

**GOVERNMENT OF WEST BENGAL**  
**LEGISLATIVE DEPARTMENT**  
**West Bengal Act XVIII of 1983**  
**THE WEST BENGAL PANCHAYAT**  
**(SECOND AMENDMENT) ACT, 1983.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,  
*Extraordinary*, of the 3rd October, 1983.]

[3rd October, 1983.]

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

West Ben.  
Act XLI of  
1973.

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

It is hereby enacted in the Thirty-fourth 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* (Second Amendment) Act, 1983.

Short title  
and  
commence-  
ment.

(2) It shall be deemed to have come into force on the 23rd day of June, 1983.

2. In section 7 of the West Bengal *Panchayat* Act, 1973 (hereinafter referred to as the principal Act), for sub-section (1), the following sub-section shall be substituted and shall be deemed always to have been substituted:—

Amendment  
of section 7  
of West Ben.  
Act XLI of  
1973.

“(1) The members of a *Gram Panchayat* shall, subject to the provisions of sub-section (2) of this section and section 11, hold office for a period of five years from the date of poll in the general election for constitution of *Gram Panchayats*.”.

3. After sub-section (7) of section 9 of the principal Act, the following sub-section shall be inserted and shall be deemed always to have been inserted:—

Amendment  
of section 9.

“(8) On election of the *Pradhan* following a general election or the office of the *Pradhan* otherwise falling vacant, the *Pradhan* holding office for the time being or the *Upa-Pradhan* or any authority or any other member exercising the

(Sections 4-6.)

powers, performing the functions and discharging the duties of the *Pradhan* shall make over all cash, assets, documents, registers and seals which he may have in his possession, custody or control as soon thereafter as possible on such date, place and hour as may be fixed by the Block Development Officer to the newly-elected *Pradhan* or, in the case of a vacancy occurring otherwise, to the *Upa-Pradhan* or to the authority of person, as the case may be, referred to in the proviso to sub-section (2) of section 7 or sub-section (6) of this section or clause (b) of sub-section (1) of section 215 in the presence of the Block Development Officer or any other officer authorised in writing by him in this behalf.”.

Insertion of  
new section  
9A.

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

“Penalty for  
default.

9A. If a *Pradhan* or an *Upa-Pradhan* or an authority or a person referred to in sub-section (8) of section 9 fails to comply with the provisions of that sub-section, he shall be punishable with imprisonment for a term which may extend to three years or liable to pay fine not exceeding two thousand rupees or both and the offence shall be cognizable:

Provided that without prejudice to the foregoing penal provisions such default shall also be construed as a misconduct for which he may be debarred from standing as a candidate in any election in any capacity under this Act for such term as may be determined by the prescribed authority after giving the person concerned an opportunity of being heard and any order debarring him shall be in writing stating the reasons therefor and shall also be published in the *Official Gazette*.”.

Amendment  
of section 96.

5. For sub-section (1) of section 96 of the principal Act, the following sub-section shall be substituted and shall be deemed always to have been substituted:—

“(1) The members of a *Panchayat Samiti* other than the *ex officio* members shall, subject to the provisions of sub-section (2) of this section and section 100, hold office for a period of five years from the date of poll in the general election for constitution of *Panchayat Samitis*.”.

Amendment  
of section  
141.

6. For sub-section (1) of section 141 of the principal Act, the following sub-section shall be substituted and shall be deemed always to have been substituted:—

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*(Section 7.)*

“(1) The members of a *Zilla Parishad* other than the *ex officio* members shall, subject to the provisions of sub-section (2) of this section and section 145, hold office for a period of five years from the date of poll in the general election for constitution of *Zilla Parishads*.”.

West Ben.  
Ord. VI of  
1983.

7. (1) The West Bengal *Panchayat* (Second Amendment) Ordinance, 1983, is hereby repealed.

Repeal and  
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the West Bengal *Panchayat* (Second Amendment) Ordinance, 1983 shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

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