



**EXTRACTS FROM THE WEST BENGAL  
PANCHAYAT ACT, 1973<sup>1</sup>**

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<sup>2</sup>An Act to recognise, strengthen and expand the activities of Panchayats in rural areas of West Bengal to enable them to act as units of self-government and to strive for socio-economic development and securing social justice for the people and to provide for matters connected therewith.

<sup>3</sup>WHEREAS it is necessary and expedient to recognise, strengthen and expand the activities of Panchayats in rural areas of West Bengal to enable them to act as units of self-government and to strive for socio-economic development and securing social justice for the people and to provide for matters connected therewith;

It is hereby enacted in the Twenty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

**PART I**

**CHAPTER I**

**Preliminary**

1. (1) This Act may be called the West Bengal Panchayat Act, 1973. Short title,  
extent and  
commencement.
- <sup>4</sup>(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 <sup>5</sup>[Kolkata] Municipal Corporation Act, 1980,
  - (d) the Siliguri Municipal Corporation Act, 1990,

<sup>1</sup> For Statement of Objects and Reasons, see the Calcutta Gazette, Extraordinary, Pt. IVA, of the 3rd May, 1973, page 1354; for report of the Select Committee on the Bill, see the Calcutta Gazette, Extraordinary, Pt. IVA, of the 27th August, 1973, pages 2511-2602; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of the West Bengal Legislative Assembly held on the 10th May, 1973, 30th and 31st August, 1973.

<sup>2</sup> Long title was substituted by s. 2 of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Ben. Act XXXVII of 2006).

<sup>3</sup> Preamble was substituted by s. 3 of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Ben. Act XXXVII of 2006).

<sup>4</sup> Sub-section (2) was first substituted by s.2 of the West Bengal Panchayat (Amendment) Act, 1994 (West Ben. Act XVIII of 1994), then again substituted by s.2 of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Ben. Act XXIV of 1997).

<sup>5</sup> The word within the square bracket was substituted for the word “Calcutta” by s.5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Bengal Act XVIII of 2001), w.e.f. the 1st January, 2001.

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- (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.

(3) This section shall come into force at once; the remaining sections shall come into force<sup>1</sup> 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.

Definitions.

2. 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;
- <sup>2</sup>(1A) “Backward Classes” has the same meaning as in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, West Ben. Act 1993;.
- (2) “Block” means an area referred to in section 93;
- (3) “Block Development Officer” means an officer appointed as such by the State Government <sup>3</sup>[and includes the Joint Block Development Officer in charge of the Block];
- (4) “case” means a criminal proceeding in respect of an offence triable by a Nyaya Panchayat;

<sup>1</sup> All sections from 2 to 224 of the Act came into force on the 1st February, 1974 in the whole of West Bengal except the areas included in (i) police stations of Asansol, Chittaranjan, Kulti, Hiraipur, Salanpur, Jamuria, Barabani, Faridpur, Ranigunj, Durgapur, Ondal in the district of Burdwan; (ii) coalfield areas in the district of Bankura, Purulia, and Darjeeling; and (iii) Tea gardens, Cinchona Plantations and Reserve Forests, vide notification No. 1385-Panch, dated the 29th January, 1974, published in the Calcutta Gazette, Extraordinary, Pt. I, of the 1st February, 1974, page 199.

<sup>2</sup> Clause (1A) was inserted by s. 2 of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> The word within the square brackets were inserted by s. 2(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

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- <sup>1</sup>(4a) “Collector” means an officer appointed as such by the State Government;
- <sup>2</sup>(4aa) “Commissioner of Panchayats and Rural Development” means an officer appointed as such by the State Government and includes a Joint Director of Panchayats and Rural Development, Deputy Director of Panchayats and Rural Development and Assistant Director of Panchayats and Rural Development, Government of West Bengal;
- <sup>3</sup>(4b) “Council” means the Darjeeling Gorkha Hill Council constituted under the Darjeeling Gorkha Hill Council Act, 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;
- <sup>4</sup>(6) \* \* \* \* \*
- <sup>5</sup>(7) “District Panchayat Officer” means a District Panchayat and Rural Development 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;
- <sup>6</sup>(8a) “Divisional Commissioner” means an officer appointed as such by the State Government;
- <sup>7</sup>(8b) “Executive Assistant” of a Gram Panchayat means an Executive Assistant appointed as such in a Gram Panchayat under sub-section (2) of section 35;

<sup>1</sup> Clause (4a) was inserted by s. 2(b) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> Clause (4aa) was inserted by s. 2(1) of the West Bengal Panchayat (Second Amendment) Act, 2006 (West Bengal Act II of 2006).

<sup>3</sup> Clause (4b) was inserted by s. 2(a) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

<sup>4</sup> Clause (6) was first substituted for the original clause by s. 3(1) of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997). Thereafter, the same was omitted by s. 2(2) of the West Bengal Panchayat (Second Amendment) Act, 2006 (West Bengal Act II of 2006).

<sup>5</sup> Clause (7) was substituted for the original clause by s. 3(2) of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997).

<sup>6</sup> Clause (8a) was inserted by s. 2(3) of the West Bengal Panchayat (Second Amendment) Act, 2006 (West Bengal Act II of 2006).

<sup>7</sup> Clause (8b) was inserted by s. 2(1) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

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- <sup>1</sup>(9) \* \* \* \* \*
- <sup>2</sup>(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;
- <sup>3</sup>(10) “Gram” means an area referred to in section 3;
- (11) “Gram Panchayat” means a Gram Panchayat constituted under section 4;
- <sup>4</sup>(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;
- <sup>5</sup>(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;
- <sup>6</sup>(11c) “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;

<sup>1</sup> Clause (9) was omitted by s. 2(4) of the West Bengal Panchayat (Second Amendment) Act, 2006 (West Bengal Act II of 2006).

<sup>2</sup> Clause (9a) was inserted by s. 2(1) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>3</sup> Clause (10) was substituted by s. 2 of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

<sup>4</sup> Originally Clause (11a) was inserted by s. 2 of the West Bengal Panchayat (Amendment) Act, 1978 (West Bengal Act X of 1978). Then the same was substituted by s. 2(b) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988). Finally, the present Clause (11a), (11b) and (11c) were substituted for the previous clause (11a) by s. 3(1) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>5</sup> Originally Clause (11a) was inserted by s. 2 of the West Bengal Panchayat (Amendment) Act, 1978 (West Bengal Act X of 1978). Then the same was substituted by s. 2(b) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988). Finally, the present Clause (11a), (11b) and (11c) were substituted for the previous clause (11a) by s. 3(1) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>6</sup> Originally Clause (11a) was inserted by s. 2 of the West Bengal Panchayat (Amendment) Act, 1978 (West Bengal Act X of 1978). Then the same was substituted by s. 2(b) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988). Finally, the present Clause (11a), (11b) and (11c) were substituted for the previous clause (11a) by s. 3(1) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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- <sup>1</sup>(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;’
- <sup>2</sup>(12b) “Mahakuma Parishad” means the Mahakuma Parishad for the sub-division of Siliguri in the district of Darjeeling constituted under section 185B;]
- <sup>3</sup>(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;
- <sup>4</sup>(13a) “Municipality” means an institution of self-government constituted under article 243Q of the Constitution of India;
- (14) “notification” means a notification published in the Official Gazette;
- (15) “Nyaya Panchayat” means a Nyaya Panchayat constituted under section 51;
- <sup>5</sup>(15a) “office bearer” means the Pradhan, Upa-Pradhan, Sabhapati, Sahakari Sabhapati, Sabhadhipati or Sahakari Sabhadhipati or any two or more of them together;
- <sup>6</sup>(15b) “Panchayat” means an institution of <sup>7</sup>[self-government constituted under article 243B of the Constitution of India], and includes Gram Panchayat, Panchayat Samiti, Mahakuma Parishad or Zilla Parishad;

<sup>1</sup> Clause (12a) was inserted by s. 2(2) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>2</sup> This Clause was inserted as (12a) by s. 2(c) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988). Thereafter, this clause was renumbered as Clause (12b) by s. 2(2) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>3</sup> Clause (13) was substituted by s. 3(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>4</sup> Clause (13a) was inserted by s. 2 of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).

<sup>5</sup> Clause (15a) and (15b) were inserted by s. 3(3) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>6</sup> Clause (15a) and (15b) were inserted by s. 3(3) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>7</sup> The words within the square brackets were substituted for the words “self-government” by s. 2(1) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

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- <sup>1</sup>(15c) “Panchayats Development Officer” means an officer appointed as such by the State Government;
- (16) “Panchayat Samiti” means a Panchayat Samiti constituted under section 94;
- <sup>2</sup>(16a) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (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, <sup>3</sup>[for any one or more purposes] of this Act;
- (20) “public street” means any street, road, lane, gully, alley, passage, pathway, bridge, square or court, whether a throughfare 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;
- <sup>4</sup>(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;
- (21) “Sabhapati” means a Sabhapati of a Panchayat Samiti, elected under section 98;
- (22) “Sabhadhipati” means a Sabhadhipati of a Zilla Parishad, <sup>5</sup>[elected under section 143, and includes the Sabhadhipati of Mahakuma Parishad];

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<sup>1</sup> Clause (15c) was inserted by s. 2(5) of the West Bengal Panchayat (Second Amendment) Act, 2006 (West Bengal Act II of 2006).

<sup>2</sup> Clause (16a) was added by s. 2(2) of the West Bengal Panchayat (Amendment) Act, 1992 (West Ben. Act XVII of 1992).

<sup>3</sup> The words within the square brackets were substituted for the words “for all or any of the purposes” by s. 2(3) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>4</sup> Clause (20A) was inserted by s. 3(4) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>5</sup> The words and figures within the square brackets were substituted for the words and figures “elected under section 143” by s. 2(d) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

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- (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, <sup>1</sup>[elected under section 143, and includes the Sahakari Sabhadhipati of the Mahakuma Parishad;
- (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;
- <sup>2</sup>(26A) “Secretary” of a Gram Panchayat means a Secretary appointed as such in a Gram Panchayat under sub-section (2) of section 35;
- <sup>3</sup>(26AA) “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;
- <sup>4</sup>(26B) “State Government” means the State Government in the Department of Panchayats and Rural Development;
- (27) “State Planning Board” means the West Bengal State Planning Board established by the State Government;
- <sup>5</sup>(27A) “Sub-divisional Officer” means an officer appointed as such by the State Government, and

<sup>1</sup> The words and figures within the square brackets were substituted for the words and figures “elected under section 143” by s. 2(e) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

<sup>2</sup> Clause (26A) was inserted by s. 2(4) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>3</sup> This Clause was added as (26A) by s. 3(5) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994). Thereafter, this Clause was renumbered as Clause (26AA) by s. 2(4) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>4</sup> Clause (26B) was inserted by s. 2(2) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>5</sup> Clause (27A) was inserted by s. 3(3) of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997).

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includes an Additional Sub-divisional Officer having jurisdiction;

- (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. (1) The State Government may, by notification, declare <sup>Gram.</sup> 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:

<sup>1</sup>[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].

- (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
- <sup>2</sup>(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]
- (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. (1) For every Gram the State Government shall <sup>Gram Panchayat and its constitution.</sup> constitute a Gram Panchayat bearing the name of the Gram.

<sup>1</sup> This proviso was inserted by s. 3(a) of the West Bengal Panchayat (Amendment) Act, 1983 (West Ben. Act II of 1983).

<sup>2</sup> Clause (b) was substituted by s. 3(b) of the West Bengal Panchayat (Amendment) Act, 1983 (West Ben. Act II of 1983).

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<sup>1</sup>[(2)Persons whose names are included in the electoral roll

<sup>1</sup> Sub-section (2) was substituted by s. 2 of the West Bengal Panchayat (Amendment) Act, 2012 (West Bengal Act IX of 2012), which was earlier as follows:- “(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 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 or more than thirty 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 \* \* \* \* \*”.

Provided that seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a Gram Panchayat, and the number of seats so reserved shall bear, as nearly as may be 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 or of the Scheduled Tribes or of the Backward Classes as the case may be, in that Gram, 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, Scheduled Tribes or Backward Classes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population, the Scheduled Tribes population or the Backward Classes population, as the case may be, in that Gram, bears with the total population in that Gram:

Provided further that not less than one-half of the total number of seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be:

Provided also that not less than one-half of the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes 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:

Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section \* \* \* \* \*, 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, the Scheduled Tribes and the Backward Classes 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 two successive general elections:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes 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:

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 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 shall not be varied for the next two 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 and the provisions for reservation of seats for the Backward Classes shall cease to have

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<sup>1</sup>[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] 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 <sup>2</sup>[not being less than five] or <sup>3</sup>[more than thirty] <sup>4</sup>[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] <sup>5</sup>[\*\*\*\*\*]:

<sup>6</sup>[Provided that seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a Gram Panchayat, and the number of seats so reserved shall bear, as nearly as may be 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 or of the Scheduled Tribes or of the Backward Classes as the case may be, in that Gram, bears to the total population of that Gram and such seats shall be

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effect from the date on which the State Legislature by enactment decides so in this behalf.”

- <sup>1</sup> The words “in force on the last date of nominations for Panchayat election” were first substituted for the words “for the time being in force” by s. 3 of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984). Thereafter, the words within the square brackets were substituted for the words “of the West Bengal Legislative Assembly in force on the last date of nominations for Panchayat election” by s. 4(1)(a) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).
- <sup>2</sup> The words within the square brackets were substituted for the words “not being less than seven” by s. 4(a) of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).
- <sup>3</sup> The words within the square brackets were substituted for the words “more than twenty-five” by s. 4(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).
- <sup>4</sup> The words within the square brackets were 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 s. 3(a) of the West Bengal Panchayat Amending Act, 1978 (West Bengal Act X of 1978).
- <sup>5</sup> The words, “and the members so elected shall be the members of the Gram Panchayat” were omitted by s. 3(1)(a) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).
- <sup>6</sup> This proviso was inserted by s.3(1)(b) of the West Bengal Panchayat (Amendment) Act, 1992 (West Ben. Act XVII of 1992).

subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes, Scheduled Tribes or Backward Classes population which bears with the total population in that constituency not less than one-half of the proportion that the total Scheduled Castes population, the Scheduled Tribes population or, the Backward Classes population, as the case may be, in that Gram, bears with the total population in that *Gram*:]

<sup>1</sup>[Provided further that the total number of seats so reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of seats in the Gram Panchayat as determined in terms of the first proviso:

Provided also that reservation of seats in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage following the provisions under the first proviso subject to the ceiling limit of fifty percent of the total seats in a Gram Panchayat and then the balance number of seats within the ceiling limit of fifty percent of the total seats shall be reserved for the Backward Classes subject to the proportion of total population of the Backward Classes to the total population in the said Gram:

Provided also that if and when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the first proviso severally or jointly exceeds fifty percent of the total number of seats in a Gram Panchayat, such reserved seats in favour of the Scheduled Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of seats in that Gram Panchayat, be apportioned in the same ratio of proportion of population of the Scheduled Castes and the Scheduled Tribes to the total population in that Gram:

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<sup>1</sup> These provisos were inserted by s. 2(1) of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

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Provided also that when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the first proviso or the fourth proviso, as the case may be, severally or jointly reaches fifty percent of the total number of seats in that Grant Panchayat, there shall be no reservation of seats in favour of the Backward Classes, notwithstanding that there is sizeable proportion of the Backward Classes population in that Gram:]

<sup>1</sup>[Provided also that as nearly as practicable] one-half but not exceeding one-half of the total number of seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be:

Provided also that as nearly as practicable one-half but not exceeding one-half of the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes 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:

Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section, 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, the Scheduled Tribes and the Backward Classes 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 two successive general elections:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes 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:

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<sup>1</sup> The words within the square brackets were substituted for the words "Provided further that as nearly as practicable" by s. 2(2) of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

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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 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 shall not be varied for the next two 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 and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf.]

- <sup>1</sup>(2A) The Gram Panchayat shall consist of the following members:-
- (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,<sup>2</sup>[\* \* \* \*] on the basis of number of members of Gram Panchayat determined under sub-section (2);

<sup>1</sup> Sub-section (2A) inserted by s. 3(2) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>2</sup> The words “not being less than three or more than fourteen” were omitted by s. 4(b)(i) of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

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(b) allocate to each such constituency seats, <sup>1</sup>[not exceeding two,] on the basis of electorate of the Gram:

<sup>2</sup>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.]

<sup>3</sup>[\* \* \* \* \*]

- (4) Every Gram Panchayat constituted under this section shall <sup>4</sup>[\*\*\*\*\*] 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. (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,

Effect of alteration of the area of a Gram.

<sup>1</sup> The words within the square brackets were substituted for the words “not exceeding three” by s. 4(b)(ii), of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

<sup>2</sup> The proviso was added by s. 4(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>3</sup> Sub-section (3A) was first inserted by s. 3(b) of the West Bengal Panchayat Amending Act, 1978 (West Bengal Act X of 1978) and thereafter it was omitted by s. 4(c) of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

<sup>4</sup> The words and figures, “notwithstanding anything contained in section 210” were first inserted by s. 3(c) of the West Bengal Panchayat Amending Act, 1978 (West Bengal Act X of 1978). Thereafter, those words and figures were omitted by s. 4(3) of the West Bengal Panchayat (Amending) Act, 1994 (West Bengal Act XVIII of 1994).

directions and notifications in force in that Gram shall apply to the area so included.

- <sup>1</sup>(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 Panchayat 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.
- <sup>2</sup>(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.
- (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.

<sup>3</sup>[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), -

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<sup>1</sup> Sub-section (3) was substituted by s. 5(a) of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

<sup>2</sup> Sub-section (4) was substituted by s. 5(b) of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

<sup>3</sup> This "Explanation" was added by s. 4 of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

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- (a) it shall not be necessary to hold general election 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. <sup>1</sup>(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

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

<sup>1</sup> Sub-section (1) was substituted by s. 2 of the West Bengal Panchayat (Amendment) Act, 2004 (West Bengal Act XVIII of 2004). Prior to this substitution there occur following changes in original sub-section (1):-

- (i) The words “by notification under any law for the time being in force or in an area under the authority of” were substitute for the words, figures and letter “, 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,” by s. 3(a) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).
- (ii) The words “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,” were inserted by s. 3(b) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).
- (iii) The words “or the notified area authority or on the Municipal Corporation” were omitted by s. 3(c) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).
- (iv) The words “in accordance with the orders of the prescribed authority. The persons employed under such Gram Panchayat shall, with effect from the date of such inclusion, be deemed to be employed by the Municipality or the notified area authority or the Municipal Corporation 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” were inserted by s. 4 of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).
- (v) The words “with effect from the date on which the Gram Panchayat ceases to exist” were substituted for the words “with effect from the date of such inclusion,” by s. 3(d) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).
- (vi) The words “or the notified area authority or the Municipal Corporation” were omitted by s. 3(e) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).

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.

- <sup>1</sup>(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,

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<sup>1</sup> Sub-section (2) was substituted for the original by s. 5 of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

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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.

- '6A. (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, -
- Constitution of Gram Panchayat comprising whole or part of area of Municipality.
- (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:

<sup>1</sup> Section 6A was inserted by s. 4 of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).

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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, from 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.

Term of office  
of members  
of Gram  
Panchayat

17. (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.

<sup>1</sup> Section 7 was substituted by s. 5 of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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<sup>1</sup>(2) There shall be held a general election for the constitution of a Gram Panchayat on such date as may be deemed convenient before the date of completion of five years from the date of first meeting held for that Gram Panchayat following the preceding general elections.

<sup>2</sup>[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 at a time or until the date on which such first meeting of the newly-formed Gram Panchayat is held, whichever is earlier.]

<sup>3</sup>7A. [(General election to Gram Panchayat.)- Omitted by s.6 of the West Bengal Panchayat (Amendment) Act, 1994 (West Ben. Act XVIII of 1994)].

8. 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 – Disqualifications  
of members  
of Gram  
Panchayat.

(a) he is a member of <sup>4</sup>[\* \* \* \* \*] any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1; or

<sup>5</sup>(b) he is in the service of the Central or the State Government or a Gram Panchayat or a Panchayat Samiti <sup>6</sup>[or a Zilla Parishad or the Mahakuma

<sup>1</sup> Sub-section (2) was substituted by s. 2 of the West Bengal Panchayat (Amendment) Act, 2007 (West Bengal Act XXII of 2007). Prior to this substitution the proviso to original sub-section (2) was substituted by s. 2 of the West Bengal Panchayat (Amendment) Act, 2006 (West Bengal Act I of 2006).

<sup>2</sup> This proviso was added by s. 3 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>3</sup> Section 7A was inserted by s. 4 of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>4</sup> The words “a Nyaya Panchayat or a Panchayat Samiti or a Zilla Parishad or of” were omitted by s. 5(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>5</sup> Clause (b) was substituted by s. 2 of the West Bengal Panchayat (Amendment) Act, 1985 (West Bengal Act VI of 1985).

<sup>6</sup> The words within the square brackets were substituted for the words “or a Zilla Parishad;” by s. 3(a) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

Parishad or the Council;] 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, <sup>1</sup>[or the Zilla Parishad of the district, or the Mahakuma Parishad, or the Council;]

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 <sup>2</sup>[or the Zilla Parishad or the Mahakuma Parishad or the Council;] 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

<sup>1</sup> The words within the square brackets were substituted for the words “or the Zilla Parishad of the district:” by s. 3(b)(i) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

<sup>2</sup> The words within the square brackets were substituted for the words “or the Zilla Parishad of the district:” by s. 3(b)(ii) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

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- 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
  - <sup>1</sup>(h) <sup>2</sup>(i) he has been convicted by a court –
    - (A) of an offence punishable with imprisonment for a period of more than six months involving moral turpitude, or involving any other cognizable offence, or
    - (B) of an offence under Chapter IXA of the Indian Penal Code, 1860, 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;
- Provided that such conviction by a lower court shall remain in operation unless an appellate court has stayed the operation of the order of the court, which has convicted the person; 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
- <sup>3</sup>(i) he has not attained the age of twenty-one years on the date fixed for the scrutiny of nominations for any election; or

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<sup>1</sup> Clause (h) was substituted for the original clause by s. 6 of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>2</sup> Sub-clause (i) was substituted by s. 4(1) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>3</sup> Clauses (i) was inserted by s. 7(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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- <sup>1</sup>(j) he has been convicted under section 9A at any time during the last ten years; or
  - <sup>2</sup>(ja) he has been removed from the office under clause (h) of sub-section (1) of section 11 at any time during the last six years; or
  - <sup>3</sup>(k) he has been convicted under section 189 at any time during the last ten years; or
  - <sup>4</sup>(l) he has been surcharged or charged under section 192 at any time during the last ten years; or
  - <sup>5</sup>(m) he has been removed under section 213 at any time during the period of last five years.
9. <sup>6</sup>[(1) Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect, in the prescribed

Pradhan and  
Upa-Pradhan.

<sup>1</sup> Clauses (j) was inserted by s. 7(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> Clause (ja) was inserted by s. 4(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>3</sup> Clauses (k) was inserted by s. 7(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>4</sup> Clauses (l) was inserted by s. 7(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>5</sup> Clauses (m) was inserted by s. 7(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>6</sup> Sub-section (1) was substituted by s. 3 of the West Bengal Panchayat (Amendment) Act, 2012 (West Bengal Act IX of 2012), which was earlier as follows:- "(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 shall neither participate in, nor be eligible for, such election:

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 election of the Pradhan unless he declares in writing that on being elected, he shall be a whole time 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:

Provided also 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, Scheduled Tribes and the Backward Classes 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, or the Backward Classes 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 or the Backward Classes population, as the case may be, constituting not more than five percent of the total population in the Gram, shall not be considered for

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allocation by rotation:

Provided also that in the event of the number of Grams having the Scheduled Castes or the Scheduled Tribes or the Backward Classes population constituting more than five percent 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 or the Backward Classes as the case may be, until the total number of seats required for reservation is obtained:

Provided also that in a district, determination of the offices of the Pradhan reserved for the Scheduled Castes, the Scheduled Tribes, the Backward Classes and women shall precede such determination of the offices of the Upa-Pradhan:

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:

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:

Provided also that not less than one-half of the total number of the offices of the Pradhan and the Upa-Pradhan reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a district, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be:

Provided also that as nearly as practicable one-half but not exceeding one-half of the total number of the offices of the Pradhan and the Upa-Pradhan in a district including the offices reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:

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 two 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:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes 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:

Provided also that any member elected from an unreserved seat or from a seat reserved for another category shall be eligible for election to the office of the Pradhan or the Upa-Pradhan reserved for a particular category if he belongs to such category and produces Scheduled Castes, Scheduled Tribes or a Backward Classes certificate, as the case may be, issued by the competent authority before the presiding officer in order to establish his claim:

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

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manner, one of its members to be the Pradhan and another member to be the Upa-Pradhan of the Gram Panchayat:

<sup>1</sup>Provided that the members referred to in clause (ii) of sub-section (2A) of section 4 <sup>2</sup>[shall neither participate in, nor be eligible for such election]:

<sup>3</sup>Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible <sup>4</sup>[for election of the Pradhan unless] he declares in writing that on being elected, he shall be a whole time 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:

<sup>5</sup>[Provided also that after being elected to the office of a full time office bearer, he shall be allowed lien or 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:]

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cease to have effect on the expiry of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf.

<sup>1</sup> First proviso was added by s. 5 of the West Bengal Panchayat (Amendment) Act, 1992 (West Ben. Act XVII of 1992).

<sup>2</sup> The words within the square brackets were substituted for the words "shall not be eligible for such election" by s. 8(1)(a) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>3</sup> Second proviso was added by s. 7(a)(i) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>4</sup> The words within the square brackets were substituted for the words "for such election unless" by s. 2(1) of the West Bengal Panchayat (Amendment) Act, 2008 (West Bengal Act XIX of 2008).

<sup>5</sup> This proviso was inserted by s. 2 of the West Bengal Panchayat (Amendment) Act, 2014 (West Bengal Act V of 2014).

Provided also 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, the Scheduled Tribes and the Backward Classes 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, or the Backward Classes 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:

<sup>1</sup>[Provided also that the total number of offices of the Pradhan or the Upa-Pradhan in any district reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of offices of the Pradhan or the Upa-Pradhan within the district as determined in terms of the third proviso:

Provided also that reservation of offices of the Pradhan or the Upa-Pradhan in any district in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage following the provisions under the third proviso subject to the ceiling limit of fifty percent of the total offices of the Pradhan or the Upa-Pradhan in the district and then the balance number of offices of the Pradhan or the Upa-Pradhan in the district within the ceiling limit of fifty percent of the total offices of the Pradhan or the Upa-Pradhan in the district shall be reserved for the Backward Classes subject to the proportion of total population of the Backward Classes to the total population in the said district:

Provided also that if and when the number of offices of the Pradhan or the Upa-Pradhan in any district determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes

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<sup>1</sup> These provisos were inserted by s. 3 of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

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in terms of the third proviso severally or jointly exceeds fifty percent of the total number of offices of the Pradhan or the Upa-Pradhan in the district, such reserved offices in favour of the Scheduled Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of offices of the Pradhan or the Upa-Pradhan in the district, be apportioned in the same ratio of proportion of population of the Scheduled Castes and the Scheduled Tribes to the total population in that district:

Provided also that when the number of offices of the Pradhan or the Upa-Pradhan in any district determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the third proviso or the sixth proviso, as the case may be, severally or jointly reaches fifty percent of the total number of offices of the Pradhan or the Upa-Pradhan in the district, there shall be no reservation of offices of the Pradhan or the Upa-Pradhan in that district in favour of the Backward Classes, notwithstanding that there is sizeable proportion of the Backward Class population in that district:]

Provided also that the offices of the Pradhan and the Upa-Pradhan in any Gram Panchayat having the Scheduled Castes or the Scheduled Tribes or the Backward Classes population, as the case may be, constituting not more than five percent of the total population in the Gram, shall not be considered for allocation by rotation:

Provided also that in the event of the number of Grams having the Scheduled Castes or the Scheduled Tribes or the Backward Classes population constituting more than five percent 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, or the Backward

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Classes as the case may be, until the total number of seats required for reservation is obtained:

Provided also that in a district, determination of the offices of the Pradhan reserved for the Scheduled Castes, the Scheduled Tribes, the Backward Classes and women shall precede such determination of the offices of the Upa-Pradhan:

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:

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:

Provided also that as nearly as practicable one-half but not exceeding one-half of the total number of the offices of the Pradhan and the Upa-Pradhan reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a district, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be:

Provided also that as nearly as practicable one-half but not exceeding one-half of the total number of the offices of the Pradhan and the Upa-Pradhan

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in a district including the offices reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:

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 two 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:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes and no women, 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:

Provided also that any member elected from an unreserved seat or from a seat reserved for another category shall be eligible for election to the office of the Pradhan or the Upa-Pradhan reserved for a particular category if he belongs to such category and produces Scheduled Castes, Scheduled Tribe or a Backward Classes certificate, as the case may be, issued by the competent authority before the presiding officer in order to establish his claim:

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 and the provisions for reservation of seats for the Backward Classes shall cease to have effect

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from the date on which the State Legislature by enactment decides so in this behalf.]

(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 <sup>1</sup>[five years]:

<sup>2</sup>[\* \* \* \* \*]

(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 <sup>3</sup>[for a period of thirty days at a time] a Pradhan and an Upa-Pradhan

<sup>1</sup> The words within the square brackets were substituted for the words “four years” by s. 3 of the West Bengal Panchayat (Second Amendment) Act, 1982 (West Bengal Act XII of 1982).

<sup>2</sup> Proviso to sub-section (3) was omitted by s. 8(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>3</sup> The words within the square brackets were inserted by s. 8(3) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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from among the members of the Gram Panchayat to act as such until a Pradhan or an Upa-Pradhan is elected and assumes office <sup>1</sup>[or until the Pradhan or the Upa-Pradhan resumes duties, as the case may be].

(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.

<sup>2</sup>[(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 case, 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 <sup>3</sup>[or section 216] in the presence of the Block Development Officer or any other officer authorised in writing by him in this behalf.]

<sup>4</sup>[(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 a Gram in a Municipality or a notified area or a 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,

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<sup>1</sup> The words within the square brackets were inserted by s. 6(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> Sub-section (8) was inserted by s. 3 of the West Bengal Panchayat (Second Amendment) Act, 1983 (West Bengal Act XVIII of 1983).

<sup>3</sup> The words within the square brackets were inserted by s. 6(b) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>4</sup> Sub-section (9) was inserted by s. 6(c) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

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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.]

<sup>1</sup>[(10) Notwithstanding anything to the contrary contained in this Act, <sup>2</sup>[prescribed authority] may, by an order in writing, <sup>3</sup>[remove a Pradhan from his office] if, in its opinion he holds any office of profit <sup>4</sup>[and he has not obtained leave of absence from his place of employment] 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:]

Provided that <sup>5</sup>[prescribed authority] shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.

<sup>6</sup>Provided further that when a member holding the office of the Pradhan or the Upa-Pradhan or officiating as Sanchalak, is removed from office under any of the clauses (a) to (h) of sub-section (1) of section 11, he shall also be deemed to have been removed from the office of the Pradhan, Upa-Pradhan or Sanchalak as the case may be, with immediate effect.

<sup>1</sup> Sub-section (10) was inserted by s. 7(b) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>2</sup> The words within the square brackets were substituted for the words "State Government" by s. 4(2)(a) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> The words within the square brackets were substituted for the words "remove a Pradhan or an Upa-Pradhan" by s. 2(2) of the West Bengal Panchayat (Amendment) Act, 2008 (West Bengal Act XIX of 2008).

<sup>4</sup> The words within the square brackets were inserted by s. 4(2)(b) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>5</sup> The words within the square brackets were substituted for the words "State Government" by s. 4(2)(a) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>6</sup> This proviso was added by s. 4(2)(c) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>1</sup>(11) Without prejudice to any other provision in the Act, the prescribed authority may, after giving an opportunity to a Pradhan or a Upa-Pradhan to show cause against the action proposed to be taken against him, by order, remove him from office if at the time of his election to the office of the Pradhan or the Upa-Pradhan, he was not a member of any of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, for which such office of the Pradhan or the Upa-Pradhan is kept reserved and the Scheduled Castes or Scheduled Tribes or Backward Classes certificate produced by him at the time of such election is found to be spurious or has since been cancelled by the competent authority:

Provided that notwithstanding the action taken under this sub-section, the person concerned may be proceeded against under the provisions of the Indian Penal Code, 1860 or any other law in force for the time being:

Provided further that a Pradhan or a Upa-Pradhan on being aggrieved by an order of removal by the prescribed authority, may, within thirty days from the date of the order, prefer an appeal to such authority as the State Government may appoint in this behalf and thereupon, such authority may direct the prescribed authority to refrain from taking any further action in the matter till the disposal of the appeal and may after giving notice of appeal to the prescribed authority and giving the appellant an opportunity of being heard, set aside, modify or confirm the order and the order passed on appeal by such authority shall be final and binding.

Penalty for default.

<sup>2</sup>9A. If a Pradhan or an Upa-Pradhan or an authority or a person referred to in sub-section (8) <sup>3</sup>[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

<sup>1</sup> Sub-section (11) was inserted by s. 4(3) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>2</sup> Section 9A was inserted by s. 4 of the West Bengal Panchayat (Second Amendment) Act, 1983 (West Bengal Act XVIII of 1983).

<sup>3</sup> The words, figures and brackets within the square brackets were inserted by s. 7 of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

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 debaring him shall be in writing stating the reasons therefor and shall also be published in the Official Gazette.

- <sup>4</sup>10. (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.

Resignation  
of Pradhan or  
Upa-Pradhan or  
a member.

<sup>4</sup> Section 10 was substituted by s. 5 of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006) and again this section was substituted by s. 4 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows-

10. (1) (a) The Pradhan of a Gram Panchayat may resign his office by notifying in writing his intention to do so to the Upa-Pradhan.  
(b) An Upa-Pradhan or a member of a Gram Panchayat may resign his office by notifying in writing his intention to do so to the Pradhan.
- (2) The Gram Panchayat shall, on receipt of the letter of resignation under sub-section (1), forward a copy of it to the prescribed authority for information.
- (3) On receipt of a letter of resignation under sub-section (1),—  
(a) in case of resignation of the Pradhan, the Upa-Pradhan shall place it in the next meeting of the Gram Panchayat for acceptance;  
(b) in case of resignation of the Upa-Pradhan, the Pradhan shall place it in the next meeting of the Gram Panchayat for acceptance;  
(c) in case of resignation of the member, the Pradhan shall place it in the next meeting of the Artha O Parikalpana Upa-Samiti for acceptance.
- (4) On acceptance of a resignation in terms of sub-section (3), the Pradhan, the Upa-Pradhan or the member, as the case may be, shall be deemed to have vacated his office:  
Provided that in case of acceptance of resignation of a member, the matter shall be mentioned in the next meeting of the Gram Panchayat.
- (5) When a resignation is accepted under sub-section (3), the Gram Panchayat shall immediately communicate it to the prescribed authority, who shall take appropriate action to fill up the vacancy,—  
(a) in case such vacancy is in the office of Pradhan or Upa-Pradhan, in accordance with the provisions of section 13;  
(b) in case such vacancy is in the office of a member of the Gram Panchayat, in accordance with the provisions of section 14.

- (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.

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- (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. (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 –
- Removal of member of Gram Panchayat.
- <sup>1</sup>(a) if after his election he is convicted by a criminal court of an offence punishable with imprisonment for a period of more than six months involving moral turpitude or involving any other cognizable offence;
- (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.
- <sup>2</sup>(f) If he does not make and subscribe an oath or affirmation before the competent authority under section 197 within six months from the date of his election; or
- <sup>3</sup>(g) if at the time of his election he was not a citizen of India and his name has since been deleted

<sup>1</sup> Clause (a) was substituted by s. 6(1) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>2</sup> Clause (f), (g) and (h) were inserted by s. 6(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>3</sup> Clause (f), (g) and (h) were inserted by s. 6(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

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on that ground from the electoral roll in force pertaining to the area comprised in that Gram Panchayat, by the Electoral Registration Officer; or

<sup>1</sup>(h) if at the time of his election he was not a member of any of the Scheduled Castes or the Scheduled Tribes <sup>2</sup>[or the Backward Class] and the Scheduled Castes or the Scheduled Tribes <sup>3</sup>[or the Backward Class] certificate produced by him at the time of nomination has since been cancelled by the competent authority:

<sup>4</sup>Provided that without prejudice to the action taken under clause (g) or clause (h), the person concerned may also be proceeded against in accordance with the provisions of the Indian Penal Code, 1860.

- (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.

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<sup>1</sup> Clause (f), (g) and (h) were inserted by s. 6(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>2</sup> The words within the square brackets were inserted by s. 5(1) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> The words within the square brackets were inserted by s. 5(2) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>4</sup> Proviso was inserted by s. 6(3) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

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<sup>3</sup>Motion of no confidence or Removal of Pradhan and Upa-Pradhan.

- <sup>1</sup>[12.(1) <sup>2</sup>[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

<sup>1</sup> Section 12 was substituted by s. 5 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows:-

(1) Subject to other provisions of this section, a Pradhan or an Upa-Pradhan of a Gram Panchayat may, at any time, be removed from office by a resolution carried by the majority of the existing Pradhan members referred to in clause (i) of sub-section (2A) of section 4 at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority;

Provided that at any such meeting while any resolution for the removal of the Pradhan from his office is under consideration, the Pradhan, or while any resolution for the removal of the Upa-Pradhan from his office is under consideration, the Upa-Pradhan, shall not, though he is present, preside, and the provisions of sub-section (2) of section 16 shall apply in relation to every such meeting as they apply in relation to a meeting from which the Pradhan or, as the case may be, the Upa-Pradhan is absent.

Provided further that no meeting for the 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:

Provided also that if, at a meeting convened under this section, either no meeting is held or no resolution removing an office bearer is adopted, no other meeting shall be convened for the removal of the same office bearer within six months from the date appointed for such meeting.

(2) The Pradhan or the Upa-Pradhan, who is removed from his office in terms of a resolution carried under sub-section (1), shall not be eligible for election to that office before completion of a period of one year from the date of such resolution.”

<sup>2</sup> The words within the square brackets were substituted for the words “A Pradhan or an Upa-Pradhan” by s. 9(a) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>3</sup> Marginal note to Section 12 was substituted by S. 5 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010)

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.

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<sup>1</sup>[(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 two and a half years 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.]

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

**13.** 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.

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

**14.** 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.

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

**15.** 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.

Meetings of Gram Panchayat.

**16.** (1) Every Gram Panchayat shall hold a meeting at least once in a month <sup>2</sup>[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:]

Provided that the first meeting of a newly constituted Gram Panchayat shall be held <sup>3</sup>[on such date and at such hour and] at such place within the local limits of the Gram concerned as the prescribed authority may fix:

<sup>1</sup> Sub-section (12) of section 12 was substituted by s. 2 of the West Bengal Panchayat (Second Amendment) Act, 2014 (West Bengal Act XX of 2014), which was earlier as follows:- “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.”

<sup>2</sup> The words within the square brackets were 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 s. 8(1)(i) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>3</sup> The words within the square brackets were inserted by s. 8(1)(ii) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

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Provided further that the Pradhan when required in writing by <sup>1</sup>[one-third] of the members of the Gram Panchayat subject to a minimum of <sup>2</sup>[three members] to call a meeting <sup>3</sup>[shall do so fixing the date and hour of the meeting <sup>4</sup>(to be held) 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 <sup>5</sup>[to be held] <sup>6</sup>[within thirty-five days] 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 <sup>7</sup>[in the office of the Gram Panchayat on such date and at such hour] as the members calling the meeting may decide. <sup>8</sup>[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:]

<sup>9</sup>[\* \* \* \* \*]

- <sup>1</sup> The words within the square brackets were substituted for the words "one-fifth" by s. 8(1)(iii)(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).
- <sup>2</sup> The words within the square brackets were substituted for the words "four members" by s. 8(1)(iii)(b) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).
- <sup>3</sup> The words within the square brackets were substituted for the words "shall do so within seven days" by s. 8(1)(iii)(c) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).
- <sup>4</sup> The words within the first brackets were inserted by s. 8(a) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).
- <sup>5</sup> The words within the square brackets were inserted by s. 8(b) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).
- <sup>6</sup> The words within the square brackets were inserted by s. 6 of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).
- <sup>7</sup> The words within the square brackets were substituted for the words "at such time and at such place within the local limits of the Gram concerned" by s. 8(1)(iii)(d) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).
- <sup>8</sup> The words within the square brackets were inserted by s. 8(1)(iii)(e) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).
- <sup>9</sup> The proviso was inserted by s. 6(a) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995). Finally, the same was omitted by s. 6(1) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows- "Provided also that for the purpose of convening a meeting under section 12, at least one-third of the members referred to in clause (i) of sub-section (2A) of section 4, subject to a minimum of three members, shall require the Pradhan to convene the meeting;"

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<sup>1</sup>[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.]

- (2) The Pradhan or in his absence the Upa-Pradhan shall preside at the meeting of the Gram Panchayat; and in the absence of both <sup>2</sup>[or on the refusal of any or both to preside at a meeting], the members present shall elect one of them to be the President of the meeting.
- (3) <sup>3</sup>[One-third] of the total number of members subject to a minimum of <sup>4</sup>[three] 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:

<sup>5</sup>[Provided further that in case of any requisitioned meeting the person presiding shall have no second or casting vote.]

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<sup>1</sup> This proviso was inserted by s. 8(1)(iv) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> The words within the square brackets were inserted by s. 6(b) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).

<sup>3</sup> The words within the square brackets was substituted for the word "one-fourth" by s. 8(2)(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>4</sup> The word within the square brackets was substituted for the word "four" by s. 8(2)(b) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>5</sup> The proviso was inserted by s. 8(3) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984). Thereafter, this proviso was substituted by s. 6(2) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows- "Provided further that in case of a requisitioned meeting for the removal of a Pradhan or an Upa-Pradhan under section 12, the person presiding shall have no second or casting vote."

**PART III**

**PANCHAYAT SAMITI**

**CHAPTER VIII**

**Constitution of Panchayat Samiti**

- 93.** (1) The State Government may, by notification, <sup>Block.</sup> divide a district into Blocks each comprising such contiguous Grams as may be specified in the notification:
- <sup>1</sup>[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.]
- (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
- <sup>2</sup>[(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]
- (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.** (1) For every Block the State Government shall <sup>Panchayat Samiti and its constitution.</sup> constitute a Panchayat Samiti bearing the name of the Block.

<sup>1</sup> This Proviso was inserted by s. 6(a) of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

<sup>2</sup> Clause (b) was substituted by s. 6(b) of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

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<sup>1</sup>[(2) The Panchayat Samiti shall consist of the following

<sup>1</sup> Sub-section (2) of section 94 was substituted by s. 4 of the West Bengal Panchayat (Amendment) Act, 2012 (West Bengal Act IX of 2012), which was earlier as follows:- “(2) The Panchayat Samiti shall consist of the following members, namely:-

- (i) Pradhans of the Gram Panchayat 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 to be elected from each Gram within the Block, the Gram being divided by the prescribed authority for the purpose into as many constituencies as the number of the 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 (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:

Provided that seats shall be reserved for the Scheduled Castes, Scheduled Tribes and the Backward Classes in a Panchayat Samiti and the number of seats so reserved shall bear, as nearly as may be 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 or of the Scheduled Tribes or of the Backward Classes as the case may be in that Panchayat Samiti area, bears to the total population of that 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 or Backward Classes 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 or the Backward Classes as the case may be, in that Panchayat Samiti area, bears with the total population in that Panchayat Samiti area:

Provided further that not less than one-half of the total number of seats reserved for the Scheduled Castes, Scheduled Tribes and the Backward Classes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be:

Provided also that not less than one-half of the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes 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:

Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section \* \* \* \* \* when the number of members to be elected to a Panchayat Samiti is determined, or when seats are reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes 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 two successive general elections:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes 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:

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:

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 of the number of members in a Panchayat Samiti or

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members, namely:-

- (i) Pradhans of the Gram Panchayat 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 to be elected from each Gram within the Block, the Gram being divided by the prescribed authority for the purpose into as many constituencies as the number of the 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 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:

Provided that seats shall be reserved for the Scheduled Castes, Scheduled Tribes and the Backward Classes in a Panchayat Samiti and the number of seats so reserved shall bear, as nearly as may be 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

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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 shall not be varied for the next two successive general elections:

Provided also that provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf;

- (iii) (a) 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;
- (b) members of the Council of States, not being Ministers, (registered as electors within the area of the Block;) and
- (c) members of the Zilla Parishad, not being Sabhadhipati or Sahakari Sabhadhipati, elected thereto from the constituency comprising any part of the Block.”

that Panchayat Samiti to be filled up by election as the population of the Scheduled Castes or of the Scheduled Tribes or of the Backward Classes as the case may be, in that Panchayat Samiti area, bears to the total population of that 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 or Backward Classes 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 or the Backward Classes as the case may be, in that Panchayat Samiti area, bears with the total population in that Panchayat Samiti area:

<sup>1</sup>[Provided further that the total number of seats so reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of seats in the Panchayat Samiti as determined in terms of the first proviso:

Provided also that reservation of seats in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage following the provisions under the first proviso subject to the ceiling limit of fifty percent of the total seats in the Panchayat Samiti and then the balance number of seats within the ceiling limit of fifty percent of the total seats shall be reserved for the Backward Classes subject to the proportion of total population of the Backward Classes to the total population in the said Block:

Provided also that if and when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the first proviso severally or jointly exceeds fifty percent of the total number of seats in a Panchayat Samiti, such reserved seats in favour of the Scheduled Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of

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<sup>1</sup> These provisos were inserted by s. 4(1) of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

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the total number of seats in the Panchayat Samiti, be apportioned in the same ratio of proportion of population of the Scheduled Castes and the Scheduled Tribes with the total population in that Block:

Provided also that when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the first proviso or the fourth proviso, as the case may be, severally or jointly reaches fifty percent of the total number of seats in that Panchayat Samiti, there shall be no reservation of seats in favour of the Backward Classes, notwithstanding that there is sizeable proportion of Backward Class population in that Block:]

<sup>1</sup>[Provided also that as nearly as practicable] one-half but not exceeding one-half the total number of seats reserved for the Scheduled Castes, Scheduled Tribes and the Backward Classes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be:

Provided also that as nearly as practicable one-half but not exceeding one-half the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes 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:

Provided also that notwithstanding anything contained in the foregoing provisions of this subsection, when the number of members to be elected to a Panchayat Samiti is determined, or when seats are reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes 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 two successive general elections:

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<sup>1</sup> The words within the square brackets were substituted for the words "Provided further that as nearly as practicable" by s. 4(2) of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

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Provided also that no member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes and no women 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:

Provided also that such division into constituencies shall be made in such manner that the ratio between the population of a Block and the number of constituencies in the Panchayat Samiti shall, so far as practicable, be the same in any Panchayat Samiti:

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, of the number of members in a Panchayat Samiti or fresh reservation on rotation of the number of seats in that 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 shall not be varied for the next two successive general elections:

Provided also that provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf;

<sup>1</sup>[(iii) <sup>2</sup>(a) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the

<sup>1</sup> Clause (iii) was substituted for the original clause, with retrospective effect, by s. 2 of the West Bengal Panchayat (Second Amendment) Act, 1979 (West Bengal Act XXIII of 1979).

<sup>2</sup> Sub-clause (a) was substituted by s. 2 of the West Bengal Panchayat (Second Amendment) Act, 2017 (West Bengal Act XL of 2017), which was earlier as follows:- "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;"

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Block or any part thereof, not being <sup>1</sup>[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;]

(b) members of the Council of States, not being Ministers, <sup>2</sup>[(registered as electors within the area of the Block;) and]

<sup>3</sup>[(c) members of the Zilla Parishad, not being Sabhadhipati or Sahakari Sabhadhipati, elected thereto from the constituency comprising any part of the Block.”]

(3) Every Panchayat Samiti constituted under this section shall <sup>4</sup>[\* \* \* \*] 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.** (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 Block, jurisdiction of the Panchayat Samiti of that and, unless the State Government otherwise directs, to the rules, orders, directions and notifications in force therein.

Effect of the alteration of the area of a Block.

<sup>1</sup> The words within the square brackets were substituted for the words “Minister; and” by s. 15(b)(i) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>2</sup> Firstly, the words “Block; and” were substituted for the word “Block” by s. 15(b)(ii), of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992). Later, the words within the round brackets were substituted for the words “having a place of residence in the Block;” by s. 22(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>3</sup> Sub-clause (c) was inserted by s. 15(b)(iii) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>4</sup> The words and figures “notwithstanding anything contained in section 210” were first inserted by s. 4(b) of the West Bengal Panchayat Amending Act, 1978 (West Bengal Act X of 1978). Thereafter, those words and figures were omitted by s. 22(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

- (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.
- <sup>1</sup>[(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.]
- <sup>2</sup>[(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.]
- (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.

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<sup>1</sup> Sub-section (3) was substituted for the original sub-section by s. 8(a) of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

<sup>2</sup> Sub-section (4) was substituted for the original sub-section by s. 8(b) of the West Bengal Panchayat (Amendment) Act, 1983 (West Bengal Act II of 1983).

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<sup>1</sup>[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), -

- (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.]

Effect of inclusion of any area of Block in any area of Municipality.

<sup>2</sup>**95A.** 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

<sup>1</sup> This 'Explanation' was added by s. 17 of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>2</sup> Section 95A was inserted by s. 11 of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).

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

<sup>1</sup>[Term of Office of members of Panchayat Samiti.]

<sup>2</sup>96. (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.

<sup>3</sup>(2) There shall be held a general election for the constitution of a Panchayat Samiti on such date as may be deemed convenient before the date of completion of five years from the date of first meeting held for that Panchayat Samiti following the preceding general election:

<sup>4</sup>[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.]

<sup>5</sup>96A. [(General election to Panchayat Samitis) - Omitted by s. 24 of West Bengal Panchayat (Amendment) Act, 1994 (West Ben. Act XVIII of 1994).]

<sup>1</sup> The marginal note was substituted for the original "Office of the member of Panchayat Samiti by s. 3(1) of the West Bengal Panchayat (Amendment) Act, 2007 (West Bengal Act XXII of 2007).

<sup>2</sup> Section 96 was substituted for the original section by s. 23 of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994). Prior to this substitution there occurred some change in the original section 96, namely:-

(i) Sub-section (1) was substituted by s. 5 of the West Bengal Panchayat (Second Amendment) Act, 1983 (West Bengal Act XVIII of 1983).

(ii) The words "five years" were substituted for the words "four years" by s. 5(b)(i) of the West Bengal Panchayat (Second Amendment) Act, 1982 (West Bengal Act XII of 1982), and

(iii) The words "five years" were substituted for the words "four years" by s. 5(b)(ii) of the West Bengal Panchayat (Second Amendment) Act, 1982 (West Bengal Act XII of 1982).

<sup>3</sup> Sub-section (2) was substituted for the original by s. 3(2) of the West Bengal Panchayat (Amendment) Act, 2007 (West Bengal Act XXII of 2007).

<sup>4</sup> Proviso was added by s. 16 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>5</sup> Section 96A was inserted by s. 16 of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

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Disqualifications  
of members  
of Panchayat  
Samiti.

97. Subject to the provisions contained in sections 140 and 142, a person shall not be qualified to be a member of a Panchayat Samiti, if –
- (a) he is a member <sup>1</sup>[\* \* \* \* \*] of any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1; or
  - <sup>2</sup>[(b) he is in the service of the Central or the State Government or a Gram Panchayat or a Panchayat Samiti or <sup>3</sup>[a Zilla Parishad or the Mahakuma Parishad or the Council;] 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 <sup>4</sup>[or the Zilla Parishad of the district, or the Mahakuma Parishad or the Council:]

<sup>1</sup> The words “of a Gram Panchayat other than the Pradhan or a Nyaya Panchayat or a Zilla Parishad or” were omitted by s. 20(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> Clause (b) was substituted by s. 3 of the West Bengal Panchayat (Amendment) Act, 1985 (West Bengal Act VI of 1985).

<sup>3</sup> The words within the square brackets were substituted for the words “a Zilla Parishad,” by s. 10(a) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

<sup>4</sup> The words within the square brackets were substituted for the words “or such Zilla Parishad of the district:” by s. 10(b)(i) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

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Provided that no person shall be deemed to be disqualified for being elected a member of a Panchayat Samiti by reasons 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 <sup>1</sup>[or such Zilla Parishad or the Mahakuma Parishad or the Council;] 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

<sup>2</sup>(h) <sup>3</sup>(i) he has been convicted by a court –

- (A) of an offence punishable with imprisonment for a period of more than six months, involving moral turpitude or involving any other cognizable offence, or
- (B) of an offence under Chapter IXA of the Indian Penal Code, 1860, 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

<sup>1</sup> The words within the square brackets were substituted for the words “or such Zilla Parishad,” by s. 10(b)(ii) of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

<sup>2</sup> Clause (h) was substituted for the original clause by s. 18 of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997). Prior to this substitution the words “expiration of the sentence; or” were substituted for the words “expiration of the sentence.” by s. 25(1) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>3</sup> Sub-clause (i) was substituted for original by s. 15(1) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

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Provided that such conviction by a lower court shall remain in operation unless an appellate court has stayed the operation of the order of the court, which has convicted the person; 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

<sup>1</sup>[(i) he has not attained the age of twenty-one years on the date fixed for the scrutiny of nominations for any election; or]

<sup>2</sup>[(ia) he has been removed from office under clause (h) of sub-section (1) of section 100 at any time during the last six years; or

<sup>3</sup>[(j) he has been convicted under section 189 at any time during the last ten years; or]

<sup>4</sup>[(k) he has been surcharged or charged under section 192 at any time during the last ten years; or]

<sup>5</sup>[(l) he has been removed under section 213 at any time during the last five years.]

Sabhapati  
and Sahakari  
Sabhapati.

**98.** <sup>6</sup>(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:

<sup>1</sup> Clause (i) to (l) were inserted by s. 25(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> Clause (ia) was inserted by s. 15(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>3</sup> Clause (i) to (l) were inserted by s. 25(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>4</sup> Clause (i) to (l) were inserted by s. 25(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>5</sup> Clause (i) to (l) were inserted by s. 25(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>6</sup> Sub-section (1) was substituted by s. 5 of the West Bengal Panchayat (Amendment) Act, 2012 (West Bengal Act IX of 2012). The words, brackets and figures "clause (iii)" were substituted with retrospective effect for the words, brackets, figure and letter "sub-clause (iii) of clause (a)" by s. 2 of the West Bengal Panchayat (Third Amending Act, 1978 (West Bengal Act LVIII of 1978). Thereafter the words, brackets and figures within the square brackets were substituted for the word, brackets and figures "clause (iii)" by s. 21(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

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Provided that members referred to in <sup>1</sup>[clauses (i) and (iii)] of sub-section (2) of section 94 [shall neither participate in, nor be eligible, for, such election:]

<sup>2</sup>[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:]

<sup>3</sup>[Provided also that after being elected to an <sup>4</sup>[office of an office bearer], he shall be allowed 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

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<sup>1</sup> Sub-section (1) was substituted by s. 5 of the West Bengal Panchayat (Amendment) Act, 2012 (West Bengal Act IX of 2012). The words, brackets and figures “clause (iii)” were substituted with retrospective effect for the words, brackets, figure and letter “sub-clause (iii) of clause (a)” by s. 2 of the West Bengal Panchayat (Third) Amending Act, 1978 (West Bengal Act LVIII of 1978). Thereafter the words, brackets and figures within the square brackets were substituted for the word, brackets and figures “clause (iii)” by s. 21(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> Second proviso was added by s. 17(7) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992). Thereafter, this proviso was substituted by s. 3(a) of the West Bengal Panchayat (second Amendment) Act, 2017 (West Bengal Act XL of 2017), which was earlier as follows:- “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 whole-time 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, due performance of his functions or due discharge of his duties.”

<sup>3</sup> This proviso was inserted by s. 3 of the West Bengal Panchayat (Amendment) Act, 2014 (West Bengal Act V of 2014).

<sup>4</sup> The words within the square brackets were substituted for the words “office of a full time office bearer” by s. 3(b) of the West Bengal Panchayat (Second Amendment) Act, 2017 (West Bengal Act XL of 2017).

aided institution of the State Government under which he holds his office of profit:]

<sup>1</sup>[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 <sup>2</sup>[Scheduled Castes, the Scheduled Tribes and the Backward Classes] 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 <sup>3</sup>[or the Backward Classes], 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:]

<sup>4</sup>[Provided also that the total number of offices of the Sabhapati or the Sahakari Sabhapati in any district reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of offices of the Sabhapati or the Sahakari Sabhapati within the district as determined in terms of the third proviso:

Provided also that reservation of offices of the Sabhapati or the Sahakari Sabhapati in any district in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage following the provisions under the third proviso subject to the ceiling limit of fifty percent of the total offices of the Sabhapati or the Sahakari Sabhapati in the district and then the balance number of offices of the Sabhapati or the Sahakari

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<sup>1</sup> Third to seventh and eleventh to thirteenth provisos were added by s. 26(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> The words within the square brackets were substituted for the words "Scheduled Castes and the Scheduled Tribes" by s. 7(1)(a)(i) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> The words within the square brackets were inserted by s. 7(1)(a)(ii) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>4</sup> These provisos were inserted by s. 5 of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

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Sabhapati in the district within the ceiling limit of fifty percent of the total offices of the Sabhapati or the Sahakari Sabhapati in the district shall be reserved for the Backward Classes subject to the proportion of total population of the Backward Classes to the total population in the said district:

Provided also that if and when the number of offices of the Sabhapati or the Sahakari Sabhapati in any district determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the third proviso severally or jointly exceeds fifty percent of the total number of the offices of the Sabhapati or the Sahakari Sabhapati in the district, such reserved offices in favour of the Scheduled Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of offices of the Sabhapati or the Sahakari Sabhapati in the district, be apportioned in the same ratio of proportion of population of the Scheduled Castes and the Scheduled Tribes to the total population in that district:

Provided also that when total number of offices of the Sabhapati or the Sahakari Sabhapati in any district determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the third proviso or the sixth proviso, as the case may be, severally or jointly reaches fifty percent of the total number of offices of the Sabhapati or the Sahakari Sabhapati in the district, there shall be no reservation of offices of the Sabhapati or the Sahakari Sabhapati in the district in favour of the Backward Classes, notwithstanding that there is sizeable proportion of the Backward Class population in that district:]

<sup>1</sup>[Provided also that the offices of the Sabhapati and the Sahakari Sabhapati in any Panchayat Samiti having the Scheduled Castes or the Scheduled Tribes <sup>2</sup>[or the Backward Classes] population, as the case may be, constituting not more than five

<sup>1</sup> Third to seventh and eleventh to thirteenth provisos were added by s. 26(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> The words within the square brackets were inserted by s. 7(1)(b) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

percent of the total population in the Block, shall not be considered for allocation by rotation:]

<sup>1</sup>[Provided also that in the event of the number of Blocks having the Scheduled Castes or the Scheduled Tribes <sup>2</sup>[or the Backward Classes] population constituting more than five percent 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 <sup>3</sup>[or the Backward Classes], as the case may be, until the total number of seats required for reservation is obtained:]

Provided also that as nearly as practicable one-half but not exceeding one-half of the total number of the offices of the Sabhapati and the Sahakari Sabhapati reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a district, shall be reserved by rotation for the women belonging to the Scheduled Castes, or the Scheduled Tribes or the Backward Classes, as the case may be:

Provided also that as nearly as practicable <sup>4</sup>[one-half] but not exceeding one-half of the total number of offices of the Sabhapati and the Sahakari Sabhapati in a district including the offices reserved for the <sup>5</sup>[Scheduled Castes, the Scheduled Tribes and the Backward Classes], shall be reserved for

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<sup>1</sup> Third to seventh and eleventh to thirteenth provisos were added by s. 26(l)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> The words within the square brackets were inserted by s. 7(1)(c) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> The words within the square brackets were inserted by s. 7(1)(c) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>4</sup> The words within the square brackets were substituted for the word "one-third" by s. 7(1)(e)(i) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>5</sup> The words within the square brackets were substituted for the word "Scheduled Castes and the Scheduled Tribes" by s. 7(1)(e)(ii) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

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the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:]

<sup>1</sup>[Provided also that in a district, determination of the offices of the Sabhapati reserved for the Scheduled Castes, <sup>2</sup>[the Scheduled Tribes, the Backward Classes] and women shall precede such determination for the offices of the Sahakari Sabhapati:]

<sup>3</sup>[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 required to be reserved in accordance with the rules in force:]

<sup>4</sup>[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 in the manner prescribed:]

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<sup>1</sup> Eighth to tenth provisos were inserted by s. 7 of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997).

<sup>2</sup> The words within the square brackets were substituted for the word "the Scheduled Tribes" by s. 7(1)(f) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> Eighth to tenth provisos were inserted by s. 7 of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997).

<sup>4</sup> Eighth to tenth provisos were inserted by s. 7 of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997).

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<sup>1</sup>[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 <sup>2</sup>[two 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:]

<sup>3</sup>[Provided also that no member of the Scheduled Castes or the Scheduled Tribes <sup>4</sup>[or the Backward Classes] 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:]

<sup>5</sup>[Provided also that any member elected from an unreserved seat or from a seat reserved for another category shall be eligible for election to the office of the Sabhapati or the Sahakari Sabhapati reserved for a particular category if he belongs to such category and produces Scheduled Castes, Scheduled Tribes or a Backward Classes certificate,

<sup>1</sup> Third to seventh and eleventh to thirteenth provisos were added by s. 26(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> The words within the square brackets were substituted for the word “three successive” by s. 7(1)(g) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> Third to seventh and eleventh to thirteenth provisos were added by s. 26(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>4</sup> The words within the square brackets were inserted by s. 7(1)(h) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>5</sup> Third to seventh and eleventh to thirteenth provisos were added by s. 26(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994). Thereafter, the proviso was substituted by s. 7(1)(i) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010), which was earlier as follows:- “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.”

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as the case may be, issued by the competent authority before the presiding officer in order to establish his claim:

Provided also that the provisions for reservation of the offices of 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 and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf;]

- (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 <sup>1</sup>[five years:]

<sup>2</sup>[\* \* \* \* \*]

- (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

<sup>1</sup> The words within the square brackets were substituted for the words "four years" by s. 6 of the West Bengal Panchayat (Second Amendment) Act, 1982 (West Bengal Act XII of 1982).

<sup>2</sup> Proviso was omitted by s. 26(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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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 <sup>1</sup>[for a period of thirty days at a time] 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 <sup>2</sup>[and assumes office or until the Sabhapati or the Sahakari Sabhapati resumes duties, as the case may be,]

<sup>3</sup>[\* \* \* \* \*]

- (8) The Sabhapati and the Sahakari Sabhapati of a Panchayat Samiti shall be paid out of the Panchayat Samiti Fund such <sup>4</sup>[remuneration] 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.

- <sup>5</sup>[(9) Notwithstanding anything to the contrary contained in this Act, the <sup>6</sup>[prescribed authority] 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 <sup>7</sup>[and he has not obtained leave of absence from his place of employment]

<sup>1</sup> The words within the square brackets were inserted by s. 26(3) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> The words within the square brackets were substituted for the words 'and assumes office' by s. 21(b) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>3</sup> Sub-section (7) was omitted by s. 21(c) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>4</sup> The words within the square brackets were substituted for the words "honoraria" by s. 17(2) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>5</sup> Clause (9) was added by s. 17(3) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>6</sup> The words within the square brackets were substituted for the words "State Government" by s. 7(2)(a) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>7</sup> The words within the square brackets were inserted by s. 7(2)(b) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

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:]

Provided that the <sup>1</sup>[prescribed authority] shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.

<sup>2</sup>[Provided further that when a member holding the office of the Sabhapati or the Sahakari Sabhapati or officiating as Karmadhyaksha, is removed from office under any of the clauses (a) to (h) of sub-section (1) of section 100, he shall also be deemed to have been removed from the office of the Sabhapati, Sahakari Sabhapati or the Karmadhyaksha as the case may be, with immediate effect.]

<sup>3</sup>[(10) Without prejudice to any other provision in the Act, the prescribed authority may, after giving an opportunity to the Sabhapati or the Sahakari Sabhapati to show cause against the action proposed to be taken against him, by order, remove him from office if at the time of his election to the office of the Sabhapati or the Sahakari Sabhapati, he was not a member of any of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, for which such office of the Sabhapati or the Sahakari Sabhapati, is kept reserved and the Scheduled Castes or Scheduled Tribes or Backward Classes certificate produced by him at the time of such election is found to be spurious or has since been cancelled by the competent authority:

Provided that notwithstanding the action taken under this sub-section, the person concerned may be proceeded against under the provisions of the Indian Penal Code, 1860 or any other law in force for the time being:

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<sup>1</sup> The words within the square brackets were substituted for the words "State Government" by s. 7(2)(a) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>2</sup> This proviso was added by s. 7(2)(c) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> Sub-section (10) was inserted by s. 7(3) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

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Provided further that a Sabhapati or a Sahakari Sabhapati, on being aggrieved by an order of removal by the prescribed authority, may, within thirty days from the date of the order, prefer an appeal to such authority as the State Government may appoint in this behalf and thereupon, such authority may direct the prescribed authority to refrain from taking any further action in the matter till the disposal of the appeal and may after giving notice of appeal to the prescribed authority and giving the appellant an opportunity of being heard, set aside, modify or confirm the order and the order passed on appeal by such authority shall be final and binding.]

99. (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 communication, to the prescribed authority.

Resignation of Sabhapati, or Sahakari Sabhapati or a member.

<sup>1</sup> Section 99 was substituted for the original by s. 16 of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006). Thereafter, the same was again substituted by s. 17 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows:-

- (1) (a) The Sabhapati of a Panchayat Samiti may resign his' office by notifying in writing his intention to do so to the Sahakari Sabhapati.
- (b) The Sahakari Sabhapati or a member of a Panchayat Samiti may resign his office by notifying in writing his intention to do so to the Sabhapati.
- (2) The Panchayat Samiti shall, on receipt of the letter of resignation under sub-section (1), forward a copy of it to the prescribed authority for information.
- (3) On receipt of a letter of resignation under sub-section (1) -
  - (a) in case of resignation of the Sabhapati, the Sahakari Sabhapati shall place it in the next meeting of Panchayat Samiti for acceptance.
  - (b) in case of resignation of the Sahakari Sabhapati, the Sabhapati shall place it in the next meeting of the Panchayat Samiti for acceptance.
  - (c) in case of resignation of the member, the Sabhapati shall place it in the next meeting of the Artha Sanstha Unnayan O Parikalpana Sthayee Samiti for acceptance.
- (4) On acceptance of a resignation in terms of sub-section(3), the Sabhapati, the Sahakari Sabhapati or the member, as the case may be, shall be deemed to have vacated his office:  
Provided that in case of acceptance of resignation of a member, the matter shall be mentioned in the next meeting of the Panchayat Samiti.
- (5) When a resignation is accepted under sub-section (3), the Panchayat Samiti shall immediately communicate it to the prescribed authority, who shall take appropriate action to fill up the vacancy,
  - (a) in case such vacancy is in the office of Sabhapati or Sahakari Sabhapati, in accordance with the provisions of section 102;
  - (b) in case such vacancy is in the office of a member of the Panchayat Samiti, in accordance with the provisions of section 103.

- (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.]

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Removal of member of Panchayat Samiti.

**100.** (1) The prescribed authority may, after giving opportunity to a member of a Panchayat Samiti <sup>1</sup>[other than an ex officio member] to show cause against the action proposed to be taken against him, by order remove him from office –

<sup>2</sup>(a) if after his election he is convicted by a criminal court of an offence punishable with imprisonment for a period of more than six months involving moral turpitude or involving any other cognizable offence; 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: <sup>3</sup>[\* \* \* \* \*]; or

<sup>4</sup>[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;]

(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.

<sup>1</sup> The words within the square brackets were inserted by s. 22(a)(i) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> Clause (a) was substituted for original clause by s. 17(1) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>3</sup> The words “provided he is not an ex officio member of the Panchayat Samiti” were omitted by s. 22(a)(ii) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>4</sup> This proviso was added by s. 4(b) of the West Bengal Panchayat (Second Amendment) Act, 2017 (West Bengal Act XL of 2017).

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- <sup>1</sup>(f) if he does not make and subscribe an oath or affirmation before the competent authority under section 197 within six months from the date of his election; or
- <sup>2</sup>(g) if at the time of his election he was not a citizen of India and his name has since been deleted on the ground from the electoral roll in force pertaining to the area comprised in that Panchayat Samiti, by the Electoral Registration Officer; or
- <sup>3</sup>(h) if at the time of his election he was not a member of any of the Scheduled Castes or the Scheduled Tribes <sup>4</sup>[or the Backward Classes] and the Scheduled Castes or the Scheduled Tribes <sup>5</sup>[or the Backward Classes] certificate produced by him at the time of nomination has since been cancelled by the competent authority:

<sup>6</sup>Provided that without prejudice to the action taken under clause (f) or clause (g), the person concerned may also be proceeded against in terms of the provisions of Indian Penal Code, 1860.

- (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.

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<sup>1</sup> Clause (f) to (h) were inserted by s. 17(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>2</sup> Clause (f) to (h) were inserted by s. 17(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>3</sup> Clause (f) to (h) were inserted by s. 17(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>4</sup> The words within the square brackets were inserted by s. 8(1) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>5</sup> The words within the square brackets were inserted by s. 8(2) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>6</sup> The proviso was added by s. 17(3) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

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<sup>1</sup>[\* \* \* \* \*]

<sup>2</sup>[Motion of no confidence removal of Sabhapati or Sahakari Sabhapati.]

<sup>3</sup>[**101.**(1)<sup>4</sup>[Subject to other provisions of this section, the Sabhapati or the 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

<sup>1</sup> Sub-section (4) was omitted by s. 22(b) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> Marginal note to section 101 was substituted by s. 18 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>3</sup> Section 101 was substituted by s. 18 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows:-

Subject to other provisions of this section, the Sabhapati or the Sahakari Sabhapati of a Panchayat Samiti may, at any time, be removed from office by a resolution carried by the majority of the existing members of the Panchayat Samiti, referred to in clause (ii) of sub-section (2) of section 94, at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:

Provided that at any such meeting while any resolution for the removal of the Sabhapati from his office is under consideration, the Sabhapati or while any resolution for the removal of the Sahakari Sabhapati from his office is under consideration, the Sahakari Sabhapati shall not, though he is present, preside, and the provisions of sub-section (2) of section 105 shall apply in relation to every such meeting as they apply in relation to a meeting from which the Sabhapati or, as the case may be, the Sahakari Sabhapati is absent :

Provided further that no meeting for the 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:

Provided also that if, at a meeting convened under this section, either no meeting is held or no resolution removing an office bearer is adopted, no other meeting shall be convened for the removal of the same office bearer within six months from the date appointed for such meeting.

The Sabhapati or the Sahakari Sabhapati, who is removed from his office in terms of a resolution carried under sub-section (1), shall not be eligible for election to that office before completion of a period of one year from the date of such resolution.

<sup>4</sup> The words within the square brackets were substituted for the words "A Sabhapati or a Sahakari Sabhapati" by s. 27(a) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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

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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 sub-section (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

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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.

<sup>1</sup>[(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 two and a half years 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.]

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

**102.** 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.

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

**103.** 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.

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

**104.** 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.

Meetings of Panchayat Samiti.

**105.** (1) Every Panchayat Samiti shall hold a meeting <sup>2</sup>[in its office at least once in every three months on

<sup>1</sup> Sub-section (12) of section 101 was substituted by s. 3 of the West Bengal Panchayat (Second Amendment) Act, 2014 (West Bengal Act XX of 2014), which was earlier as follows:- "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."

<sup>2</sup> The words "in the office of the Block Development Office concerned at least once in a month at such time" were 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 s. 3(a) of the West Bengal Panchayat (Third) Amending Act, 1978 (West Bengal Act LVIII of 1978). Thereafter, these words "in every three months" were substituted for the words "in a month" by s. 2 of the West Bengal Panchayat (Fourth) Amendment Act, 1978 (West Bengal Act XLII of 1978). Finally, the words with the square brackets were substituted for the words beginning with "in the office of the Block Development Officer" and ending with "immediately preceding meeting" by s. 23(1)(i) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

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such date and at such hour as the Panchayat Samiti may fix at the immediately preceding meeting:]

Provided that the first meeting of a newly-constituted Panchayat Samiti shall be held <sup>1</sup>[on such date and at such hour and at such place within the local limits of the Block concerned] 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 <sup>2</sup>[shall do so fixing the date and hour of meeting] <sup>3</sup>(to be held) within fifteen days after giving intimation to the prescribed authority and seven days' notice to the members of the Panchayat Samiti] failing which <sup>4</sup>[the members aforesaid may call a meeting] <sup>5</sup>(to be held) within thirty-five days 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 <sup>6</sup>[in the office of the Panchayat Samiti on such date and at such hour] as the members calling the meeting may decide. <sup>7</sup>[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

<sup>1</sup> The words "in the office of the Block Development Office concerned at such time" were first substituted for the words "at such time and at such place within the local limits of the Block concerned" by s. 3(b) of the West Bengal Panchayat (Third) Amending Act, 1978 (West Bengal Act LVIII of 1978). Thereafter, the words within the square brackets were substituted for the words "in the office of the Block Development Officer concerned at such time" by s. 24(1)(ii) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> The words within the square brackets were substituted for the words "shall do so within seven days" by s. 23(1)(iii)(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>3</sup> The words within the round brackets were inserted by s. 19(a) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>4</sup> The words within the square brackets were substituted for the words "the members aforesaid call a meeting" by s. 18 of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>5</sup> The words within the round brackets were inserted by s. 19(b) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>6</sup> The words within the square brackets were substituted for the words "at such place within the local limits of the Block concerned" by s. 23(1)(iii)(b) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>7</sup> The words within the square brackets were inserted by s. 23(1)(iii)(c) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

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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:]

<sup>1</sup>[\* \* \* \* \*]:

<sup>2</sup>[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].

(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 <sup>3</sup>[or on the refusal of any or both to preside at a meeting], 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:

<sup>4</sup>[Provided further that in case of any requisitioned meeting the person presiding shall have no second or casting vote].

<sup>1</sup> This proviso was inserted by s. 13(a) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995). Thereafter, the same was omitted by s. 19(1) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows:- "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".

<sup>2</sup> This proviso was inserted by s. 23(1)(iv) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>3</sup> The words within the square brackets were inserted by s. 13(b) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).

<sup>4</sup> This proviso was inserted by s. 23(2) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984). Thereafter, this proviso was substituted by s. 19(2) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows:- "Provided further that in case of a requisitioned meeting for the removal of a Sabhapati or a Sahakari Sabhapati under section 101, the person presiding shall have no second or casting vote."

**Part IV**

**ZILLA PARISHAD**

**CHAPTER XIII**

**Constitution of Zilla Parishad**

Zilla  
Parishad and  
its  
constitution.

**140.** (1) For every district <sup>1</sup>[, except the district of Darjeeling,] the State Government shall constitute a Zilla Parishad bearing the name of the district.

<sup>2</sup>(2) The Zilla Parishad shall consist of the following members, namely:-

(i) Sabhapatis of the Panchayat Samitis within the district, ex- officio;

(ii) <sup>3</sup>[(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 <sup>4</sup>{by the prescribed authority)} 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

<sup>1</sup> The words within the square brackets were inserted by s. 18 of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

<sup>2</sup> Sub-section (2) of section 140 was substituted by s. 6 of the West Bengal Panchayat (Amendment) Act, 2012 (West Bengal Act IX of 2012).

<sup>3</sup> Firstly, 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;" were 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 s. 22(a) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992). Thereafter, the words within the first brackets were substituted for the words beginning with "two persons," and ending with "pertaining to any Block within the district," by s. 35(7)(a)(i) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994). Prior to these substitutions, in original clause (ii), the words "in force on the last date of nominations for Panchayat election" were substituted for the words "for the time being in force" by s. 36 of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>4</sup> The words within the second brackets were inserted by s. 24(a) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

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of an election,) by persons whose names are included in such electoral roll pertaining to the constituency comprised in such Block:]

<sup>1</sup>[Provided that seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a Zilla Parishad and the number of seats so reserved shall bear, as nearly as may be and in accordance with such rules as may be made in this behalf by the State Government, the same proportions to the total number of seats in that Zilla Parishad to be filled up by election as the population of the Scheduled Castes or of the Scheduled Tribes or of the Backward Classes, as the case may be in that Zilla Parishad area, 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 or Backward Classes 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 or the Backward Classes population as the case may be, in that Zilla Parishad area, bears with the total population in that Zilla Parishad area:]

<sup>2</sup>[Provided further that the total number of seats so reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not

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<sup>1</sup> The first, second, third, fourth and fifth provisos to clause (ii) were inserted by s. 22(b) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992). Thereafter, the proviso was substituted by s. 9(1) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010), which was earlier as follows:- "Provided that seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a Zilla Parishad and the number of seats so reserved shall bear, as nearly as may be 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 or of the Scheduled Tribes or of the Backward Classes, as the case may be in that Zilla Parishad area, 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 or Backward Classes 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 or the Backward Classes population as the case may be, in that Zilla Parishad area, bears with the total population in that Zilla Parishad area;"

<sup>2</sup> These provisos were inserted by s. 6(1) of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

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exceed fifty percent of the total number of seats in the Zilla Parishad as determined in terms of the first proviso:

Provided also that reservation of seats in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage following the provisions under the first proviso subject to the ceiling limit of fifty percent of the total seats in the Zilla Parishad and then the balance number of seats within the ceiling limit of fifty percent of the total seats shall be reserved for the Backward Classes subject to the proportion of total population of the Backward Classes to the total population in the said district:

Provided also that if and when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the first proviso severally or jointly exceeds fifty percent of the total number of seats in a Zilla Parishad, such reserved seats in favour of the Scheduled Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of seats in that Zilla Parishad, be apportioned in the same ratio of proportion of population of the Scheduled Castes and the Scheduled Tribes to the total population in that district:

Provided also that when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the first proviso or the fourth proviso, as the case may be, severally or jointly reaches fifty percent of the total number of seats in that Zilla Parishad, there shall be no reservation of seats in favour of the Backward Classes, notwithstanding that there is sizeable proportion of Backward Class population in that district:]

<sup>1</sup>[Provided also that as nearly as practicable] one-half but not exceeding one-half of the total number of seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes as the case may be:

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<sup>1</sup> The words within the square brackets were substituted for the words "Provided further that as nearly as practicable" by s. 6(2) of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

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Provided also that as nearly as practicable one-half but not exceeding one-half of the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, 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:

<sup>1</sup>[Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section, <sup>2</sup>[\* \* \* \*] when the number of members to be elected to a Zilla Parishad is determined, or when seats are reserved for the <sup>3</sup>[Scheduled Castes, the Scheduled Tribes and the Backward Classes] 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 <sup>4</sup>[two successive] general elections:]

<sup>5</sup>[Provided also that no member of the Scheduled Castes or the Scheduled Tribes <sup>6</sup>[or the Backward Classes] 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]:

<sup>7</sup>[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 Zilla Parishad]:

<sup>1</sup> The first, second, third, fourth and fifth provisos to clause (ii) were inserted by s. 22(b) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>2</sup> The words "or elsewhere in this Act" were omitted by s. 24(b) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>3</sup> The words within the square brackets were substituted for the words "Scheduled Castes and the Scheduled Tribes" by s. 9(4)(a) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>4</sup> The words within the square brackets were substituted for the words "three successive" by s. 9(4)(b) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>5</sup> The first, second, third, fourth and fifth provisos to clause (ii) were inserted by s. 22(b) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>6</sup> The words within the square brackets were inserted by s. 9(5) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>7</sup> The provisos were added by s. 35(1)(a)(ii) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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<sup>1</sup>[Provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing] <sup>2</sup>[issue an order making fresh determination] of the number of members in a Zilla Parishad or fresh reservation on rotation of the number of constituencies in that Zilla Parishad and, on such order being issued by the State Election Commissioner, the determination of the number of members <sup>3</sup>[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] shall not be varied for <sup>4</sup>[the <sup>5</sup>[next]two] successive general elections:

<sup>6</sup>[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 and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf;].

<sup>7</sup>[(iii) members of the <sup>8</sup>[House of People and] the Legislative Assembly of the State elected

<sup>1</sup> The provisos were added by s. 35(1)(a)(ii) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> The words within the square brackets were substituted for the words “and by notification, order fresh determination” by s. 24(c)(i) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>3</sup> These words within the square brackets were substituted for the words “and the reservation of the number of constituency” by s. 8 of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997).

<sup>4</sup> The words within the square brackets were inserted by s. 2(c)(ii) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>5</sup> These words within the square brackets were substituted for the words “next three” by s. 9(6) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>6</sup> The provisos were added by s. 35(1)(a)(ii) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994). Thereafter, this proviso was substituted by s. 9(7) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010), which was earlier as follows:- “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”

<sup>7</sup> Clause (iii) was substituted by s. 5 of the West Bengal Panchayat (Second Amendment) Act, 2017 (West Bengal Act XL of 2017), which was earlier as follows:- “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;”

<sup>8</sup> The words within the square brackets were substituted with retrospective effect for the words “House of the People or” by s. 5 of the West Bengal Panchayat (Third) Amending Act, 1978 (West Bengal Act LVIII of 1978).

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thereto from a constituency comprising the district or any part thereof, not being Ministers or simultaneously directly elected members of Zilla Parishad, ex officio;]

(iv) members of the Council of States not being Ministers, <sup>1</sup>[registered as electors within the area of any Block within the district.]

(3) Every Zilla Parishad constituted under this section <sup>2</sup>[\* \* \* \* \*] 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.

<sup>3</sup>[(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;

<sup>1</sup> The words within the square brackets were substituted for the words "having a place of residence in the district." by s. 35(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> Firstly, the words and figures " , notwithstanding anything contained in section 210," were inserted by s. 5 of the West Bengal Panchayat Amending Act, 1978 (West Bengal Act X of 1978). Thereafter, those words and figures were omitted by s. 35(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>3</sup> Sub-section (5) was substituted for the original by s. 2(1) of the West Bengal Panchayat (Second Amendment) Act, 1985 (West Bengal Act XXI of 1985).

- (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 <sup>1</sup>[under clause (e) of sub-section (5)] may contain such supplemental, incidental and

<sup>1</sup> The words within the square brackets were substituted for the words "under sub-section (5)" by s. 2(2) of the West Bengal Panchayat (Second Amendment) Act, 1985 (West Bengal Act XXI of 1985).

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consequential provisions as may be necessary to give effect to such reorganisation.

Term of office of members of Zilla Parishad.

<sup>1</sup>**141.**(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.

<sup>2</sup>(2) There shall be held a general election for the constitution of a Zilla Parishad on such date as may be deemed convenient before the date of completion of five years from the date of first meeting held for that Zilla Parishad following the preceding general election.

<sup>3</sup>[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.]

<sup>4</sup>**141A.** [(General election to Zilla Parishads.) - Omitted by s. 37 of the West Bengal Panchayat (Amendment) Act, 1994 (West Ben. Act XVIII of 1994).]

Disqualifications of members of Zilla Parishad.

**142.** A person shall not be qualified to be a member of a Zilla Parishad, if –

<sup>1</sup> Section 141 was substituted for the original section by s. 36 of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994). Prior to this substitution there were following changes in the original section, namely:-

(i) Sub-section (1) was substituted by s. 6 of the West Bengal Panchayat (Second Amendment) Act, 1983 (West Bengal Act XVIII of 1983).

(ii) The words “five years” were substituted for the words “four years” by s. 8(b)(i) of the West Bengal Panchayat (Second Amendment) Act, 1982 (West Bengal Act XII of 1982), and

(iii) The words “five years” were substituted for the words “four years” by s. 8(b)(ii) of the West Bengal Panchayat (Second Amendment) Act, 1982 (West Bengal Act XII of 1982).

<sup>2</sup> Sub-section (2) was substituted for the original by s. 6 of the West Bengal Panchayat (Amendment) Act, 2007 (West Bengal Act XXII of 2007).

<sup>3</sup> This proviso was added by s. 23 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>4</sup> Section 141A was inserted by s. 23 of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

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- (a) he is a member <sup>1</sup>[\* \* \* \*] of any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1; or
- <sup>2</sup>[(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<sup>7</sup> 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

<sup>1</sup> The words "of a Gram Panchayat, or a Nyaya Panchayat, or a Panchayat Samiti other than the Sabhapati, or" were omitted by s. 37(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> Clause (b) was substituted for the original by s. 4 of the West Bengal Panchayat (Amendment) Act, 1985 (West Bengal Act VI of 1985).

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- (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

<sup>1</sup>[(h) <sup>2</sup>(i) he has been convicted by a court –

- (A) of an offence punishable with imprisonment for a period of more than six months involving moral turpitude or involving any other cognizable offence, or
- (B) of an offence under Chapter IXA of the Indian Penal Code, 1860, 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:

Provided that such conviction by a lower court shall remain in operation unless an appellate court has stayed the operation of the order of the court, which has convicted the person; or

(ii) he is disqualified for the purpose of election to the State Legislature under the

<sup>1</sup> Clause (h) was substituted for the original by s. 25 of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997). Prior to this substitution, the words “expiration of the sentence; or” were substituted for the words “expiration of the sentence.”, in the original clause, by s. 38(1) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> Sub-clause (i) was substituted for the original by s. 21(1) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

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provisions of Chapter III of Part II of the Representation of the People Act, 1951; or

<sup>1</sup>[(i) he has not attained the age of twenty-one years on the date fixed for the scrutiny of nominations for any election; or]

<sup>2</sup>[(ia) he has been removed from office under clause (h) of the sub-section (1) of section 145 at any time during the last six years; or]

<sup>3</sup>[(j) he has been convicted under section 189 at any time during the last ten years; or]

<sup>4</sup>[(k) he has been surcharged or charged under section 192 at any time during the last ten years; or]

<sup>5</sup>[(l) he has been removed under section 213 at any time during the last five years.]

**143.** <sup>6</sup>[(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:

Sabhadhipati  
and Sahakari  
Sabhadhipati.

Provided that the members referred to in <sup>7</sup>[clauses (i), and (iii) and (iv)] of sub-section (2) of section 140 <sup>8</sup>[shall neither participate in, nor be eligible for, such election:]

<sup>1</sup> Clause (i) and (j) to (l) were inserted by s. 38(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> Clause (ia) was inserted by s. 21(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>3</sup> Clause (i) and (j) to (l) were inserted by s. 38(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994)

<sup>4</sup> Clause (i) and (j) to (l) were inserted by s. 38(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994)

<sup>5</sup> Clause (i) and (j) to (l) were inserted by s. 38(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994)

<sup>6</sup> Sub-section (1) of section 143 was substituted by s. 7 of the West Bengal Panchayat (Amendment) Act, 2012 (West Bengal Act IX of 2012)

<sup>7</sup> The words, brackets and figures "clauses (iii) and (iv)" were first substituted with retrospective effect for the words, brackets, figures and letter "sub-clauses (iii) and (iv) of clause (a)" by s. 6 of the West Bengal Panchayat (Third) Amending Act, 1978 (West Bengal Act LVIII of 1978) and thereafter these words, brackets and figures within the square brackets were substituted for the words, brackets and figures "clauses (iii) and (iv)" by s. 38(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>8</sup> The words were substituted for the words "shall not be eligible for such election." by s. 39(1)(a) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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<sup>1</sup>[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:]

<sup>2</sup>[Provided also that after being elected to an <sup>3</sup>[office of an office bearer], 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:]

<sup>4</sup>[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 <sup>5</sup>[Scheduled Castes, the Scheduled Tribes and the

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<sup>1</sup> Second proviso was added by s. 24(1) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992). Thereafter, this proviso was substituted by s. 6(a) of the West Bengal Panchayat (Second Amendment) Act, 2017 (West Bengal Act XL of 2017), which was earlier as follows:- “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 whole time 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, due performance of his functions or due discharge of his duties:”

<sup>2</sup> This proviso was inserted by s. 4 of the West Bengal Panchayat (Amendment) Act, 2014 (West Bengal Act V of 2014).

<sup>3</sup> The words within the square brackets were substituted for the words “office of a full time office bearer” by s. 6(b) of the West Bengal Panchayat (Second Amendment) Act, 2017 (West Bengal Act XL of 2017).

<sup>4</sup> Third to seventh and eleventh to thirteenth provisos were inserted by s. 39(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>5</sup> The words within the square brackets were substituted for the words “Scheduled Castes and the Scheduled Tribes” by s. 10(1)(a)(i) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

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Backward Classes] 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 <sup>1</sup>[or the Backward Classes], 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]:

<sup>2</sup>[Provided also that the total number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in West Bengal reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in West Bengal as determined in terms of the third proviso:

Provided also that reservation of offices of the Sabhadhipati or the Sahakari Sabhadhipati in any district of West Bengal in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage following the provisions under the third proviso subject to the ceiling limit of fifty percent of the total offices of the Sabhadhipati or the Sahakari Sabhadhipati in the West Bengal and then the balance number of offices of the Sabhadhipati or the Sahakari Sabhadhipati within the ceiling limit of fifty percent of the total offices of the Sabhadhipati or the Sahakari Sabhadhipati in West Bengal shall be reserved for the Backward Classes subject to the proportion of total population of the Backward Classes to the total population in West Bengal:

Provided also that if and when the number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in West Bengal determined for reservation in favour of the Scheduled Castes and

<sup>1</sup> The words within the square brackets were inserted " by s. 10(1)(a)(ii) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>2</sup> These provisos were inserted by s. 7 of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

the Scheduled Tribes in terms of the third proviso severally or jointly exceeds fifty percent of the total number of offices in West Bengal, such reserved offices in favour of the Scheduled Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in West Bengal, be apportioned in the same ratio of proportion of population of the Scheduled Castes and the Scheduled Tribes to the total population in West Bengal:

Provided also that when the number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in West Bengal determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the third proviso or the sixth proviso, as the case may be, severally or jointly reaches fifty percent of the total number of offices of the Sabhadhipati or the Sahakari Sabhadhipati in West Bengal, there shall be no reservation of offices of the Sabhadhipati or the Sahakari Sabhadhipati in West Bengal in favour of the Backward Classes, notwithstanding that there is sizeable proportion of the Backward Class population in West Bengal:]

<sup>1</sup>[Provided also that the offices of the Sabhadhipati and the Sahakari Sabhadhipati in any Zilla Parishad having the <sup>2</sup>[Scheduled Castes, the Scheduled Tribes and the Backward Classes] population, as the case may be, constituting not more than five percent of the total population in the Blocks within the district, shall not be considered for allocation by rotation]:

<sup>3</sup>[Provided also that in the event of the number of Zilla Parishad areas having the Scheduled Castes or the Scheduled Tribes <sup>4</sup>[or the Backward Classes]

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<sup>1</sup> Third to seventh and eleventh to thirteenth provisos were inserted by s. 39(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> The words within the square brackets were substituted for the words "Scheduled Castes and the Scheduled Tribes" by s. 10(1)(b) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> Third to seventh and eleventh to thirteenth provisos were inserted by s. 39(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>4</sup> The words within the square brackets were inserted by s. 10(1)(c) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

population constituting more than five percent 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 <sup>1</sup>[or the Backward Classes], as the case may be, until the total number of seats required for reservation is obtained]:

Provided also that as nearly as practicable one-half but not exceeding one-half of the total number of offices of the Sabhadhipati and the Sahakari Sabhadhipati reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in West Bengal, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes as the case may be:

Provided also that as nearly as practicable <sup>2</sup>[one-half] but not exceeding one-half of the total number of offices of the Sabhadhipati and the Sahakari Sabhadhipati in West Bengal including the offices reserved for the <sup>3</sup>[Scheduled Castes, the Scheduled Tribes and the Backward Classes], shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:

<sup>4</sup>[Provided also that determination of the offices of the Sabhadhipati within the State reserved for the Scheduled Castes, the <sup>5</sup>[Scheduled Tribes,

<sup>1</sup> The words within the square brackets were inserted by s. 10(1)(c) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>2</sup> The words within the square brackets were substituted for the words “one-third” by s. 10(1)(e)(i) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> The words within the square brackets were substituted for the words “Scheduled Castes and the Scheduled Tribes” by s. 10(1)(e)(ii) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>4</sup> Eighth to tenth provisos were inserted by s. 9 of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997).

<sup>5</sup> The words within the square brackets were substituted for the words “Scheduled Tribes” by s. 10(1)(f) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

the Backward Classes] and women shall precede such determination for the offices of the Sahakari Sabhadhipati]:

<sup>1</sup>[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]:

<sup>2</sup>[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]:

<sup>3</sup>[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 <sup>4</sup>[two successive] terms

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<sup>1</sup> Eighth to tenth provisos were inserted by s. 9 of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997).

<sup>2</sup> Eighth to tenth provisos were inserted by s. 9 of the West Bengal Panchayat (Second Amendment) Act, 1997 (West Bengal Act XXIV of 1997).

<sup>3</sup> Third to seventh and eleventh to thirteenth provisos were inserted by s. 39(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>4</sup> The words within the square brackets were substituted for the words "three successive" by s. 10(1)(g) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

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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]:

<sup>1</sup>[Provided also that no member of the Scheduled Castes or the Scheduled Tribes <sup>2</sup>[or the Backward Classes] 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]:

<sup>3</sup>[Provided also that any member elected from an unreserved seat or from a seat reserved for another category shall be eligible for election to the office of the Sabhadhipati or the Sahakari Sabhadhipati reserved for a particular category if he belongs to such category and produces Scheduled Castes, Scheduled Tribes or a Backward Classes certificate, as the case may be, issued by the competent authority before the presiding officer in order to establish his claim:

Provided also that the provisions for reservation of the offices of 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 and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf.].

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<sup>1</sup> Third to seventh and eleventh to thirteenth provisos were inserted by s. 39(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> The words within the square brackets were inserted by s. 10(1)(h) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>3</sup> Third to seventh and eleventh to thirteenth provisos were inserted by s. 39(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994). Thereafter, this proviso was substituted by s. 10(1)(i) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010), which was earlier as follows:- "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;"

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- (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 <sup>1</sup>[five years]:

<sup>2</sup>[\* \* \* \* \*]

- (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 <sup>3</sup>[for a period of thirty days at a

<sup>1</sup> The words within the square brackets were substituted for the words “four years” by s. 9 of the West Bengal Panchayat (Second Amendment) Act, 1982 (West Bengal Act XII of 1982).

<sup>2</sup> Proviso was omitted by s. 39(2) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>3</sup> The words within the square brackets were inserted by s. 39(3) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

time] 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 <sup>1</sup>[or until the Sabhadhipati or Sahakari Sabhadhipati resumes his duties, as the case may be].

<sup>2</sup>[\* \* \* \* \*]

(8) The Sabhadhipati and the Sahakari Sabhadhipati of a Zilla Parishad shall be paid out of the Zilla Parishad Fund such <sup>3</sup>[remuneration] 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.

<sup>4</sup>[(9) Notwithstanding anything to the contrary contained in this Act, the <sup>5</sup>[prescribed authority] 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 <sup>6</sup>[and he has not obtained leave of absence from his place of employment] 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:]

Provided that the <sup>7</sup>[State Government] shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.

<sup>1</sup> The words within the square brackets were inserted by s. 38(b) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> Sub-section (7) was omitted by s. 38(c) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>3</sup> The words within the square brackets were substituted for the words "honoraria" by s. 24(2) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>4</sup> This Sub-section was added by s. 24(3) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>5</sup> The words within the square brackets were substituted for the words "State Government" by s. 10(2)(a) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>6</sup> The words within the square brackets were inserted by s. 10(2)(b) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>7</sup> The words within the square brackets were substituted for the words "State Government" by s. 10(2)(a) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>1</sup>[Provided further that when a member holding the office of the Sabhadhipati or the Sahakari Sabhadhipati or officiating as Karmadhyaksha, is removed from office under any of the clauses (a) to (h) of sub-section (1) of section 145, he shall also be deemed to have been removed from the office of the Sabhadhipati, Sahakari Sabhadhipati or the Karmadhyaksha as the case may be, with immediate effect:]

<sup>2</sup>[(10) Without prejudice to any other provision in the Act, the prescribed authority may, after giving an opportunity to the Sabhadhipati or the Sahakari Sabhadhipati, to show cause against the action proposed to be taken against him, by order, remove him from office if at the time of his election to the office of the Sabhadhipati or the Sahakari Sabhadhipati, he was not a member of any of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, for which such office of the Sabhadhipati or the Sahakari Sabhadhipati, is kept reserved and the Scheduled Castes or Scheduled Tribes or Backward Classes certificate produced by him at the time of such election is found to be spurious or has since been cancelled by the competent authority:

Provided that notwithstanding the action taken under this sub-section, the person concerned may be proceeded against under the provisions of the Indian Penal Code, 1860 or any other law in force for the time being:

Provided further that a Sabhadhipati or the Sahakari Sabhadhipati, on being aggrieved by an order of removal by the prescribed authority, may, within thirty days from the date of the order, prefer an appeal to such authority as the State Government may appoint in this behalf and thereupon, such authority may direct the prescribed authority to refrain from taking any further action in the matter till the disposal of the appeal and may after giving

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<sup>1</sup> The proviso was inserted by s. 10(2)(c) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>2</sup> Sub-section (10) was inserted by s. 10(3) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

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notice of appeal to the prescribed authority and giving the appellant an opportunity of being heard, set aside, modify or confirm the order and the order passed on appeal by such authority shall be final and binding.]

- <sup>1</sup>144.(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.
- Resignation of Sabhadhipati or Sahakari Sabhadhipati or a member.
- (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

<sup>1</sup> Section 144 was substituted for the original by s. 22 of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006). Thereafter, Section 144 was again substituted by s. 24 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows:-

- (1) (a) The Sabhadhipati may resign his office by notifying in writing his intension to do so to the Sahakari Sabhadhipati.  
(b) Sahakari Sabhadhipati or a member of a Zilla Parishad may resign his office by notifying in writing his intension to do so to the Sabhadhipati.
- (2) The Zilla Parishad shall, on receipt of the letter of resignation under sub-section (1), forward a copy of it to the prescribed authority for information.
- (3) On receipt of a letter of resignation under sub-section (1),-
- (a) in case of resignation of the Sabhadhipati, the Sahakari Sabhadhipati, the Sabhadhipati shall place it in the next meeting of the Zilla Parishad for acceptance;
- (b) in case of resignation of the Sahakari Sabhadhipati, the Sabhadhipati shall place it in the next meeting of the Zilla Parishad for acceptance;
- (c) in case of resignation of the member, the Sabhadhipati shall place it in the next meeting of the Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti for acceptance;
- (4) On acceptance of a resignation in terms of sub-section (3), the Sabhadhipati, the Sahakari Sabhadhipati or the member, as the case may be, shall be deemed to have vacated his office:  
Provided that in case of acceptance of resignation of a member, the matter shall be mentioned in the next meeting of Zilla Parishad.
- (5) When a resignation is accepted under sub-section (5), the Zilla Parishad shall immediately communicate it to the prescribed authority, who shall take appropriate action to fill up the vacancy.
- (a) in case such vacancy is in the office of Sabhadhipati or Sahakari sabhadhipati, in accordance with the provisions of section 147;
- (b) in case such vacancy is in the office of a member of the Zilla Parishad in accordance with the provisions of section 148;

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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.

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Removal of  
member of  
Zilla Parishad.

**145.** (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 –

- <sup>1</sup>(a) if after his election he is convicted by a criminal court of an offence punishable with imprisonment for a period of more than six months involving moral turpitude or involving any other cognizable offence; 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 <sup>2</sup>[\* \* \* \* \*]; or

<sup>3</sup>[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;]

(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.

<sup>4</sup>[(f) if he does not make and subscribe an oath or affirmation before the competent authority under section 197 within six months from the date of his election; or]

<sup>1</sup> Clause (a) was substituted for the original by s. 23(1) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>2</sup> The words “, provided he is not an ex officio member of the Zilla Parishad” were omitted by s. 39(1) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>3</sup> This proviso was added by s. 7(b) of the West Bengal Panchayat (Second Amendment) Act, 2017 (West Bengal Act XL of 2017).

<sup>4</sup> Clause (f) to (h) were inserted by s. 23(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

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<sup>1</sup>[(g) if at the time of his election he was not a citizen of India and his name has since been deleted on that ground from the electoral roll in force pertaining to the area comprised in that Zilla Parishad, by the Electoral Registration Officer; or]

<sup>2</sup>[(h) if at the time of his election he was not a member of any of the Scheduled Castes or the Scheduled Tribes <sup>3</sup>[or the Backward Classes] and the Scheduled Castes or the Scheduled Tribes <sup>4</sup>[or the Backward Classes] certificate produced by him at the time of nomination has since been cancelled by the competent authority:]

<sup>5</sup>[Provided that without prejudice to the action taken under clause (f) or clause (g), the person concerned may also be proceeded against in terms of the provisions under the Indian Penal Code, 1860.

(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.

<sup>6</sup>[\* \* \* \* \*]

<sup>1</sup> Clause (f) to (h) were inserted by s. 23(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>2</sup> Clause (f) to (h) were inserted by s. 23(2) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>3</sup> The words within the square brackets were inserted by s. 11 of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>4</sup> The words within the square brackets were inserted by s. 11 of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>5</sup> The proviso was added by s. 23(3) of the West Bengal Panchayat (Third Amendment) Act, 2006 (West Bengal Act XXXVII of 2006).

<sup>6</sup> Sub-section (4) was omitted by s. 39(2) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

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<sup>1</sup>[Motion of no confidence or removal of Sabhadhipati and Sahakari Sabhadhipati.

<sup>2</sup>[**146.**(1)<sup>3</sup>[Subject to the other provisions of the section, the Sabhadhipati or the Sahakari Sabhadhipati] of the Zilla Parishad may, at any time, be removed from his office by the majority of the existing members of the Zilla Parishad, referred to in clause (ii) of sub sub-section (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

<sup>1</sup> Marginal note was substituted by s. 25 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010).

<sup>2</sup> Section 146 was substituted by s. 25 of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows:-

- (1) Subject to the other provisions of the section, the Sabhadhipati or the Sahakari Sabhadhipati of a Zilla Parishad may, at any time, be removed from office by a resolution carried by the majority of the existing members referred to in clause (ii) of sub-section (2) of section 140 at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:

Provided that at any such meeting while any resolution for the removal of the Sabhadhipati from his office is under consideration, the Sabhadhipati or while any resolution for the removal of the Sahakari Sabhadhipati from his office is under consideration, the Sahakari Sabhadhipati shall not, though he is present, preside, and the provisions of sub-section (2) of section 150 shall apply in relation to every such meeting as they apply in relation to a meeting from which the Sabhadhipati or, as the case may be, the Sahakari Sabhadhipati is absent:

Provided further that no meeting for the 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:

Provided also that if, at a meeting convened under this section, either no meeting is held or no resolution removing an office bearer is adopted, no other meeting shall be convened for the removal of the same office bearer within six months from the date appointed for such meeting.

- (2) The Sabhadhipati or the Sahakari Sabhadhipati, who is removed from his office in terms of a resolution carried under sub-section (1), shall not be eligible for election to that office before completion of a period of one year from the date of such resolution.

<sup>3</sup> The words within the square brackets were substituted for the words "A Sabhadhipati or a Sahakari Sabhadhipati" by s. 40(a) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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

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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 sub-section (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.

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<sup>1</sup>[(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 two and half years 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 casual vacancy in the said office.]

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

**147.** 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.

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

**148.** 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.

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

**149.** 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.

Meetings of Zilla Parishad.

**150.** (1) Every Zilla Parishad shall hold a meeting <sup>2</sup>[in its office at meeting of least once in every three months on such date and at such hour as the Parishad. Zilla Parishad may fix at the immediately preceding meeting:]

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:

<sup>1</sup> Sub-section (12) of section 146 was substituted by s. 4 of the West Bengal Panchayat (Second Amendment) Act, 2014 (West Bengal Act XX of 2014), which was earlier as follows:- “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.”

<sup>2</sup> The words, “in every three months” were first substituted with retrospective effect for the words “in a month” by s. 4 of the West Bengal Panchayat (Fourth) Amending Act, 1978 (West Bengal Act XLII of 1978) and thereafter these words within the square brackets were substituted for the words beginning with “at least once” and ending with “at the immediately preceding meeting” by s. 40(1)(i) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

Provided further that the Sabhadhipati when required in writing by one-fifth of the members of the Zilla Parishad to call a meeting <sup>1</sup>[shall do so fixing the date and hour of the meeting <sup>2</sup>(to be held) within fifteen days after giving intimation to the prescribed authority and seven days' notice to the members of the Zilla Parishad,] failing which the members aforesaid may call a meeting <sup>3</sup>(to be held) <sup>4</sup>[within thirty-five days] 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 at such place <sup>5</sup>[in the office of the Zilla Parishad on such date and at such hour] as the members calling the meeting may decide. <sup>6</sup>[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:]

<sup>7</sup>[\*\*\*\*\*]:

<sup>8</sup>[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

<sup>1</sup> The words within the square brackets were substituted for the words "shall do so within ten days" by s. 40(1)(ii)(a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>2</sup> The words within the first brackets were inserted by s. 26(a) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>3</sup> The words within the square brackets were inserted by s. 26(b) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>4</sup> The words within the square brackets were inserted by s. 25 of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>5</sup> The words within the square brackets were substituted for the words "within the local limits of the district concerned" by s. 40(1)(ii)(b) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>6</sup> The words within the square brackets were inserted by s. 40(1)(ii)(c) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>7</sup> This proviso was added by s. 15(a) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995). Thereafter, this proviso was omitted by s. 26(1) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows:- "Provided also that for the purpose of convening a meeting under section 146, at least one-fifth of the members referred to in clause (ii) of sub-section (2) of section 140 shall require the Sabhadhipati to convene the meeting."

<sup>8</sup> This proviso was inserted by s. 40(1)(iii) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

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Zilla Parishad on such date and at such hour as he thinks fit].

- (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 <sup>1</sup>[or in the refusal of any or both to preside at a meeting], 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:

<sup>2</sup>[Provided further that in case of any requisitioned meeting the person presiding shall have no second or casting vote].

- (5) <sup>3</sup>[The Executive Officer and the Additional Executive Officer] of a Zilla Parishad shall attend meetings of the Zilla Parishad and shall participate in the deliberations thereof:

<sup>4</sup>[Provided that if for any reason the Executive Officer] <sup>5</sup>[and the Additional Executive Officer] cannot attend any meeting of the Zilla Parishad <sup>6</sup>[the Executive Officer shall] depute the Secretary of the Zilla Parishad to attend such meeting.

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<sup>1</sup> The words within the square brackets were inserted by s. 15(b) of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).

<sup>2</sup> This proviso was inserted by s. 40(2) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984). Thereafter, this proviso was substituted by s. 26(2) of the West Bengal Panchayat (Amendment) Act, 2010 (West Bengal Act VIII of 2010), which was earlier as follows:-  
“Provided further that in case of a requisitioned meeting for the removal of the Sabhadhipati or the Sahakari Sabhadhipati under section 146, the person presiding shall have no second or casting vote.”

<sup>3</sup> These words were substituted for the words “The Executive Officer” by s. 40(3) (a) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>4</sup> The proviso was added with retrospective effect by s. 3 of the West Bengal Panchayat (Amendment) Act, 1979 (West Bengal Act X of 1979).

<sup>5</sup> The words within the square brackets were inserted by s. 40(3)(b)(i) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>6</sup> The words within the square brackets were substituted for the words “he shall” by s. 40(3)(b)(ii) of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

**<sup>1</sup>CHAPTER XVIA**

**Special provision for the District of Darjeeling**

- <sup>2</sup>**185A.** (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. Zilla Parishad for Darjeeling to stand dissolved and consequences of dissolution.
- (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

<sup>1</sup> Chapter XVIA consisting of sections 185A and 185B was inserted by s. 19 of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

<sup>2</sup> Chapter XVIA consisting of sections 185A and 185B was inserted by s. 19 of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

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may be prescribed, and such determination and apportionment shall be final.

(5) An order made under sub-section (4) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganisation.

<sup>1</sup>[(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.]

Mahakuma  
Parishad.

<sup>2</sup>**185B.** (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

<sup>1</sup> Sub-section (6) was added by s. 16 of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).

<sup>2</sup> Chapter XVIIA consisting of sections 185A and 185B was inserted by s. 19 of the West Bengal Panchayat (Amendment) Act, 1988 (West Bengal Act XX of 1988).

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such mouzas of the sub-division as are comprised in the hill areas.

<sup>1</sup>[(3) The Mahakuma Parishad shall consist of the following members, namely:-

(i) Sabhapatis of the Panchayat Samitis within the sub-division, ex officio;

(ii) <sup>2</sup>[such number of persons, not exceeding three, as may be prescribed on the basis of the number of voters in each Block within the sub-division, the Block being divided <sup>3</sup>(by the prescribed authority) for the purpose into constituencies in the prescribed manner,] elected by secret ballot, at such time and in such manner as may be prescribed, <sup>4</sup>[from amongst the persons, whose names are included in the electoral roll <sup>5</sup>(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,) 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 :]

<sup>6</sup>[Provided that seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the

<sup>1</sup> Sub-section (3) of section 185B was substituted by s. 8 of the West Bengal Panchayat (Amendment) Act, 2012 (West Bengal Act IX of 2012).

<sup>2</sup> The words within the square brackets were substituted for the words “two persons, one from each of two such constituencies comprised in the Block within the sub-division as may be specified by notification,” by s. 17 of the West Bengal Panchayat (Amendment) Act, 1995 (West Bengal Act II of 1995).

<sup>3</sup> The words within the round brackets were inserted by s. 31(a) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>4</sup> The words within the square brackets were 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 nominations for Panchayat election pertaining to the constituency comprised in such Block;” by s. 29(a) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>5</sup> The words within the round brackets were substituted for the words “of the West Bengal Legislative Assembly in force on the last date of nomination for Panchayat election” by s. 45(1)(a)(i) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>6</sup> The first, second, third, fourth and fifth provisos were inserted by s. 29(b) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992). Thereafter, the proviso was substituted by s. 13(1) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010), which was earlier as follows:- “Provided that seats shall be reserved for the

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Backward Classes in a Mahakuma Parishad area and the number of seats so reserved shall bear, as nearly as may be 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 or of the Scheduled Tribes or of the Backward Classes as the case may be, in that Mahakuma Parishad area, bears to the total population of that Mahakuma 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 or Backward Classes 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 or the Backward Classes population as the case may be, in that Mahakuma Parishad area, bears with the total population in that Mahakuma Parishad area.]:

<sup>1</sup>[Provided further that the total number of seats so reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, severally or jointly, as the case may be, shall not exceed fifty percent of the total number of seats in the Siliguri Mahakuma Parishad as determined in terms of the first proviso:

Provided also that reservation of seats in favour of the Scheduled Castes and the Scheduled Tribes shall be determined at the first stage following the provisions under the first proviso subject to the

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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 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 or of the Scheduled Tribes or the Backward Classes as the case may be, in that Mahakuma Parishad area, 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 Tribes or Backward Classes 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 or the Backward Classes population as the case may be, in that Mahakuma Parishad area, bears with the total population in that Mahakuma Parishad area;”

<sup>1</sup> These provisos were inserted by s. 8(1) of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

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ceiling limit of fifty percent of the total seats in the Mahakuma Parishad and then balance number of seats within the ceiling limit of fifty percent of the total seats shall be reserved for the Backward Classes subject to the proportion of total population of the Backward Classes to the total population in that Mahakuma Parishad area:

Provided also that if and when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the first proviso, severally or jointly, exceeds fifty percent of the total number of seats in the Mahakuma Parishad, such reserved seats in favour of the Scheduled Castes and the Scheduled Tribes shall, within the ceiling limit of fifty percent of the total number of seats in the Mahakuma Parishad, be apportioned in the same ratio of proportion of population of the Scheduled Castes and the Scheduled Tribes to the total population in that Mahakuma Parishad area:

Provided also that when the number of seats determined for reservation in favour of the Scheduled Castes and the Scheduled Tribes in terms of the first proviso or the fourth proviso, as the case may be, severally or jointly reaches fifty percent of the total number of seats in the Mahakuma Parishad, there shall be no reservation of seats in favour of the Backward Classes, notwithstanding that there is sizeable proportion of the Backward Class population in that Mahakuma Parishad area:]

<sup>1</sup>[Provided also that as nearly as practicable] one-half but not exceeding one-half of the total number of seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes as the case may be:

Provided also that as nearly as practicable one-half but not exceeding one-half of the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the

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<sup>1</sup> The words within the square brackets were substituted for the words "Provided further that as nearly as practicable" by s. 8(2) of the West Bengal Panchayat (Second Amendment) Act, 2012 (West Bengal Act XXV of 2012).

Backward Classes 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:

<sup>1</sup>[Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section, <sup>2</sup>[\* \* \* \* \*] when the number of member to be elected to the Mahakuma Parishad is determined, or when seats are reserved for the <sup>3</sup>[Scheduled Castes, the Scheduled Tribes and the Backward Classes] 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 <sup>4</sup>[two successive] general elections:]

<sup>5</sup>[Provided also that no member of the Scheduled Castes or the Scheduled Tribes <sup>6</sup>[or the Backward Classes] 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]:

<sup>7</sup>[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]:

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<sup>1</sup> The first, second, third, fourth and fifth provisos were inserted by s. 29(b) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>2</sup> The words “or elsewhere in this Act” were omitted by s. 31(b) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>3</sup> The words within the square brackets were substituted for the words “Scheduled Castes and the Scheduled Tribes” by s. 13(4)(a) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>4</sup> The words within the square brackets were substituted for the words “three successive” by s. 13(4)(b) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>5</sup> The first, second, third, fourth and fifth provisos were inserted by s. 29(b) of the West Bengal Panchayat (Amendment) Act, 1992 (West Bengal Act XVII of 1992).

<sup>6</sup> The words within the square brackets were inserted by s. 13(5) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>7</sup> The sixth, seventh and eighth provisos were inserted by s. 45(1)(a)(ii) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XXVIII of 1994).

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<sup>1</sup>[Provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing <sup>2</sup>[issue an order making fresh determination] 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 <sup>3</sup>[the <sup>4</sup>[next] two] successive general elections:]

<sup>5</sup>[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 and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf;]

<sup>6</sup>[(iii) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the subdivision or any part thereof (excluding the part comprised in the hill areas) not being Ministers

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<sup>1</sup> The sixth, seventh and eighth provisos were inserted by s. 45(1)(a)(ii) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> The words within the square brackets were substituted for the words “and by notification, order fresh determination” by s. 31(c)(i) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>3</sup> The words were inserted by s. 31(c)(ii) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>4</sup> The words within the square brackets were substituted for the words “next three” by s. 13(6) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010).

<sup>5</sup> The sixth, seventh and eighth provisos were inserted by s. 45(1)(a)(ii) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994). Thereafter, this proviso was substituted by s. 13(7) of the West Bengal Panchayat (Second Amendment) Act, 2010 (West Bengal Act XXXV of 2010), which was earlier as follows:- “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:”

<sup>6</sup> Clause (iii) was substituted by s. 9 of the West Bengal Panchayat (Second Amendment) Act, 2017 (West Bengal Act XL of 2017), which was earlier as follows:- “(iii) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the subdivision or any part thereof (excluding the part comprised in the hill areas) not being Ministers;”

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or simultaneously directly elected members of Mahakuma Parishad, ex officio;]

(iv) members of the Council of States, not being Ministers, <sup>1</sup>[registered as electors within the area of any Block] 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 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:-

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<sup>1</sup> The words within the square brackets were substituted for the words “having a place of residence” by s. 45(1)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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- (i) the Sabhadhipati, <sup>1</sup>[and the Sahakari Sabhadhipati], ex officio;
  - (ii) three persons to be elected in the prescribed manner by the members of the Mahakuma Parishad from among themselves;
  - <sup>2</sup>[(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:]
  - (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.

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<sup>1</sup> The words within the square brackets were inserted by s. 45(2)(a) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

<sup>2</sup> Sub-clause (iii) was substituted for the previous sub-clause by s. 45(2)(b) of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

**Part VI**

**CHAPTER XIX**

**Miscellaneous**

Oath or affirmation.

**197.** Every member of a Gram Panchayat, a Panchayat Samiti or a Zilla Parishad other than a member referred to in <sup>1</sup>[clauses (i) and (iii) of sub-section (2) of section 94 and clauses (i), (iii) and (iv) of sub-section (2) of section 140] 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.

Majority of members elected to function when in a constituency poll is countermanded or not held.

**<sup>2</sup>197A.** 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, <sup>3</sup>[\* \* \*] 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

<sup>1</sup> The words, brackets and figures within the square brackets were substituted with retrospective effect for the words, brackets, figures and letters "sub-clause (iii) of clause (a) of sub-section (2) of section 94 and sub-clause (iii) and (iv) of clause (a) of sub-section (2) of section 140" by s. 8 of the West Bengal Panchayat (Third) Amending Act, 1978 (West Bengal Act LVIII of 1978).

<sup>2</sup> Section 197A was inserted by s. 2 of the West Bengal Panchayat (Second) Amending Act, 1978 (West Bengal Act XXX of 1978).

<sup>3</sup> The words and figures "other than the members appointed under section 210," were omitted by s. 46 of the West Bengal Panchayat (Amendment) Act, 1994 (West Bengal Act XVIII of 1994).

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such member shall be entitled to assume office and remain a member for the unexpired period of <sup>1</sup>[five years] referred to in sub-section (1) of section 7, sub-section (1) of section 96 or sub-section (1) of section 141, respectively.]

Cessation of membership on inclusion of a constituency in Municipality etc.

<sup>2</sup>**197B.** (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, <sup>3</sup>[\* \* \* \* \*] 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 <sup>4</sup>[\* \* \* \* \*] 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.]

Validation.

**198.** No act or proceeding of a Gram Panchayat, a Panchayat Samiti and 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.

Members, officers and employees to be public servants.

**199.** All members, officers and employees of the Gram Panchayat, Panchayat Samiti and Zilla Parishad

<sup>1</sup> The words within the square brackets were substituted for the words “four years” by s. 12 of the West Bengal Panchayat (Second Amendment) Act, 1982 (West Bengal Act XII of 1982).

<sup>2</sup> Section 197B were inserted by s. 54 of the West Bengal Panchayat (Amendment) Act, 1984 (West Bengal Act XXXVII of 1984).

<sup>3</sup> The words “or a notified area or a municipal corporation,” were omitted by s. 32(a) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

<sup>4</sup> The words “or a notified area, or a municipal corporation,” were omitted by s. 32(b) of the West Bengal Panchayat (Amendment) Act, 1997 (West Bengal Act XV of 1997).

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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.

**202.** [(Bar of simultaneous candidature for election.)- Omitted by s. 17 of the West Bengal Panchayat (Amendment) Act, 2003 (West Ben. Act VIII of 2003)].

Bar to simultaneous membership.

**202A.** 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.** [(Elections.)- Omitted by s.18 of the West Bengal Panchayat (Amendment) Act, 2003 (West Ben. Act VIII of 2003).]

**204.** [(Disputes as to Election.)- Omitted by s.19 of West Bengal Panchayat (Amendment) Act, 2003 (West Ben. Act VIII of 2003).]

Delegation.

**206.** 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.