

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act XXXVII of 1984

**THE WEST BENGAL PANCHAYAT (AMENDMENT)
ACT, 1984.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*,
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[7th December, 1984.]

An Act to amend the West Bengal Panchayat Act, 1973.

West Ben.
Act XLI of
1973.

WHEREAS it is expedient to amend the West Bengal *Panchayat* Act, 1973, for the purposes and in the manner hereinafter appearing;

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

1. This Act may be called the West Bengal *Panchayat* (Amendment) Act, 1984. Short title.
2. In section 2 of the West Bengal *Panchayat* Act, 1973 (hereinafter referred to as the principal Act),—
 - (a) in clause (3), after the words “State Government”, the words “and includes the Joint Block Development Officer in charge of the Block” shall be inserted. Amendment of section 2 of West Ben. Act XLI of 1973.
 - (b) after clause (4), the following clause shall be inserted:—
 ‘(4a) “Collector” means an officer appointed as such by the State Government;’.
3. In section 4 of the principal Act, in sub-section (2), for the words “for the time being in force”, the words “in force on the last date of nominations for *Panchayat* election” shall be substituted. Amendment of section 4.
4. In sub-section (1) of section 6 of the principal Act, after the words “as the case may be”, 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” shall be inserted. Amendment of section 6.

(Sections 5-8.)

Amendment
of section 8.

5. In section 8 of the principal Act,—
- (a) in clause (a), the words “a *Nyaya Panchayat* or a *Panchayat Samiti* or a *Zilla Parishad* or of” shall be omitted;
 - (b) in clause (b), the words “, or receives remuneration from,” shall be omitted and shall be deemed always to have been omitted.

Amendment
of section 9.

6. In section 9 of the principal Act,—
- (a) in sub-section (6), after the words “assumes office”, the words “or until the *Pradhan* or the *Upa-Pradhan* resumes duties, as the case may be” shall be inserted.
 - (b) in sub-section (8), after the word and figures “section 215”, the words and figures “or section 216” shall be inserted.
 - (c) after sub-section (8), the following sub-section shall be inserted:—

“(9) On the alteration of the area of a *Gram* under sub-section (3) of section 3 or sub-section (2) of section 6 or inclusion of *Gram* in a Municipality or a notified area or Municipal Corporation or a Town Committee or a Cantonment under sub-section (1) of section 6, and the effect of such alteration or inclusion, as the case may be, coming into force, the *Pradhan* or the *Upa-Pradhan* or any other authority or any other person exercising the powers, performing the functions and discharging the duties of the *Pradhan* immediately before such alteration or inclusion of the area of the *Gram* concerned shall make over the properties, funds and other assets vested in such *Gram Panchayat* and all the rights and liabilities 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.”.

Amendment
of section
9A.

7. In section 9A of the principal Act, after the word and figure “sub-section (8)”, the words and figure “and sub-section (9)” shall be inserted.

Amendment
of section 16.

8. In section 16 of the principal Act,—
- (1) in sub-section (1),—
 - (i) for the words beginning with “at such time” and ending with “immediately preceding meeting:”, the

XXXVII of 1984.]

(Section 8.)

words “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.” shall be substituted,

- (ii) in the first proviso, after the words “shall be held”, the words “on such date and at such hour and” shall be inserted,
- (iii) in the second proviso,—
 - (a) for the word “one-fifth”, the words “one-third” shall be substituted,
 - (b) for the words “four members”, the words “three members” shall be substituted,
 - (c) for the words “shall do so within seven days,”, the words “shall do so fixing the date and hour of the meeting within fifteen days after giving intimation to the prescribed authority and seven days’ notice to the members of the *Gram Panchayat*,” shall be substituted,
 - (d) for the words “at such time and at such place within the local limits of the *Gram* concerned”, the words “in the office of the *Gram Panchayat* on such date and at such hour” shall be substituted,
 - (e) after the words “may decide.”, the words “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.” shall be inserted,
- (iv) after the second proviso, the following further proviso shall be inserted:—

“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.”;

(Sections 9, 10.)

- (2) in sub-section (3),—
- (a) for the word “one-fourth”, the word “one-third” shall be substituted,
 - (b) for the word “four”, the word “three” shall be substituted,
- (3) in sub-section (4), after the proviso, the following further proviso shall be inserted:—
- “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.”.

Insertion of
new section
16A.

9. After section 16 of the principal Act, the following section shall be inserted:—

“Public
meeting of
the *Gram*
Panchayat.

16A. (1) Every *Gram Panchayat* shall hold within the local limits of the *Gram* an annual and a half-yearly public meeting for each constituency of the *Gram* at such place, on such date and at such hour as may be fixed by the *Gram Panchayat*:

Provided that such annual or half-yearly meeting for a number of constituencies of a *Gram Panchayat* taken together may be held at the same place and on the same date and hour:

Provided further that the annual public meeting shall ordinarily be held in the month of May and the half-yearly public meeting shall ordinarily be held in the month of November every year.

(2) The *Gram Panchayat* shall, at least seven days before the date of holding the meetings referred to in sub-section (1), give public notice of such meetings by beat of drums as widely as possible, announcing the place, date and hour of the meeting. A notice of such meeting shall also be hung up in the office of the *Gram Panchayat*.”.

Insertion of
new section
17A.

10. After section 17 of the principal Act, the following section shall be inserted:—

“Transaction
of business at
public
meetings.

17A. (1) The *Gram Panchayat* shall place for general information—

- (a) in the annual public meeting—
 - (i) the budget of the *Gram Panchayat*, and
 - (ii) the report prepared under section 18;

XXXVII of 1984.]

(Sections 11, 12.)

- (b) in the half-yearly public meeting, the latest report on the audit of the accounts of the *Gram Panchayat*.

(2) Such other business relating to the affairs of the *Gram Panchayat* may also be transacted at such annual or half-yearly public meeting as may be agreed upon by the persons present at such meeting.”.

11. Section 18 of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-sections shall be inserted:—

Amendment
of section 18.

“(2) The *Gram Panchayat* shall, in October and April every year, prepare a half-yearly report showing the amount received by the *Gram Panchayat* during the previous half-year from different sources including the opening balance and the amount actually spent on different items of work and a list of beneficiaries.

(3) The *Gram Panchayat* shall, immediately after the preparation of the report and the list referred to in sub-section (2), publish the same in the office of the *Gram Panchayat* for information of the general public.”.

12. In section 23 of the principal Act,—

Amendment
of section 23.

- (a) in sub-section (1), for the words “erect any structure or building”, the words “erect any new structure or new building or make any addition to any structure or building” shall be substituted;

- (b) to sub-section (2), the following provisos shall be added:—

“Provided that no permission under sub-section (1) shall be necessary for erection of any new thatched structure, tin shed or tile shed without brick wall covering an area not exceeding two hundred square feet:

Provided further that the State Government may, by order, exempt any structure or building or any class of structures or buildings from the operation of the provisions of sub-section (1) and of this sub-section.”;

- (c) in sub-section (6), for the words “any structure or building is being or has been erected”, the words “any new structure or new building or any addition to any structure or building is being or has been erected or made, as the case may be,” shall be substituted;
- (d) in sub-section (7), for the words “erects any structure or building in contravention of”, the word “contravenes” shall be substituted.

(Sections 13-17.)

Amendment
of section 34.

13. In section 34 of the principal Act, after clause (b) of sub-section (2), the following clause shall be inserted:—

“(a) exercise such other powers, perform such other functions and discharge such other duties as the *Gram Panchayat* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.”.

Amendment
of section 36.

14. In section 36 of the principal Act,—

- (a) in sub-section (2), after the words “serving under it”, the words “and on such terms and conditions” shall be inserted,
(b) after sub-section (2), the following sub-section shall be inserted:—

“(3) The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the employees of the *Gram Panchayat*.”.

Insertion of
new section
36A.

15. After section 36 of the principal Act, the following section shall be inserted:—

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

36A. Subject to the provisions of this Act, the rules made thereunder and to any general or special directions as the State Government may give in this behalf, the officers and other employees employed by the *Gram Panchayat* and the officers and other employees whose services have been placed at the disposal of the *Gram Panchayat* shall exercise such powers, perform such functions and discharge such duties as the *Gram Panchayat* may determine.”.

Amendment
of section 44.

16. In section 44 of the principal Act, for the words “District Magistrate”, the word “Collector” shall be substituted.

Amendment
of section 45.

17. In section 45 of the principal Act, in sub-section (5),—

- (a) the words “and cheques” shall be omitted,
(b) after the words “by the *Upa-Pradhan*.”, the words “All cheques shall be signed jointly by the *Pradhan* and the *Upa-Pradhan* and in the absence of the *Pradhan* or the *Upa-Pradhan*, as the case may be, by the *Upa-Pradhan* or the *Pradhan* and another member authorised by the *Gram Panchayat* at a meeting in this behalf.” shall be inserted.

XXXVII of 1984.]

(Sections 18-21.)

18. In section 46 of the principal Act,—

Amendment
of section 46.

(a) in sub-section (1), for clause (a), the following clause shall be substituted:—

“(a) on lands and buildings within the local limits of its jurisdiction, a tax,—

(i) at the rate of half *per centum* of the annual value of such lands and buildings when the annual value does not exceed rupees one thousand, and

(ii) at the rate of one *per centum* of the annual value of such lands and buildings when the annual value exceeds rupees one thousand,

to be paid by the owners and occupiers thereof;”,

(b) in sub-section (2), in clause (a), for the words “fifty rupees”, the words “two hundred and fifty rupees” shall be substituted,

(c) in sub-section (4), for the words “shall, in the prescribed manner, be deducted”, the words “shall be paid by such person or shall be deducted in the manner prescribed, as the case may be,” shall be substituted,

(d) in the *Explanation*, in sub-clause (i) of clause (c), for the words “the Head of the Department”, the words “the drawing and disbursing officer of the person in the employment of such Government” shall be substituted.

19. In section 94 of the principal Act, in clause (ii) of sub-section (2), for the words “for the time being in force”, the words “in force on the last date of nominations for *Panchayat election*” shall be substituted.

Amendment
of section 94.

20. In section 97 of the principal Act,—

Amendment
of section 97.

(a) in clause (a), the words “of a *Gram Panchayat* other than the *Pradhan* or a *Nyaya Panchayat* or a *Zilla Parishad* or” shall be omitted,

(b) in clause (b), the words “, or receives remuneration from,” shall be omitted and shall be deemed always to have been omitted.

21. In section 98 of the principal Act,—

Amendment
of section 98.

(a) in the proviso to sub-section (1), for the word, brackets and figures “clause (iii)”, the words, brackets and figures “clauses (i) and (iii)” shall be substituted,

(Sections 22, 23 .)

- (b) in sub-section (6), for the words “and assumes office.”, the words “and assumes office or until the *Sabhapati* or the *Sahakari Sabhapati* resumes duties, as the case be.” shall be substituted,
- (c) sub-section (7) shall be omitted.

Amendment
of section
100.

22. In section 100 of the said Act,—

- (a) in sub-section (1),—
 - (i) after the words “to a member of a *Panchayat Samiti*”, the words “other than an *ex-officio* member” shall be inserted,
 - (ii) in clause (d), the words “, provided he is not an *ex-officio* member of the *Panchayat Samiti*” shall be omitted;
- (b) sub-section (4) shall be omitted.

Amendment
of section
105.

23. In section 105 of the principal Act,—

- (1) in sub-section (1),—
 - (i) for the words beginning with “in the office of the Block Development Officer” and ending with “immediately preceding meeting:”, the words “in its office at least once in every three months on such date and at such hour as the *Panchayat Samiti* may fix at the immediately preceding meeting:” shall be substituted,
 - (ii) in the first proviso, for the words “in the office of the Block Development Officer concerned at such time”, the words “on such date and at such hour and at such place within the local limits of the Block concerned”, shall be substituted,
 - (iii) in the second proviso,—
 - (a) for the words “shall do so within seven days”, the words “shall do so fixing the date and hour of meeting within fifteen days after giving intimation to the prescribed authority and seven days’ notice to the members of the *Panchayat Samity*” shall be substituted,
 - (b) for the words “at such place within the local limits of the Block concerned”, the words “in the office of the *Panchayat Samity* on such date and at such hour” shall be substituted,

XXXVII of 1984.]

(Sections 24-26.)

(c) after the words “may decide.”, the words “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.” shall be inserted;

(iv) after the second proviso, the following further proviso shall be inserted:—

“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 Samity* on such date and at such hour as he thinks fit.”.

(2) in sub-section (4), after the proviso, the following further proviso shall be added:—

“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.”.

24. In section 109 of the principal Act, to sub-section (2), the following proviso shall be added:—

Amendment
of section
109.

“Provided that a *Panchayat Samiti* may undertake or execute any scheme referred to in sub-clause (ii) of clause (a) of sub-section (1) confined to an area over which a *Gram Panchayat* has jurisdiction.”.

25. In section 111 of the principal Act,—

Amendment
of section
111.

- (i) in the marginal note, after the words “*Zilla Parishad*”, the words “or a *Gram Panchayat*” shall be inserted,
- (ii) after the words “*Zilla Parishad*”, the words “or to a *Gram Panchayat*” shall be inserted.

26. Section 115 of the principal Act shall be re-numbered as sub-section (1) of that section and,—

Amendment
of section
115.

- (1) in sub-section (1) as so re-numbered, the words “on matters of policy or planning for development” shall be omitted, and

(Sections 27-29 .)

(2) after sub-section (1), the following sub-section shall be inserted:—

“(2) A *Panchayat Samiti* may—

- (a) inspect, or cause to be inspected, any immovable property used or occupied by a *Gram Panchayat* within the Block or any work in progress under the direction of a *Gram Panchayat*,
- (b) inspect or examine, or depute an officer to inspect or examine, any department of the *Gram Panchayat*, or any service, work or thing under the control of the *Gram Panchayat*,
- (c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the *Gram Panchayats* by the State Government for execution either directly or through the *Zilla Parishad* or the *Panchayat Samiti*,
- (d) require a *Gram Panchayat*, for the purpose of inspection or examination,—
 - (i) to produce any book, record, correspondence or other documents, or
 - (ii) to furnish any return, plan, estimate, statement accounts or statistics, or
 - (iii) to furnish or obtain any report or information.”.

Amendment
of section
116.

27. In sub-section (3) of section 116 of the principal Act, after the word “shall”, the words “, on conviction a Magistrate,” shall be inserted.

Amendment
of section
118.

28. In section 118 of the principal Act, after clause (b) of sub-section (2), the following clause shall be inserted:—

“(c) exercise such other powers, perform such other functions and discharge such other duties as the *Panchayat Samiti* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.”.

Amendment
of section
119.

29. In section 119 of the principal Act,—

- (a) in sub-section (2), for the words “A *Panchayat Samiti*”, the words “Subject to such rules as may be made by the State Government, a *Panchayat Samiti*” shall be substituted,
- (b) after sub-section (2), the following sub-section shall be inserted:—

“(3) The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the employees of the *Panchayat Samiti*.”.

XXXVII of 1984.]

(Sections 30-33.)

30. In section 120 of the principal Act, after the words “serving under it”, the words “and on such terms and conditions” shall be inserted. Amendment of section 120.
31. In section 121 of the principal Act,— Amendment of section 121.
- (a) in sub-section (2), for the words “holding a post carrying a monthly salary of less than rupees two hundred”, the words “of a *Panchayat Samiti*” shall be substituted;
 - (b) in sub-section (3),—
 - (i) for the words “holding a post carrying a monthly salary of less than two hundred rupees”, the words “of a *Panchayat Samiti*” shall be substituted,
 - (ii) for the words “*Artha O Sanstha*”, in the two places where they occur, the words “*Artha, Sanstha, Unnayan O Parikalpana*” shall be substituted;
 - (c) in sub-section (4), for the words “holding a post carrying a monthly salary of two hundred rupees or more”, the words “of a *Panchayat Samiti*” shall be substituted.
32. In section 124 of the principal Act,— Amendment of section 124.
- (a) in sub-section (1), in clause (i), for the words “*Artha O Sanstha*”, the words “*Artha, Sanstha, Unnayan O Parikalpana*” shall be substituted,
 - (b) in sub-section (2), in clause (c), for the word “three”, the word “five” shall be substituted,
 - (c) in sub-section (5), after the words “shall be held”, the words “in the office of the *Panchayat Samiti*” shall be inserted.
33. In section 125 of the principal Act,— Amendment of section 125.
- (a) in sub-section (1),—
 - (i) in the first proviso, for the words “*Artha O Sanstha*”, the words “*Artha, Sanstha, Unnayan O Parikalpana*” shall be substituted,
 - (ii) in the second proviso, for the word, brackets and figures “clause (iii)”, the words, brackets and figures “clauses (i) and (iii)” shall be substituted,
 - (b) sub-section (2) shall be omitted,
 - (c) in sub-section (3),—
 - (i) in clause (a), for the words “*Artha O Sanstha*”, the words “*Artha, Sanstha, Unnayan O Parikalpana*” shall be substituted,

(Sections 34, 35.)

- (ii) for clause (b), the following clauses shall be substituted:—

“(b) The members referred to in clauses (a) and (b) of sub-section (2) of section 124 of a *Sthayee Samiti*, other than the *Artha*, *Sanstha*, *Unnayan O Parikalpana Sthayee Samiti*, shall select, in such manner as may be determined by the *Karmadhyaksha*, one of the members referred to in clause (c) of that sub-section to act as the Secretary to such *Sthayee Samiti*.

(c) The Secretary to each *Sthayee Samiti* shall, in consultation with the *Karmadhyaksha*, convene the meetings of that *Sthayee Samiti*.”.

Amendment
of section
127.

34. In section 127 of the principal Act, after the words “shall elect another *Karmadhyaksha* or”, the words “the members of the *Panchayat Samiti* shall elect another” shall be inserted.

Insertion of
new Chapter
XIA.

35. In Part III of the principal Act, after Chapter XI, the following Chapter shall be inserted:—

“CHAPTER XIA

Samanway Samiti of office bearers and Karmadhyakshas.

Samanway Samiti. 127A. (1) There shall be a *Samanway Samiti* for every *Panchayat Samiti* consisting of the *Sabhapati*, the *Sahakari Sabhapati* and the *Karmadhyakshas* of all *Sthayee Samitis* and the Executive Officer of the *Panchayat Samiti*.

(2) The Secretary of the *Panchayat Samiti* shall act as the Secretary to the *Samanway Samiti*.

(3) The meeting of the *Samanway Samiti* shall be held at least once in a month in the office of the *Panchayat Samiti* in such manner as may be prescribed.

(4) The *Samanway Samiti* shall be responsible for co-ordinating the functions between a *Sthayee Samiti* and the *Panchayat Samiti* and among the different *Sthayee Samitis* of the *Panchayat Samiti* and for monitoring of activities of the *Gram Panchayats* in respect of the schemes funds for which are allotted by the *Panchayat Samiti* to the *Gram Panchayats* for execution of such schemes.

(5) The *Samanway Samiti* shall exercise such other powers, perform such other functions and discharge such other duties as may be prescribed or as may be assigned to it by the *Panchayat Samiti* at a meeting.”.

(Sections 36-40.)

36. In section 140 of the principal Act, in clause (ii) of sub-section (2), for the words “for the time being in force”, the words “in force on the last date of nominations for *Panchayat* election” shall be substituted. Amendment of section 140.
37. In section 142 of the principal Act,— Amendment of section 142.
- (a) in clause (a), the words “of a *Gram Panchayat*, or a *Nyaya Panchayat*, or a *Panchayat Samiti* other than the *Sabhapati*, or” shall be omitted.
 - (b) in clause (b), the words “, or receives remuneration from,” shall be omitted and shall be deemed always to have been omitted.
38. In section 143 of the principal Act,— Amendment of section 143.
- (a) in the proviso to sub-section (1), for the words, brackets and figures “clauses (iii) and (iv)”, the words, brackets and figures “clauses (i), (iii) and (iv)” shall be substituted;
 - (b) in sub-section (6), after the words “assumes office”, the words “or until the *Subhadhipati* or the *Sahakari Sabhadhipati* resumes his duties, as the case may be” shall be inserted,
 - (c) sub-section (7) shall be omitted.
39. In section 145 of the principal Act,— Amendment of section 145.
- (1) in clause (d) of sub-section (1), the words “provided he is not an *ex-officio* member of the *Zilla Parishad*” shall be omitted,
 - (2) sub-section (4) shall be omitted.
40. In section 150 of the principal Act,— Amendment of section 150.
- (1) in sub-section (1),—
 - (i) for the words beginning with “at least once” and ending with “at the immediately preceding meeting;” the words “in its office at least once in every three months on such date and at such hour as the *Zilla Parishad* may fix at the immediately preceding meeting;” shall be substituted.
 - (ii) in the second proviso,—
 - (a) for the words “shall do so within ten days;”, the words “shall do so fixing the date and hour of the meeting within fifteen days after giving intimation to the prescribed authority and seven days’ notice to the members of the *Zilla Parishad*,” shall be substituted,

(Section 41.)

- (b) for the words “at such place within the local limits of the district concerned”, the words “in the office of the *Zilla Parishad* on such date and at such hour” shall be substituted,
- (c) after the words “may decide.”, the words “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.” shall be inserted;
- (iii) after the second proviso, the following further proviso shall be inserted:—

“Provided also that if the *Zilla Parishad* does not fix at any meeting the date and hour of its next meeting or if any meeting is not held on the date and hour fixed at the immediately preceding meeting, the *Sabhadhipati* shall call a meeting of *Zilla Parishad* on such date and at such hour as he thinks fit.”;
- (2) in sub-section (4), after the proviso, the following further proviso shall be inserted:—

“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 of casting vote.”;
- (3) in sub-section (5),—
 - (a) for the words “The Executive Officer”, the words “The Executive Officer and the Additional Executive Officer” shall be substituted,
 - (b) in the proviso,—
 - (i) after the words “the Executive Officer” the words “and the Additional Executive Officer” shall be inserted,
 - (ii) for the words “he shall”, the words “the Executive Officer shall” shall be substituted.

Amendment
of section
153.

41. In section 153 of the principal Act, to sub-section (3), the following proviso shall be added:—

“Provided that a *Zilla Parishad* may undertake or execute any scheme referred to in sub-clause (ii) of clause (a) of sub-section (1) confined to an area over which a *Panchayat Samiti* has jurisdiction.”.

(Sections 42-44.)

42. To section 155 of the principal Act, the following proviso shall be added:—

Amendment
of section
155.

“Provided that the Government may, after considering the views of the *Zilla Parishad*, withdraw such control and management to itself subject to such conditions as it may specify.”.

43. Section 163 of the principal Act shall be re-numbered as sub-section (1) of that section and—

Amendment
of section
163.

(1) in sub-section (1) as so re-numbered, the words “on matters of policy or planning for development” shall be omitted, and

(2) after sub-section (1), the following sub-section shall be inserted:—

“(2) A *Zilla Parishad* may—

(a) inspect, or cause to be inspected, any immovable property used or occupied by a *Panchayat Samiti* under it or any work in progress under the direction of the *Panchayat Samiti*,

(b) inspect or examine, or depute an officer to inspect or examine, any department of the *Panchayat Samiti*, or any service, work or thing under the control of the *Panchayat Samiti*,

(c) inspect or cause to be inspected utilisation of funds in respect of schemes or programmes assigned to the *Panchayat Samiti* by the State Government for execution either directly or through the *Zilla Parishad*,

(d) require a *Panchayat Samiti*, for the purpose of inspection or examination,—

(i) to produce any book, record, correspondence or other documents, or

(ii) to furnish any return, plan, estimate, statement, accounts or statistics, or

(iii) to furnish or obtain any report or information.”.

44 In section 165 of the principal Act, after clause (b) of sub-section (2), the following clause shall be inserted:—

Amendment
of section
165.

“(c) exercise such other powers, perform such other functions and discharge such other duties as the *Zilla Parishad* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.”.

(Sections 45-48.)

Amendment
of section
166.

45. In section 166 of the principal Act,—

- (a) for sub-section (2), the following sub-section shall be substituted:—

“(2) The State Government may appoint a Secretary for a *Zilla Parishad* on such terms and conditions as may be prescribed.”;

- (b) in sub-section (3), for the words “A *Zilla Parishad*”, the words “Subject to such rules as may be made by the State Government, a *Zilla Parishad*” shall be substituted;

- (c) after sub-section (3), the following sub-section shall be inserted:—

“(4) The State Government shall make rules relating to the method of recruitment and the terms and conditions of service including the pay and allowances, superannuation, provident fund and gratuity of the employees of the *Zilla Parishad*.”.

Amendment
of section
167.

46. In section 167 of the principal Act, after the words “serving under it”, the words “and on such terms and conditions” shall be inserted.

Amendment
of section
168.

47. In section 168 of the principal Act,—

- (a) in sub-section (2), for the words “holding a post carrying a monthly salary of less than rupees three hundred”, the words “of a *Zilla Parishad*” shall be substituted;

- (b) in sub-section (3),—

(i) for the words “holding a post carrying a monthly salary of less than rupees three hundred”, the words “of a *Zilla Parishad*” shall be substituted,

(ii) for the words “*Artha O Sanstha*”, in the two places where they occur, the words “*Artha, Sanstha, Unnayan O Parikalpana*” shall be substituted;

- (c) in sub-section (4), for the words “holding a post carrying a monthly salary of rupees three hundred or more”, the words “of a *Zilla Parishad*” shall be substituted.

Amendment
of section
171.

48. In section 171 of the principal Act,—

- (a) in sub-section (1), in clause (i), for the words “*Artha O Sanstha*”, the words “*Artha, Sanstha, Unnayan O Parikalpana*” shall be substituted,

XXXVII of 1984.]

(Sections 49-51.)

- (b) in sub-section (2), in clause (c), for the word “three”, the word “five” shall be substituted,
- (c) in sub-section (5), after the words “shall be held”, the words “in the office of the *Zilla Parishad*” shall be inserted.

49. In section 172 of the principal Act,—

Amendment
of section
172.

- (a) in sub-section (1),—
 - (i) in the first proviso, for the words, brackets and figures “clauses (iii) and (iv)”, the words, brackets and figures “clauses (i), (iii) and (iv)” shall be substituted,
 - (ii) in the second proviso, for the words “*Artha O Sanstha*”, the words “*Artha, Sanstha, Unnayan O Parikalpana*” shall be substituted.
- (b) sub-section (2) shall be omitted,
- (c) to sub-section (3), the following proviso shall be added:—

“Provided that the members referred to in clauses (a) and (b) of sub-section (2) of section 171 of a *Sthayee Samiti* may select, in such manner as may be determined by the *Karmadhyaksha*, one of the members referred to in clause (c) of that sub-section to act as the Secretary to such *Sthayee Samiti*.”,
- (d) after the proviso to sub-section (3) as so added, the following sub-section shall be inserted:—

“(4) The Secretary to each *Sthayee Samiti* shall, in consultation with the *Karmadhyaksha*, convene the meeting of that *Sthayee Samity*.”.

50. In section 174 of the principal Act, after the words “the members of the *Sthayee Samiti* shall elect another *Karmadhyaksha* or”, the words “the members of the *Zilla Parishad* shall elect another” shall be inserted.

Amendment
of section
174.

51. In Part IV of the principal Act, after Chapter XVI, the following Chapter shall be inserted:—

Insertion of
new Chapter
XVIA.

“CHAPTER XVIA

Samanway Samiti of office bearers and *Karmadhyakshas*.

Samanway Samiti. 174A. (1) There shall be a *Samanway Samiti* for every *Zilla Parishad* consisting of the *Sabhadhipati*, the *Sahakari Sabhadhipati*, *Karmadhyakshas* of all *Sthayee Samitis*, the Executive Officer and the Additional Executive Officer of the *Zilla Parishad*.

(Sections 52, 53.)

(2) The Secretary of the *Zilla Parishad* shall be the Secretary to the *Samanway Samiti*.

(3) The meeting of the *Samanway Samiti* shall be held at least once in a month in the office of the *Zilla Parishad* in such manner as may be prescribed.

(4) The *Samanway Samiti* shall be responsible for co-ordinating the functions between a *Sthayee Samiti* and the *Zilla Parishad* and among the different *Sthayee Samitis* of the *Zilla Parishad* and for monitoring of activities of the *Panchayat Samitis* in respect of the schemes funds for which are allotted by the *Zilla Parishad* to the *Panchayat Samitis* for execution of such schemes.

(5) The *Samanway Samiti* shall exercise such other powers, perform such other functions and discharge such other duties as may be prescribed or as may be assigned to it by the *Zilla Parishad* at a meeting.”.

Amendment
of section
179.

52. In section 179 of the principal Act,—

- (a) in clause (i) of sub-section (2), for the words “and the additional Executive Officer”, the words “, the Additional Executive Officer and the Secretary” shall be substituted,
- (b) in sub-section (5), for the words “by the Secretary”, the words “by the Additional Executive Officer or the Secretary” shall be substituted.

Insertion of
new sections
196A and
196B.

53. After section 196 of the principal Act, the following sections shall be inserted:—

“Internal
audit of
accounts.

196. Notwithstanding anything contained in section 186, the accounts of the funds of a *Gram Panchayat*, a *Panchayat Samiti* or a *Zilla Parishad* shall be organised, examined and audited periodically by an officer appointed in this behalf by the State Government in such manner as the State Government may direct.

Special audit
of accounts.

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

(Sections 54, 55.)

54. After section 197A of the principal Act, the following section shall be inserted:—

Insertion of
new section
197B.

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

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, or a notified area, or a municipal corporation, 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 or a notified area, or a municipal corporation, 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."

55. After section 202 of the principal Act, the following section shall be inserted:—

Insertion of
new section
202A.

"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.

(Sections 56-62.)

Amendment
of section
204.

56. In section 204 of the principal Act, in sub-clause (b) of clause (i) of sub-section (8), for the words “or a *Sahakari Sabhadhipati*”, the words “, a *Sahakari Sabhadhipati* or members and *Karmadhyakshas* of *Sthayee Samitis*” shall be substituted.

Amendment
of section
209.

57. In section 209 of the principal Act, in sub-section (3), after the words “is in excess”, the words “or an abuse” shall be inserted.

Amendment
of section
210.

58. Section 210 of the principal Act shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be inserted:—

“(2) The members appointed under sub-section (1), shall hold office for so long as the term of office of the *Gram Panchayat*, the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, for which they are appointed, continues.”.

Amendment
of section
213.

59. In section 213 of the principal Act, in sub-section (1), for the words, brackets and figures “sub-section (3) of section 12,”, the words, brackets and figures “sub-section (3) of section 9,” shall be substituted.

Amendment
of section
219.

60. In section 219 of the principal Act, in clause (f), for sub-clause (iv), the following sub-clause shall be substituted:—

“(iv) Such *Zilla Parishad* and continuing in office immediately before the coming into office of the *Zilla Parishad* constituted under this Act shall be deemed to be employed by such *Zilla Parishad*:

Provided that the terms and conditions of such persons shall not be less advantageous than those enjoyed by them immediately before the coming into office of such *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be;”.

Omission of
section 222.

61. Section 222 of the principal Act shall be omitted.

Amendment
of section
223.

62. In section 223 of the principal Act,—

(a) in sub-section (1), after the words “make bye-laws”, the words “or amend bye-laws” shall be inserted,

XXXVII of 1984.]

(Section 63.)

- (b) after sub-section (1), the following sub-section shall be inserted:—

“(1A) The bye-laws made or amended under sub-section (1) shall be published by the *Gram Panchayat* or the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, in the manner prescribed.”.

63. In the Third Schedule to the principal Act, the words “being an *ex officio* member or” shall be omitted.

Amendment
of Third
Schedule.