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PART III—Act of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1252-L.— 24th August, 2012.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXIII of 2012

**THE WEST BENGAL PANCHAYAT ELECTIONS
(AMENDMENT) ACT, 2012.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 24th August, 2012.]*

An Act to amend the West Bengal Panchayat Elections Act, 2003.

WHEREAS it is expedient to amend the West Bengal Panchayat Elections Act, 2003, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXI of 2003.

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

Short title and
commencement.

1. (1) This Act may be called the West Bengal Panchayat Elections (Amendment) Act, 2012.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different sections.

*The West Bengal Panchayat Elections
(Amendment) Act, 2012.*

(Sections 2, 3.)

Amendment of
section 17 of West
Ben. Act XXI of
2003.

2. In section 17 of the West Bengal *Panchayat Elections Act, 2003* (hereinafter referred to as the principal Act),—

- (1) in the marginal note, after the words “Scheduled Tribes”, the words “, Backward Classes” shall be inserted;
- (2) after sub-section (2), the following sub-section shall be inserted:—

“(2A) Seats shall be reserved for the Backward Classes in every *Gram Panchayat, Panchayat Samiti, Zilla Parishad* or the *Siliguri Mahakuma Parishad* in such manner as may be prescribed and the number of seats so reserved shall bear as nearly as may be, the same proportion with the total number of seats to be filled by direct election to the *Gram Panchayat, the Panchayat Samiti, the Zilla Parishad* or the *Siliguri Mahakuma Parishad*, as the case may be, as the population of the Backward Classes in the area of the *Gram Panchayat, Panchayat Samiti, Zilla Parishad* or the *Siliguri Mahakuma Parishad*, as the case may be, bears with the total population of that area, and such seats may be allotted by rotation to different constituencies of that *Gram Panchayat, Panchayat Samiti, Zilla Parishad* or the *Siliguri Mahakuma Parishad* in such manner as may be prescribed.”;

- (3) for sub-section (3), the following sub-section shall be substituted:—

“(3) As nearly as practicable one-half but not exceeding one-half of the total number of seats reserved under sub-section (1), sub-section (2) and sub-section (2A), shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, in such manner as may be prescribed.”;

- (4) for sub-section (4), the following sub-section shall be substituted:—

“(4) As nearly as practicable one-half but not exceeding one-half of the total number of seats, including the seats reserved for women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes under sub-section (3), to be filled by direct election to a *Gram Panchayat, Panchayat Samiti, Zilla Parishad* or the *Siliguri Mahakuma Parishad* shall be reserved for the women, and such seats may be allotted by rotation to different constituencies of the *Gram Panchayat, Panchayat Samiti, Zilla Parishad* or the *Siliguri Mahakuma Parishad*, as the case may be, in such manner as may be prescribed.

Explanation.—A member of the Scheduled Castes or the Scheduled Tribes or the Backward Classes or Women shall not be disqualified to hold a seat not reserved for members of the Scheduled Castes or the Scheduled Tribes or the Backward Classes or Women if such member is otherwise qualified to hold such seat under this Act.”

Substitution of
new section for
section 18.

3. For section 18 of the principal Act, the following section shall be substituted:—

“Reservation of
seats for office-
bearers of *Gram
Panchayat* and
Panchayat Samiti.”

18. (1) Offices of the *Pradhan and Upa-Pradhan* in the *Gram Panchayats* in a district shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes by rotation in such manner as may be prescribed and the number of the offices so reserved shall bear, as nearly as may be, the same proportion with the total number of the offices of the *Pradhan* or the *Upa-Pradhan*, as the case may be, in the 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 the district bears with the total population in the same area.

