

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT

Legislative

West Bengal Act XVII of 1992

**THE WEST BENGAL PANCHAYAT
(AMENDMENT) ACT, 1992.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 10th September, 1992.]

[10th September, 1992.]

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 Forty-third 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*, 1992.

Short title
and com-
mencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In section 2 of the West Bengal *Panchayat Act*, 1973 (hereinafter referred to as the principal Act),—

Amendment
of section 2
of West Ben.
Act XLI of
1973.

(1) after clause (9), the following clause shall be inserted:—

'(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;'

(2) after clause (16), the following clause shall be inserted:—

'(16a) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;'

(Section 3.)

Amendment
of section 4.

3. In section 4 of the principal Act,—

(1) in sub-section (2),—

- (a) the words ", and the members so elected shall be the members of the *Gram Panchayat*" shall be omitted;
- (b) the following provisos shall be inserted at the end:—

"Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a *Gram Panchayat*, and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that *Gram Panchayat* to be filled up by election as the population of the Scheduled Castes in that *Gram* or of the Scheduled Tribes in that *Gram*, as the case may be, bears to the total population of that *Gram* and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that *Gram*, as the case may be, bears with the total population in that *Gram*:

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

Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a *Gram Panchayat* shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed:

Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section or elsewhere in this Act, when the number of members to be elected to a *Gram Panchayat* is determined by the prescribed authority or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a *Gram Panchayat* in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:

XVII of 1992.]

(Sections 4, 5.)

Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to a *Gram Panchayat*, be disqualified for election to any seat not so reserved.";

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

“(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*.”.

4. After section 7 of the principal Act, the following section shall be inserted:—

"General election to *Gram Panchayats*. 7A. (1) There shall be held a general election for the constitution of a *Gram Panchayat* in accordance with the provisions of section 4 before the expiry of the term of office of the members thereof under section 7.

Insertion of new section 7A.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that circumstances exist under which it is not possible to hold election in the area or any part of the area of a *Gram Panchayat*, it may, on the expiry of the term of office of the members of the *Gram Panchayat* under sub-section (1) of section 7, by an order published in the *Official Gazette*, extend such term of office for such period, not exceeding six months at a time, as may be specified in the order:

Provided that prior to the issue of any notification for such extension of the term of office beyond six months from the date of expiry of the term under sub-section (1) of section 7, such notification shall be laid before the State Legislature and shall be subject to such modification as the State Legislature may make.”.

5. In section 9 of the principal Act, to sub-section (1), the following proviso shall be added:—

Amendment of section 9.

“Provided that the members referred to in clause (ii) of sub-section (2A) of section 4 shall not be eligible for such election.”.

(Sections 6, 7.)

Amendment
of section 16.

6. In the second proviso to sub-section (1) of section 16 of the principal Act, after the words "members aforesaid may call a meeting", the words "within thirty-five days" shall be inserted.

Substitution
of new
section for
section 16A.

7. For section 16A of the principal Act, the following section shall be substituted:—

"Public meeting of the Gram Panchayat. 16A. (1) Every constituency of a *Gram Panchayat* under clause (a) of sub-section (3) of section 4 shall have a *Gram Sabha* consisting of persons whose names are included in the electoral roll of the West Bengal Legislative Assembly for the time being in force pertaining to the area comprised in such constituency of the *Gram Panchayat*.

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

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

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

(4) Every meeting of the *Gram Sabha* shall be presided over by the *Pradhan* and, in his absence, by the *Upa-Pradhan* and in the absence of both, the member or one of the members, as the case may be, elected from the constituency comprising the *Gram Sabha* or, in the absence of such member or members, any other member of the *Gram Panchayat* shall preside over the meeting:

Provided that when two members are elected from the constituency, the member senior in age shall have priority in presiding over the meeting.

(5) The attendance of the members of the *Gram Sabha* in the annual and the half-yearly meeting and the proceedings of such meetings shall be recorded by such officer or employee of the *Gram Panchayat* or, in the absence of the officers and employees of the *Gram Panchayat*, by such member of the *Gram Panchayat* as may be authorised by the presiding member in this behalf. Such proceedings shall be read out before the meeting is concluded and the presiding member shall then sign it."

XVII of 1992.]

(Sections 8, 9.)

8. In section 17A of the principal Act,—

Amendment
of section
17A.

(1) in sub-section (1),—

(i) for the words “general information”, the words “deliberation, recommendation and suggestion” shall be substituted;

(ii) in clause (a),—

(a) for the words “public meeting”, the words “meeting of the *Gram Sabha*” shall be substituted;

(b) in sub-clause (ii), after the word and figures “section 18”, the words “and such report shall be deemed to be modified to the extent of the recommendations and suggestions, if any, of the *Gram Sabhas* of the *Gram*” shall be added;

(iii) in clause (b), for the words “public meeting”, the words “meeting of the *Gram Sabha*” shall be substituted;

(2) in sub-section (2), for the words “public meeting”, the words “meeting of the *Gram Sabha*” shall be substituted;

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

“(3) Every resolution adopted in a meeting of a *Gram Sabha* shall be duly considered by the *Gram Panchayat* in its meeting and the decisions and actions taken by the *Gram Panchayat* shall form part of the report under section 18 for the following year.

(4) Any omission to act under clause (a) or clause (b) of sub-section (1) or under sub-section (3), shall be deemed to be an act of impropriety and irregularity within the scope and meaning of clause (b) of sub-section (2) of section 190.”.

9. In sub-section (1) of section 20 of the principal Act,—

Amendment
of section 20.

(a) in clause (a), for the words “or vocational education;”, the words “, vocational, adult or non-formal education;” shall be substituted;

(b) in clause (d), after the word “irrigation”, the words “including minor irrigation, water management and watershed development” shall be inserted;

(c) for clause (e), the following clause shall be substituted:—

“(e) agriculture including agricultural extension and fuel and fodder;”;

(Sections 10, 11.)

- (d) in clause (j), after the word "cultivation", the words "through land improvement and soil conservation" shall be inserted;
- (e) in clause (k), after the word "plantations", the words ", social forestry and farm forestry" shall be inserted;
- (f) after clause (p), the following clauses shall be inserted:—
 - "(q) minor forest produce;
 - (r) rural housing programme;
 - (s) rural electrification including distribution of electricity;
 - (t) non-conventional energy sources;
 - (u) women and child development."

Amendment
of section 21.

10. In section 21 of the principal Act,—

- (a) in clause (i), after the word "cottage", the words ", *khadi*, village and small-scale including food processing" shall be inserted;
- (b) after clause (i), the following clauses shall be inserted:—
 - "(i1) promotion of dairying and poultry;
 - (i2) promotion of fishery;
 - (i3) poverty alleviation programme;"
- (c) after clause (p), the following clauses shall be inserted:—
 - "(p1) cultural activities including sports and games;
 - (p2) social welfare including welfare of the handicapped and mentally retarded;
 - (p3) welfare of socially and educationally backward classes of citizens and, in particular, of the Scheduled Castes and the Scheduled Tribes;
 - (p4) public distribution system;
 - (p5) maintenance of community assets;"

Insertion of
new section
32A.

11. After section 32 of the principal Act, the following section shall be inserted:—

32A. A *Gram Panchayat* may, by a resolution carried by the majority of the existing members at a meeting specially convened for the purpose, delegate to one or more of its members, severally or jointly, such powers or duties of the *Gram Panchayat* as it may think fit and may, at any time by a resolution, withdraw or modify the same:

Provided that no financial power shall be delegated to any such member:

Provided further that such delegation of powers or duties shall not prejudice the powers, functions and duties of the *Pradhan* or the *Upa-Pradhan* under section 34."

XVII of 1992.]

(Sections 12-15.)

12. In section 46 of the principal Act,—
(1) in sub-section (1), clause (b) shall be omitted;
(2) sub-section (4) shall be omitted;
(3) in the *Explanation*, clause (c) shall be omitted. Amendment
of section 46.
13. In section 47 of the principal Act, in sub-section (1),—
(1) for the words “fees and rates,” the words “fees, rates and tolls,” shall be substituted;
(2) after clause (vi), the following clauses shall be inserted:—
 “(vii) fees on licence for running trade, wholesale or retail, within the jurisdiction of the *Gram Panchayat* unless such licence or such trade is prohibited under any law for the time being in force;
 (viii) tolls on persons, vehicles or animals or any class of them at any toll-bar which is established by the *Gram Panchayat* on any road or bridge vested in, or under the management of, the *Gram Panchayat*;
 (ix) tolls in respect of any ferry established by, or under the management of, the *Gram Panchayat*.” Amendment
of section 47.
14. After section 47 of the principal Act, the following section shall be inserted:—
 “Power to borrow money. 47A. A *Gram Panchayat* may borrow money from the State Government or, with the previous sanction of the State Government, from banks or other financial institutions for furtherance of its objective on the basis of such specific schemes as may be drawn up by the *Gram Panchayat* for the purpose.” Insertion of
new section
47A.
15. In section 94 of the principal Act, in sub-section (2),—
(a) in clause (ii),—
 (i) for the words “from amongst themselves by persons whose names are included in the electoral roll of the West Bengal Legislative Assembly in force on the last date of nomination for *Panchayat* election pertaining to the constituency comprised in such *Gram*,” 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 the area comprised in the Block, by persons whose names are included in such electoral roll pertaining to the constituency comprised in such *Gram*,” shall be substituted; Amendment
of section 94.

(Section 15.)

(ii) the following provisos shall be inserted at the end:—

“Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a *Panchayat Samiti* and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that *Panchayat Samiti* to be filled up by election as the population of the Scheduled Castes in that *Panchayat Samiti* area or of the Scheduled Tribes in that *Panchayat Samiti* area, as the case may be, 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 population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that *Panchayat Samiti* area, as the case may be, bears with the total population in that *Panchayat Samiti* area:

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

Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a *Panchayat Samiti* shall be reserved for women, and the constituencies for the seats so reserved for women, shall be determined by rotation, in such manner as may be prescribed:

Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section or elsewhere in this Act, when the number of members to be elected to a *Panchayat Samiti* is determined, or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a *Panchayat Samiti*, in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:

XVII of 1992.]

(Sections 16, 17.)

Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to a *Panchayat Samiti*, be disqualified for election to any seat not so reserved.”;

(b) in clause (iii),—

- (i) in sub-clause (a), for the words “Ministers; and”, the word “Ministers;” shall be substituted;
- (ii) in sub-clause (b), for the word “Block.”, the words “Block; and” shall be substituted;
- (iii) after sub-clause (b), the following sub-clause shall be inserted:—

“(c) members of the *Zilla Parishad*, not being *Sabhadhipati* or *Sahakari Sabhadhipati*, elected thereto from the constituency comprising any part of the Block.”.

16. After section 96 of the principal Act, the following section shall be inserted:—

“General election to
Panchayat Samitis.”

96A. (1) There shall be held a general election for the constitution of a *Panchayat Samiti* in accordance with the provisions of section 94 before the expiry of the term of office of the members thereof under section 96.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that circumstances exist under which it is not possible to hold election in the area or in any part of the area of a *Panchayat Samiti*, it may, on the expiry of the term of office of the members of the *Panchayat Samiti* under sub-section (1) of section 96, by an order published in the *Official Gazette*, extend such term of office for such period, not exceeding six months at a time, as may be specified in the order:

Provided that prior to the issue of any notification for such extension of the term of office beyond six months from the date of expiry of the term under sub-section (1) of section 96, such notification shall be laid before the State Legislature and shall be subject to such modification as the State Legislature may make.”.

Insertion of
new section
96A.

17. In section 98 of the principal Act,—

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

“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

Amendment
of section 98.

(Sections 18, 19.)

that on being elected, he shall be a wholetime functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his powers, due performance of his functions or due discharge of his duties.”.

(2) in sub-section (8), for the word “honoraria”, the word “remuneration” shall be substituted.

(3) after sub-section (8), the following sub-section shall be added:—

“(9) Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a *Sabhapati* or a *Sahakari Sabhapati* from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to interfere with due exercise of his powers, performance of his functions or discharge of his duties:

Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.”.

Amendment
of section
105.

18. In sub-section (1) of section 105 of the principal Act, in the second proviso, for the words “the members aforesaid call a meeting”, the words “the members aforesaid may call a meeting within thirty-five days” shall be substituted.

Insertion of
new section
114A.

19. After section 114 of the principal Act, the following section shall be inserted:—

114A. (1) Without prejudice to the generality of the power under section 114, the State Government may, notwithstanding anything contained in sections 23 and 24, in the public interest, publish in the *Official Gazette* a Development Plan in respect of an area within the jurisdiction of a *Panchayat Samiti* in accordance with such procedure as may be prescribed or in accordance with the provisions of any other law for the time being in force and, upon such publication of a Development Plan, no new structure or new building shall be erected or constructed or no addition to any structure or building shall be made in such area except with the permission granted by the *Panchayat Samiti* in accordance with the specifications and conditions specified in such Development Plan or any Detailed Development Plan issued thereunder and published in the *Official Gazette*.

XVII of 1992.]

(Section 19.)

West Ben.
Act XIII
of 1979.

Explanation.—The expression “Development Plan” has the same meaning as in the West Bengal Town and Country (Planning and Development) Act, 1979.

(2) Upon the publication of a Development Plan under sub-section (1), the provisions of section 23 shall cease to be in force in the area referred to in sub-section (1).

(3) The State Government may, by order, direct the *Panchayat Samiti* to make such contribution and grant to one or more *Gram Panchayats* out of the tolls, rates and fees levied by it under section 133 as may be specified in the order.

(4) The State Government may, by order, authorise any officer to render advice, technical or otherwise, to the *Panchayat Samiti* on the performance of its functions and discharge of its duties under this section and, on receipt of such advice, the *Panchayat Samiti* shall give due consideration to such advice in a meeting specially convened for the purpose within a period of two months from the date of receipt of such advice.

(5) Where any new structure or new building is erected or constructed or any addition to any structure or building is made in contravention of the provisions of sub-section (1), the *Panchayat Samiti* may, after giving the owner of such structure or building, as the case may be, an opportunity of being heard, make an order directing the demolition of the structure or the building, as the case may be, by the owner within such period as may be specified in the order and, in default, the *Panchayat Samiti* may itself effect the demolition and recover the cost thereof from the owner as a public demand.

(6) Without prejudice to the provisions of sub-section (5), whoever erects any new structure or constructs any new building or makes any addition to any structure or building in contravention of the provisions of sub-section (1), shall, on conviction by a Court, be punishable with fine not exceeding, in each case, one hundred rupees per square metre per month for the area comprising the unauthorised erection or construction or addition, as the case may be, for the period during which such contravention continues, subject to a maximum of two thousand rupees in each such case.

(7) Where the *Panchayat Samiti*, in exercise of its functions and powers with respect to any area under it, is required to have regard to the provisions of Development Plan before such Development Plan has become operative, the concerned *Panchayat Samiti* shall have regard to the provisions which, in its opinion, will be required to be included for securing the proper planning of the concerned area.

(Section 19.)

(8) If it appears to the *Panchayat Samiti* that it is expedient in the interest of the proper planning of its areas (including the interest or amenities), having regard to the Development Plan prepared, or under preparation, or to be prepared, and to any other material consideration,—

- (a) that any use of land should be discontinued, or
- (b) that any conditions should be imposed on the continuance thereto, or
- (c) that any building or works should be altered or removed, the *Panchayat Samiti* may by notice served on the owner—
 - (i) require discontinuance of that use, or
 - (ii) impose such conditions as may be specified in the notice on the continuance thereof, or
 - (iii) require such steps, as may be specified in the notice, to be taken for the alteration or removal of any buildings or works, as the case may be, within such period, being not less than one month, as may be specified therein, after the service of the notice.

(9) Any person aggrieved by any such notice may, within the period specified in the notice, apply to the authority for the cancellation or modification of the notice.

(10) If an application is filed under sub-section (9), the authority or any officer of the authority, appointed in this behalf, may dismiss the application or accept it by quashing or varying the notice as he may think fit.

(11) If any person—

- (a) who has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or
- (b) who has carried out any work in compliance of the notice, claims from the *Panchayat Samiti* within the time and in the manner prescribed, for an amount in respect of that damage or of any expenses reasonably incurred by him for complying with the notice, the claim shall be disposed of by the *Panchayat Samiti* in the manner as prescribed.

(12) After publication of Development Plan under sub-section (1) and subject to the provisions relating to the development charge and other provisions under this section, no development, institution or change of use of any land shall be undertaken or carried out in that area without obtaining a certificate from the *Panchayat Samiti* or its authorised officer certifying that the development charge as leviable under this section has been paid or that no such development charge is leviable:

XVII of 1992.]

(Section 19.)

Provided that the State Government may, by notification, exempt any development, institution or change of use of any land from the operation of the provisions of this sub-section.

(13) Any person or body (excluding a department of the Central or the State Government or any local authority) intending to carry any development on any land shall make an application in writing to the Panchayat Samiti or an officer authorised by it for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed.

(14) On such application having been duly made and on payment of the development charge as may be assessed, the *Panchayat Samiti* or the authorised officer may pass an order,—

- (i) granting permission unconditionally; or
- (ii) granting permission, subject to such conditions as it may think fit; or
- (iii) refusing permission:

Provided that without prejudice to generality of clauses (i) to (iii) of this sub-section, the concerned authority may impose conditions—

- (i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land permitted shall be discontinued;
- (ii) for regulating the development or use of any other land under the control of the applicant or for the carrying out of works on any such land as may appear to the authority expedient for the purpose of the permitted development:

Provided further that the concerned authority in dealing with the applications for permission shall have regard to the provisions of the Development Plan prepared, under preparation or to be prepared and any other material consideration:

Provided also that when permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order and the order shall be communicated to the applicant:

Provided also that in the case of a department of the Central or the State Government or any local authority intending to carry out any development, other than operational construction (which shall always be outside the purview of the *Panchayat Samiti*), on any land, the concerned department or authority, as the case may be, shall notify in writing to the *Panchayat Samiti* of its intention to do so, giving full particulars thereof and accompanied by such documents and plans as may be directed by the State Government from time to time, at least, one month prior to the undertaking of such development.

(Section 19.)

(15) In accordance with the provisions of this section and the rules made thereunder and subject to such conditions as may be laid down in the notification under sub-section (1), a *Panchayat Samiti* shall levy a charge (hereinafter called the development charge) on the carrying out of any development or change of use of land, for which permission is required under this section, in the whole or any part of the area covered by the notification under sub-section (1) at a rate not exceeding those specified in the rules in this behalf by the State Government:

Provided that the rates may be different for different parts of the area under notification under sub-section (1):

Provided further that the charge shall be leviable on any person who undertakes or carries out such development or changes any such use:

Provided also that no development charge shall be levied on development, or change of use, of any land vested in or under the control or possession of the Central Government, the State Government or any local authority:

Provided also that the State Government may, by rules, provide for the exemption from the levy of development charge of any development or change of any use of any land specified in the rules.

(16) Where the erection of any building or the execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the permission under sub-section (1) or in contravention of any other provision of this section or the rules made thereunder, the *Panchayat Samiti*, or any officer authorised in this behalf by the *Panchayat Samity*, may, in addition to any other action that may be taken under this section, make an order directing that such erection or work shall be demolished by the person at whose instance the erection or the work has been commenced or is being carried on or has been completed within such period, not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to such person, as may be specified in the order:

Provided that no order of demolition shall be made unless such person has been given, by means of a notice served in such manner as may be prescribed, a reasonable opportunity of showing cause why such order shall not be made:

Provided further that where the erection or the execution has not been completed, the *Panchayat Samiti* or the authorised officer may by the same order or by a separate order, whether made at the time of issue of the notice under the first proviso or at any other time, direct such person to stop the erection or the execution until the expiry of the period within which an appeal against the order of demolition, if made, may be preferred:

XVII of 1992.]

(Section 19.)

Provided also that any person aggrieved by such order of the Panchayat Samiti or its authorised officer may, within thirty days from the date of the order, prefer an appeal against the order to the Sub-divisional Officer having jurisdiction and when an appeal is preferred, the said Sub-divisional Officer may stay the enforcement of the order on such term as he may think fit:

Provided also that every order by the Sub-divisional Officer on an appeal and, subject to such order, the order made by the *Panchayat Samiti* or its authorised officer shall be final and conclusive:

Provided also that where no appeal has been preferred against an order made by the *Panchayat Samiti* or its authorised officer or where an order has been confirmed on appeal, whether with or without modification, the person against whom the order has been made shall comply with the order within the period specified therein or, as the case may be, within the period, if any, fixed by the Sub-divisional Officer on appeal, and on the failure of such person to comply with the order within such period, the *Panchayat Samiti* or its authorised officer may itself or himself cause the building or the work to which the order relates to be demolished and the expenses for such demolition shall be recoverable from such person as a public demand.

(17) The *Panchayat Samiti* or its authorised officer may, at any time before the issue of the order under sub-section (16), by order, require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(18) The *Panchayat Samiti* or its authorised officer may, at any time during the erection of any building or the execution of any work or at any time within three months after the completion thereof, by a written notice, specify any matter in respect of which such erection or execution is without or contrary to this section or is in contravention of any of the provisions of this section of the rules made thereunder and require the person at whose instance the building or the work has been commenced or is being carried on or the owner of such building or work either—

- (a) to make such alterations as may be specified by the *Panchayat Samiti* or its authorised officer in the notice with the object of bringing the building or the work in conformity with such sanction or such provisions of this section or the rules made thereunder, or
- (b) to show cause, within such period as may be stated in the notice, why such alterations should not be made:

Provided that if such person or such owner does not show any cause as aforesaid, he shall be bound to make the alteration specified in the notice:

(Sections 20, 21.)

Provided further that if such person or such owner shows the cause as aforesaid, the *Panchayat Samiti* or its authorised officer shall, by an order, either cancel the notice issued or confirm the same subject to such modifications as he thinks fit.’

Amendment
of section
124.

20. In section 124 of the principal Act,—

(a) in sub-section (1),—

- (1) in clause (ii), after the word “*Janasasthya*”, the words “*O Paribesh*” shall be inserted;
- (2) in clause (iii), after the word “*Karya*”, the words “*O Paribahan*” shall be inserted;
- (3) in clause (v), for the word “*Shiksha*”, the words “*Shiksha, Sanskriti, Tathya O Krira*” shall be substituted;
- (4) after clause (vi), the following clauses shall be inserted:—

“(via) *Bon O Bhumi Sanskar Sthayee Samiti*,
 (vib) *Matsya O Prani Sampad Bikash Sthayee Samiti*,
 (vic) *Khadya O Sarbaraha Sthayee Samiti*,
 (vid) *Bidyut O Achiracharit Shakti Sthayee Samiti*,”;

(b) in sub-section (2),—

- (1) in clause (a), after the word “*Sabhapati*”, the words “and *Sahakari Sabhapati*” shall be inserted;
- (2) for clause (c), the following clause shall be substituted:—

“(c) such number of persons being officers of the State Government or of any statutory body or corporation or being eminent persons having specialised knowledge as the State Government may think fit, appointed by the State Government.”.

Amendment
of section
125.

21. In section 125 of the principal Act, after sub-section (3), the following sub-section shall be inserted:—

“(4) Notwithstanding anything contained in section 118 or elsewhere in this Act, the *Karmadhyaksha* shall—

- (a) be responsible for the financial and executive administration in respect of the schemes and programmes under the purview and control of the *Sthayee Samiti*;

XVII of 1992.]

(Section 22.)

- (b) be entitled, in respect of the work of the *Sthayee Samiti*, to call for any information, return, statement, account or report from the office of the *Panchayat Samiti* and to enter on and inspect any immovable property of the *Panchayat Samiti* or to inspect any work in progress and connected with the functions and duties of the *Sthayee Samiti*;
- (c) be entitled, when authorised by the *Sthayee Samiti*, to require the attendance at its meeting of any officer of the *Panchayat Samiti*;
- (d) exercise such other powers, perform such other functions and discharge such other duties, as the *Panchayat Samiti* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.”.

22. In section 140 of the principal Act, in sub-section (2),—

- (a) in clause (ii), 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;”, 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;” shall be substituted.
- (b) after clause (ii), the following provisos shall be inserted:—

“Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a *Zilla Parishad* and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that *Zilla Parishad* to be filled up by election as the population of the Scheduled Castes in that *Zilla Parishad* area, or of the Scheduled Tribes in that *Zilla Parishad* area, as the case may be, bears to the total population of that *Zilla Parishad* area and such seats shall be subject to allocation by rotation, in the manner prescribed, to such defferent constituencies

Amendment
of section
140.

(Section 23.)

having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that *Zilla Parishad* area, as the case may be, bears with the total population in that *Zilla Parishad* area:

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

Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a *Zilla Parishad* shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed:

Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section or elsewhere in this Act, when the number of members to be elected to a *Zilla Parishad* is determined, or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a *Zilla Parishad*, in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to a *Zilla Parishad*, be disqualified for election to any seat not so reserved.”

Insertion of
new section
141A.

23. After section 141 of the principal Act, the following section shall be inserted:—

“General election to *Zilla Parishads*. 141A. (1) There shall be held a general election for the constitution of a *Zilla Parishad* or *Mahakuma Parishad*, as the case may be, in accordance with the provisions of section 140 before the expiry of the term of office of the members thereof under section 141.

(2) Notwithstanding anything contained in sub-section (1), if the State Government is of opinion that circumstances exist under which it is not possible to hold election in the area or in any part of the area of a *Zilla Parishad* or *Mahakuma Parishad*, it may on the expiry of the term of

XVII of 1992.]

(Section 24.)

office of the members of the *Zilla Parishad* or *Mahakuma Parishad*, as the case may be, under sub-section (1) of section 141, by an order published in the *Official Gazette*, extend such term of office for such period, not exceeding six months at a time, as may be specified in the order:

Provided that prior to the issue of any notification for such extension of the term of office beyond six months from the date of expiry of the term under sub-section (1) of section 141, such notification shall be laid before the State Legislature and shall be subject to such modification as the State Legislature may make.”.

24. In section 143 of the principal Act,—

Amendment
of section
143.

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

“Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall be a wholetime functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his powers, due performance of his functions or due discharge of his duties.”.

(2) in sub-section (8), for the word “honoraria”, the word “remuneration” shall be substituted.

(3) after sub-section (8), the following sub-section shall be added:—

“(9) Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a *Sabhadhipati* or a *Sahakari Sabhadhipati* from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers, performance of his functions or discharge of his duties:

Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.”.

(Sections 25, 26.)

Amendment
of section
150.

25. In sub-section (1) of section 150 of the principal Act, in the second proviso, after the words “the members aforesaid may call a meeting”, the words “within thirty-five days” shall be inserted.

Amendment
of section
163.

26. In section 163 of the principal Act, after sub-section (2), the following sub-section shall be inserted:—

“(3) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, a *Zilla Parishad* may—

- (a) required a *Panchayat Samiti* or *Gram Panchayat* to take into consideration any objection which appears to it to exist to the doing of anything which is about to be done or is being done by such *Panchayat Samiti* or *Gram Panchayat* or any information which appears to it to necessitate the doing of anything by such *Panchayat Samiti* or *Gram Panchayat* within such period as it may fix;
- (b) direct a *Panchayat Samiti* or *Gram Panchayat* to discharge any duty under this Act within a specified period if such *Panchayat Samiti* or *Gram Panchayat* fails to discharge such duty in accordance with the provisions of this Act and, if such duty is not discharged within the period as aforesaid, appoint any person or persons or authority to discharge such duty and direct that the expenses thereof shall be paid by the *Panchayat Samiti* or the *Gram Panchayat* concerned within such period as it may fix;

Provided that such person or persons or authority shall, for the purpose of discharging the duty as aforesaid, exercise such of the powers under this Act as might have been exercised by the *Panchayat Samiti* or the *Gram Panchayat* concerned while discharging such duty;

- (c) direct a *Panchayat Samiti* or *Gram Panchayat* to levy any tax, toll, fee or rate, if it fails to do so in accordance with the provisions of this Act;
- (d) call for meetings of a *Panchayat Samiti* or any of its *Sthayee Samitis* or a *Gram Panchayat* if no meeting of such *Panchayat Samiti* or *Sthayee Samiti* or *Gram Panchayat* is held in accordance with the provisions of this Act or the rules made thereunder.

(4) When a *Zilla Parishad* takes any action or issues any direction in respect of any *Gram Panchayat*, such action may be taken and such direction may be issued through and with the assistance of the *Panchayat Samiti* having jurisdiction.

XVII of 1992.]

(Sections 27, 28.)

(5) A Panchayat Samiti or Gram Panchayat, as the case may be, may appeal to the State Government against any direction under clause (b) of sub-section (3) within thirty days from the date of such direction, and the decision of the State Government on such appeal shall be final.”.

27. In section 171 of the principal Act,—

Amendment
of section
171.

(a) in sub-section (1),—

- (1) in clause (ii), for the word “Janasasthya”, the words “Janasasthya O Paribesh” shall be substituted;
- (2) in clause (iii), after the word “Karya”, the words “O Paribahan” shall be inserted;
- (3) in clause (v), for the word “Shiksha”, the words “Shiksha, Sanskriti, Tathya O Krira” shall be substituted;
- (4) after clause (vi), the following clauses shall be inserted:—
 - “(via) Bon O Bhumi Sanskar Sthayee Samiti;
 - (vib) Matsya O Prani Sampad Bikash Sthayee Samiti;
 - (vic) Khadya O Sarbaraha Sthayee Samiti;
 - (vid) Bidyut O Achiracharit Shakti Sthayee Samiti;”;

(b) in sub-section (2),—

- (1) in clause (a), after the word “Sabhadhipati”, the words “and Sahakari Sabhadhipati” shall be inserted;
- (2) for clause (c), the following clause shall be substituted:—

“(c) such number of persons being officers of the State Government or of any statutory body or corporation or being eminent persons having specialised knowledge as the State Government may think fit, appointed by the State Government:”.

28. In section 172 of the principal Act,—

Amendment
of section
172.

(a) in sub-section (1), after the second proviso, the following proviso shall be inserted:—

“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 wholtime functionary of his office and that during the period for which

(Section 28.)

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.”.

- (b) after sub-section (4), the following sub-sections shall be inserted:—

“(5) Notwithstanding anything contained in section 165 or elsewhere in this Act, the *Karmadhyaksha* shall—

- (a) be responsible for the financial and executive administration in respect of the schemes and programmes under the purview and control of the *Sthayee Samiti*;
 - (b) be entitled, in respect of the work of the *Sthayee Samiti*, to call for any information, return, statement, account or report from the office of the *Zilla Parishad* and to enter on and inspect any immovable property of the *Zilla Parishad* or to inspect any work in progress and connected with the functions and duties of the *Sthayee Samiti*;
 - (c) be entitled, when authorised by the *Sthayee Samiti*, to require the attendance at its meeting of any officer of the *Zilla Parishad*;
 - (d) exercise such other powers, perform such other functions and discharge such other duties, as the *Zilla Parishad* may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.
- (6) The *Karmadhyaksha* shall be paid out of the *Zilla Parishad* fund such remuneration and allowances, and shall be entitled to leave of absence for such period or periods and on such terms and conditions, as the State Government may by order direct or may by rules made in this behalf, prescribe.
- (7) Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a *Karmadhyaksha* from his office if, in its opinion, he holds any office of profit or carries on or is associated with any business, profession or

XVII of 1992.]

(Section 29.)

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:

Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making representation against the proposed order.”.

29. In section 185B of the principal Act, in sub-section (3),—

Amendment
of section
185B.

- (a) in clause (ii), 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;”, 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 area of the *Mahakuma Parishad*, by persons whose names are included in such electoral roll pertaining to the constituency comprised in such Block;” shall be substituted;

- (b) after clause (ii), the following provisos shall be inserted:—

“Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a *Mahakuma Parishad* area and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that *Mahakuma Parishad* to be filled up by election as the population of the Scheduled Castes in that *Mahakuma Parishad* area or of the Scheduled Tribes in that *Mahakuma Parishad* area, as the case may be, bears to the total population of that *Mahakuma Parishad* area and such seats shall be subjected to allocation by rotation, in the manner prescribed to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that *Mahakuma Parishad* area, as the case may be, bears with the total population in that *Mahakuma Parishad* area:

(Section 30.)

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

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

Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section or elsewhere in this Act, when the number of members to be elected to the *Mahakuma Parishad* is determined, or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in the *Mahakuma Parishad*, in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to the *Mahakuma Parishad*, be disqualified for election to any seat not so reserved.”.

Amendment
of section
188.

30. Section 188 of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be inserted:—

“(2) If any person neglects or refuses to comply with the requisition made by the auditor under sub-section (1), the auditor may, at any time, refer the matter to the Sub-divisional Officer in the case of a *Gram Panchayat*, or the District Magistrate in the case of a *Panchayat Samiti*, or the Divisional Commissioner in the case of a *Zilla Parishad*, having jurisdiction, and thereupon the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, shall be competent to issue such direction to the person neglecting or refusing to comply with the requisition made by the auditor as he may think fit, and such direction shall be binding on such person.”.

XVII of 1992.]

(Section 31.)

31. In section 191 of the principal Act,—

Amendment
of section
191.

- (a) in sub-section (2), for the words “refer the matter to the State Government within such time and in such manner as the State Government may prescribe.”, the words “refer the matter to the Sub-divisional Officer in the case of a *Gram Panchayat*, or the District Magistrate in the case of a *Panchayat Samiti*, or the Divisional Commissioner in the case of a *Zilla Parishad*, having jurisdiction, and thereupon the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, shall issue such direction to the *Gram Panchayat*, *Panchayat Samiti* or *Zilla Parishad*, as the case may be, as he may think fit.” shall be substituted;

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

“(2A) If within thirty days from the date of issue of any direction under sub-section (1), no information is received from the *Gram Panchayat* or the *Panchayat Samiti* or the *Zilla Parishad*, as the case may be, or if the reasons or explanations given by it for not removing the defect or irregularity pointed out in the report referred to in section 190 are not considered sufficient, the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, shall—

- (i) specially convene a meeting of the *Gram Panchayat*, the *Panchayat Samity* or the *Zilla Parishad*, as the case may be, by giving seven days’ notice to the members for discussion of the report as aforesaid, and may appoint an observer for such meeting who shall submit a report on the proceedings of the meeting in writing, duly signed by him, within a week of such meeting;

- (ii) refer the matter to the State Government with his recommendation for appropriate action under section 192A, section 196B, section 213 or section 214, as the case may be:

Provided that the Sub-divisional Officer or the District Magistrate or the Divisional Commissioner, as the case may be, may make recommendations under all or any of the sections 192A, 196B, 213 and 214.”.

(Sections 32, 33.)

Insertion of
new section
192A.

32. After section 192 of the principal Act, the following section shall be inserted:—

"Person making or authorising illegal payment to be removed. 192A. If any item of account contrary to law is surcharged on any person making or authorising the making of any illegal payment or if any person is charged against for being responsible for the amount of any loss incurred by the negligence or misconduct of that person, he shall, without prejudice to any other provisions of this Act, be liable to be removed under section 213; and upon such removal, such person may be disqualified by the State Government by an order in writing for being elected a member of a *Gram Panchayat* or *Panchayat Samiti* or *Zilla Parishad* for such term as may be specified in the order:

Provided that the State Government shall, before making any order under this sub-section, give to the person concerned an opportunity of being heard:

Provided further that any order under this sub-section shall be published in the *Official Gazette*."

Insertion of
new section
206A.

33. After section 206 of the principal Act, the following section shall be inserted:—

"Finance Commission. 206A. (1) The State Government may, from time to time, by notification constitute a Finance Commission comprising not more than five members, including a Chairman, selected from amongst the jurists, economists, administrators, and social and political workers of eminence.

(2) The Finance Commission shall review the financial position of the *Gram Panchayats*, *Panchayat Samitis*, and *Zilla Parishads* and shall make recommendations as to—

(a) the principles which should govern—

- (i) the distribution between the State and the *Gram Panchayats*, *Panchayat Samitis*, and *Zilla Parishads* of the net proceeds of taxes, duties, tolls and fees leviable by the State, which may be divided between them, and the allocation between the *Gram Panchayats*, *Panchayat Samitis* and *Zilla Parishads* at all levels of their respective shares of such proceeds;
- (ii) the determination of taxes, duties, tolls and fees which may be assigned to, or appropriated by, the *Gram Panchayats*, *Panchayat Samitis* and *Zilla Parishads*;
- (iii) the grants-in-aid to the *Gram Panchayats*, *Panchayat Samitis* and *Zilla Parishads* from the Consolidated Fund of the State;

(Section 34.)

- (b) any other matter referred to the Finance Commission by the State Government in the interest of sound finance of the *Gram Panchayats, Panchayat Samitis and Zilla Parishads.*
- (3) The Chairman and the other members of the Finance Commission shall hold office for one year and the term of office may be extended for six months by the State Government by notification.
- (4) The Chairman or any other member of the Finance Commission may resign his office by writing under his hand addressed to the Chief Secretary to the Government of West Bengal, but he shall continue in office until his resignation is accepted by the State Government.
- (5) The Finance Commission shall, in the performance of its functions, exercise such powers, summon such persons, examine such records, and adopt such procedures as may be prescribed.
- (6) The recommendations of the Finance Commission shall, on acceptance by the State Government with such modifications as that Government may deem necessary, be notified in the *Official Gazette*, and upon such notification, the recommendations shall come into effect from such date as may be specified in the notification.
- (7) The State Government may appoint a Secretary for the Finance Commission and such other officers and employees as that Government may think necessary, and may determine the salaries of the Secretary and the other officers and employees.”.

34. After section 207 of the principal Act, the following section shall be inserted:—

“State Government to place officers and employees at the disposal of *Gram Panchayat, Panchayat Samiti and Zilla Parishad.*

207A. (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force,—

- (a) upon the issue of any direction to any *Gram Panchayat, Panchayat Samiti or Zilla Parishad* to exercise any power or perform any function or discharge any duty, or
- (b) upon the transfer to any *Gram Panchayat, Panchayat Samiti or Zilla Parishad* of any function, or control and management of any property,

under any provisions of this Act, the State Government shall, subject to such conditions as it may deem fit to impose, place at the disposal of the *Gram Panchayat, Panchayat Samiti or Zilla Parishad*, as the case may be, the services of such officers and employees as may be necessary to enable it to exercise such power or perform such function or discharge such duty, as the case may be.

Insertion of new section 207A.

(Sections 35, 36.)

(2) The officers and employees whose services are so placed at the disposal of the *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad*, shall continue to be the employees of the State Government and their salary, allowances and other benefits shall be met from the Consolidated Fund of the State:

Provided that where any disciplinary or other action is required to be taken against any such officer or employee, the *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad*, as the case may be, shall make a reference to the State Government for appropriate action.

(3) Where any power or function or duty is conferred or imposed on any *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad* by or under any other law for the time being in force, such law shall have effect as if this section had formed a part of such law, and thereupon such law shall be deemed to have been amended accordingly.”.

Omission of
section 210.

35. Section 210 of the principal Act shall be omitted.

Amendment
of section
214.

36. In section 214 of the principal Act, to sub-section (1), the following proviso shall be added:—

“Provided that the members of the *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad* as reconstituted shall hold office for the unexpired portion of the period for which the members of the *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad*, as the case may be, would have held office had the *Gram Panchayat, Panchayat Samiti* or *Zilla Parishad*, as the case may be, not been superseded.”.