad shall prepare and submit annually in the prescribed manner a report on the work done during the previous year and the work proposed to be done during the following year to the prescribed authority within the prescribed time.

Chapter XIV

Powers, functions and duties of Zilla Parishad

153. Powers of Zilla Parishad.

- [A Zilla Parishad shall function as a unit of self-government and, in order to achieve economic development and secure social justice for all, shall prepare -(i) a development plan for the five-year term of the office of the members, and (ii) an annual plan for each year by the month of January of the preceding year, in furtherance of its objective of development of the community as a whole and socio-economic upliftment of the individual members of the community and, without prejudice to the generality of the above provisions, shall have power to -] [Words, figures and brackets substituted for the words 'Subject to any general or special directions of the State Government, a Zilla Parishad shall have the power to' by W.B. Act 18 of 1994.](a)[(i) undertake schemes or adopt measures, including the giving of financial assistance, relating to the development of agriculture, fisheries, live-stock, khadi, cottage and small-scale industries, co-operative movement, rural credit, water-supply, irrigation and minor irrigation including water management and watershed development, public health and sanitation including establishment and maintenance of dispensaries and hospitals, communication, primary and secondary education, adult and non-formal education, physical education and games and sports, welfare of students, social forestry and farm forestry including fuel and fodder, rural electrification including distribution, non-conventional energy sources, women and child development, social welfare and other objects of general public utility,]

[[Sub-clause (i) substituted by W.B. Act 18 of 1994. which was earlier as under:-'(i) undertake schemes or adopt measures. Including the giving of financial assistance, relating to the development of agriculture, livestock. Industries, co-operative movement, rural credit, water-supply, irrigation, public health and sanitation including establishment of dispensaries and hospitals, communications, primary, secondary and adult education including welfare of students, social welfare and other objects of general public utility.'.]](ii)undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority,[Provided that without prejudice to the terms and conditions laid down in the guidelines relating to a poverty alleviation programme in which beneficiaries are selected not on the basis of entitlement or demand but using discretion of the Panchayat body concerned, the implementing agency shall take steps to ensure that as nearly as possible three percent of the total number of beneficiaries for such programme shall constitute people with any form of disability.] [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.](iii)manage or maintain any work of public utility or any institution vested in it or under its control and management,(iv)make grants-in-aid of any school, public library, public institution or public welfare organisation within the district,(v)contribute such sums as may be agreed upon towards the cost of maintenance of any institutions, situated outside the district, which are beneficial to, and habitually used by, the inhabitants of the district,(vi)establish scholarships or award stipends within the State for the furtherance of technical or other special forms of education,(vii)acquire and maintain village hats and markets;(b)make grants to the Panchayat Samitis or Gram Panchayats;(c)contribute, with the approval of the State Government, such sum or sums as it may decide, towards the cost of waster-supply or anti-epidemic measures undertaken by the commissioners of a municipality within the district;(d)adopt measures for the relief of distress;(e)co-ordinate and integrate the development plans and schemes prepared by Panchayat Samitis in the district; and[* * * * *] [[Clause (f) omitted by W.B. Act 18 of 1994, which was as under:-'(f) examine and sanction the budget estimates of Panchayat Samitis in the district.'.]](2)A Zilla Parishad shall have the power to advise the State Government on all matters relating to the development work among Gram Panchayats and Panchayat Samitis.(3)Notwithstanding anything in sub-section (1), a Zilla Parishad shall not undertake or execute any scheme confined to a block unless the implementation of such a scheme is beyond the competence of the Panchayat Samiti concerned financially or otherwise. In the latter case the Zilla Parishad may execute the scheme itself or entrust its execution to the Panchayat Samiti and give it such assistance as may be required:[Provided that a Zilla Parishad may undertake or execute any scheme referred to in sub-clause (ii) of clause (a) of sub-section (1) confined to an area over which a Panchayat Samiti has jurisdiction] [Proviso to sub-section (3) of section 153 inserted by W.B. Act 37 of 1914.](4)A Zilla Parishad may undertake or execute any scheme if it extends to more than one Block.

154. Zilla Parishad to have powers of Magistrate in district to which the Vaccination Act extends.

- In a district to which the Bengal Vaccination Act, 1880, has been, or may hereafter be extended, the Zilla Parishad shall exercise all or any of the powers exercisable by the Magistrate of the district under section 25 of the said Act.

155. State Government may place other property under Zilla Parishad.

- The State Government may from time to time, with the consent of the Zilla Parishad, place any road, bridge, ferry, channel, building or other property vested in the State Government and situated within the district under the control and management of the Zilla Parishad subject to such conditions as it may specify: [Provided that the Government may, after considering the views of the Zilla Parishad, withdraw such control and management to itself subject to such conditions as it may specify] [Proviso to Section 155 inserted by W.B. Act 37 of 1984.].

156. Control and maintenance of roads which run through a municipality.

- The State Government may, notwithstanding anything contained in the Bengal Municipal Act, 1932, direct, after consultation with the commissioners of a municipality, that the control and maintenance of any road part of which runs through a municipality and is vested in the commissioners of such municipality shall be taken over by the Zilla Parishad and that the commissioners of such municipality shall make such contribution for the maintenance of the road as may be agreed upon or as may be fixed by the State Government in the absence of agreement. On such direction being given the commissioners of the municipality shall cease to control and maintain such portion of the road as lies within such municipality.

157. Zilla Parishad may take over works.

- A Zilla Parishad may take over the maintenance and control of any road, bridge, tank, ghat, well, channel or drain, belonging to a private owner or any other authority on such terms as may be agreed upon.

158. Power of Zilla Parishad to divert, discontinue or close road.

- A Zilla Parishad may divert, discontinue or close temporarily any road, which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

159. Power of Zilla Parishad to transfer roads to the State Government or Panchayat Samiti.

- A Zilla Parishad may transfer to the State Government, the commissioners of a municipality, a Panchayat Samiti or a Gram Panchayat any road or part of a road or any other property which is under its control or management or which is vested in it, on such terms and conditions as may be agreed upon.

160. Vesting of Zilla Parishad with certain powers.

(1) A Zilla Parishad may be vested by the State Government with such powers under any local or special Act as the State Government may think fit. (2) A Zilla Parishad shall perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871. (3) A Zilla Parishad shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

161. Joint execution of schemes by two or more Zilla Parishads.

- The Zilla Parishads of two or more adjacent districts may jointly undertake and execute at common cost any development scheme or project or may jointly establish a common ferry on such terms and conditions as may be agreed upon, and in case of any difference as to the interpretation of such terms and conditions the matter shall be referred to the State Government whose decision shall be final.

162. Power of Zilla Parishad to grant licence for fair or mela.

- A Zilla Parishad may require the owner or the lessee of a fair or mela or an owner or a lessee of land intending to hold a fair or mela thereon to obtain a licence in this behalf from the Zilla Parishad on such terms and conditions as may be prescribed and on payment of a fee for such licence.

163. Power of supervision by Zilla Parishad over the Panchayat Samitis.

- [(1) A Zilla Parishad shall exercise general powers of supervision over Panchayat Samitis and Gram Panchayats in the district and it shall be the duty of these authorities to give effect to any directions of the Zilla Parishad] [Section 163 renumbered as sub-Section (1) of that Section and sub-Section (2) inserted by W. B. Act 37 of 1984.] [* * * *] [Words 'on matters of policy or planning for development' omitted by W.B. Act 37 of 1984.]. (2) [A Zilla Parishad may - (a) inspect, or cause to be inspected, any immovable property used or occupied by a Panchayat Samiti under it or any work in progress under the direction of the Panchayat Samiti, (b) inspect or examine, or depute an officer to inspect or examine, any department of the Panchayat Samiti, or any service, work or thing under the control of the Panchayat Samiti, (c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the Panchayat Samiti by the State Government for execution either directly or through the Zilla Parishad, (d) require a Panchayat Samiti, for the purpose of inspection or examination, - (i) to produce any book, record, correspondence or other documents, or (ii) to furnish any return, plan, estimate, statement, accounts or statistics, or (iii) to furnish or obtain any report or information.]. (3) [Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, a Zilla Parishad may - (a) require a Panchayat Samiti or Gram Panchayat to take into consideration any objection which appears to it to exist to the doing of anything which is about to be done or is being done by such Panchayat Samiti or Gram Panchayat or any information which appears to it to necessitate the doing of anything by such Panchayat Samiti or Gram Panchayat within such period as it may fix; (b) direct a Panchayat Samiti

or Gram Panchayat to discharge any duty under this Act within a specified period if such Panchayat Samiti or Gram Panchayat fails to discharge such duty in accordance with the provisions of this Act and, if such duty is not discharged within the period as aforesaid, appoint any person or persons or authority to discharge such duty and direct that the expenses thereof shall be paid by the Panchayat Samiti or the Gram Panchayat concerned within such period as it may fix: Provided that such person or persons or authority shall, for the purpose of discharging the duty as aforesaid, exercise such of the powers under this Act as might have been exercised by the Panchayat Samiti or the Gram Panchayat concerned while discharging such duty; (c) direct a Panchayat Samiti or Gram Panchayat to levy any tax, toll, fee or rate, if it fails to do so in accordance with the provisions of this Act; (d) call for meetings of a Panchayat Samiti or any of its Sthayee Samitis or a Gram Panchayat if no meeting of such Panchayat Samiti or Sthayee Samiti or Gram Panchayat is held in accordance with the provisions of this Act or the rules made thereunder.] (4) [When a Zilla Parishad takes any action or issues any direction in respect of any Gram Panchayat, such action may be taken and such direction may be issued though and with the assistance of the Panchayat Samiti having jurisdiction.] [Sub-Sections (3), (4) and (5) inserted by W. B. Act 17 of 1992.] (5) [A Panchayat Samiti or Gram Panchayat, as the case may be, may appeal to the State Government against any direction under clause (b) of sub-section (3) within thirty days from the date of such direction, and the decision of the State Government on such appeal shall be final.] [Sub-Sections (3), (4) and (5) inserted by W. B. Act 17 of 1992.]

163A. [Zilla Sansad and its constitution. [Section 163A inserted by W.B. Act 8 of 2003.]

(1) Every Zilla Parishad shall have a Zilla Sansad consisting of the following members:- (a) Pradhans of all Gram Panchayats, (b) Sabhapatis, Sahakari Sabhapatis and Karmadhyakshas of all Panchayat Samitis comprising the Zilla Parishad, (c) and all members of that Zilla Parishad. (2) A Zilla Parishad shall hold an annual and a half-yearly meeting of such Sansad at such time and place in such manner, as may be prescribed. (3) One-tenth of the total number of members shall form a quorum for a meeting of a Zilla Sansad: Provided that if no quorum is available for such meeting, the meeting shall be adjourned to be held at the same time and place on the seventh day from the date of such meeting in the manner as may be prescribed. (4) A meeting of the Zilla Sansad shall be presided over by the Sabhadhipati and in his absence by the Sahakari Sabhadhipati of the Zilla Parishad. (5) The Zilla Sansad shall guide and advise the Zilla Parishad for all matters relating to development including preparation of annual plan and budget, implementation of development programmes, schemes or projects and undertaking such activities for economic development and for ensuring social justice as are undertaken or proposed to be undertaken by Zilla Parishad: Provided that for such guidance and advice, any member of the Zilla Sansad on receipt of the notice for any such meeting, may demand in writing to the Executive Officer for placement of any document such as last report on inspection of accounts of the funds of the Zilla Parishad by the Audit team, budget, Annual Action Plan and on receipt of such demand the Executive Officer with the consent of the Sabhapati, shall place such documents in the meeting for deliberation: Provided further that the deliberation, recommendations and observations passed in the meeting of the Zilla Sansad, shall be considered in the meeting of Zilla Parishad as soon as possible within one month from the date of meeting of the Zilla Sansad and the decision of the Zilla Parishad along with the action-taken report shall be placed

in the next meeting of the Zilla Sansad.] [Sub-Sections (3), (4) and (5) inserted by W. B. Act 17 of 1992.]

164. Exemption of Sabhadhipati and members of Zilla Parishad from attending registration office.

- Notwithstanding anything contained in the Registration Act, 1908, or any rules made thereunder, the registering officer shall, on the requisition of the Sabhadhipati made in writing and under the common seal of the Zilla Parishad, register a document executed by the Sabhadhipati or a member of the Zilla Parishad on behalf of the Zilla Parishad without requiring the presence of the Sabhadhipati or the member concerned at the registration office.

165. Powers, functions and duties of Sabhadhipati and Sahakari Sabhadhipati.

(1)The Sabhadhipati shall -(a)be responsible for the maintenance of the records of the Zilla Parishad;(b)have general responsibility for the financial and executive administration of the Zilla Parishad;(c)exercise administrative supervision and control over all officers and other employees of the Zilla Parishad and the officers and employees whose services may be placed at the disposal of the Zilla Parishad by the State Government;(d)for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Zilla Parishad under this Act or the rules made thereunder:Provided that the Sabhadhipati shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Zilla Parishad at a meeting;(e)exercise such other powers, perform such other functions and discharge such other duties as the Zilla Parishad may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.[Explanation. - For the purpose of discharge of responsibilities and exercise of administrative supervision and control, the Sabhadhipati shall rely on the Executive Officer referred to in section 166 and shall generally act through him.]

['Explanation' inserted by W.B. Act 15 of 1997.](2)The Sahakari Sabhadhipati shall -(a)exercise such of the powers, perform such of the functions and discharge such of the duties of the Sabhadhipati as the Sabhadhipati may from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing:Provided that the Sabhadhipati may at any time withdraw the powers and functions delegated to the Sahakari Sabhadhipati;(b)during the absence of the Sabhadhipati, exercise all the powers, perform all the functions and discharge all the duties of the Sabhadhipati.(c)[exercise such other powers, perform such other functions and discharge such other duties as the Zilla Parishad may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.] [Clause (c) inserted by W.B. Act 37 of 1984.]

Chapter XV

Establishment of the Zilla Parishad

166. Staff of the Zilla Parishad.

- [(1) (a) There shall be an Executive Officer for every Zilla Parishad appointed by the State Government on such terms and conditions as may be prescribed.(b)If a Zilla Parishad is of the opinion that its Executive Officer is consistently failing in discharging his duties and responsibilities in accordance with law, it may pass a resolution in a meeting specially convened for the purpose, supported by the majority of the existing members referred to in sub-section (2) of section 140, and shall bring the matter to the notice of the Divisional Commissioner with a request to take appropriate remedial measures within one month from the date of communication of such resolution.(c)If the Zilla Parishad feels that no action has been taken by the Divisional Commissioner to remedy the situation or the action so far taken has not improved the situation within the next two months, the Zilla Parishad may, at a meeting specially convened for the purpose, adopt a resolution supported by the majority of the existing members referred to in clause (b) to recall the Executive Officer adducing the reasons for such decision of the Zilla Parishad and such resolution shall be sent to the State Government with a copy to the Divisional Commissioner.(d)On receipt of the resolution under clause (c), the State Government shall enquire into the circumstances and satisfy itself about the justification of such resolution before recalling such officer:Provided that if after enquiry the State Government is not satisfied about the propriety of recalling such officer, it may initiate procedure under section 209 to rescind the resolution.] [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.](1A)[The State Government may appoint an Additional Executive Officer for a Zilla Parishad on such terms and conditions as may be prescribed:Provided that any person so appointed shall be recalled by the State Government if a resolution to that effect is passed by the Zilla Parishad, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being.] [Sub-Sections (1A) and (1B) inserted by W.B. Act 34 of 1980.](1B)[The Additional Executive Officer shall, subject to the provisions of this Act, exercise such powers, perform such functions, and discharge such duties, of the Executive Officer as the State Government may, from time to time, direct.] [Sub-Sections (1A) and (1B) inserted by W.B. Act 34 of 1980.](2)[The State Government may appoint a Secretary for a Zilla Parishad on such terms and conditions as may be prescribed.] [[Sub-Section (2) substituted by W.B. Act 37 of 1984, which was earlier as under:-(2) There shall be a Secretary of the Zilla Parishad to be appointed by the Zilla Parishad :Provided that the State Government shall appoint the Secretary of a Zilla Parishad for the period of the first five years from the date of the constitution of the Zilla Parishad under sub-section (1) of section 140.'.]][Subject to such rules as may be made by the State Government, a Zilla Parishad may appoint such other officers and employees as may be required by it and may fix the salaries to be paid to the persons so appointed:] [(3) Words substituted for the words 'A Zilla Parishad' by W.B. Act 37 of 1984.]Provided that no post shall be created or abolished and no revision of the scale of pay of any post shall be made by the Zilla Parishad without the prior approval of the State Government:[Provided further that subject to the decision of the Zilla Parishad, the orders relating to appointment and other service matters concerning any post under the Zilla Parishad shall be issued by or on behalf of the Executive Officer] [Proviso inserted by W.B. Act 15 of

1997.].(4)[The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the employees of the Zilla Parishad] [Sub-Section (4) inserted by W.B. Act 37 of 1984.].

167. Placing the services of State Government officers at the disposal of the Zilla Parishad.

- The State Government may place at the disposal of the Zilla Parishad the services of such officers or other employees serving under it [and on such terms and conditions] [Words inserted by W.B. Act 37 of 1984.] as it may think fit: Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the Zilla Parishad, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being: Provided further that the State Government shall have disciplinary control over such officers and employees.

168. Control and punishment of the Staff of the Zilla Parishad.

(1)The Executive Officer shall exercise general control over all officers and other employees of the Zilla Parishad.(2)The Executive Officer may award any punishment other than dismissal, removal or reduction in rank to an officer or employee [of a Zilla Parishad] [Words substituted for the words 'holding a post carrying a monthly salary of less than rupees three hundred' by W. B. Act 37 of 1984.].(3)The Executive Officer may recommend the dismissal, removal or reduction in rank of an officer or employee [of a Zilla Parishad] [Words substituted for the words 'holding a post carrying a monthly salary of less than rupees three hundred' by W.B. Act 37 of 1984.] to the [Artha, Sanstha, Unnayan O Parikalpana] [Words substituted for the words 'Artha O Sanstha' by W.B. Act 37 of 1984.] Sthayee Samiti and such Samiti shall forward the case to the Zilla Parishad with its own recommendation. The Zilla Parishad may, if it is satisfied with such recommendation of the [Artha, Sanstha, Unnayan O Parikalpana] [Words substituted for the words 'Artha O Sanstha' by W.B. Act 37 of 1984.] Sthayee Samiti, dismiss, remove or reduce in rank any such officer or employee.(4)No officer or other employee [of a Zilla Parishad] [Words substituted for the words 'holding a post carrying a monthly salary of less than rupees three hundred or more' by W.B. Act 37 of 1984.] shall be punished by the Zilla Parishad except by a resolution of the Zilla Parishad passed at a meeting.

169. Appeal.

(1)An appeal shall lie to the Zilla Parishad against an order of punishment awarded by the Executive Officer under sub-section (2) of section 168 within one month from the date of that order.(2)An appeal shall lie to the State Government against an order of punishment awarded by the Zilla Parishad under sub-section (3) or (4) of section 168 within one month from the date of that order.

170. Exercise of powers, etc., by the officers and employees.

- Subject to the provisions of this Act and the rules framed thereunder and to any general or special directions given by the State Government in that behalf, the officers and other employees employed by the Zilla Parishad and the officers and other employees whose services have been placed at the disposal of the Zilla Parishad, shall exercise such powers, perform such functions and discharge such duties as the Zilla Parishad may determine.

Chapter XVI

Sthayee Samitis of the Zilla Parishad

171. Sthayee Samiti.

(1) A Zilla Parishad shall have the following Sthayee Samitis, namely:-(i)[Artha, Sanstha, Unnayan O Parikalpana] [Words substituted for the words 'Artha O Sanstha' by W.B. Act 37 of 1984.] Sthayee Samiti;(ii)[Janasasthaya O Paribesh] [Words substituted for the word 'Janasasthya' by W.B. Act 17 of 1992.] Sthayee Samiti;(iii)Purta Karya [O Paribahan] [Words inserted by W.B. Act 17 of 1992.] Sthayee Samiti;(iv)Krishi Sech O Samabaya Sthayee Samiti;(v)[Shiksha, Sanskriti, Tathya O Krira] [Words substituted for the word 'Shiksha' by W.B. Act 17 of 1992.] Sthayee Samiti;(vi)[Sishu O Nari Unnayan, Janakalyan O Tran] [Words substituted for the words 'Khudra Silpa, Tran O Janakalyan' by W.B. Act 15 of 1997.] Sthayee Samiti;(via)[Bon O Bhumi Sanskar Sthayee Samiti] [Clauses (via) to (vid) inserted by W.B. Act 17 of 1992.];(vib)[Matsya O Prani Sampad Bikash Sthayee Samiti] [Clauses (via) to (vid) inserted by W.B. Act 17 of 1992.];(vic)[Khadya O Sarbaraha Sthayee Samiti] [Clauses (via) to (vid) inserted by W.B. Act 17 of 1992.];(vid)[] [Clauses (via) to (vid) inserted by W.B. Act 17 of 1992.] [Khudra Shilpa, Bidyat O Achiracharit Shakti] [Words substituted for the words 'Bidyat O Achiracharit Shakti' by W.B. Act 15 of 1997.]Sthayee Samiti;(vii)such other Samiti or Samitis as the Zilla Parishad may, subject to the approval of the State Government, constitute.(2)A Sthayee Samiti shall consist of the following members, namely:-(a)the Sabhadhipati [and Sahakari Sabhadhipati] [Words inserted by W.B. Act 17 of 1992.], ex officio;(b)[without prejudice to the provisions in clause (ba),] [Words, letters and brackets inserted by W.B. Act 8 of 2003.] not less than three and not more than five persons to be elected in the prescribed manner by the members of the Zilla Parishad from among themselves;(ba)[in Artha Sansthd Unnayan O Parikalpana Sthayee Samiti, Karmadhyakshas elected in other Sthayee Samitis as referred to in sub-section (1), shall be members ex officio and no member shall be elected in the manner referred to in clause (b):] [Clauses (ba) to (bc) inserted by W.B. Act 8 of 2003.](bb)[Leader of the recognized political party in opposition having largest number of members in the Zilla Parishad in comparison with other recognized political parties in opposition, shall be a member of the Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti] [Clauses (ba) to (bc) inserted by W.B. Act 8 of 2003.];(bc)[one member from each recognized political party in opposition shall be a member of the Sthayee Samiti other than] [Clauses (ba) to (bc) inserted by W.B. Act 8 of 2003.] [the Artha Sanstha Unnayan O Parikalpana Sthayee Samiti, if no member in opposition is elected in a Sthayee Samiti referred to in clause (b):] [Words substituted for the words 'the Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti:' by W.B. Act 31 of 2003.]Provided that the members selected from the

recognized political party having larger number of members in the Zilla Parishad shall be the member of the Sthayee Samiti placed higher in the consecutive order in sub-section (1):Provided further that if the number of recognized [political] [Word inserted by W.B. Act 31 of 2003.] parties in opposition is less than the number of Sthayee Samitis, the independent candidates in opposition in Zilla Parishad shall be members of the Sthayee Samitis for which no member of the recognized political parties are available and the member senior in age shall be placed as member in the Sthayee Samiti placed higher in the order of sub-section (1):Provided also that if the member of recognized political parties added with number of independent members falls short of the number of Sthayee Samitis, one additional member from each such political party in opposition in the Zilla Parishad, shall be chosen for membership in the Sthayee Samitis where no member in terms of this clause has been provided and the same sequential order shall be followed for placement of a member in a Sthayee Samiti and such process shall be repeated until all Sthayee Samitis have one member under this clause :Provided also that a member in opposition may be a member of more than two Sthayee Samitis if in a term of general election, not more than four members in opposition, either representing a recognized political party or independent, are elected in the Zilla Parishad :Provided also that the members of the recognized political party shall jointly decide and intimate the Executive Officer of the Zilla Parishad by a letter under signature of all such members, the name of the member or members who shall represent the party as member of the Sthayee Samiti and in case of an independent member the Executive Officer shall determine the membership in each Sthayee Samiti:Provided also that the Executive Officer shall place the entire matter of membership under this clause in a meeting of the Zilla Parishad as early as possible in the next meeting.[Explanation. - For the purpose of this clause, a member of the Zilla Parishad shall be considered a member in opposition if in the election of the Sabhadhipati under section 143, he did not cast his vote in favour of the winning candidate or has abstained himself from casting his vote in the said election;] ['Explanation' inserted by W.B. Act 31 of 2003.](c)[such number of persons being officers of the State Government or of any statutory body or corporation or being eminent persons having specialised knowledge as the State Government may think fit, appointed by the State Government:] [[Clause (c) substituted by W.B. Act 17 of 1992, which was earlier as under:-(c) not more than five persons, being officers of the State Government, appointed by the State Government :Provided that such officers shall not be eligible for election as Karmadhyaksha of the Sthayee Samiti and shall not have any right to vote.'].](3)[No person, other than the Sabhadhipati or the Sahakari Sabhadhipati, shall be a member of more than two Sthayee Samitis other than the Artha Sanstha Unnayan O Parikalpana Sthayee Samit.] [[Sub-Section (3) substituted by W.B. Act 31 of 2003, which was earlier as under:-(3) No person, other than the Sabhadhipati or the Sahakari Sabhadhipati, shall be a member of more than two Sthayee Samitis.'].](4)An elected member of a Sthayee Samiti shall hold office for a period of [five years] [Words substituted for the words 'four years' by W.B. Act 12 of 1982, w.e.f. 4.8.1982.] or for so long as he continues to be a member of the Zilla Parishad, whichever is earlier.(5)The meeting of the Sthayee Samiti shall be held [in the office of the Zilla Parishad] [Words inserted by W.B. Act 37 of 1984.] at such time and in such manner as may be prescribed.(6)A Sthayee Samiti shall exercise such powers, perform such functions and discharge such duties as may be prescribed or as may be assigned to it by the Zilla Parishad.(7)The State Government may make rules providing for the removal of members of a Sthayee Samiti including the Karmadhyaksha and for filling up of casual vacancy.

172. Karmadhyaksha and Secretary.

(1) The members of a Sthayee Samiti shall elect, in such manner as may be prescribed, a Chairman, to be called Karmadhyaksha, from among themselves: Provided that the members referred to in [clauses (i), (iii) and (iv) of sub-section (2) of section 140 shall not be eligible for such election:] [Words, brackets and figures 'clauses (iii) and (iv)' first substituted for the words, brackets, figures and letter 'sub-clauses (iii) and (iv) of clause (a)' by W.B. Act 58 of 1978, then the words, figures and brackets within third brackets substituted for the words, brackets and figures 'clauses (iii) and (iv)' by W.B. Act 37 of 1984.] Provided further that the Sabhadhipati shall be the ex officio Karmadhyaksha of the [Artha, Sanstha, Unnayan O Parikalpana] [Words substituted for the words 'Artha O Sanstha' by W.B. Act 37 of 1984.] Sthayee Samiti: [Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall not hold any office of profit during the period for which he holds or due to hold such office unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his office powers, due performance of his office functions or due discharge of his office duties:] [Substituted by Act No. 40 of 2017, dated 16.10.2017] [Provided also that the Karmadhyaksha for Sishu O Nari Unnayan, Janakalyan O Tran Sthayee Samiti shall be elected from among the women members of the Sthayee Samiti.] [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.] [Provided also that after being elected to an [office of an office bearer] [Proviso Inserted by Act No. 5 of 2014, dated 31.3.2014.], he shall be allowed leave or leave of absence from the place of his employment for his full tenure in such office with effect from the date of his joining to such office by the Department or authority or undertaking or aided institution of the State Government under which he holds his office of profit:] [Section 163 renumbered as sub-Section (1) of that Section and sub-Section (2) inserted by W.B. Act 37 of 1984.] [*****] [[Sub-Section (2) omitted by W.B. Act 37 of 1984, which was as under:-] (2) If the Saphapati of a Panchayat Samiti is elected Karmadhyaksha of a Sthayee Samiti he shall cease to be the Sabhapati of the Panchayat Samiti, but shall, notwithstanding anything in section 140, continue to be a member of the Zilla Parishad for the full term of his office as Karmadhyaksha of the Sthayee Samiti.'](3) The Secretary of the Zilla Parishad shall act as Secretary [to the Artha, Sanstha Unnayan O Parikalpana Sthayee Samiti] [Words substituted for the words 'to all the Sthayee Samitis:' by W.B. Act 8 of 2003.]: [Provided that the members referred to in clauses] [Proviso inserted by W.B. Act 37 of 1984.] [(a), (b), (ba), (bb) and (bc)] [Word, letters and brackets substituted for the word, letter and brackets '(a) and (b)' by W.B. Act 8 of 2003.] of sub-section (2) of section 171 of a Sthayee Samiti may select, in such manner [as may be determined by the Sthayee Samiti in conformity with such direction as may be issued, by one or more orders, general or special, of the State Government] [Words substituted for the words 'as may be determined by the Karmadhyaksha.' by W.B. Act 8 of 2003.] one of the members referred to in clause (c) of that sub-section to act as the Secretary to such Sthayee Samiti: [Provided further that pending the selection of Secretary to a Sthayee Samiti under this clause or during any casual vacancy, in the post of the Secretary to a Sthayee Samiti, the Secretary of the Zilla Parishad shall act as Secretary to such Sthayee Samiti] [Proviso inserted by W.B. Act 8 of 2003.](4) [The Secretary to each Sthayee Samiti shall, in consultation with the Karmadhyaksha, convene the meeting of that Sthayee Samity] [Sub-Section (4) inserted by W.B. Act 37 of 1984.](5) [Notwithstanding anything

contained in section 165 or elsewhere in this Act, the Karmadhyaksha shall -(a)be responsible for the financial and executive administration in respect of the schemes and programmes [under the purview and control of the Sthayee Samiti within the budgetary provisions of the Zilla Parishad;](b)be entitled, in respect of the work of the Sthayee Samiti, to call for any information, return, statement, account or report from the office of the Zilla Parishad and to enter on and inspect any immovable property of the Zilla Parishad or to inspect any work in progress and connected with the functions and duties of the Sthayee Samiti;(c)be entitled, when authorised by the Sthayee Samiti, to require the attendance at its meeting of any officer of the Zilla Parishad;(d)exercise such other powers, perform such other functions and discharge such other duties, as the Zilla Parishad may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.](6)[The Karmadhyaksha shall be paid out of the Zilla Parishad fund such remuneration and allowances, and shall be entitled to leave of absence for such period or periods and on such terms and conditions, as the State Government may by order direct or may by rules made in this behalf, prescribe.] [Sub-Sections (5) to (7) inserted by W.B. Act 17 of 1992.](7)[Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a Karmadhyaksha from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers, due performance of his functions or due discharge of his duties:] [Sub-Sections (5) to (7) inserted by W.B. Act 17 of 1992.]Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making representation against the proposed order.

173. Resignation.

- The Karmadhyaksha or any other member of a Sthayee Samiti may resign his office by giving notice in writing to the Sabhadhipati and on such resignation being accepted by the Zilla Parishad the Karmadhyaksha or such member shall be deemed to have vacated his office.

174. Casual vacancy.

- When a vacancy occurs in the office of a Karmadhyaksha or a member of a Sthayee Samiti by resignation, death or otherwise, the members of the Sthayee Samiti shall elect another Karmadhyaksha or [the members of the Zilla Parishad shall elect another] [Words inserted by W.B. Act 37 of 1984.] member, as the case may be, in the prescribed manner. The Karmadhyaksha or the member so elected shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.[Chapter XVIA] [Chapter XVIA containing Section 174A inserted by W.B. Act 37 of 1984.] Samanway Samiti of office bearers and Karmadhyakshas

174A. [[Section 174A omitted by W.B. Act 8 of 2003, which was as under:-

'174A. Samanway Samiti. - (1) There shall be a Samanway Samiti for every Zilla Parishad consisting of the Sabhadhipati, the Sahakari Sabhadhipati, Karmadhyakshas of all Sthayee Samitis, the Executive Officer and the Additional Executive Officer of the Zilla Parishad.(2)The Secretary of the Zilla Parishad shall be the Secretary to the Samanway Samiti.(3)The meeting of the Samanway

Samiti shall be held at least once in a month in the office of the Zilla Parishad in such manner as may be prescribed.(4)The Samanway Samiti shall be responsible for co-ordinating the functions between a Sthayee Samiti and the Zilla Parishad and among the different Sthayee Samitis of the Zilla Parishad and for monitoring of activities of the Panchayat Samitis in respect of the schemes funds for which are allotted by the Zilla Parishad to the Panchayat Samitis for execution of such schemes.(5)The Samanway Samiti shall exercise such other powers, perform such other functions and discharge such other duties as may be prescribed or as may be assigned to it by the Zilla Parishad at a meeting.'.]** *] [Sub-Sections (5) to (7) inserted by W.B. Act 17 of 1992.]

Chapter XVII

Property and Fund

175. Power to acquire, hold and dispose of property.

- A Zilla Parishad shall have the power to acquire, hold and dispose of property and to enter into contracts:Provided that in all cases of acquisition or disposal of immovable property the Zilla Parishad shall obtain the previous approval of the State Government.

176. Works constructed by a Zilla Parishad to vest in it.

- All roads, buildings or other works constructed by a Zilla Parishad with its own funds shall vest in it.

177. Allocation of properties to Zilla Parishad.

- The State Government may allocate to a Zilla Parishad any public property situated within its jurisdiction, and thereupon, such property shall vest in and come under the control of the Zilla Parishad.

178. Acquisition of land for Zilla Parishad.

- Where a Zilla Parishad requires land to carry out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the Collector for the acquisition of the land and the Collector may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Land Acquisition Act, 1894, and such land shall, on acquisition, vest in the Zilla Parishad.

179. Zilla Parishad Fund.

(1)For every Zilla Parishad there shall be constituted a Zilla Parishad Fund bearing the name of the Zilla Parishad and there shall be placed to the credit thereof -(a)contributions and grants, if any,

made by the Central or the State Government including such part of land revenue collected in the State as may be determined by the State Government;(b)contributions and grants, if any, made by a Panchayat Samiti or any other local authority;(c)loans, if any, granted by the Central or State Government or raised by the Zilla Parishad on security of its assets;(d)the proceeds of road cess and public works cess levied in the district;(e)all receipts on account of tolls, rates and fees levied by the Zilla Parishad;(f)all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of the Zilla Parishad;(g)all sums received as gift or contribution and all income from any trust or endowment made in favour of the Zilla Parishad;(h)such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be prescribed;(i)money, if any, lying to the credit of the district Chowkidari reward fund constituted under section 25 of the Bengal Village Self-Government Act, 1919, the control over which rests with the District Magistrate, shall be credited by the District Magistrate to the Zilla Parishad Fund;(j)all other sums received by or on behalf of the Zilla Parishad.[Explanation. - A Zilla Parishad shall not receive to the credit of its fund -(a)any loan from any individual, severally or jointly, or any member or office bearer of the Zilla Parishad, and(b)any gift or contribution from any individual, severally or jointly, or any member or officer bearer of the Zilla Parishad save and except, in pursuance of a resolution adopted in a meeting of the Zilla Parishad accepting such gift or contribution and stating the purpose for which such gift or contribution is offered and accepted.](2)Every Zilla Parishad shall-(i)set apart and apply annually such sum as may be required to meet the cost of its own administration including the payment of salary, allowances, provident fund and gratuity to the officers and employees and to the Executive Officer [the Additional Executive Officer and the Secretary or the Deputy Secretary;] [Words 'and the Additional Executive Officer' first inserted by W. B. Act 34 of 1980, then the words ', the Additional Executive Officer and the Secretary' substituted for the words' and the Additional Executive Officer' by W.B. Act 37 of 1984, then again the words within third brackets substituted for the words ', the Additional Executive Officer and the Secretary' by W.B. Act 8 of 2003.](ii)allocate the money received under clause (i) of sub-section (1) among the Gram Panchayats of the district concerned.(3)Every Zilla Parishad shall have the power to spend such sums as it thinks fit for carrying out the purposes of this Act.(4)The Zilla Parishad Fund shall be vested in the Zilla Parishad and the amount standing to the credit of the fund shall be kept in such custody or invested in such manner as the State Government may, from time to time, direct.(5)Subject to such general control as the Zilla Parishad may exercise, from the time to time, all orders and cheques for payment from the Zilla Parishad Fund shall be [signed by the Executive Officer, or if authorised by the Executive Officer] [Words within third brackets substituted for the words 'signed by the Executive Officer' by W.B. Act 10 of 1979.] [by the Additional Executive Officer, the Secretary, the Deputy Secretary or the Financial Controller and the Chief Accounts Officer)] [Words 'by the Additional Executive Officer or the Secretary' first substituted for the words 'by the Secretary' by W. B. Act 37 of 1984, then the words 'by the Additional Executive Officer, the Secretary or the Deputy Secretary' substituted for the words 'by the Additional Executive Officer or the Secretary' by W.B. Act 8 of 2003, then again the words within third brackets substituted for the words ' by the Additional Executive Officer, the Secretary or the Deputy Secretary' by W.B. Act 18 of 2004.].

180. Proceeds of road cess and public works cess to be credited to the Zilla Parishad Fund.

- Notwithstanding anything to the contrary in the Cess Act, 1880, the proceeds of road cess and public works cess, if any, levied and realised in a district shall be credited to the Zilla Parishad Fund after payment of the expenses mentioned in section 109 of the said Act.

181. Levy of tolls, fees and rates.

(1) Subject to such maximum rates as the State Government may prescribe, a Zilla Parishad may - (a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a kutchra road or any bridge vested in it or under its management; (b) levy tolls in respect of any ferry established by it or under its management; (c) levy the following fees and votes, namely: - (i) fees on the registration of boats or vehicles; (ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government by notification; (iii) a fee for licence referred to in section 162; (iv) a water-rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Parishad within its jurisdiction; (v) a lighting rate, where arrangement for lighting of public streets and places is made by the Zilla Parishad within its jurisdiction. (2) The Zilla Parishad shall not undertake registration of any vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimage, fairs and meals within its jurisdiction or levy fee therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority. (3) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws. Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

182. Zilla Parishad may raise loans and create a sinking fund.

- A Zilla Parishad may, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act and create a sinking fund for the repayment of such loans.

182A. [Zilla Parishad may borrow money. [Section 182A inserted by W.B. Act 42 of 1978.]

- Notwithstanding anything contained in section 182, a Zilla Parishad may borrow money from the State Government or [* * * *] ['Explanation' inserted by W.B. Act 15 of 1997.] from banks or other financial institutions, for furtherance of its objective on the basis of specific schemes as may be drawn up by the Zilla Parishad for the purpose.]

183. Budget of the Zilla Parishad.

(1) Every Zilla Parishad shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year [* * *] [Words 'and submit it to the State Government' omitted by W. B. Act 18 of 1994.]. (2) [(a) The budget prepared under sub-section (1) shall be written in English and in vernacular of the district and copies of the budget in both the languages shall be posted in such prominent places within the district as may be prescribed, inviting objections and suggestions from the electors of the Zilla Parishad. (b) Copies of the budget shall be forwarded to the State Government for views, if any. (c) The Zilla Parishad shall, within such time as may be prescribed and in a meeting specially convened for the purpose and in the presence of at least half of the existing members, consider the objections, suggestions and views, if any, and approve the budget with modifications, if any. (d) A copy of the budget approved under clause (c) shall be forwarded to the State Government.] (3) No expenditure shall be incurred unless the budget is approved [under clause (c) of sub-section (2).] [Words, figure, letter and brackets substituted for the words 'by the State Government' by W.B. Act 18 of 1994.]

184. Supplementary budget.

- [(1) The Zilla Parishad may prepare in each year a supplementary estimate providing for any modification of its budget and [may approve it in a meeting specially convened for the purpose and in the presence of at least half of the existing members] [Section 184 renumbered as sub-Section (1) of that Section and sub-section (2) inserted by W.B. Act 18 of 1994.] within such time and in such manner as may be prescribed.] [[Sub-Section (2) substituted by W.B. Act 18 of 1994, which was earlier as under:-] (2) The State Government may, within such time as may be prescribed, either approve the budget or return it to the Zilla Parishad for such modifications as it may direct. On such modifications being made the budget shall be resubmitted within such time as may be prescribed for approval of the State Government. If the approval of the State Government is not received by the Zilla Parishad, by the last date of the year, the budget shall be deemed to be approved by the State Government.'].] (2) [A copy of the supplementary estimate as approved under sub-section (1) shall be forwarded to the State Government.] [Section 184 renumbered as sub-Section (1) of that Section and sub-section (2) inserted by W.B. Act 18 of 1994.]

185. Accounts.

- A Zilla Parishad shall keep such accounts and in such manner as may be prescribed. [Chapter XVIIIA] [Chapter XVIIIA containing sections 185A and 185B inserted by W.B. Act 20 of 1988.] Special provision for the District of Darjeeling

185A. Zilla Parishad for Darjeeling to stand dissolved and consequences of dissolution.

(1) With effect from the date of coming into office of the Council, the Zilla Parishad for the district of Darjeeling constituted under this Act shall stand dissolved and the members of the Zilla Parishad

shall be deemed to have vacated their offices forthwith.(2)Upon such dissolution of the Zilla Parishad, the Council shall exercise all the powers, discharge all the duties and perform all the functions of the Zilla Parishad under this Act.(3)Notwithstanding anything contained in sub-section (1) of this section or elsewhere in this Act, -(a)anything done or any action taken by the Zilla Parishad under this Act prior to the coming into office of the Council, and(b)all rules, orders, bye-laws and notifications made or issued from time to time under the provisions of the West Bengal Panchayat Act, 1957, or the West Bengal Zilla Parishads Act, 1963, or this Act, applicable to the Zilla Parishad, and continuing in force immediately before the coming into office of the Council, shall, after such coming into office, continue in force in so far as they are not inconsistent with the provisions of the Darjeeling Gorkha Hill Council Act, 1988 until they are repealed or amended.(4)Notwithstanding anything contained in section 29 of the Darjeeling Gorkha Hill Council Act, 1988, the properties, funds and liabilities of the Zilla Parishad and the officers and employees of the Zilla Parishad holding office immediately before the coming into office of the Council, shall be determined and apportioned between the Council and the Mahakuma Parishad in such manner as may be prescribed, and such determination and apportionment shall be final.(5)An order made under sub-section (4) may contain such supplementary, incidental and consequential provisions as may be necessary to give effect to such reorganisation.(6)[Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, -(a)no executive power referred to in section 24 of the Darjeeling Gorkha Hill Council Act, 1988, shall be exercised by a Gram Panchayat or Panchayat Samiti in the hill areas unless the Council assigns such power to such Gram Panchayat or Panchayat Samiti, as the case may be, on such terms and conditions as the Council may, by general or special direction, specify, and(b)the State Government shall not assign any power, function or duty in relation to any matter referred to in section 207B or in any other provision of this Act to any Gram Panchayat or Panchayat Samiti in the hill areas without prior consultation with the Council and, on transfer of such power, function or duty, the Council shall have power and authority to issue any direction and adopt any measure for supervision and monitoring with respect to the exercise of such power, performance of such function and discharge of such duty by the Gram Panchayat or the Panchayat Samiti, as the case may be.]

185B. Mahakuma Parishad.

(1)For the sub-division of Siliguri in the district of Darjeeling the State Government shall constitute a Mahakuma Parishad bearing the name Of the sub-division.(2)The Mahakuma Parishad shall comprise the areas of the Blocks within the sub-division excluding such mouzas of the sub-division as are comprised in the hill areas.(3)The Mahakuma Parishad shall consist of the following members, namely:-(i)Sabhapatis of the Panchayat Samitis within the sub-division, ex officio;(ii)[such number of persons, not exceeding three, as may be proscribed on the basis of the number of voters in each Block within the sub-division, the Block being divided [(by the prescribed authority)] [Words within third brackets substituted for the words 'two persons, one from each of two such constituencies comprised in the Block within the subdivision as may be specified by notification,' by W.B. Act 2 of 1995, w.e.f. 28.12.1994.] for the purpose into constituencies in the prescribed manner,] elected by secret ballot, at such time and in such manner as may be prescribed, [from amongst the persons, whose names are included in the electoral roll [(prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as

the State Election Commissioner may declare for the purpose of an election,)) [Words within third brackets substituted for the words 'from among themselves by persons whose names are included in the electoral roll of the West Bengal Legislative Assembly in force on the last date of nominations for Panchayat election pertaining to the constituency comprised in such Block:' by W.B. Act 17 of 1992.] pertaining to any Block within the area of the Mahakuma Parishad, by persons whose names are included in such electoral roll pertaining to the constituency comprised in such Block :][Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a Mahakuma Parishad area and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that Mahakuma Parishad to be filled up by election as the population of the Scheduled Castes in that Mahakuma Parishad area or of the Scheduled Tribes in that Mahakuma Praishad area, as the case may be, bears to the total population of that Mahakuma Parishad area and such seats shall be subjected to allocation by rotation, in the manner prescribed to such different constituencies having Scheduled Castes or Scheduled Tribe population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that Mahakuma Parishad area, as the case may be, bears with the total population in the Mahakuma Parishad area] [First to fifth provisos inserted by W.B. Act 17 of 1992.]:[Provided further that not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be] [First to fifth provisos inserted by W.B. Act 17 of 1992.]:[Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribe, in the Mahakuma Parishad shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed] [First to fifth provisos inserted by W.B. Act 17 of 1992.]:[Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section [* * * * *] [First to fifth provisos inserted by W.B. Act 17 of 1992.] when the number of member to be elected to the Mahakuma Parishad is determined, or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in the Mahakuma Parishad, in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:] [Sub-Section (6) inserted by W.B. Act 2 of 1995, w.e.f. 28.12.1994.][Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no women for whom seats are reserved under this sub-section, shall, if eligible for election to the Mahakuma Parishad, be disqualified for election to any seat not so reserved] [First to fifth provisos inserted by W.B. Act 17 of 1992.]:[Provided also that such division into constituencies shall be made in such manner that the ratio between the population of all the Blocks in the Mahakuma Parishad and the number of constituencies in the Mahakuma Parishad shall, so far as practicable, be the same as in any Zilla Parishad] [Sixth to eighth provisos inserted by W.B. Act 18 of 1994.]:[Provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing [issue an order making fresh determination] [Sixth to eighth provisos inserted by W.B. Act 18 of 1994.] of the number of members in the Mahakuma Parishad or fresh reservation on rotation of the number of constituencies in the Mahakuma Parishad and, on such order being issued by the State Election Commissioner, the determination of the number of members and the reservation of the number of constituencies shall not be varied for [the next] [Words inserted by W.B. Act 15 of 1997.] three

successive general elections:][Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India] [Sixth to eighth provisos inserted by W.B. Act 18 of 1994.];(iii)[members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the sub-division or any part thereof (excluding the part comprised in the hill areas) not being Ministers or simultaneously directly elected members of Mahakuma Parishad, ex officio.] [Substituted by Act No. 40 of 2017, dated 16.10.2017](iv)members of the Council of States, not being Ministers, [registered as electors within the area of any Block] [Words substituted for the words 'having a place of residence' by W.B. Act 18 of 1994.] in the sub-division (excluding the place comprised in the hill areas).(4)The Mahakuma Parishad constituted under this section shall be notified in the Official Gazette and shall come into office with effect from the date of its first meeting at which a quorum is present.(5)The Mahakuma Parishad shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.(6)Notwithstanding anything contained in this Act, -(a)anything done or any action taken by the Zilla Parishad under this Act prior to the Zilla Parishad under this Act prior to the coming into office of the Mahakuma Parishad, and(b)all rules, orders, bye-laws and notifications made or issued from time to time under the provisions of the West Bengal Panchayat Act, 1957, or the West Bengal Zilla Parishads Act, 1963, or this Act, applicable to the Zilla Parishad, and continuing in force immediately before the coming into office of the Mahakuma Parishad under this Act, shall, after such coming into office, be applicable to the Mahakuma Parishad and shall continue in force in so far as they are not inconsistent with the provisions of this Act until they are repealed or amended.(7)(a)The Mahakuma Parishad shall have a Sthayee Samiti, namely, Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti.(b)The Mahakuma Parishad may have such other Sthayee Samiti or Samitis as it may, subject to the approval of the State Government, constitute.(c)A Sthayee Samiti shall consist of the following members:-(i)the Sabhadhipati,[Sahakari Sabhadhipati] [Words inserted by W.B. Act 18 of 1994.], ex officio;(ii)three persons to be elected in the prescribed manner by the members of the Mahakuma Parishad from among themselves;(iii)[such number of persons, being officers of the State Government or of any statutory body or corporation or being eminent persons having specialised knowledge, as the State Government may think fit, appointed by the State Government :] [[Sub-clause (iii) substituted by W.B. Act 18 of 1994. which was earlier as under:-'(iii) not more than five persons, being officers of the State Government, appointed by the State Government:'.]]Provided that such officers shall not be eligible for election as Karmadhyaksha of the Sthayee Samiti and shall not have any right to vote.(d)No person, other than the Sabhadhipati or the Sahakari Sabhadhipati, shall be a member of more than two Sthayee Samitis.(e)All the provisions of sub-sections (4) to (7) of section 171 and sections 172 to 174 shall apply mutatis mutandis to a Sthayee Samiti constituted under this section.(8)All the provisions of sections 141 to 152, 153 to 165, 166 to 170, 175 to 185, 186 to 196, 196A, 196B, 197, 197A, 197B, 198 to 202, 202A, 203 to 216, 220 to 221 and 223 shall apply to the Mahakuma Parishad mutatis mutandis.

Part V – Chapter XVIII

Audit

186. Audit of accounts of fund.

(1)The accounts of the funds of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad shall be examined and audited by an auditor appointed in that behalf by the State Government at such time and place, to such extent and in such manner as the State Government may prescribe.(2)An auditor appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

187. Submission of accounts to audit.

- The Pradhan, the Sabhapati or the Sabhadhipati, as the case may be, shall produce, or cause to be produced, to the auditor all such accounts of the fund of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned as may be required by the auditor.

188. Powers of auditors.

- [(1) For the purposes of an audit under this Act an auditor may -(i)required in writing the production before him of any document or the supply of any information which he considers to be necessary for the proper conduct of the audit;(ii)require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document, or having, directly or indirectly, and whether by himself or his partner, any share or interest in any contract made with, by or on behalf of, the members of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned; and(iii)require any person so appearing before him to make and sign a declaration in respect of any such document or to answer any question or prepare and submit any statement.](2)[If any person neglects or refuses to comply with the requisition made by the auditor under sub-section (1), the auditor may, at any time, refer the matter to the Sub-divisional Officer in the case of a Gram Panchayat, or the District Magistrate in the case of a Panchayat Samiti, or the Divisional Commissioner in the case of a Zilla Parishad, having jurisdiction, and thereupon the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, shall be competent to issue such direction to the person neglecting or refusing to comply with the requisition made by the auditor as he may think fit, and such direction shall be binding on such person.] [Section 188 renumbered as sub-Section (1) of that Section and sub-Section (2) inserted by W.B. Act 17 of 1992.]

189. Penalty.

- Any person who neglects or refuses to comply with the requisition made by the auditor under section 188, within such time as may be specified, shall, on conviction by a Court, be punishable with a fine which may extend to one hundred rupees in respect of each item included in the requisition.

190. Audit report.

(1) Within two months from the date on which an audit under this Act is completed, the auditor shall prepare a report and shall send the report to the Pradhan, the Sabhapati or the Sabhadhipati, as the case may be, of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad and a copy thereof to the State Government. (2) The auditor shall append to his report a statement showing - (a) the grants-in-aid received by the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad and the expenditure incurred therefrom; (b) any material impropriety or irregularity which he may observe in the expenditure or in the recovery of the monies due to the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad or in the accounts of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad fund; (c) any loss or wastage of money or other property owned by or vested in the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad.

191. Action on audit report.

(1) Within two months from the receipt of the report referred to in section 190, the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned shall, at a meeting, remedy any defect or irregularity pointed out in the report and shall also inform the auditor of the action taken by it. The Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned shall give reasons or explanations in case any defect or irregularity is not removed. (2) If, within the period referred to in sub-section (1), no information is received by the auditor from the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned or if the reasons or explanations given by it for not remedying any defect or irregularity as aforesaid is not considered sufficient by the auditor, the auditor shall if he has not already exercised or does not propose to exercise the powers conferred upon him by section 192, [refer the matter to the Sub-divisional Officer in the case of a Gram Panchayat, or the District Magistrate in the case of a Panchayat Samiti, or the Divisional Commissioner in the case of a Zilla Parishad, having jurisdiction, and thereupon the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, shall issue such direction to the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, as he may think fit.] [Words substituted for the words 'refer the matter to the State Government within such time and in such manner as the State Government may prescribe.' by W.B. Act 17 of 1992.] (2A) [If within thirty days from the date of issue of any direction under sub-section (1), no information is received from the Gram Panchayat or the Panchayat Samiti or the Zilla Parishad, as the case may be, or if the reasons or explanations given by it for not removing the defect or irregularity pointed out in the report referred to in section 190 are not considered sufficient, the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, shall - (i) specially convene a meeting of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, by giving seven days notice to the members for discussion of the report as aforesaid, and may appoint an observer for such meeting who shall submit a report on the proceedings of the meeting in writing, duly signed by him, within a week of such meeting; (ii) refer the matter to the State Government with his recommendation for appropriate action under section 192A, section 196B, section 213 or section 214, as the case may be: Provided that the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, may make recommendations under all or any of the sections 192A, 196B, 213 and 214.] [Sub-Section (2A)]

inserted by W.B. Act 17 of 1992.](3)It shall be competent for the State Government to pass such orders thereon as it may think fit. The orders of the State Government shall, save as provided in sections 192 and 193, be final and the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned shall take action in accordance therewith.(4)If the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned fails to comply with the order within the period specified therein, the State Government may appoint a person to carry out the order, and may determine the remuneration payable to such person, and may direct that such remuneration and any cost incurred in carrying out the order shall be paid from the fund of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned.(5)A person appointed under sub-section (4) shall, for the purpose of carrying out the order, exercise any of the powers which might have been exercised by the concerned Gram Panchayat, Panchayat Samiti or Zilla Parishad.

192. Power of auditor to surcharge, etc.

(1)The auditor, after giving the person concerned an opportunity to submit an explanation within a time to be specified by him and after considering any such explanation, shall disallow every item of account contrary to law and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person responsible for the amount of any loss incurred by the negligence or misconduct of that person, and shall, in every such case, certify the amount due from such person :Provided that the auditor may in his discretion waive the surcharge or charge in cases where the amount involved does not exceed twenty-five rupees.(2)For the purposes of this section any member of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad, as the case may be, or of a Sthayee Samiti of a Panchayat Samiti or a Zilla Parishad who is present at a meeting at which a motion or resolution is passed authorising any expenditure which is subsequently disallowed under sub-section (1) or authorising any action which results in any such expenditure, shall be deemed to be a person authorising such expenditure if his dissent is not recorded in the proceedings. All such persons shall be held jointly and severally liable for such expenditure.(3)The auditor shall record in writing his reasons for every disallowance, surcharge and charge made under sub-section (1) and shall, in such manner as may be prescribed, send a certificate of the amount due and a copy of the reasons, for his decision to the person in respect of whom the certificate is made, and shall also furnish copies thereof to the Pradhan, the Sabhapati or the Sabhadhipati, as the case may be, and the State Government.(4)The State Government may, of its own motion and within one year from the receipt by it of the copy of the certificate, set aside or modify any disallowance, surcharge or charge and any certificate in respect thereof made by the auditor.

192A. [Person making or authorising illegal payment to be removed. [Section 192A inserted by W.B. Act 17 of 1992.]

- If any item of account contrary to law is surcharged on any person making or authorising the making of any illegal payment or if any person is charged against for being responsible for the amount of any loss incurred by the negligence or misconduct of that person, he shall, without prejudice to any other provisions of this Act, be liable to be removed under section 213; and upon such removal, such person may be disqualified by the State Government by an order in writing for

being elected a member of a Gram Panchayat or Panchayat Samiti or Zilla Parishad for such term as may be specified in the order: Provided that the State Government shall, before making any order under this sub-section, give to the person concerned an opportunity of being heard: Provided further that any order under this sub-section shall be published in the Official Gazette.] [Section 188 renumbered as sub-Section (1) of that Section and sub-Section (2) inserted by W.B. Act 17 of 1992.]

193. Appeal.

(1) Any person from whom any sum has been certified by the auditor to be due under section 192 may, within two months of the receipt by him of the certificate, appeal to the State Government to set aside or modify the disallowance, surcharge or charge in respect of which the certificate was made and the State Government may pass thereon such orders as it thinks fit, and such orders shall be final. (2) Where a person referred to in sub-section (2) of section 192, who has been surcharged as authorising an illegal expenditure, appeals to the State Government under this section, the State Government shall set aside such surcharge if it is proved to its satisfaction that such person voted for the resolution or motion in good faith.

194. Payment of certified sums.

(1) The sum certified by the auditor to be due from any person under section 192 or where an appeal is made under sub-section (1) of section 193, such sum as may be ordered by the State Government to be due from such person shall, within two months of the date of certification, or order, as the case may be, be paid by such person to the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned which shall credit the sum to the fund of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned. (2) Any sum not paid in accordance with the provisions of sub-section (1) shall be recoverable as a public demand and the Collector of the district shall, for the purposes of section 4 of the Bengal Public Demands Recovery Act, 1913, be deemed to be the person to whom such demand is payable. (3) The Collector of the district shall pay to the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned any sum recovered by him under sub-section (2).

195. Certain costs and expenses payable out of funds.

(1) All expenses incurred by the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned in complying with any requisition of the auditor under section 188 and in prosecuting an offender under section 189 shall be paid from the fund of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned. (2) All expenses incurred by the Collector of the district in connection with the proceedings for recovery of any sum under sub-section (2) of section 194 from a person, if not recovered from the person, shall be paid from the fund of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned. (3) If the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned fails to pay expenses referred to in sub-sections (1) and (2) within such period as may be determined by the State Government in this behalf, the State Government may attach the fund of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned or any portion thereof. (4) After such attachment no person except an officer appointed in this behalf by the State Government shall in any way deal with the attached fund or portion thereof, but such

officer may do all such acts in respect thereof, as the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned referred to in sub-section (1) might have done if the attachment had not taken place, and may apply the proceeds of the fund in satisfaction of the expenses due, the interest accruing in respect of such expenses and any additional expenses resulting from the attachment and any subsequent proceedings: Provided that no such attachment shall defeat or prejudice any charge or debt for which the fund attached was previously liable in accordance with law but all such prior charges and debt shall be paid out of the proceeds of the fund before any part of the proceeds of the fund is applied to the satisfaction of the costs and expenses payable to the State Government under this section.

196. Certain expenses not chargeable to funds without previous sanction.

- The members of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned shall not without the previous sanction of the State Government incur any expenditure from the fund of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad concerned in connection with any appeal or proceedings against surcharge, in respect of which a certificate is issued by the auditor.

196A. [Internal audit of accounts. [[Section 196A first inserted by W.B. Act 37 of 1984, then substituted by W.B. Act 18 of 2004, which was earlier as under:-

'196A. Internal audit of accounts. - Notwithstanding anything contained in section 186 the accounts of the funds of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad shall be organised, examined and audited periodically by an officer appointed in this behalf by the State Government in such manner as the State Government may direct.']](1)Notwithstanding anything contained in section 186, the accounts of the funds of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad shall be organised, examined and audited periodically by an officer appointed in this behalf by the State Government in such manner as the State Government may direct.(2)Report of such internal audit of accounts shall be sent to the concerned Gram Panchayat, Panchayat Samiti or Zilla Parishad and such other officials, as may be prescribed, within one month from the date of completion of internal audit and be placed for discussion at the meeting of such Gram Panchayat, Panchayat Samiti or Zilla Parishad, in such manner, as may be prescribed.(3)The Gram Panchayat, Panchayat Samiti or Zilla Parishad shall send replies on the internal audit report to the State Government within one month from the date of such meeting in such manner as may be prescribed.]

196B. [Special audit of accounts. [Section 196B inserted by W.B. Act 37 of 1984.]

- Notwithstanding anything contained in sections 186 and 196A the State Government may issue direction for special audit of the accounts of the funds of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad by such authority as the State Government may direct.]

196C. [performance audit. [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.]

(1) Without any prejudice to other provisions of the Chapter relating to audit, a mechanism for performance audit of the fund utilized by a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad shall be devised in the manner as may be prescribed or as may be directed, by general or special order, by the State Government. (2) The performance audit referred to in sub-section (1) shall relate to utilization of fund following the norms and procedure as may be applicable under the relevant rules, orders and guidelines, quality of the work performed, usefulness of the asset created and the benefits generated out of the work performed with an equitable distribution of such benefits.]

196D. [Social Audit. [Added by W.B. Act No. 8 of 2010, dated 13.5.2010.]

(1) Without any prejudice to other provisions of the Chapter relating to audit, a mechanism for social audit of the fund utilized by a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad shall be devised in the manner as may be prescribed or as may be directed, by general or special order, by the State Government. (2) The social audit team constituted at various level under sub-section (1) shall monitor the execution of works, the quality and utility of the works executed or the services provided and the benefits generated out of the work performed ensuring an equitable distribution of such benefits.]

Part VI – Chapter XIX

Miscellaneous

197. Oath or affirmation.

- Every member of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad other than a member referred to in [clauses (i) and (iii) of sub-section (2) of section 94 and clauses (i), (iii) and (iv) of sub-section (2) of section 140] [Words, figures and brackets substituted for the words, figures, letters and brackets 'sub-clause (iii) of clause (a) of sub-section (2) of section 94 and subclauses (iii) and (iv) of clause (a) of sub-section (2) of section 140' by W.B. Act 58 of 1978.] shall before taking his seat make and subscribe before such authority as may be specified by the State Government in this behalf, an oath or affirmation according to the form set out for the purpose in the Third Schedule.

197A. [Majority of members elected to function when in a constituency poll is countermanded or not held. [Section 197A inserted by W.B. Act 30 of 1978.]

- Notwithstanding anything to the contrary contained in this Act, -(a) if at a general election of members in Gram Panchayat, Panchayat Samiti or Zilla Parishad, poll in any constituency is

countermanded or cannot be held, or, if held, the result of such election cannot be declared for any reason within such period as it considers reasonable, the State Government may, if it finds that at least two-thirds of total number of members for that Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, [* * * *] have been elected and are competent to assume office, notify the constitution of such Gram Panchayat, Panchayat Samiti or Zilla Parishad in the manner provided in this Act and the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, shall be deemed to have been constituted under section 4, section 94 or section 140, respectively; (b) the name of any members of a Gram Panchayat, Panchayat Samiti or Zilla Parishad subsequently elected shall be notified in the Official Gazette and such member shall be entitled to assume office and remain a member for the unexpired period of [five years] [Words substituted for the year 'four years' by W.B. Act 12 of 1982, w.e.f. 4.8.1982.] referred to in sub-section (1) of section 7, sub-section (1) of section 96 or sub-section (1) of section 141, respectively.]

197B. [Cessation of membership on inclusion of a constituency in Municipality etc . [Section 197B inserted by W.B. Act 37 of 1984.]

(1) Notwithstanding the provisions contained in sections 7, 96 and 141, if at any time the whole of the area of a constituency of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad is included in a municipality [* * * * *], or a Town Committee or a Cantonment, the member elected from such constituency to the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, shall, as from the date of such inclusion, cease to be a member of the Gram Panchayat, Panchayat Samiti or Zilla Parishad concerned. (2) If for inclusion of whole of the area of a constituency or constituencies of a Gram Panchayat in a municipality [* * * * *] [Words 'or a notified area, or a municipal corporation,' omitted by W.B. Act 15 of 1997.] or a Town Committee or a Cantonment under sub-section (1), the number of members of a Gram Panchayat falls short of the number referred to in sub-section (2) of section 4, the Gram Panchayat shall continue to function in accordance with the direction of the State Government till its reconstitution or unification with another Gram Panchayat under clause (d) of sub-section (3) of section 3.]

198. Validation.

- No act or proceeding of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad, shall be deemed to be invalid merely by reason of the existence of any vacancy in the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, or any defect or irregularity in the constitution thereof.

199. Members, officers and employees to be public servants.

- All members, officers and employees of the Gram Panchayat, Panchayat Samiti and Zilla Parishad shall be deemed, when acting or purporting to act in pursuance of the discharge of their duties, or in the exercise of their powers under this Act or under the rules or bye-laws made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.

200. Indemnity.

- No suit or other legal proceeding shall lie against a Gram Panchayat, a Panchayat Samiti, a Zilla Parishad or against any member thereof or any officer or employee for anything in good faith done or intended to be done in pursuance of this Act or of any rules or bye-laws made thereunder.

201. Reference of dispute.

(1) If any dispute arises between two or more Gram Panchayats within the jurisdiction of the same Panchayat Samiti, it shall be referred to the Panchayat Samiti by any party to the dispute and the decision of the Panchayat Samiti thereon shall be final. (2) If any dispute arises between two or more Panchayat Samitis or between two or more Gram Panchayats within the jurisdiction of different Panchayat Samitis or between a Panchayat Samiti and a Gram Panchayat, within the jurisdiction of the same Zilla Parishad, it shall be referred to the Zilla Parishad by any party to the dispute and the decision of the Zilla Parishad thereon shall be final. (3) If any dispute arises - (a) between a Gram Panchayat or a Panchayat Samiti within a district on the one side and the Zilla Parishad of the same district on the other, or (b) between two or more Zilla Parishads, or (c) between one or more Gram Panchayats in one district on the one side and one or more Gram Panchayats in another district on the other, or (d) between one or more Panchayat Samitis in one district on the one side and one or more Panchayat Samitis in another district on the other, or (e) between one or more Gram Panchayats in one district on the one side and one or more Panchayat Samitis in another district on the other, or (f) between one or more Gram Panchayats in one district on the one side and the Zilla Parishad of another district on the other, or (g) between one or more Panchayat Samitis in one district on the one side and the Zilla Parishad of another district on the other, the dispute shall be referred to the State Government by any party to the dispute and the decision of the State Government thereon shall be final.

202. [[Section 202 omitted by W.B. Act 8 of 2003, which was as under:-

'202. Bar of simultaneous candidature for election. - No person while standing as a candidate for election as a member - (a) of a Gram Panchayat, shall be entitled to stand as a candidate for election as a member of a Panchayat Samiti or the Zilla Parishad, (b) of a Panchayat Samiti, shall be entitled to stand as a candidate for election as a member of a Gram Panchayat or the Zilla Parishad, and (c) of the Zilla Parishad shall be entitled to stand as a candidate for election as a member of a Gram Panchayat or a Panchayat Samiti: Provided that no person shall be entitled to stand as a candidate for election from more than one constituency or seat, as the case may be in a general election.']* *

202A. [Bar to simultaneous membership. [Section 202A inserted by W.B. Act 37 of 1984.]

- A member - (a) of a Gram Panchayat on being elected a member of a Panchayat Samiti or a Zilla Parishad, (b) of a Panchayat Samiti on being elected a member of a Gram Panchayat or a Zilla

Parishad,(c)of a Zilla Parishad on being elected a member of a Gram Panchayat or a Panchayat Samiti,(d)of a Nyaya Panchayat on being elected a member of a Gram Panchayat or a Panchayat Samiti or a Zilla Parishad,shall cease to be the member of the Gram Panchayat or the Nyaya Panchayat or the Panchayat Samiti or the Zilla Parishad, as the case may be, with effect from the date on which he is declared elected to the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be and shall continue to be a member of the Gram Panchayat or the Panchayat Samiti or the Zilla Parishad, as the case may be, to which he is elected.]

203.

[* * * * *]

Section 203 omitted by W.B. Act 8 of 2003, which was as under:- "203. Elections.- (1) The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats under this Act and the rules made thereunder shall be in accordance with such law, vesting such superintendence, direction and control in a State Election Commission consisting of a State Election Commissioner as may be made by the State Legislature in this behalf or as may be in force for the time being. (2) There shall be a District Panchayat Election Officer appointed by the State Election Commissioner in consultation with the State Government, who shall, subject to the superintendence and control of the State Election Commissioner, co-ordinate and supervise all work in the district in connection with the preparation of electoral rolls for and the conduct of, such elections. (3) The State Election Commissioner shall, in consultation with the State Government and by notification, appoint, from among the officers of the State Government, a Panchayat Electoral Registration Officer for one or more Blocks for preparation of electoral rolls, and a Panchayat Returning Officer for one or more Panchayats, for holding the elections. (4) The District Panchayat Election Officer shall, subject to the direction and control of the State Election Commissioner, appoint, from among the officers of the State Government, as many Assistant Panchayat Electoral Registration Officers and Assistant Commissioner, appoint, from among the officers of the State Government, as many Assistant Panchayat Returning Officers as may be necessary for exercising such powers and performing such functions as may be prescribed. (5) The Panchayat Returning Officer shall appoint Presiding Officers and Polling Officers for holding the elections referred to in sub-section (3), but he shall not appoint any person who has been employed by or on behalf, of or has otherwise been working for. a candidate in or about the election. The counting of votes shall be done by the Presiding Officers immediately after the poll and the result of the counting shall be declared forthwith: Provided that if the State Election Commissioner is satisfied that the counting of votes cannot conveniently be done at any or all of the polling stations immediately after the close of the poll, he may, in consultation with the State Government, require, by order, the used and sealed ballot boxes of such polling station or polling stations to be transported to such place, for safe custody till counting, and for counting, subject to such procedure, as may be prescribed: Provided further that if under the order of the State Election Commissioner, the used and sealed ballot boxes as aforesaid are transported to a place other than the polling station for safe custody till counting and for counting, such counting shall take place as soon as may be within two days from the date of the poll and shall be done by the Counting Officer with the assistance of Counting Assistants, and, for this purpose, the Panchayat Returning Officer

shall, in consultation with the District Panchayat Election Officer, appoint such number of Counting Officers and Counting Assistants as may be necessary, but shall not appoint any person, who has been employed by or on behalf of, or has been working for, a candidate in or about the election, as a Counting Officer or Counting Assistant. (6) The powers, functions and duties of Panchayat Electoral Registration Officers, Panchayat Returning Officers, Presiding Officers and Polling Officers and the procedure for holding the elections shall be such as may be prescribed. (7) Any rule made in pursuance of sub-section (6) may provide that a breach thereof shall be punishable on conviction to an imprisonment not exceeding one year of either description or to a fine not exceeding rupees one thousand or to both. (8) The State Government may by rules provide for deposit of money by a candidate seeking election under this Act and also for return or forfeiture of the said deposit: Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him."

204.

[* * * * *]

Section 204 omitted by W.B. Act 8 of 2003, which was as under:- "204. Disputes as to election.- (1) If any dispute arises as to the validity of an election under this Act, any person entitled to vote at such election may, within thirty days after the date of the declaration of the results of such election, file a petition, calling in question such election -(a) before the Munsif having jurisdiction where such election is in respect of a Gram Panchayat or a Panchayat Samiti and (b) before the District Judge of the district, where such election is in respect of a Zilla Parishad. (2) When filing a petition under sub-section (1), the petitioner shall deposit in court, as security for the costs likely to be incurred, a sum of -(a) fifty rupees, where the petition is filed before the Munsif, and (b) two hundred rupees, where the petition is filed before the District Judge. (3) The District Judge may transfer any petition filed before him under sub-section (1) to any Judicial Officer subordinate to him not below the rank of a Subordinate Judge. (4) In dealing with a petition under sub-section (1), the Munsif, the District Judge or the Judicial Officer to whom the petition is transferred under sub-section (3) (hereinafter referred to as the Judge) may hold such enquiry as he deems necessary. (5) The procedure to be followed by the Judge including all matters relating to the filing of such petition shall be such as may be prescribed. (6) The Judges shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oath, enforcing the attendance of witnesses and compelling the discovery and production of documents. (7) The decision of the Judge shall be final and shall not be called in question in any court. (8) No court shall grant an injunction -(i) to postpone the election of -(a) a member of a Gram Panchayat, a Nyaya Panchayat, a Panchayat Samiti or a Zilla Parishad, or (b) a Pradhan, an Upa-Pradhan, a Pradhan Vicharak, a Sabhapati or a Sahakari Sabhapati or a Sabhadhipati, a Sahakari Sabhadhipati or members and Karmadhyakshas of Sthayee Samitis; or (ii) to prohibit a person declared to have been elected under this Act, from taking part in the proceedings of the Gram Panchayat, Nyaya Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, to which he has been elected; or (iii) to prohibit the members formally elected or appointed to a Gram Panchayat, Nyaya Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, under this Act from entering upon their offices."

205. Inspection.

(1)The State Government shall appoint a Director of Panchayats and such other officers as it may consider necessary for the purpose of inspecting or superintending the work of all, or any class of, Gram Panchayats, Panchayat Samitis or Zilla Parishads.(2)An officer appointed to inspect or superintend the work of a Gram Panchayat, Panchayat Samiti or Zilla Parishad may at any time -
 (a)inspect or cause to be inspected any immovable property used or occupied by the Gram Panchayat, Panchayat Samiti or Zilla Parishad or any work in progress under the direction of the Gram Panchayat, Panchayat Samiti or Zilla Parishad :
 (b)inspect or examine, or depute any other officer of the Government to inspect or examine, any department of the Gram Panchayat, Panchayat Samiti or Zilla Parishad or any service, work or thing under the control of the Gram Panchayat, Panchayat Samiti or Zilla Parishad;
 (c)require, for the purposes of inspection or examination, the Gram Panchayat, Panchayat Samiti or Zilla Parishad -
 (i)to produce any book, record, correspondence, plan or other document, or
 (ii)to furnish any return, plan, estimate, statement, accounts or statistics, or
 (iii)to furnish or obtain any report or information.(3)The Divisional Commissioner or any other officer not below the rank of a [Joint Block Development Officer of the Block,] [Words substituted for the words 'Deputy Collector' by W.B. Act 8 of 2003.] when authorised by the State Government in this behalf, may exercise all or any of the powers conferred on an inspecting officer under sub-section (2).(4)When an inspection of a Gram Panchayat, Panchayat Samiti or Zilla Parishad is undertaken by any officer referred to in sub-section (3), a report of such inspection shall be submitted by such officer to the State Government.

206. Delegation.

- The State Government may, by notification, delegate, subject to such conditions as it may specify, all or any of its powers under this Act except the powers mentioned in section 224 to any person or authority subordinate to it.

206A. [Finance Commission. [Section 206A inserted by W.B. Act 17 of 1992.]

- [(1) As soon as may be after the commencement of the West Bengal Panchayat (Amendment) Act, 1994, and thereafter at the expiry of every five years, there shall be a Finance Commission constituted by the Governor, by notification, under clause (1) of article 243-I of the Constitution of India which shall consist of not more than five members including the Chairman, selected from amongst the jurists, economists, administrators and social and political workers of eminence.](2)The Finance Commission shall review the financial position of the Gram Panchayat, Panchayat Samitis, and Zilla Parishads and shall make recommendations as to -
 (a)the principles which should govern -
 (i)the distribution between the State and the [Panchayats] [Word substituted for the words 'Gram Panchayats, Panchayat Samitis, and Zilla Parishads' by W.B. Act 18 of 1994.] of the net proceeds of taxes, duties, tolls and fees leviable by the State, which may be divided between them, and the allocation between the [Panchayats] [Word substituted for the words 'Gram Panchayats, Panchayat Samitis and Zilla Parishads:' by W.B. Act 18 of 1994.] at all levels of their respective shares of such proceeds;
 (ii)the determination of taxes, duties, tolls and fees which may be assigned to, or appropriated by, the [Panchayats;] [Word substituted for the words 'Gram

Panchayats, Panchayat Samitis and Zilla Parishads:' by W.B. Act 18 of 1994.](iii)the grants-in-aid to the [Panchayats] [Word substituted for the words 'Gram Panchayats, Panchayat Samitis and Zilla Parishads:' by W.B. Act 18 of 1994.] from the Consolidated Fund of the State;(b)any other matter referred to the Finance Commission by the [Governor] [Word substituted for the words 'State Government' by W.B. Act 18 of 1994.] in the interest of sound finance of the [Panchayats.] [Word substituted for the words 'Gram Panchayats, Panchayat Samitis and Zilla Parishads:' by W.B. Act 18 of 1994.](3)The Chairman and the other members of the Finance Commission shall hold office for one year and [the term of office may be extended for six months at a time by the State Government by notification, and they shall be paid such fees and allowances as the State Government may, by order, determine.] [Words substituted for the words 'the term of office may be extended for six months by the State Government by notification.' by W.B. Act 18 of 1994.](4)The Chairman or any other member of the Finance Commission may resign his office by writing under his hand addressed to the Chief Secretary to the Government of West Bengal, but he shall continue in office until his resignation is accepted by the State Government.(5)[The Finance Commission shall, in the performance of its functions, determine its own procedure, and exercise such powers, summon such persons and examine such records as may be prescribed.(6)The Governor, on receipt of the recommendations of the Finance Commission, shall take such actions as may be considered necessary, and the recommendations of the Finance Commission together with an explanatory memorandum of actions taken thereon shall be laid for not less than fourteen days before the State Legislature as soon as possible after such recommendations are received and shall be accepted with such modifications as the State Legislature may make during the session in which they are so laid.] [[Sub-Sections (5) and (6) substituted by W.B. Act 18 of 1994, which were earlier as under:-(5) The Finance Commission shall, in the performance of its functions, exercise such powers, summon such persons, examine such records, and adopt such procedures as may be prescribed.(6)The recommendations of the Finance Commission shall, on acceptance by the State Government with such modifications as that Government may deem necessary, be notified in the Official Gazette, and upon such notification, the recommendations shall come into effect from such date as may be specified in the notification.'.]](7)The State Government may appoint a Secretary for the Finance Commission and such other officers and employees as that Government may think necessary, and may determine the salaries of the Secretary and the other officers and employees.]

207. Transfer of institution.

(1)The State Government may transfer any institution under its management or control to a Zilla Parishad or a Panchayat Samiti or a Gram Panchayat subject to such conditions limitations and restrictions as may be agreed upon.(2)When any institution is transferred under sub-section (1), persons employed by the State Government shall with effect from the date of such transfer be deemed to be employed by the Zilla Parishad or Panchayat Samiti or Gram Panchayat to which such institution is transferred, on terms and conditions, not being less advantageous than what they were entitled to immediately before such transfer.

207A. [State Government to place officers and employees at the disposal of Gram Panchayat, Panchayat Samiti and Zilla Parishad. [Section 207A inserted by W.B. Act 17 of 1992.]

(1)Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, -(a)upon the issue of any direction to any Gram Panchayat, Panchayat Samiti or Zilla Parishad to exercise any power or perform any function or discharge any duty, or(b)upon the transfer to any Gram Panchayat, Panchayat Samiti or Zilla Parishad of any function, or control and management of any property,under any provisions of this Act, the State Government shall, subject to such conditions as it may deem fit to impose, place at the disposal of the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, the services of such officers and employees as may be necessary to enable it to exercise such power or perform such function or discharge such duty, as the case may be.(2)The officers and employees whose services are so placed at the disposal of the Gram Panchayat, Panchayat Samiti or Zilla Parishad, shall continue to be the employees of the State Government and their salary, allowances and other benefits shall be met from the Consolidated Fund of the State:Provided that where any disciplinary or other action is required to be taken against any such officer or employee, the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, shall make a reference to the State Government for appropriate action.(3)Where any power or function or duty is conferred or imposed on any Gram Panchayat, Panchayat Samiti or Zilla Parishad by or under any other law for the time being in force, such law shall have effect as if this section had formed a part of such law, and thereupon such law shall be deemed to have been amended accordingly.]

207B. [Transfer of powers, functions and duties. [Section 207B inserted by W.B. Act 18 of 1994.]

(1)Without prejudice to the generality of the provisions contained in section 207 or elsewhere in this Act, the State Government may, by order published in the Official Gazette, transfer, under such terms and conditions as may be specified in the order, to a Panchayat such powers, functions and duties as are exercised, performed and discharged by the State Government under any law made by the State Legislature or otherwise under the executive power of the State in relation to any or all of the following matters:-(i)agriculture including agricultural extension, agricultural marketing and food processing;(ii)irrigation, minor irrigation and water management;(iii)animal resources development;(iv)health and family welfare;(v)public health engineering and rural water supply;(vi)social welfare, women and child development, welfare of handicapped, mentally retarded and weaker sections of people;(vii)land and land reforms, land improvement and soil conservation;(viii)co-operation;(ix)khadi, and cottage and small scale industries;(x)rural housing;(xi)public works and communications;(xii)education including primary and secondary schools, technical training, vocational education, libraries and cultural activities;(xiii)fisheries;(xiv)social forestry, farm forestry and minor forest-produce;(xv)rural electrification including distribution of power and non-conventional energy source;(xvi)poverty alleviation programme;(xvii)public distribution systems.(2)Upon the transfer of any powers, functions or duties under sub-section (1), the State Government shall allot to the Panchayat such

fund and personnel as may be necessary to enable that Panchayat to exercise the powers, perform the functions or discharge the duties so transferred.(3)Where any powers, functions or duties conferred by or under any other law for the time being in force, are transferred or delegated to a Panchayat, such law shall have effect as if this section had formed a part of such law, and thereupon such law shall be deemed to have been amended accordingly.]

208. Period of limitation for suits.

- Notwithstanding anything contained in the Limitation Act, 1963, the period of limitation for the institution of any suit by or on behalf of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad for the possession of any immovable property vested in such Gram Panchayat, Panchayat Samiti or Zilla Parishad from which it has been dispossessed or of which it has ceased to have possession shall be sixty years from the date of dispossession or discontinuance.

209. Power of State Government to rescind or suspend resolution of a Gram Panchayat, Panchayat Samiti or Zilla Parishad.

(1)The State Government may, by order in writing, rescind any resolution passed by a Gram Panchayat, Panchayat Samiti or Zilla Parishad, if in its opinion such resolution -(a)has not been legally passed, or(b)is in excess or abuse of the powers conferred by or under this Act or any, rules made thereunder.(2)The State Government shall, before taking any action under sub-section (1), give the Gram Panchayat, Panchayat Samiti or Zilla Parishad concerned an opportunity of making any representation against the proposed order.(3)The prescribed authority may, by order, in writing suspend the execution of any resolution or order of a Gram Panchayat, Panchayat Samiti or Zilla Parishad or prohibit the doing or any act which is about to be done or is being done, in pursuance of, or under cover of, this Act or any rules made thereunder, if in his opinion the resolution, or order or act is in excess [or an abuse] [Words inserted by W.B. Act 37 of 1984.] of the powers conferred by or under this Act or any rules made thereunder, or the execution of the resolution or order, or the doing of the act, is likely to lead to serious breach of the peace or to cause serious injury or annoyance to the public, or to any body of persons.(4)When the prescribe authority makes an order under sub-section (3), he shall forthwith forward a copy thereof, with a statement of his reason for making it, to the State Government, who may thereupon rescind the order or direct that it shall continue in force with or without modification, permanently or for such period as it thinks fit.

210. [[Section 210 omitted by W.B. Act 17 of 1992, which was as under:-

'210. Appointment of members by State Government. - (1) The State Government may appoint two members of the Scheduled Castes or Scheduled Tribes and two women to be members of any Gram Panchayat, Panchayat Samiti or Zilla Parishad :Provided that -(a)no such appointment shall be made if two or more members of the Scheduled Castes or Scheduled Tribes or two women have been elected to such Gram Panchayat or Panchayat Samiti or Zilla Parishad, as the case may be, under the provisions of this Act; and(b)one such appointment shall be made if only one member of the Scheduled Caste or Scheduled Tribe or one woman has beer, elected to such Gram Panchayat or

Panchayat Samiti or Zilla Parishad, as the case may be, under the provisions of this Act :Provided further that the appointment by the State Government under this section shall be from such persons as the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, may recommend.(2)The members appointed under sub-section (1), shall hold office for so long as the term of office of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, for which they are appointed, continues.'.] * * *]

211. Power of State Planning Board and the District Planning Committee.

- The State Planning Board and the District Planning Committee shall have power to supervise and evaluate the works of any Gram Panchayat, Panchayat Samiti or Zilla Parishad.

212. Directions by State Government.

- In the discharge of their functions the Gram Panchayat, the Panchayat Samiti and the Zilla Parishad shall be guided by such instructions or directions as may be given to them by the State Government from time to time in conformity with the provisions of this Act.

213. Power to remove Pradhan, Upa-Pradhan, Sabhapati, Sahakari Sabhapati, Sabhadhipati, and Sahakari Sabhadhipati.

(1)[The prescribed authority may] [Substituted 'The State Government may' by W.B. Act No. 8 of 2010, dated 13.5.2010.], notwithstanding anything contained in [sub-section (3) of section 9,] [Words, figures and brackets subs for the words, figures and brackets 'sub-section (3) of section 12,' by W.B. Act 37 of 1984.] sub-section (3) of section 98 and sub-section (3) of section 143, by an order in writing remove with effect from a date to be specified in the order [any member or office bearer of a Gram Panchayat, Panchayat Samiti or Zilla Parishad] [Substituted 'any Pradhan or Upa-Pradhan, any Sabhapati or Sahakari Sabhapati or any Sabhadhipati or Sahakari Sabhadhipati' by W.B. Act No. 8 of 2010, dated 13.5.2010.] from his office if, in its opinion, he willfully omits or refuses to carry out the provisions of this Act or any rules or orders made thereunder or abuses the powers vested in him under this Act.(2)[The prescribed authority shall] [Substituted 'The State Government shall' by W.B. Act No. 8 of 2010, dated 13.5.2010.], before making any order under sub-section (1), give to the person concerned an opportunity of making a representation against the proposed order.

213A. [Disqualification on change of political party by Members of Panchayats. [Substituted by Act No. 5 of 2014, dated 31.3.2014.]

(1)Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the prescribed authority for such Panchayat as may be specified by notification in this behalf, may, subject to the other provisions of this section, declare, for reasons to be recorded in writing, a member of such Panchayat to be disqualified for being a member thereof, if-(a)he is an elected member set up by a recognized political party and has-(i)voluntarily given up his membership of such recognized political party, or(ii)[exercised the voting right or abstained from

voting contrary to any direction issued by the Leader of his political party to which he belongs, without obtaining the prior permission of the said Leader or such voting or abstention has not been condoned by the said Leader within seven days from the date of such voting or abstention; or](b)he is an elected member not set up by any recognized political party and he has joined a recognized political party on the expiry of six months from the date of election:Provided that the prescribed authority shall not declare any member to be disqualified under this section without giving to such member a reasonable opportunity to represent his case and to be heard in person:Provided further that an elected member referred to in sub-clause (ii) of clause (a) shall riot, on the prescribed authority being satisfied in this behalf, be declared to be disqualified, if-(a)the action of such member was taken on obtaining prior permission of, or was condoned by, such recognized political party, or(b)such member claims that he and any other members of such recognized political party in the Panchayat constitute a group representing a faction consisting of not less than one-third of the total number of members set up by such recognized political party in the Panchayat and that all the members of such group have voluntarily given up their membership of such recognized political party, or(c)the former recognized political party of the member merges with another recognized political party, and he claims that he and other members of his former recognized political party-(i)have become members of such other recognized political party or of a new recognized political party formed out of merger, as the case may be, or(ii)have not accepted the merger, and from the time of such merger, he and such other members constituting not less than one-third of the total number of members set up by the former recognized political party in the Panchayat, have opted to remain members of the former recognized political party or have formed a new recognized political party.[Explanation. [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.] - Direction shall be issued by the Leader in writing to each member belonging to his political party at least twenty four hours before the commencement of the meeting and a copy of such direction shall be communicated to the prescribed authority before commencement of the meeting.](1A)[Notwithstanding anything contained in sub-clause (ii) of clause (a) of sub-section (1), an elected member who has exercised his voting right contrary to the direction issued by the Leader, shall not be declared to be disqualified if such member claims and establishes that-(a)he and a few other members of the same Panchayat belonging to same political party have constituted a group consisting of not less than one-third of the total number of members set up by such recognised political party in that Panchayat and have already intimated such decision to the Leader mentioning that the members of such group shall no longer be abided by any direction of such Leader and that such decision have also been communicated to the prescribed authority at least three working days prior to the meeting, or(b)his original political party has merged with another political party and he and a few other members of his original political party constituting at least one-third of the total number of members in the same Panchayat belonging to such original political party,-(i)have become members of such other political party, or as the case may be, of a new political party formed by such merger and have decided to elect a new Leader for such separate party or group, or(ii)have not accepted the merger and opted to function as a separate group and wants to be treated as such other political party or a new political party or group as the case may be for the purpose of all provisions of this section, and the members involved have already communicated their collective decision in writing to the Leader and to the prescribed authority under the signatures of all such members at least three days before the commencement of the meeting.](2)On being declared to be disqualified under sub-section (1), a member shall, subject to the provisions of sub-section (12),

stand removed from the Panchayat from the date of such declaration.(3)[As soon as may be within three months from the date of the first meeting of a Panchayat or within three months from the date on which this section comes into force, as the case may be] [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.], elected members set up by the recognized political parties shall, by adopting a resolution, select one member from amongst themselves to be the Leader [and such Leader shall within thirty days] [Substituted 'and such Leader shall, within fifteen days' by W.B. Act No. 8 of 2010, dated 13.5.2010.] from the date of such selection, furnish to the prescribed authority referred to in sub-section (1)-(i) a copy of the resolution, (ii) a signed statement containing the names, addresses and constituencies of himself and other members set up by such recognized political party, and (iii) a copy of a set of rules and regulations, if any, by whatever name called, of such recognized political party: Provided that an office-bearer may also hold the office of the leader: [Provided further that if selection of Leader of any recognized political party does not take place within the aforesaid period due to exceptional reason, the members belonging to a recognised political party may jointly file a petition with endorsement of the President or the General Secretary or the Secretary of the district unit of such recognized political party may file a petition showing the ground of such exceptional reason to the prescribed authority seeking further time for selection of such Leader and the prescribed authority on being satisfied about the exceptional reason may allow further time for one month to select such Leader who shall within fifteen days from the date of such selection furnish the aforesaid documents to the prescribed authority.] [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.](4) Where there is only one elected member set up by a recognized political party in a Panchayat, he shall furnish the documents referred to in sub-section (3) in relation to himself: Provided that in the event of any increase in the number of members of such recognized political party, the provisions of sub-section (3) shall apply as if the first meeting of the Panchayat was held or this section came into force, as the case may be, on the date on which such increase took place.(5) A member not belonging to any recognized political party shall furnish a statement to that effect to the prescribed authority referred to in sub-section (1) within one month from the date of the first meeting of the Panchayat.(6) In the event of any change of the information furnished under subsection (3), sub-section (4) or sub-section (5), the Leader or the member, as the case may be, shall, as soon as may be within fifteen days from the date of such change, furnish in writing such change of information to the prescribed authority referred to in sub-section (1).(7) The Leader of any recognized political party referred to in subsection (3) may at any time file a petition [the President or the General Secretary or the Secretary of the district unit of such recognized political party] [Substituted 'endorsed by the General Secretary, or, if there is no General Secretary' by W.B. Act No. 8 of 2010, dated 13.5.2010.], the Secretary, of the district unit of such recognized political party to the prescribed authority referred to in sub-section (1), stating that-(a) one or more members of such recognized political party have-(i) voluntarily given up his or their membership of such recognized political party, or (ii) [exercised the voting right or abstained from voting contrary to any direction issued by the Leader of his political party to which he belongs, without obtaining prior permission of the said Leader or such voting or abstention has not been condoned by the said Leader;] [Substituted by W.B. Act No. 8 of 2010, dated 13.5.2010.](b) the member referred to in sub-section (4) has voluntarily given up his membership of the recognized political party that set him up, or (c) the member referred to in sub-section (5) has joined a recognized political party on the expiry of six months from the date of election, and that such member or members should be declared to be disqualified under sub-section (1) and should be removed from the

Panchayat.(8)Every petition referred to in sub-section (7)-(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 or persons, a statement containing the names and addresses of such person or persons and the gist of such information as furnished by such person or each of such persons.(9)On receipt of the petition referred to in sub-section (7), the prescribed authority referred to in sub-section (1) shall, as soon as possible within [two weeks] [Substituted 'six weeks' by W.B. Act No. 8 of 2010, dated 13.5.2010.] from the date of the receipt of such petition, proceed to make an enquiry to satisfy himself, among others, as to-(a)the common decision in regard to the manner of voting to be exercised by the majority members set up by the recognized political party, and(b)whether the member or members against whom such petition is filed, exercised the voting right, in a meeting of the Panchayat contrary to such manner of voting.(10)For the purpose of enquiry under sub-section (9), the prescribed authority may summon such members of the recognized political party or other persons, and require such signed statements from, and production of such documents and records by, the members or other persons as aforesaid, as he may deem necessary.(11)As soon as possible within [four weeks] [Substituted 'eight weeks' by W.B. Act No. 8 of 2010, dated 13.5.2010.] from the date of receipt of the petition referred to in sub-section (7), the prescribed authority shall, in consideration of the facts and the documents and the records before it,-(a)reject the petition,or(b)admit the petition wholly or in part and declare any member or members to be disqualified under sub-section (1) for being members of the Panchayat.(12)Any member of a Panchayat, declared disqualified under subsection (1) or the Leader of the recognized political party referred to in subsection (7), if aggrieved by the decision of the prescribed authority, may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant and the opposite parties an opportunity of being heard, set aside or confirm the order or declare any member or members to be disqualified in the manner referred to in sub-section (1) and, upon such declaration, the member or members shall stand removed from the Panchayat.(13)The order passed by the authority appointed under sub-section (12) on the appeal shall be final.(14)Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no Court shall have any jurisdiction in respect of any matter arising out of a member being declared to be disqualified under sub-section (1) for being a member of the Panchayat.(15)The State Government may, by notification, make rules for carrying out the purposes of this section.Explanation. - For the purposes of this section, an elected member shall be deemed to be set up by a recognized political party if he has contested election with the symbol reserved for such recognized political party or if he has contested election with a free symbol and joins a recognized political party and furnishes a declaration to that effect to the prescribed authority referred to in the sub-section (I) before the expiry of six months from the date of election.] [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

213B. [Suspension of member of Panchayats. [Section 213B in by W.B. Act 18 of 1994.]

- Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the prescribed authority for such Panchayat as may be specified by notification, may, after giving an office bearer or member of such Panchayat an opportunity to show cause against such action as may be proposed to be taken against him, place such office bearer or member under suspension, if he -](i)has, prima facie, been found to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety in an inspection report on audit of accounts and his suspension is necessary to prevent any likely delay in further investigation or any tampering or destruction of records, or(ii)has, in an inspection held by a competent authority, prima facie, been found guilty of criminal breach of trust, financial irregularity, misuse or abuse of power for wrongful gain or gross negligence of duty requiring penal action by a competent authority and his suspension is necessary to prevent any likely delay in further investigation or any tampering or destruction of records.(iii)[has been implicated in a proceeding commenced against him on any criminal charge referred to in clause (h) of section 8, section 97 or section 142, as the case may be, and in pursuance of such proceeding, either he has been detained in custody for a period exceeding forty-eight hours or a charge on the precise formulation of the specific accusation within the concept and meaning of the Code of Criminal Procedure, 1973, has been framed against him in a competent court of law ; [Clause (iii) and its proviso inserted by W.B. Act 15 of 1997.]Provided that the prescribed authority immediately after placing the office bearer under suspension, shall proceed to cause a full enquiry into the accusations made against such office bearer and on completion of such enquiry, may -(a)institute a proceeding against him on a criminal charge under any law for the time being in force,(b)furnish a proposal to a competent authority recommending such legal measures against him under the Act or any rule thereunder as deemed appropriate, or(c)revoke the order for suspension and reinstate him in his office with such direction as may be deemed fit, if the prescribed authority is of the opinion that there is reasonable ground to believe that there has been an irregularity committed without proof of any criminal intent and without any wrongful gain to him or any wrongful loss to the Panchayat and on such reinstatement, such office bearer shall be deemed to hold the charge of his office without any interruption because of suspension.](2)[When an office bearer in a Panchayat is placed under suspension under sub-section (1), -(a)subject to the provisions under clause (b), the other office bearer in such Panchayat shall exercise the powers, perform the functions and discharge the duties of the office bearer under suspension, under sub-section (4) or sub-section (5) of section 9, section 98 or section 143, as the case may be,(b)notwithstanding the provision under clause (a), such Panchayat may, by majority decision of the existing members directly elected to that Panchayat, in a meeting specially convened for the purpose, select a person from among them not being an office bearer, to act temporarily in place of the office bearer under suspension and on being so selected, he shall exercise the powers, perform the functions and discharge the duties of such office bearer until the office bearer placed under suspension is reinstated in his office or is subsequently removed or vacates the office by resignation or otherwise in conformity with the provisions of the Act and the rules made thereunder :Provided that the notice of such meeting shall be given by the office bearer holding the charge with an intimation to the prescribed authority referred to in first proviso to sub-section (1) of section 16, section 105 or section 150, as the case may be, and such prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing within a week of the meeting on the proceedings of the meeting.] [[Sub-Section (2) substituted by W.B. Act 15 of 1997, which was earlier as under:-'(2) When an office-bearer Is placed under suspension under sub-section (1), the

Panchayat shall elect another office-bearer in his place to exercise the powers, perform the functions and discharge the duties of such office-bearer during the period for which such suspension continues.'.] (3) Any office-bearer or member, who is placed under suspension under sub-section (1), may within thirty days from the date of the order of suspension, prefer an appeal to such authority as the State Government may appoint in this behalf and thereupon the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order. (4) The order passed by the authority as aforesaid on such appeal shall be final.

213C. [Jurisdiction of Lokayukta or Upa-Lokayukta. [Inserted by W.B. Act No. 8 of 2010, dated 13.5.2010.]

- Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable to, the Lokayukta or Upa-Lokayukta under the West Bengal Lokayukta Act, 2003 (West Bengal Act XXXV of 2003), in respect of any complaint alleging corrupt practices against any member including office bearer of Gram Panchayat, Panchayat Samiti, Zilla Parishad or Mahakuma Parishad, as the case may be.]

214. Powers of State Government to supersede a Gram Panchayat, Panchayat Samiti or Zilla Parishad.

(1) If, in the opinion of the State Government, any Gram Panchayat, Panchayat Samiti or Zilla Parishad - (i) has shown its incompetence to perform or has persistently made default in the performance of the duties imposed on it by or under this Act or any other law, or (ii) has exceeded or abused its powers, the State Government may, by order, to be published in the Official Gazette stating the reasons therefor supersede the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, and direct that it be reconstituted [within such period not exceeding six months] [Word 'two years' first substituted for the words 'six months' by W.B. Act 11 of 1982, then the words within third brackets substituted for the words 'within such period not exceeding two years' by W.B. Act 18 of 1994.] as may be specified in the order : [Provided that the members of the Gram Panchayat, Panchayat Samiti or Zilla Parishad as reconstituted shall hold office for the unexpired portion of the period for which the member of the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, would have held office had the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, not been superseded] [Proviso Inserted by W.B. Act 17 of 1992.] (2) The State Government shall, before making any order under sub-section (1), give the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, an opportunity of making a representation against the proposed order.

214A. [District Council. [Section 214A inserted by W.B. Act 18 of 1994.]

(1) There shall be a District Council for Panchayats in each districts consisting of the following members: - (i) Adhyaksha or the Chairperson - the Leader of the recognised political party in

opposition having largest number of members directly elected with the reserved symbol of such recognised political party in the Zilla Parishad or the Mahakuma Parishad: Provided that if, in a term of general election, no member in opposition is elected with the reserved symbol of a recognised political party in a Zilla Parishad or Mahakuma Parishad, the Adhyaksha for that term shall be elected from amongst the members, not being Sabhadhipati, Sahakari Sabhadhipati or Karmadhyaksha, by the members of the Zilla Parishad or the Mahakuma Parishad, as the case may be, on majority vote in a meeting ;(ii) Upadhyaksha or the Vice-Chairperson - to be elected from amongst the members, not being the Sabhadhipati, Sahakari Sabhadhipati or Karmadhyaksha, by the members of the Zilla Parishad or the Mahakuma Parishad, as the case may be, on majority vote in a meeting ;(iii) five members elected by the members of the Zilla Parishad or the Mahakuma Parishad, as the case may be, from amongst themselves: (iv) three members, being officers of the State Government or of any statutory body or corporation and having such specialised knowledge as the State Government may think fit, nominated by the State Government; (v) Additional Executive Officer of the Zilla Parishad or the Mahakuma Parishad - Member-Secretary. (2) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the functions of the District Council shall be as follows:-(a) to examine the accounts of the Panchayats within its territorial jurisdiction, in relation to the budget approved by the Panchayats concerned for the expenditure to be incurred by such Panchayats, the annual report of such Panchayats and such other accounts of such Panchayats as the District Council may think fit; (b) to satisfy itself, while scrutinising the accounts of the Panchayats, that -(i) the moneys 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, (ii) the expenditure conforms to the rules governing such expenditure and also the financial proprieties of such expenditure, and (iii) every re-appropriation has been made in accordance with such rules as are applicable; (c) to consider the inspection reports on the annual audit of accounts of any Panchayat within its jurisdiction, conducted by the auditors appointed under section 186, and to examine the replies thereto furnished by the respective Panchayats; (d) to examine the accounts of stores and stocks maintained by the Panchayats within the area of their respective jurisdictions; (e) to pursue the matters relating to the unsettled objections raised in any inspection report on audit of accounts of such Panchayats and refer such matters to the authorities concerned suggesting corrective actions; (f) to suggest ways and means to remove the difficulties, if any, experienced by the Panchayats in giving effect to any provision of this Act or the rules made thereunder within their respective jurisdictions. (3) The term of office of the members of the District Council shall be for the entire period of the term of office of the members of the Zilla Parishad, unless a member of the District Council is restrained by any other provision of this Act from continuing as a member of the Zilla Parishad. (4) The District Council shall determine its own procedure and shall have the right to obtain a copy of every inspection report on audit of accounts of any Panchayat within the area of its jurisdiction and may call for any record of any Panchayat within such area to be produced for its inspection. (5) Without prejudice to the generality of the provisions in sub-section (4), the State Government may, by general or special order, provide for -(a) the procedure for convening of the meetings of the District Council and the procedure for the meetings, (b) the powers and duties of the Secretary of the District Council, (c) the terms of the office of different members of the District Council and the travelling allowances admissible to such members. (6) Any elected or nominated member of the District Council may resign his office as such member by tendering his resignation in writing to the Sabhadhipati of the Zilla Parishad or the

Mahakuma Parishad, as the case may be, and such resignation shall take effect from the date on which it is accepted by the Sabhadhipati.(7)Any casual vacancy in the office of any member of the District Council shall be filled in such manner as may be prescribed and the member elected or nominated to fill such casual vacancy shall hold office for the unexpired portion of the term of the Zilla Parishad.]

215. Consequences of supersession.

(1)When an order of supersession has been passed under section 214 then with effect from the date of the order -(a)all the members of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, and all the members of the Sthayee Samitis thereof shall vacate their offices;(b)all the powers, duties and functions which, under the provisions of this Act or any rule or bye-law made thereunder or any law for the time being in force, may be exercised, discharged or performed by the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, or any Sthayee Samiti thereof shall be exercised, discharged or performed by such authority, person or persons as may be appointed by the State Government in this behalf;(c)all properties vested in the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad, as the case may be, shall remain vested in the State Government until the reconstitution of such Gram Panchayat, Panchayat Samiti or Zilla Parishad.(2)On the reconstitution of the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, the authority, person or persons appointed under clause (b) of sub-section (1) shall cease to exercise his functions.

216. Special provision in case of prohibitory orders from Courts.

- Where by reason of an order of a competent court a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad is unable to exercise or perform the powers, duties or functions conferred or imposed on it by or under any law, the State Government may appoint any authority, person or persons to exercise or perform, as the case may be, during the period of such inability, any or all of such powers, duties and functions in such manner and under such conditions as the State Government may direct.

217. Transitory provisions.

(1)After the coming into force of this Act in any area, the State Government may appoint any authority, person or persons for any Gram Panchayat or Anchal Panchayat constituted in that area under the West Bengal Panchayat Act, 1957, or any Anchalik Parishad or Zilla Parishad established in that area under the West Bengal Zilla Parishads Act, 1963, and the authority, person or persons so appointed shall exercise, perform and discharge all the powers, functions and duties of such Gram Panchayat, Anchal Panchayat, Anchalik Parishad or Zilla Parishad, as the case may be.(2)With the appointment of the authority, person or persons referred to in sub-section (1), all the members of the Gram Panchayat, Anchal Panchayat, Anchalik Parishad, or Zilla Parishad, as the case may be, in respect of which such authority, person or persons, as the case may be, has been so appointed shall vacate their offices as such members.

218. Repeal.

(1) With effect from the date of the coming into office of a Gram Panchayat under sub-section (4) of section 4, the provisions of the West Bengal Panchayat Act, 1957, [relating to Gram Sabha, Gram Panchayat, Anchal Panchayat and Nyaya Panchayat shall stand repealed within the territorial limits of the Gram and the Union Board constituted under the Bengal Village Self-Government Act, 1919, shall cease to function.] [Words substituted for the words 'relating to Gram Panchayat shall stand repealed within the territorial limits of the Gram' by W.B. Act 58 of 1978.] (2) With effect from the date of the coming into office of a Panchayat Samiti under sub-section (3) of section 94, [* * * * *] [Words and figures 'the provisions of the West Bengal Panchayat Act, 1957, relating to Anchal Panchayats and' omitted by W.B. Act 58 of 1978.] the provisions of the West Bengal Zilla Parishads Act, 1963, relating to Anchalik Parishads shall stand repealed within the territorial limits of the Block. (3) With effect from the date of the coming into office of a Zilla Parishad under sub-section (3) of section 140, the provisions of the West Bengal Zilla Parishads Act, 1963, relating to Zilla Parishads shall stand repealed in the district.

219. Vesting.

- When in consequence of the repeal of the enactments referred to in section 218 any Gram Panchayat, Nyaya Panchayat or Anchal Panchayat constituted under the West Bengal Panchayat Act, 1957, or any Anchalik Parishad or Zilla Parishad established under the West Bengal Zilla Parishads Act, 1963, ceases to exist [or when the Union Board constituted under the Bengal Village Self-Government Act, 1919, ceases to function,] [Words and figures inserted by W.B. Act 58 of 1978.] in any area - (a) the authority, person or persons, if any, appointed under section 217 in respect of such Gram Panchayat, Anchal Panchayat, Anchalik Parishad or Zilla Parishad, as the case may be, shall cease to exercise all functions; (b) all properties, movable or immovable and all assets - (i) vested in such Gram Panchayat shall vest in the Gram Panchayat or Gram Panchayats constituted under this Act in such area in accordance with such allocation as may be determined by the prescribed authority and such determination shall be final, (ii) vested in such Anchal Panchayat shall vest in such Gram Panchayat or Gram Panchayats constituted under this Act in such area in accordance with such allocation as may be determined by the prescribed authority and such determination shall be final, (iia) [vested in such Union Board shall vest in such Gram Panchayat or Gram Panchayats constituted under this Act in such area in accordance with such allocation as may be determined by the prescribed authority and such determination shall be final,] [Sub-clause (iia) to clause (b) inserted by W.B. Act 58 of 1978.] (iii) vested in such Anchalik Parishad shall vest in such Panchayat Samiti or Panchayat Samitis constituted under this Act in such area in accordance with such allocation as may be determined by the prescribed authority and such determination shall be final, (iv) vested in such Zilla Parishad shall vest in the Zilla Parishad constituted under this Act; (c) all rights acquired, all debts and obligations incurred, all matters and things engaged to be done - (i) by such Gram Panchayat shall be deemed to have been acquired, incurred or engaged to be done by the Gram Panchayat or Gram Panchayats constituted under this Act in such area, as may be determined by the prescribed authority under sub-clause (i) of clause (b), (ii) by such Anchal Panchayat shall be deemed to have been acquired, incurred or engaged to be done by such Gram Panchayat or Gram Panchayats constituted under this Act in such area, as may be determined by the prescribed

authority under sub-clause (ii) of clause (b), (iia) [by such Union Boards shall be deemed to have been acquired, incurred or engaged to be done by such Gram Panchayat or Gram Panchayats constituted under this Act in such area, as may be determined by the prescribed authority under sub-clause (iia) of clause (b),] [Sub-clause (iia) to clause (c) inserted by W.B. Act 58 of 1978.] (iii) by such Anchalik Parishad shall be deemed to have been acquired, incurred or engaged to be done by such Panchayat Samiti or Panchayat Samitis constituted under this Act in such area, as may be determined by the prescribed authority under sub-clause (iii) of clause (b), (iv) by such Zilla Parishad shall be deemed to have been acquired, incurred or engaged to be done by the Zilla Parishad constituted under this Act; (d) all suits or other legal proceedings instituted or which but for the coming into office of the Gram Panchayat, the Panchayat Samiti or the Zilla Parishad constituted under this Act, might have been instituted by or against [the Union Board constituted under the Bengal Village Self-Government Act, 1919, on] [Words and figures inserted by W.B. Act 58 of 1978.] the Gram Panchayat or Anchalik Panchayat constituted under the West Bengal Panchayat Act, 1957, or the Anchalik Parishad or Zilla Parishad established under the West Bengal Zilla Parishads Act, 1963, may be continued or instituted by or against the Gram Panchayat or Panchayat Samiti, as determined by the prescribed authority under subclauses (i), (ii) [, iia] [Brackets, figure and letter inserted by W.B. Act 58 of 1978.] or (iii) of clause (b), or the Zilla Parishad, as the case may be, and in all such suits or other legal proceedings pending immediately before such constitution or establishment, such Gram Panchayat, Panchayat Samiti or Zilla Parishad constituted under this Act, shall stand substituted; (e) all suits and cases pending before a Nyaya Panchayat constituted under the West Bengal Panchayat Act, 1957, shall be deemed to have been transferred to such Nyaya Panchayat constituted under this Act as may be determined by the prescribed authority; (f) persons employed by - (i) such Gram Panchayat and continuing in office immediately before the coming into office of the Gram Panchayat constituted under this Act for such area shall be deemed to be employed by such Gram Panchayat or Gram Panchayats constituted under this Act, as may be determined by the prescribed authority; (ii) such Anchalik Panchayat and continuing in office immediately before the coming into office of the Gram Panchayat or Gram Panchayats constituted under this Act for such area shall be deemed to be employed by such Gram Panchayat or Gram Panchayats constituted under this Act, as may be determined by the prescribed authority; (iia) [such Union Board and continuing in office immediately before the coming into office of the Gram Panchayat or Gram Panchayats constituted under this Act for such area shall be deemed to be employed by such Gram Panchayat or Gram Panchayats constituted under this Act, as may be determined by the prescribed authority,] [Sub-clause (iia) to clause (f) inserted by W.B. Act 58 of 1978.] (iii) such Anchalik Parishad and continuing in office immediately before the coming into office of the Panchayat Samiti or Panchayat Samitis constituted under this Act for such area shall be deemed to be employed by such Panchayat Samiti or Panchayat Samitis as may be determined by the prescribed authority; (iv) [such Zilla Parishad and continuing in office immediately before the coming into office of the Zilla Parishad constituted under this Act shall be deemed to be employed by such Zilla Parishad:] [[Sub-clause (iv) substituted by W.B. Act 37 of 1984, which was earlier as under: -] (iv) such Zilla Parishad and continuing in office immediately before the coming into office of the Zilla Parishad constituted under (his Act shall be deemed to be employed by such Zilla Parishad on such terms and conditions, not being less advantageous than what they were entitled to immediately before such coming into office, as may be determined by the Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, constituted under this Act;'.]] Provided that

the terms and conditions of such persons shall not be less advantageous than those enjoyed by them immediately before the coming into office of such Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be; (g) all rules, orders, bye-laws and notifications made or issued from time to time under the provisions of the Bengal Local Self-Government Act of 1885, applicable to the District Board, or the West Bengal Panchayat Act, 1957, or the West Bengal Zilla Parishads Act, 1963, applicable to the Gram Panchayat, Anchal Panchayat, Anchalik Parishad and Zilla Parishad and continuing in force immediately before the coming into office of the Gram Panchayat, Panchayat Samiti and Zilla Parishad under this Act shall, after such coming into office, continue in force in so far as they are not inconsistent with the provisions of this Act until they are repealed or amended.

220. Prosecution.

- Prosecution in a court under this Act for breach of bye-laws may be instituted by a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad or by any person authorised by such Gram Panchayat, Panchayat Samiti or Zilla Parishad, as the case may be, in this behalf.

221. Recovery of arrears.

- [All arrears of taxes, tolls, rates, fees and cess] [Words substituted for the words 'All arrears of taxes, tolls, rates and fees' by W.B. Act 8 of 2003.] leviable by a Gram Panchayat, a Panchayat Samiti or Zilla Parishad under this Act shall, without prejudice to any other mode of recovery, be recoverable as public demands.

222.

[* * * *] [[Section 222 omitted by W.B. Act 37 of 1984, which was as under: - '222. Provisions for removing difficulties. - If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the purpose of removing such difficulty.']]

223. Bye-laws.

(1) A Gram Panchayat, a Panchayat Samiti or a Zilla Parishad [shall make bye-laws] [Words substituted for the words 'may make bye-laws' by W.B. Act 8 of 2003.] [or amend bye-laws] [Words inserted by W.B. Act 37 of 1984.], not inconsistent with the provisions of this Act or the rules made thereunder, for enabling it to discharge its functions under this Act. (1A) [The bye-laws made or amended under sub-section (1) shall be published by the Gram Panchayat or the Panchayat Samiti or the Zilla Parishad, as the case may be, in the manner prescribed.] [Sub-Section (1A) inserted by W.B. Act 37 of 1984.] (2) The State Government may, by notification, rescind any bye-law and thereupon such bye-law shall cease to have effect. (3) In making a bye-law under sub-section (1), a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad may provide that a breach of the same shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing

breach with a further fine which may extend to ten rupees for every day during which the breach continues after the offender has been convicted of such breach.

224. Power to make rules.

(1)The State Government may, after previous publication, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which under any provision of this Act, are required to be prescribed or to be provided for by rules.(3)All rules made under this Act shall be published in the Official Gazette, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.(4)All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid. Any modification of the said rules made by the State Legislature shall be published in the Official Gazette, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.[* * * * *] [['First Schedule' omitted by W.B. Act 18 of 2004, which was as under:-'First ScheduleOffences to be reported by a Chowkidar and a Dafadar(See section 39.)Murder, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, robbery, theft, mischief by fire, house-breaking. counterfeiting currency notes, coins or stamps, possessing instruments or materials for the purposes of such counterfeiting, causing grievous hurt, riot, administering stupefying drugs, kidnapping, personating public servants. manufacturing, selling or possessing arms without a licence and going armed without a licence, and all attempts, preparations and conspiracies to commit, and abetments of the said offences.'.]]Second ScheduleOffences triable by a Nyaya Panchayat(See sections 51 and 52.)

Part A – 1. Offences under sections 26 and 27 of the Cattle-trespass Act, 1871.

2. Offences under enactments (other than the Indian Penal Code and this Act) or any rules or bye-laws made thereunder which are punishable with fine only up to a limit of fifty rupees.

3. Offences under section 34 of the Police Act, 1861.

4. Offences under the Bengal Ferries Act, 1885, except those under sections 28 and 30.

5. Offences under the following sections of the Indian Penal Code, namely, sections 160, 269, 277, 289, 290, 294, 323, 341, 352, 358, 426, 447, 448, 504 and 510 and when the value of the property in the opinion of the Nyaya Panchayat is not over two hundred rupees, sections 379 and 411.

Part B – Offences under the following sections of the Indian Penal Code, namely, sections 283, 428, 430, 431, 506 and 509; and when the value of the property in the opinion of the Magistrate is not over two hundred rupees, section 403.

[Third Schedule] [[Third Schedule substituted by W.B. Act 42 of 1978, which was earlier as under:-Third Schedule]Form of oath or affirmation to be made by a member of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad.(See section 197.)I, A. B., having been elected a member of the Gram Panchayat/Panchayat Samiti/Zilla Parishad 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, and that I will faithfully discharge the duties upon which I am about to enter.'].]]Form of oath or affirmation to be made by a member of a Gram Panchayat, a Panchayat Samiti [, a Zilla Parishad or Mahakuma Parishad.] [Words substituted for the words 'or a Zilla Parishad' by W.B. Act 20 of 1988.](See section 197.)I, A.B., [* * * *] [Words 'being an ex-officio member or' omitted by W.B. Act 37 of 1984.] having been elected/appointed a member of the Gram Panchayat/ Panchayat Samiti/Zilla Parishad [/Mahakuma Parishad] [Words inserted by W.B. Act 20 of 1988.] do

| swear in the name of Godsolemnly affirm| that I will true faith and allegiance to the Constitution of India as by law established, and that I will faithfully discharge the duties upon which I am about to enter.