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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 959-L.— 8th August, 2017.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 40 of 2017

THE WEST BENGAL PANCHAYAT (SECOND AMENDMENT) BILL, 2017.

**A
BILL**

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 Sixty-eighth 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 (Second Amendment) Act, 2017.

(2) It shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different provisions of this Act.

*The West Bengal Panchayat (Second Amendment)
Bill, 2017.*

(Clauses 2-6.)

Amendment of
section 94 of West
Ben. Act XLI of
1973.

2. For sub-clause (a) of clause (iii) of sub-section (2) of section 94 of the West Bengal Panchayat Act, 1973 (hereinafter referred to as the principal Act), the following sub-clause shall be substituted:—

“(a) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the Block or any part thereof, not being Ministers or directly elected members of *Panchayat Samiti* or not being *Sabhadhipati* or *Sahakari Sabhadhipati* of *Zilla Parishad* elected thereto from a constituency comprising the Block, *ex officio*.”

Amendment of
section 98.

3. In sub-section (1) of section 98 of the principal Act,—

(a) for the second proviso, the following proviso shall be substituted:—

“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 not hold any office of profit during the period for which he holds or due to hold such office 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 office powers, due performance of his office functions or due discharge of his office duties.”;

(b) in the third proviso, for the words “office of a full time office bearer”, the words “office of an office bearer” shall be substituted.

Amendment of
section 100.

4. In sub-section (1) of section 100 of the principal Act,—

(a) in clause (d), for the words “leave of the *Panchayat Samiti*”, the words “leave of the *Panchayat Samiti*” shall be substituted;

(b) to clause (d), the following proviso shall be added:—

“Provided that a member of a *Panchayat Samiti* holding simultaneous membership of the House of the People or the Legislative Assembly, shall not be removed from the office, if he remains absent from three consecutive meetings of the *Panchayat Samiti* without the leave of the *Panchayat Samiti*.”

Amendment of
section 140.

5. For clause (iii) of sub-section (2) of section 140 of the principal Act, the following clause shall be substituted:—

“(iii) members of the House of People and the Legislative Assembly of the State elected thereto from a constituency comprising the district or any part thereof, not being Ministers or simultaneously directly elected members of *Zilla Parishad*, *ex officio*.”

Amendment of
section 143.

6. In sub-section (1) of section 143 of the principal Act,—

(a) for the second proviso, the following proviso shall be substituted:—

“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 not hold any office of profit during the period for which he holds or due to hold such office 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 office powers, due performance of his office functions or due discharge of his office duties.”;

(b) in the third proviso, for the words “office of a full time office bearer”, the words “office of an office bearer” shall be substituted.

*The West Bengal Panchayat (Second Amendment)
Bill, 2017.*

(Clauses 7-9.)

Amendment of
section 145.

7. To clause (d) of sub-section (1) of section 145 of the principal Act, the following proviso shall be added:—

- (a) in clause (d), for the words “leave of the *Zilla Parishad*,” the words “leave of the *Zilla Parishad*.” shall be substituted;
- (b) to clause (d), the following proviso shall be added:—

“Provided that a member of a *Zilla Parishad* holding simultaneous membership of the House of the People or the Legislative Assembly, shall not be removed from the office, if he remains absent from three consecutive meetings of the *Zilla Parishad* without the leave of the *Zilla Parishad*.”.

Amendment of
section 172.

8. In sub-section (1) of section 172 of the principal Act,—

- (a) for the third proviso, the following proviso shall be substituted :—

“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 not hold any office of profit during the period for which he holds or due to hold such office 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 office powers, due performance of his office functions or due discharge of his office duties.”;

- (b) in the fourth proviso, for the words “office of a full time office bearer”, the words “office of an office bearer” shall be substituted.

Amendment of
section 185B.

9. For clause (iii) of sub-section (3) of section 185B of the principal Act, the following clause shall be substituted:—

- “(iii) members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the sub-division or any part thereof (excluding the part comprised in the hill areas) not being Ministers or simultaneously directly elected members of *Mahakuma Parishad, ex officio*.”.

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to amend the West Bengal *Panchayat Act, 1973* (West Ben. Act XLI of 1973), in order to making provision of maintaining simultaneous membership to the Legislative Assembly, Parliament and *Panchayats* by members of *Panchayat Samitis* and *Zilla Parishads* or *Siliguri Mahakuma Parishad*, for effective implementation and management of the provisions of the said Act, by way of—

- (a) amending section 94 with a view to specifying that members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the Block or any part thereof, not being Ministers or directly elected members of *Panchayat Samiti* or not being *Sabhadhipati* or *Sahakari Sabhadhipati* of *Zilla Parishad* elected thereto from a constituency comprising the Block, *ex officio*;
- (b) amending section 98 with a view to omitting the expression “whole-time functionary” in respect of a member being elected as *Sabhapati* or *Sahakari Sabhapati* of the *Panchayat Samiti*;
- (c) amending section 100 with a view to adding a proviso for making provision that a member of a *Panchayat Samiti* holding simultaneous membership of the House of the People or the Legislative Assembly, shall not be removed from the office, if he remains absent from three consecutive meetings of the *Panchayat Samiti* without the leave of the *Panchayat Samiti*;

*The West Bengal Panchayat (Second Amendment)
Bill, 2017.*

- (d) amending section 140 with a view to specifying that members of the House of the People and the Legislative Assembly of the State elected thereto from a constituency comprising the district or any part thereof, not being Ministers or simultaneously directly elected members of *Zilla Parishad*, *ex officio* members of the *Zilla Parishad*;
 - (e) amending section 143 with a view to omitting the expression "whole-time functionary" in respect of a member being elected as *Sabhdhipati* or *Sahakari Sabhdhipati* of the *Zilla Parishad*;
 - (f) amending section 145 with a view to adding a proviso for making provision that a member of a *Zilla Parishad* holding simultaneous membership of the House of the People or the Legislative Assembly, shall not be removed from the office, if he remains absent from three consecutive meetings of the *Zilla Parishad* without the leave of the *Zilla Parishad*;
 - (g) amending section 172 with a view to omitting the expression "whole-time functionary" in respect of a member of a *Sthayee Samiti* being elected as *Karmadhyaksha* of the *Zilla Parishad*;
 - (h) amending section 185B with a view to specifying that members of the House of the people and the Legislative Assembly of the State elected thereto from a constituency comprising the sub-division or any part thereof (excluding the part comprised in the hill areas) not being Ministers or simultaneously directly elected members of *Mahakuma Parishad*, *ex officio* members of the *Siliguri Mahakuma Parishad*.
2. The Bill has been framed with the above objects in view.
3. There is no financial implication involved in the Bill.

KOLKATA:
The 8th August, 2017.

SUBRATA MUKHERJEE,
Member-in-Charge.

By order of the Governor,

MADHUMATI MITRA,
*Secy. to the Govt. of West Bengal,
Law Department.*