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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL****LAW DEPARTMENT****Legislative****NOTIFICATION**

No. 560-L.—31st March, 2014.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act V of 2014****THE WEST BENGAL PANCHAYAT (AMENDMENT)  
ACT, 2014.***[Passed by the West Bengal Legislature.]**[Assent of the Governor was first published in the Kolkata Gazette,  
Extraordinary, of the 31st March, 2014.]**An Act to amend the West Bengal Panchayat Act, 1973.*

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

West Ben. Act  
XLI of 1973.

It is hereby enacted in the Sixty-fifth 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, 2014*.

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

*The West Bengal Panchayat (Amendment) Act, 2014.**(Sections 2-6.)*

Amendment of section 9 of West Ben. Act XLI of 1973.

2. In sub-section (1) of section 9 of the West Bengal *Panchayat* Act, 1973 (hereinafter referred to as the principal Act), after the second proviso, the following proviso shall be inserted:—

“Provided also that after being elected to the office of a full time office bearer, he shall be allowed lien or leave of absence from the place of his employment for his full tenure in the office of the *Pradhan* with effect from the date of his joining to such office by the Department or authority or undertaking or aided institution of the State Government under which he holds his office of profit:”.

Amendment of section 98.

3. In sub-section (1) of section 98 of the principal Act, after the second proviso, the following proviso shall be inserted:—

“Provided also that after being elected to an office of a full time office bearer, he shall be allowed lien or leave of absence from the place of his employment for his full tenure in such office with effect from the date of his joining to such office by the Department or authority or undertaking or aided institution of the State Government under which he holds his office of profit:”.

Amendment of section 143.

4. In sub-section (1) of section 143 of the principal Act, after the second proviso, the following proviso shall be inserted:—

“Provided also that after being elected to an office of a full time office bearer, he shall be allowed lien or leave of absence from the place of his employment for his full tenure in such office with effect from the date of his joining to such office by the Department or authority or undertaking or aided institution of the State Government under which he holds his office of profit:”.

Amendment of section 172.

5. In sub-section (1) of section 172 of the principal Act, after the third proviso, the following proviso shall be inserted:—

“Provided also that after being elected to an office of a full time office bearer, he shall be allowed lien or leave of absence from the place of his employment for his full tenure in such office with effect from the date of his joining to such office by the Department or authority or undertaking or aided institution of the State Government under which he holds his office of profit:”.

Substitution of new section for section 213A.

6. For section 213A of the principal Act, the following section shall be substituted:—

“Disqualification on change of political party by Members of *Panchayats*.

213A. (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, the prescribed authority for such *Panchayat* as may be specified by notification in this behalf, may, subject to the other provisions of this section, declare, for reasons to be recorded in writing, a member of such *Panchayat* to be disqualified for being a member thereof, if—

- (a) he is an elected member set up by a recognised political party and has—
  - (i) voluntarily given up his membership of such recognised political party, or
  - (ii) exercised the voting right contrary to the manner of voting of the majority members set up by such recognised political party in such *Panchayat*; or
- (b) he is an elected member not set up by any recognised political party and he has joined a recognised political party on the expiry of six months from the date of election:



*The West Bengal Panchayat (Amendment) Act, 2014.*

(Section 6.)

Provided that the prescribed authority shall not declare any member to be disqualified under this section without giving to such member a reasonable opportunity to represent his case and to be heard in person:

Provided further that an elected member referred to in sub-clause (ii) of clause (a) shall not, on the prescribed authority being satisfied in this behalf, be declared to be disqualified, if—

- (a) the action of such member was taken on obtaining prior permission of, or was condoned by, such recognised political party, or
- (b) such member claims that he and any other members of such recognised political party in the *Panchayat* constitute a group representing a faction consisting of not less than one-third of the total number of members set up by such recognised political party in the *Panchayat* and that all the members of such group have voluntarily given up their membership of such recognised political party, or
- (c) the former recognised political party of the member merges with another recognised political party, and he claims that he and other members of his former recognised political party—
  - (i) have become members of such other recognised political party or of a new recognised political party formed out of merger, as the case may be, or
  - (ii) have not accepted the merger, and from the time of such merger, he and such other members constituting not less than one-third of the total number of members set up by the former recognised political party in the *Panchayat*, have opted to remain members of the former recognised political party or have formed a new recognised political party.

(2) On being declared to be disqualified under sub-section (1), a member shall, subject to the provisions of sub-section (12), stand removed from the *Panchayat* from the date of such declaration.

(3) As soon as may be within one month from the date of the first meeting of a *Panchayat* or within one month from the date on which this section comes into force, as the case may be, elected members set up by the recognised political parties shall, by adopting a resolution, select one member from amongst themselves to be the Leader and such Leader shall, within fifteen days from the date of such selection, furnish to the prescribed authority referred to in sub-section (1)—

- (i) a copy of the resolution,
- (ii) a signed statement containing the names, addresses and constituencies of himself and other members set up by such recognised political party, and
- (iii) a copy of a set of rules and regulations, if any, by whatever name called, of such recognised political party:

Provided that an office-bearer may also hold the office of the Leader:

Provided further that the prescribed authority referred to in sub-section (1) shall not refuse to accept, or to rely on, the documents furnished by the Leader merely on the ground that the resolution selecting the Leader was not adopted within one month from the date of the first meeting of the *Panchayat* or within one month from the date on which this section comes into force, as the case may be, or that the documents as aforesaid were not furnished to him within fifteen days from the date of such selection.

