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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. 1604-L.—1st December, 2010.—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. 32 of 2010**

**THE WEST BENGAL PANCHAYAT (SECOND AMENDMENT)  
BILL, 2010.**

**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-first 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, 2010*.
- (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 sections.

*The West Bengal Panchayat (Second Amendment) Bill, 2010.*

(Clauses 2, 3.)

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

2. In section 2 of the West Bengal *Panchayat* Act, 1973 (hereinafter referred to as the principal Act), after clause (1), the following clause shall be inserted:—

(1A) “Backward Classes” has the same meaning as in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993;”.

West Ben. Act  
I of 1993.

Amendment of  
section 4.

3. In sub-section (2) of section 4 of the principal Act,—

(1) for the first proviso, the following proviso shall be substituted:—

“Provided that seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a *Gram Panchayat*, and the number of seats so reserved shall bear, as nearly as may be 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 or of the Scheduled Tribes or of the Backward Classes as the case may be, in that *Gram*, 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, Scheduled Tribes or Backward Classes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population, the Scheduled Tribes population or the Backward Classes population, as the case may be, in that *Gram*, bears with the total population in that *Gram*;”;

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

“Provided further that not less than one-half of the total number of seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be;”;

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

“Provided also that not less than one-half of the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes 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;”;

(4) in the fourth proviso,—

(a) for the words “Scheduled Castes and the Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;

(b) for the words “three successive”, the words “two successive” shall be substituted;

(5) in the fifth proviso, after the words “the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

(6) in the sixth proviso, for the words “next three”, the words “next two” shall be substituted;

(7) for the seventh proviso, the following proviso shall be substituted:—

“Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf.”.

*The West Bengal Panchayat (Second Amendment) Bill, 2010.*

(Clause 4.)

Amendment of section 9.

4. In section 9 of the principal Act,—

(1) in sub-section (1),—

(a) in the third proviso,—

(i) for the words “Scheduled Castes and the Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;

(ii) after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

(b) in the fourth proviso, after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

(c) in the fifth proviso, after the words “Scheduled Tribes”, occurring in two places, the words “or the Backward Classes” shall be inserted;

(d) in the sixth proviso, for the words “the Scheduled Tribes”, the words “the Scheduled Tribes, the Backward Classes” shall be substituted;

(e) for the ninth proviso, the following proviso shall be substituted:—

“Provided also that not less than one-half of the total number of the offices of the *Pradhan* and the *Upa-Pradhan* reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a district, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be.”;

(f) in the tenth proviso,—

(i) for the word “one-third”, the word “one-half” shall be substituted;

(ii) for the words “the Scheduled Castes and the Scheduled Tribes”, the words “the Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;

(g) in the eleventh proviso, for the words “three successive”, the words “two successive” shall be substituted;

(h) in the twelfth proviso, after the words “Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

(i) for the thirteenth proviso, the following provisos shall be substituted:—

“Provided also that any member elected from an unreserved seat or from a seat reserved for another category shall be eligible for election to the office of the *Pradhan* or the *Upa-Pradhan* reserved for a particular category if he belongs to such category and produces Scheduled Castes, Scheduled Tribes or a Backward Classes certificate, as the case may be, issued by the competent authority before the presiding officer in order to establish his claim:

Provided also that the provisions for reservation of the offices of the *Pradhan* and the *Upa-Pradhan* for the Scheduled Castes and the Schduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf.”;

*The West Bengal Panchayat (Second Amendment) Bill, 2010.*

(Clauses 5, 6.)

(2) in sub-section (10),—

- (a) for the words “State Government”, occurring in two places, the words “prescribed authority” shall be substituted;
- (b) after the words “any office of profit”, the words “and he has not obtained leave of absence from his place of employment” shall be inserted;
- (c) after the proviso, the following proviso shall be added:—

“Provided further that when a member holding the office of the *Pradhan* or the *Upa-Pradhan* or officiating as *Sanchalak*, is removed from office under any of the clauses (a) to (h) of sub-section (1) of section 11, he shall also be deemed to have been removed from the office of the *Pradhan*, *Upa-Pradhan* or *Sanchalak* as the case may be, with immediate effect.”;

(3) after sub-section (10), the following sub-section shall be inserted:—

“(11) Without prejudice to any other provision in the Act, the prescribed authority may, after giving an opportunity to a *Pradhan* or a *Upa-Pradhan* to show cause against the action proposed to be taken against him, by order, remove him from office if at the time of his election to the office of the *Pradhan* or the *Upa-Pradhan*, he was not a member of any of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, for which such office of the *Pradhan* or the *Upa-Pradhan* is kept reserved and the Scheduled Castes or Scheduled Tribes or Backward Classes certificate produced by him at the time of such election is found to be spurious or has since been cancelled by the competent authority:

Provided that notwithstanding the action taken under this sub-section, the person concerned may be proceeded against under the provisions of the Indian Penal Code, 1860 or any other law in force for the time being:

45 of 1860.

Provided further that a *Pradhan* or a *Upa-Pradhan* on being aggrieved by an order of removal by the prescribed authority, may, within thirty days from the date of the order, prefer an appeal to such authority as the State Government may appoint in this behalf and thereupon, such authority may direct the prescribed authority to refrain from taking any further action in the matter till the disposal of the appeal and may after giving notice of appeal to the prescribed authority and giving the appellant an opportunity of being heard, set aside, modify or confirm the order and the order passed on appeal by such authority shall be final and binding.”.

Amendment of section 11.

5. In clause (h) of sub-section (1) of section 11 of the principal Act,—

- (1) after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;
- (2) after the words “or the Scheduled Tribe”, the words “or the Backward Class” shall be inserted.

Amendment of section 94.

6. In clause (ii) of sub-section (2) of section 94 of the principal Act,—

- (1) for the first proviso, the following proviso shall be substituted:—

“Provided that seats shall be reserved for the Scheduled Castes, Scheduled Tribes and the Backward Classes in a *Panchayat Samiti* and the number of seats so reserved shall bear, as nearly as may be and in accordance with such rules as may be made in this behalf by the

*The West Bengal Panchayat (Second Amendment) Bill, 2010.*

(Clause 7.)

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 or of the Scheduled Tribes or of the Backward Classes as the case may be in that *Panchayat Samiti* area, 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 or Backward Classes 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 or the Backward Classes as the case may be, in that *Panchayat Samiti* area, bears with the total population in that *Panchayat Samiti* area:”;

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

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

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

“Provided also that not less than one-half of the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes 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.”;

(4) in the fourth proviso,—

(a) for the words “Scheduled Castes and the Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;

(b) for the words “three successive”, the words “two successive” shall be substituted;

(5) in the fifth proviso, after the words “Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

(6) in the seventh proviso, for the words “next three”, the words “next two” shall be substituted; ..

(7) for the eighth proviso, the following proviso shall be substituted:—

“Provided also that provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf.”.

Amendment of  
section 98.

7. In section 98 of the principal Act,—

(1) in sub-section (1),—

(a) in the third proviso,—

(i) for the words “Scheduled Castes and the Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;

(ii) after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

(b) in the fourth proviso, after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

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(Clause 7.)

- (c) in the fifth proviso, after the words "Scheduled Tribes", occurring in two places, the words "or the Backward Classes" shall be inserted;
- (d) for the sixth proviso, the following proviso shall be substituted:—

"Provided also that not less than one-half of the total number of the offices of the *Sabhapati* and the *Sahakari Sabhapati* reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a district, shall be reserved by rotation for the women belonging to the Scheduled Castes, or the Scheduled Tribes or the Backward Classes, as the case may be:";

- (e) in the seventh proviso,—
  - (i) for the word "one-third", the word "one-half" shall be substituted;
  - (ii) for the words "Scheduled Castes and the Scheduled Tribes", the words "Scheduled Castes, the Scheduled Tribes and the Backward Classes" shall be substituted;
- (f) in the eighth proviso, for the words "Scheduled Tribes", the words "Scheduled Tribes, the Backward Classes" shall be substituted;
- (g) in the eleventh proviso, for the words "three successive", the words "two successive" shall be substituted;
- (h) in the twelfth proviso, after the words "or the Scheduled Tribes", the words "or the Backward Classes" shall be inserted;
- (i) for the thirteenth proviso, the following provisos shall be substituted:—

"Provided also that any member elected from an unreserved seat or from a seat reserved for another category shall be eligible for election to the office of the *Sabhapati* or the *Sahakari Sabhapati* reserved for a particular category if he belongs to such category and produces Scheduled Castes, Scheduled Tribes or a Backward Classes certificate, as the case may be, issued by the competent authority before the presiding officer in order to establish his claim:

Provided also that the provisions for reservation of the offices of *Sabhapati* and the *Sahakari Sabhapati* for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf:";

- (2) in sub-section (9),—

- (a) for the words "State Government", occurring in two places, the words "prescribed authority" shall be substituted;
- (b) after the words "any office of profit", the words "and he has not obtained leave of absence from his place of employment" shall be inserted;
- (c) after the proviso, the following proviso shall be added:—

"Provided further that when a member holding the office of the *Sabhapati* or the *Sahakari Sabhapati* or officiating as *Karmadhyaksha*, is removed from office under any of the clauses (a) to (h) of sub-section (1) of section 100, he shall also be deemed to have been removed from the office of the *Sabhapati*, *Sahakari Sabhapati* or the *Karmadhyaksha* as the case may be, with immediate effect.";

*The West Bengal Panchayat (Second Amendment) Bill, 2010.*

(Clauses 8, 9.)

(3) after sub-section (9), the following sub-section shall be inserted:—

“(10) Without prejudice to any other provision in the Act, the prescribed authority may, after giving an opportunity to the *Sabhapati* or the *Sahakari Sabhapati* to show cause against the action proposed to be taken against him, by order, remove him from office if at the time of his election to the office of the *Sabhapati* or the *Sahakari Sabhapati*, he was not a member of any of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, for which such office of the *Sabhapati* or the *Sahakari Sabhapati*, is kept reserved and the Scheduled Castes or Scheduled Tribes or Backward Classes certificate produced by him at the time of such election is found to be spurious or has since been cancelled by the competent authority:

Provided that notwithstanding the action taken under this sub-section, the person concerned may be proceeded against under the provisions of the Indian Penal Code, 1860 or any other law in force for the time being:

45 of 1860.

Provided further that a *Sabhapati* or a *Sahakari Sabhapati*, on being aggrieved by an order of removal by the prescribed authority, may, within thirty days from the date of the order, prefer an appeal to such authority as the State Government may appoint in this behalf and thereupon, such authority may direct the prescribed authority to refrain from taking any further action in the matter till the disposal of the appeal and may after giving notice of appeal to the prescribed authority and giving the appellant an opportunity of being heard, set aside, modify or confirm the order and the order passed on appeal by such authority shall be final and binding.”.

Amendment of  
section 100.

8. In clause (h) of sub-section (1) of section 100 of the principal Act,—

- (1) after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;
- (2) after the words “or the Scheduled Tribe”, the words “or the Backward Class” shall be inserted.

Amendment of  
section 140.

9. In clause (ii) of sub-section (2) of section 140 of the principal Act,—

- (1) for the first proviso, the following proviso shall be substituted:—

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

*The West Bengal Panchayat (Second Amendment) Bill, 2010.*

(Clause 10.)

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

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

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

“Provided also that not less than one-half of the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes, 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:”;

(4) in the fourth proviso,—

(a) for the words “Scheduled Castes and the Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;

(b) for the words “three successive”, the words “two successive” shall be substituted;

(5) in the fifth proviso, after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

(6) in the seventh proviso, for the words “next three”, the words “next two” shall be substituted;

(7) for the eighth proviso, the following proviso shall be substituted:—

“Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf:”.

Amendment of  
section 143.

**10.** In section 143 of the principal Act,—

(1) in sub-section (1),—

(a) in the third proviso,—

(i) for the words “Scheduled Castes and the Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;

(ii) after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

(b) in the fourth proviso, for the words “Scheduled Castes and the Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;

(c) in the fifth proviso, after the words “or the Scheduled Tribes”, occurring in two places, the words “or the Backward Classes” shall be inserted;

(d) for the sixth proviso, the following proviso shall be substituted:—

“Provided also that not less than one-half of the total number of offices of the *Sabhadhipati* and the *Sahakari Sabhadhipati* reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in West Bengal, shall be reserved by rotation for the women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes as the case may be:”;

*The West Bengal Panchayat (Second Amendment) Bill, 2010.*

(Clause 10.)

- (e) in the seventh proviso,—
  - (i) for the word “one-third”, the word “one-half” shall be substituted;
  - (ii) for the words “Scheduled Castes and the Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;
- (f) in the eighth proviso, for the words “Scheduled Tribes”, the words “Scheduled Tribes, the Backward Classes” shall be substituted;
- (g) in the eleventh proviso, for the words “three successive”, the words “two successive” shall be substituted;
- (h) in the twelfth proviso, after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;
- (i) for the thirteenth proviso, the following provisos shall be substituted:—

“Provided also that any member elected from an unreserved seat or from a seat reserved for another category shall be eligible for election to the office of the *Sabhadhipati* or the *Sahakari Sabhadhipati* reserved for a particular category if he belongs to such category and produces Scheduled Castes, Scheduled Tribes or a Backward Classes certificate, as the case may be, issued by the competent authority before the presiding officer in order to establish his claim:

Provided also that the provisions for reservation of the offices of *Sabhadhipati* and the *Sahakari Sabhadhipati* for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf.”;

- (2) in sub-section (9),—
  - (a) for the words “State Government”, occurring in two places, the words “prescribed authority” shall be substituted;
  - (b) after the words “any office of profit”, the words “and he has not obtained leave of absence from his place of employment” shall be inserted;
  - (c) after the proviso, the following proviso shall be inserted:—

“Provided further that when a member holding the office of the *Sabhadhipati* or the *Sahakari Sabhadhipati* or officiating as *Karmadhyaksha*, is removed from office under any of the clauses (a) to (h) of sub-section (1) of section 145, he shall also be deemed to have been removed from the office of the *Sabhadhipati*, *Sahakari Sabhadhipati* or the *Karmadhyaksha* as the case may be, with immediate effect.”;

- (3) after sub-section (9), the following sub-section shall be inserted:—

“(10) Without prejudice to any other provision in the Act, the prescribed authority may, after giving an opportunity to the *Sabhadhipati* or the *Sahakari Sabhadhipati*, to show cause against the action proposed to be taken against him, by order, remove him from office if at the time of his election to the office of the *Sabhadhipati* or the *Sahakari*

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(Clauses 11-13.)

*Sabhadhipati*, he was not a member of any of the Scheduled Castes or the Scheduled Tribes or the Backward Classes, as the case may be, for which such office of the *Sabhadhipati* or the *Sahakari Sabhadhipati*, is kept reserved and the Scheduled Castes or Scheduled Tribes or Backward Classes certificate produced by him at the time of such election is found to be spurious or has since been cancelled by the competent authority:

Provided that notwithstanding the action taken under this sub-section, the person concerned may be proceeded against under the provisions of the Indian Penal Code, 1860 or any other law in force for the time being:

45 of 1860.

Provided further that a *Sabhadhipati* or the *Sahakari Sabhadhipati*, on being aggrieved by an order of removal by the prescribed authority, may, within thirty days from the date of the order, prefer an appeal to such authority as the State Government may appoint in this behalf and thereupon, such authority may direct the prescribed authority to refrain from taking any further action in the matter till the disposal of the appeal and may after giving notice of appeal to the prescribed authority and giving the appellant an opportunity of being heard, set aside, modify or confirm the order and the order passed on appeal by such authority shall be final and binding.”.

Amendment of  
section 145.

11. In clause (h) of sub-section (1) of section 145 of the principal Act, after the words “or the Scheduled Tribes”, occurring in two places, the words “or the Backward Classes” shall be inserted.

Amendment of  
section 172.

12. In sub-section (7) of section 172 of the principal Act,—

- (1) for the words “State Government”, occurring in two places, the words “prescribed authority” shall be substituted;
- (2) after the words “any office of profit”, the words “and he has not obtained leave of absence from his place of employment” shall be inserted.

Amendment of  
section 185B.

13. In clause (ii) of sub-section (3) of section 185B of the principal Act,—

- (1) for the first proviso, the following proviso shall be substituted:—

“Provided that seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes in a *Mahakuma Parishad* area and the number of seats so reserved shall bear, as nearly as may be 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 or of the Scheduled Tribes or of the Backward Classes as the case may be, in that *Mahakuma Parishad* area, bears to the total population of that *Mahakuma Parishad* 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 or Backward Classes 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 or the Backward Classes population as the case may be, in that *Mahakuma Parishad* area, bears with the total population in that *Mahakuma Parishad* area.”;

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Bill, 2010.*

(Clause 13.)

(2) for the second proviso, the following proviso shall be substituted:—  
 “Provided further that not less than one-half of the total number of seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes as the case may be.”;

(3) for the third proviso, the following proviso shall be substituted:—  
 “Provided also that not less than one-half of the total number of seats, including the seats reserved for the Scheduled Castes, the Scheduled Tribes and the Backward Classes 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.”;

(4) in the fourth proviso,—

- (a) for the words “Scheduled Castes and the Scheduled Tribes”, the words “Scheduled Castes, the Scheduled Tribes and the Backward Classes” shall be substituted;
- (b) for the words “three successive”, the words “two successive” shall be substituted;

(5) in the fifth proviso, after the words “or the Scheduled Tribes”, the words “or the Backward Classes” shall be inserted;

(6) in the seventh proviso, for the words “next three”, the words “next two” shall be substituted;

(7) for the eighth proviso, the following proviso shall be substituted:—  
 “Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India and the provisions for reservation of seats for the Backward Classes shall cease to have effect from the date on which the State Legislature by enactment decides so in this behalf.”.

**STATEMENT OF OBJECTS AND REASONS.**

With a view to strengthening the process of decentralization involving weaker sections of the society in its process and making the governance of *Panchayats* more responsible, transparent and accountable, it is considered expedient and necessary to amend the West Bengal *Panchayat* Act, 1973 (West Ben. Act XLI of 1973) (hereinafter referred to as the Act), *inter alia*, for the purposes:—

- (a) of amending the definition clause of the Act with a view to inserting the definition of Backward Classes;
- (b) of inserting the provisions for reservation of seats for the Backward Classes persons in all the three tiers in respect of members and the office of the *Pradhan*, *Upa-Pradhan*, the *Sabhapati*, *Sahakari Sabhapati*, *Sabhadhipati* and *Sahakari Sabhadhipati*;
- (c) of modifying the provision relating to reservation of seats for women of the general category and women belonging to the Scheduled Castes, the Scheduled Tribes and the Backward Classes in respect of members and the office of the *Pradhan*, *Upa-Pradhan*, the *Sabhapati*, *Sahakari Sabhapati*, *Sabhadhipati* and *Sahakari Sabhadhipati*;

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- (d) of inserting the provision of showing the Scheduled Castes or the Scheduled Tribes or the Backward Classes certificate, as the case may be, issued by the competent authority by the member elected from unreserved seat at the time of election to the respective office;
- (e) of inserting the provision of removal of the *Pradhan, Upa-Pradhan, the Sabhapati, Sahakari Sabhapati, Sabhadhipati and Sahakari Sabhadhipati* from the concerned office if the certificate referred to in para (d) is cancelled by the competent authority;
- (f) of inserting the provisions as to when the provisions for reservation of seats for the Backward Classes shall cease to have effect.

2. The Bill has been framed with the above objects in view.
3. No expenditure is envisaged in giving effect to the provisions of the Bill.

KOLKATA,  
*The 26th November, 2010.*

ANISUR RAHAMAN,  
*Member-in-charge.*

By order of the Governor,

K. Y. S. MANHAS,  
*Pr. Secy.-in-charge to the Govt. of West Bengal,  
Law Department.*