

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act VI of 1985

**THE WEST BENGAL PANCHAYAT
(AMENDMENT) ACT, 1985.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 18th April, 1985.]

[18th April, 1985.]

An Act to amend the West Bengal Panchayat Act, 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-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal *Panchayat* (Amendment) Act, 1985.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 25th day of January, 1985.

2. In section 8 of the West Bengal *Panchayat* Act, 1973 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted and shall be deemed always to have been substituted:—

Amendment
of section 8
of West Ben.
Act XLI of
1973.

“(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”.

(Sections 3, 4.)

Amendment
of section 97.

3. In section 97 of the principal Act, for clause (b), the following clause shall be substituted and shall be deemed always to have been substituted:—

“(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”.

Amendment
of section
142.

4. In section 142 of the principal Act, for clause (b), the following clause shall be substituted and shall be deemed always to have been substituted:—

“(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”.

VI of 1985.]

(Section 5.)

West Ben.
Ord. I of
1985.

5. (1) The West Bengal *Panchayat* (Amendment) Ordinance, 1985 is hereby repealed.

Repeal,
saving and
validation.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the West Bengal *Panchayat* (Amendment) Ordinance, 1985 before the coming into force of the said Ordinance shall be deemed to have been validly done or taken under the principal Act as amended by this Act as if this Act were in force on the day on which such thing was done or deemed to have been done or such action was taken or deemed to have been taken and accordingly—

- (a) the election of a person as a member of a *Gram Panchayat* or a *Panchayat Samiti* or a *Zilla Parishad*, as the case may be, shall, if such person is not disqualified to be such member under clause (b) of section 8 or clause (b) of section 97 or clause (b) of section 142, as the case may be, of the principal Act as amended by this Act, be deemed to have been valid and legal and such election shall be held to have been valid and legal and shall always be valid and legal;
- (b) no election of a person as a member of a *Gram Panchayat* or a *Panchayat Samiti* or a *Zilla Parishad*, as the case may be, shall, if such person is not disqualified to be a candidate for such election under clause (b) of section 8 or clause (b) of section 97 or clause (b) of section 142, as the case may be, of the principal Act, as amended by this Act, be held to be invalid or illegal; and
- (c) no court shall, after the coming into force of this Act, enforce any decree or order whereby the election of any person as a member of a *Gram Panchayat* or a *Panchayat Samiti* or a *Zilla Parishad*, as the case may be, has been set aside or declared invalid by reason of any disqualification under clause (b) of section 8 or clause (b) of section 97 or clause (b) of section 142, as the case may be, of the principal Act prior to the coming into force of this Act, provided the said decree or order has not been made final, or any appeal or application for leave to appeal against such decree or order has been filed or is pending for decision, or the period of limitation for filing such appeal or application has not expired before the date of coming into force of this Act.

(3) The provisions of sub-section (2) shall have effect notwithstanding any judgement, decree or order of any court or any other law for the time being in force.