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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

NOTIFICATION

No. 1163-L.—14th July, 2003.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act VIII of 2003
THE WEST BENGAL PANCHAYAT (AMENDMENT) ACT, 2003.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 14th July, 2003.]

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;

West Ben.
Act XLI
of 1973.

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

Short title and
commencement.

1. (1) This Act may be called the West Bengal *Panchayat* (Amendment) Act, 2003.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 16A of
West Ben.
Act XLI
of 1973.

2. In section 16A of the West Bengal *Panchayat Act*, 1973 (hereinafter referred to as the principal Act),—

- (1) for the proviso to sub-section (4A) the following proviso shall be substituted :—

“Provided that if there is no quorum available in such meeting, the meeting shall be adjourned to be held at the same place and hour on the seventh day after the date of such meeting in the manner as may be prescribed.”;

- (2) for clause (c) of sub-section (6) the following clause shall be substituted :—

“(c) constitute a *Gram Unnayan Samiti* with such number of functional committees as may be required, in such manner as may be prescribed, having jurisdiction over the area of the *Gram Sansad* for ensuring active participation of the people in implementation, maintenance and equitable distribution of benefits with respect to such subjects, as may be prescribed :

The West Bengal Panchayat (Amendment) Act, 2003.

(Sections 3, 4.)

Provided that the *Gram Unnayan Samiti* shall be accountable for its functions and decisions, to the *Gram Sansad* and the *Gram Sansad* shall exercise its power and authority in this behalf in such manner, as may be prescribed.”

Amendment
of section
19.

3. In section 19 of the principal Act, after sub-section (2), the following sub-section shall be inserted :—

“(3) A *Gram Panchayat* shall not omit or refuse to act upon any recommendations of a *Gram Sansad* relating to prioritization of any list of beneficiaries or scheme or programme so far as it relates to the area of the *Gram Sansad* unless it decides in a meeting for reasons to be recorded in writing that such recommendation or recommendations are not acceptable or implementable under the provisions of the Act or any rule, order or direction thereunder; such decision of the *Gram Panchayat* shall be placed in the next meeting of the *Gram Sansad*.”

Substitution
of section
32A.

4. For section 32A of the principal Act the following section shall be substituted,—

“Constitution of
Upa-Samitis and
delegation of
powers, functions
and duties of *Gram
Panchayats* to the
Upa-Samitis.”

32A. (1) Subject to such direction as may be issued by the State Government in this behalf, a *Gram Panchayat* shall, as soon as may be within three months following the first meeting referred to in section 9, constitute *Upa-Samitis* as referred to in sub-section (2) and delegate its powers, functions and duties to such *Upa-Samitis*, in such manner as may be prescribed.

(2) Without prejudice to the generality of any other provisions of this Act, a *Gram Panchayat* shall constitute in such manner as may be prescribed the following *Upa-Samitis* :—

- (i) *Artha O Parikalpana Upa-Samiti*,
- (ii) *Krishi O Pranisampad Bikas Upa-Samiti*,
- (iii) *Siksha O Janasasthya Upa-Samiti*,
- (iv) *Nari, Sishu Unnayan O Samaj Kalyan Upa-Samiti*,
- (v) *Shilpa O Parikathama Upa-Samiti*, and
- (vi) such other *Upa-Samiti* as the *Gram Panchayat* may, subject to the approval of the State Government, constitute.

(3) The *Upa-Samitis* referred to in sub-section (2) shall consist of the following members :—

- (a) the *Pradhan* and the *Upa-Pradhan*, *ex-officio*;
- (b) such number of members as may be prescribed, to be elected by the members from among themselves; and
- (c) such number of members as may be appointed by the State Government by any general or special order :—

(i) from among the officials of the *Panchayat* bodies having jurisdiction, the State Government or any Statutory Board, Corporation or Organisation or any individual official receiving grant, financial assistance or remuneration from the State Exchequer, and

(ii) any person having any specialised knowledge about the locality or any area of activity;

(d) the *Artha O Parikalpana Upa-Samiti* shall have the *Sanchalaks* elected in the manner as mentioned in sub-section (4), as members of the *Upa-Samiti* and shall have no other member referred to in clause (b) of sub-section (3);

(e) the *Nari, Sishu Unnayan O Samaj Kalyan Upa-Samiti* shall have not less than half of the members referred to in clause (b), elected from among the women members of the *Gram Panchayat*, in the manner as may be prescribed.

(4) Members of each *Upa-Samiti* shall elect one member from among themselves in such manner as may be prescribed to act as *Sanchalak* for such *Upa-Samiti* and such *Sanchalak* shall be responsible for convening the meetings of such *Upa-Samiti*, co-

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(Sections 5, 6.)

ordinate functions of members within such *Upa-Samiti* and prepare and place report of actions taken or proposed to be taken relating to such *Upa-Samiti* within the budgetary provision of the *Gram Panchayat* to the *Pradhan* and the *Gram Panchayat* from time to time :

Provided that the *Pradhan* of the *Gram Panchayat* shall be the *ex-officio Sanchalak* of the *Artha O Parikalpana Upa-Samiti* :

Provided further that the *Sanchalak* for *Nari, Sishu Unnayan O Samaj Kalyan Upa-Samiti* shall be elected from among the women members of the *Upa-Samiti* :

Provided also that the members referred to in clause (c) of sub-section (3) shall not be eligible for election as *Sanchalak* and they shall not have any right to vote.

(5) The *Upa-Samitis* shall devise its own procedure for holding the meetings and for performing other functions subject to the direction of the State Government and the *Gram Panchayat*.

(6) The members of the *Upa-Samitis* may,—

(a) take, subject to the direction of the *Pradhan*, the assistance of the employees of the *Gram Panchayat*,

(b) seek advice and help of the employees of the State Government of any Department at the appropriate level in discharge of their duties,

(c) place before the *Pradhan* and the *Gram Panchayat* a proposal for execution of a scheme, programme or project within the budgetary provisions of the *Gram Panchayat* for such purpose when the *Pradhan* or the *Gram Panchayat* shall consider the proposal for execution and for sanction of funds :

Provided that the *Pradhan* shall not sanction any fund for a scheme, programme or project without considering the views of the members of the *Upa-Samiti* to whom powers have been delegated by the *Gram Panchayat* with respect to such scheme, programme or project,

(d) call for any information, return, statement, account or report from the office of the *Gram Panchayat* and enter on and inspect any immovable property of the *Gram Panchayat* or inspect any work in progress connected with the functions and duties of the *Upa-Samiti*,

(e) 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.

(7) Each *Upa-Samiti* shall hold at least six meetings in a year in the office of the *Gram Panchayat*.”

5. In sub-section (1) of section 47 of the principal Act,—

(1) in clause (xv) for the words “shallow tube-wells”, the words “shallow or deep tube-wells” shall be substituted;

(2) after clause (xv) the following clauses shall be added :—

“(xvi) fees on the village produces sold in the village market organized by the *Gram Panchayat* to be determined by means of weight, measurement or by number or any two or more of them;

(xvii) fees on erection, exhibition, fixing or retaining upon or over any land, building, wall, hoarding, or structure, any advertisement for public display in any manner whatsoever, in any place whether public or private excepting those exhibited by the State Government in the public interest.”

6. After section 115, the following section shall be inserted :—

“Block *Sansad* and its constitution. **115A.** (1) Every *Panchayat Samiti* shall have a Block *Sansad* consisting of all members of the *Gram Panchayats* pertaining to the Block and all members of that *Panchayat Samiti*.

(2) Every *Panchayat Samiti* shall hold an annual and a half-yearly meeting of such Block *Sansad* at such time and place and in such manner, as may be prescribed.

Amendment
of section 47.

Insertion
of a new section
115A.

The West Bengal Panchayat (Amendment) Act, 2003.

(Sections 7, 8.)

(3) One-tenth of the total number of members shall form a quorum for a meeting of Block *Sansad*.

Provided that if no quorum is available for such meeting, the meeting shall be adjourned to be held at the same time and place on the seventh day from the date of such meeting in the manner as may be prescribed.

(4) A meeting of the Block *Sansad* shall be presided over by the *Sabhapati* and in his absence by the *Sahakari Sabhapati* of the *Panchayat Samiti*.

(5) The Block *Sansad* shall guide and advise the *Panchayat Samiti* for all matters relating to development including preparation of annual plan and budget, implementation of development programmes, schemes, or projects and for undertaking such activities for economic development and for ensuring social justice as are undertaken or proposed to be undertaken by the *Panchayat Samiti* :

Provided that for such guidance and advice, any member of the Block *Sansad* on receipt of the notice for any such meeting, may demand in writing to the Executive Officer for placement of any document such as last report on inspection of accounts of the funds of the *Panchayat Samiti* by the Audit team, budget, Annual Action Plan and on receipt of such demand the Executive Officer with the consent of the *Sabhapati*, shall place such documents in the meeting for deliberation :

Provided further that the deliberations, recommendation and observations passed in the meeting of the Block *Sansad*, shall be considered in the meeting of the *Panchayat Samiti* as soon as possible within one month from the date of the meeting of the Block *Sansad* and the decision of the *Panchayat Samiti* along with the action taken report shall be placed in the next meeting of the Block *Sansad*."

Amendment
of section 119.

7. In section 119 of the principal Act,—

(1) sub-section (1A) shall be renumbered as sub-section (1B) and before sub-section (1B) as so renumbered, the following sub-section shall be inserted :—

"(1A) There shall be a Joint Executive Officer for every *Panchayat Samiti* and the Joint Block Development Officer of the Block shall be the *ex-officio* Joint Executive Officer."

(2) in the second proviso to sub-section (2), for the words "shall be issued by or on behalf of the Executive Officer.", the words "shall be signed by, and be issued by or on behalf of, the Executive Officer." shall be substituted.

Amendment
of section 124.

8. In sub-section (2) of section 124,—

(1) in clause (b) before the words "not less than three", the words " without prejudice to the provisions in clause (ba)", shall be added;

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

"(ba) the *Karmadhyakshas* elected in other *Sthayee Samitis* as referred to in section 125 shall be *ex-officio* members of the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* referred to in sub-section (1) and no member shall be elected in the manner referred to in clause (b);

(bb) leader of the recognized political party in opposition having largest number of members in the *Panchayat Samiti* in comparison with other recognized political parties in opposition shall be a member of the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti*;

(bc) one member from each recognized political party in opposition shall be selected to be a member of each of the *Sthayee Samitis* other than the *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti* :

Provided that the members selected from the recognized political party having larger number of members in the *Panchayat Samiti* shall be the member of *Sthayee Samiti* placed higher in the consecutive order in sub-section (1) :

Provided further that if the number of recognised parties in opposition is less than the number of *Sthayee Samitis*, the independent candidates in opposition in *Panchayat*

The West Bengal Panchayat (Amendment) Act, 2003.

(Sections 9-12.)

Samiti shall be members of the *Sthayee Samitis* for which no member of the recognized political parties are available and the member senior in age shall be placed as member in the *Sthayee Samiti* placed higher in the order of sub-section (1) :

Provided also that if the number of recognized political parties added with number of independent members falls short of the number of *Sthayee Samitis*, one additional member from each such political party in opposition in *Panchayat Samiti*, shall be chosen for membership in the *Sthayee Samitis* where no member in terms of this clause has been provided and the same sequential order shall be followed for placement of a member in a *Sthayee Samiti* and such process shall be repeated until all *Sthayee Samitis* have one member under this clause :

Provided also that a member in opposition may be a member of more than three *Sthayee Samitis* if in a term of general election, not more than three members in opposition are elected in the *Panchayat Samiti* :

Provided also that the members of the recognized political party shall jointly decide and intimate the Executive Officer of the *Panchayat Samiti* by a letter under signature of all such members, the name of the member or members, as the case may be, who shall represent the party as member or members of the *Sthayee Samiti* and in case of an independent member the Executive Officer shall determine the membership in each *Sthayee Samiti* :

Provided also that the Executive Officer shall place the entire matter of membership under this clause in a meeting of the *Panchayat Samiti* as early as possible in the next meeting.”.

Amendment
of section 125.

9. In section 125 of the principal Act,—

(1) in clause (b) of sub-section (3) for the letters and brackets “(a) and (b)”, the letters and brackets “(a), (b), (ba), (bb) and (bc)” shall be substituted;

(2) for the words “as may be determined by the *Karmadhyaksha*”, the words “as may be determined by the *Sthayee Samiti* in conformity with such direction as may be issued by one or more orders, general or special, of the State Government” shall be substituted;

(3) in clause (a) of sub-section (4), for the words “under the purview and control of the *Sthayee Samiti*”, the words “under the purview and control of the *Sthayee Samiti* within the budgetary provisions of the *Panchayat Samiti*,” shall be substituted.

Omission
of section 127A.

10. Section 127A of the principal Act shall be omitted.

Amendment
of section 132.

11. In sub-section (5) of section 132 of the principal Act, for the words “shall be signed by the Executive Officer”, the words “shall be signed by the Executive Officer, or if authorized by the Executive Officer, by the Joint Executive Officer, subject to such order as may be issued by the State Government in this behalf.” shall be substituted.

Insertion of a
new section
163A.

12. After section 163, the following section shall be inserted,—

“Zilla Sansad 163A. (1) Every *Zilla Parishad* shall have a *Zilla Sansad* consisting of the following members :—

(a) *Pradhans* of all *Gram Panchayats*,

(b) *Sabhapatis*, *Sahakari Sabhapatis* and *Karmadhyakshas* of all *Panchayat Samitis* comprising the *Zilla Parishad*,

(c) and all members of that *Zilla Parishad*.

(2) A *Zilla Parishad* shall hold an annual and a half-yearly meeting of such *Sansad* at such time and place in such manner, as may be prescribed.

(3) One-tenth of the total number of members shall form a quorum for a meeting of a *Zilla Sansad* :

Provided that if no quorum is available for such meeting, the meeting shall be adjourned to be held at the same time and place on the seventh day from the date of such meeting in the manner as may be prescribed.

*The West Bengal Panchayat (Amendment) Act, 2003.**(Section 13.)*

(4) A meeting of the *Zilla Sansad* shall be presided over by the *Sabhadhipati* and in his absence by the *Sahakari Sabhadhipati* of the *Zilla Parishad*.

(5) The *Zilla Sansad* shall guide and advise the *Zilla Parishad* for all matters relating to development including preparation of annual plan and budget, implementation of development programmes, schemes or projects and undertaking such activities for economic development and for ensuring social justice as are undertaken or proposed to be undertaken by *Zilla Parishad* :

Provided that for such guidance and advice, any member of the *Zilla Sansad* on receipt of the notice for any such meeting, may demand in writing to the Executive Officer for placement of any document such as last report on inspection of accounts of the funds of the *Zilla Parishad* by the Audit team, budget, Annual Action Plan and on receipt of such demand the Executive Officer with the consent of the *Sabhapati*, shall place such documents in the meeting for deliberation :

Provided further that the deliberation, recommendations and observations passed in the meeting of the *Zilla Sansad*, shall be considered in the meeting of *Zilla Parishad* as soon as possible within one month from the date of meeting of the *Zilla Sansad* and the decision of the *Zilla Parishad* along with the action-taken report shall be placed in the next meeting of the *Zilla Sansad*."

Amendment
of section 171.

13. In sub-section (2) of section 171,—

(1) in clause (b) before the words "not less than three", the words "without prejudice to the provisions in clause (ba)" shall be added;

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

"(ba) in *Artha Sanstha Unnayan O Parikalpana Sthayee Samiti*, *Karmadhyakshas* elected in other *Sthayee Samitis* as referred to in sub-section (1), shall be members *ex-officio* and no member shall be elected in the manner referred to in clause (b);

(bb) Leader of the recognized political party in opposition having largest number of members in the *Zilla Parishad* in comparison with other recognized political parties in opposition, shall be a member of the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* ;

(bc) one member from each recognized political party in opposition shall be a member of the *Sthayee Samiti* other than the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti* :

Provided that the members selected from the recognized political party having larger number of members in the *Zilla Parishad* shall be the member of the *Sthayee Samiti* placed higher in the consecutive order in sub-section (1) :

Provided further that if the number of recognized parties in opposition is less than the number of *Sthayee Samitis*, the independent candidates in opposition in *Zilla Parishad* shall be members of the *Sthayee Samitis* for which no member of the recognized political parties are available and the member senior in age shall be placed as member in the *Sthayee Samiti* placed higher in the order of sub-section (1) :

Provided also that if the number of recognized political parties added with number of independent members falls short of the number of *Sthayee Samitis*, one additional member from each such political party in opposition in the *Zilla Parishad*, shall be chosen for membership in the *Sthayee Samitis* where no member in terms of this clause has been provided and the same sequential order shall be followed for placement of a member in a *Sthayee Samiti* and such process shall be repeated until all *Sthayee Samitis* have one member under this clause :

Provided also that a member in opposition may be a member of more than two *Sthayee Samitis* if in a term of general election, not more than four members in opposition, either representing a recognized political party or independent, are elected in the *Zilla Parishad* :

(Sections 14-22.)

Provided also that the members of the recognized political party shall jointly decide and intimate the Executive Officer of the *Zilla Parishad* by a letter under signature of all such members, the name of the member or members who shall represent the party as member of the *Sthayee Samiti* and in case of an independent member the Executive Officer shall determine the membership in each *Sthayee Samiti*:

Provided also that the Executive Officer shall place the entire matter of membership under this clause in a meeting of the *Zilla Parishad* as early as possible in the next meeting.”.

Amendment
of section 172.

14. In section 172 of the principal Act,—

(1) in sub-section (3) for the words “to all *Sthayees Samitis*”, the words “to the *Artha, Sanstha, Unnayan O Parikalpana Sthayee Samiti*” shall be substituted;

(2) in the proviso to sub-section (3) for the letters and brackets “(a) and (b)”, the letters and brackets “(a), (b), (ba), (bb) and (bc)” shall be substituted;

(3) in the proviso to sub-section (3) for the words “as may be determined by the *Karmadhyaksha*”, the words “as may be determined by the *Sthayee Samiti* in conformity with such direction as may be issued, by one or more orders, general or special, of the State Government” shall be substituted;

(4) after the proviso to sub-section (3) the following proviso shall be inserted:—

“Provided further that pending the selection of Secretary to a *Sthayee Samiti* under this clause or during any casual vacancy, in the post of the Secretary to a *Sthayee Samiti*, the Secretary of the *Zilla Parishad* shall act as Secretary to such *Sthayee Samiti*.”;

(5) in clause (a) of sub-section (5), for the words “under the purview and control of the *Sthayee Samiti*”, the words “under the purview and control of the *Sthayee Samiti* within the budgetary provisions of the *Zilla Parishad*,” shall be substituted.

Omission of
section 174A.

15. Section 174A of the principal Act shall be omitted.

Amendment
of section 179.

16. In section 179 of the principal Act,—

(1) in clause (i) of sub-section (2), for the words “the Additional Executive Officer and the Secretary;”, the words “the Additional Executive Officer, the Secretary or the Deputy Secretary;” shall be substituted;

(2) in sub-section (5), for the words “by the Additional Executive Officer or the Secretary.”, the words “by the Additional Executive Officer, the Secretary or the Deputy Secretary.” shall be substituted.

Omission of
section 202.

17. Section 202 of the principal Act shall be omitted.

Omission of
section 203.

18. Section 203 of the principal Act shall be omitted.

Omission of
section 204.

19. Section 204 of the principal Act shall be omitted.

Amendment
of section 205.

20. In sub-section (3) of section 205 of the principal Act, for the words “Deputy Collector”, the words “Joint Block Development Officer of the Block” shall be substituted.

Amendment
of section 221.

21. In section 221 of principal Act, for the words “All arrears of taxes, tolls, rates and fees”, the words “All arrears of taxes, tolls, rates fees and cess” shall be substituted.

Amendment
of section 223.

22. In sub-section (1) of section 223 of the principal Act, for the words “may make bye-laws,”, the words “shall make bye-laws,” shall be substituted.

By order of the Governor,

A. K. BHATTACHARYA,
Principal Secy. to the Govt. of West Bengal
& Secy., Law Department.