

West Bengal Zilla Parishads Act, 1963

35 of 1963

[05 December 1963]

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West Bengal Zilla Parishads Act, 1963

35 of 1963

[05 December 1963]

PREAMBLE

An Act to provide for the re-modelling of Local Government with a view to associating the local authorities with development activities and bringing about democratic decentralisation and people's participation, in planning and development.

Whereas it is expedient to provide for the re-modelling of Local Government with a view to associating the local authorities with development activities and bringing about democratic decentralisation and people's participation in planning and development;

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

1. For the Statement of Objects and Reasons of the Bill and the Financial Memorandum accompanying it, see the Calcutta Gazette, Extraordinary, of the 13th December, 1962, Part IVA, page 3862; the report of the Joint Committee of the West Bengal Legislature was published in the Calcutta Gazette, Extraordinary, of the 17th July, 1963, Part IVA, pages 2049-2104; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 7th January, 24th, 25th, 26th, 29th, 30th and the 31st July and the 1st and 2nd August, 1963; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 9th January and the 8th, 9th, 20th, 22nd and 23rd August, 1963.

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the West Bengal Zilla Parishads Act, 1963.

(2) It extends to the whole of West Bengal, except the areas to which the provisions of the Calcutta Municipal Act, 1951, (Act XXXIII of 1951.) the Bengal Municipal Act, 1932, (Act XV of 1932.) the Chandernagore Municipal Act, 1955 (Act XVIII of 1955.) and the Cantonments Act, 1924, (2 of 1924.) apply.

(3) It shall come into ¹force in such areas and on such dates as the State Government may, by notification, appoint and different dates may be appointed for different areas or for different provisions of

this Act.

1. The 25th March, 1964 was appointed as the date on which all the provisions of the Act came into force in the whole of West Bengal. Vide notification No. 940/Panch/1B--4/63, dated the 21st March, 1964, published in the Calcutta Gazette. Extraordinary, dated the 23rd March, 1964, Part I, page 792.

2. Definitions :-

(1) In this Act, unless there is anything repugnant in the subject or context,-

(a) "Adhyaksha" means an Adhyaksha of a Gram Panchayat constituted under the West Bengal Panchayat Act, 1957; (Act I of 1957.)

(b) "Anchal" means the area included within the territorial limits of an Anchal Panchayat as notified under section 25 of the West Bengal Panchayat Act, 1957;

(c) "Anchal Panchayat" means an Anchal Panchayat constituted under the West Bengal Panchayat Act, 1957;

(d) "Anchalik Parishad" means an Anchalik Parishad established under section 51;

(e) "associate member" means an associate member referred to in sections 4 and 52;

(f) "backward community" means a community specified by the State Government by a notification under section 94;

(g) "block" means an area referred to in section 50;

(h) "Block Development Officer" means the Officer appointed as such by the State Government;

(i) "Commissioner" means the Commissioner of a Division;

(j) "District Board" means a District Board established under the Bengal Local Self-Government Act of 1885; (Act III of 1885.)

(k) "District Panchayat Officer" means the officer appointed as such under the West Bengal Panchayat Act, 1957;

(l) "District School Board" means a District School Board established under the Bengal (Rural) Primary Education Act, 1930; (Act VII of 1930.)

(m) "Gram Panchayat" means a Gram Panchayat constituted under the West Bengal Panchayat Act, 1957;

(n) "member" means a member of a Zilla Parishad or an Anchalik Parishad not being an associate member;

(o) "notification" means a notification published in the Official Gazette;

(p) "Pradhan" means a Pradhan of an Anchal Panchayat;

- (q) "prescribed" means prescribed by rules made under this Act;
- (r) "prescribed authority" means an authority appointed by the State Government, by notification, for all or any of the purposes of this Act;
- (s) "Sub-divisional Magistrate" includes any other officer appointed by the State Government to discharge the functions of the Sub-divisional Magistrate under this Act;
- (t) "Union Board" means a Union Board established under the Bengal Village Self-Government Act, 1919;(Act V of 1919.)
- (u) "year" means the year beginning on the first day of April;
- (v) "Zilla Parishad" means a Zilla Parishad established under section 3.
- (2) The expression signifying residing in the block or having a place of residence in or within the block or district mean dwelling in the block or district for a period of at least six months in the aggregate during the twelve months immediately preceding the date of appointment or co-option under this Act, or having a dwelling-place in the block or district in any other case.

CHAPTER 2 ESTABLISHMENT AND CONSTITUTION OF ZILLA PARISHAD

3. Establishment of Zilla Parishad :-

- (1) The State Government shall, by notification, ¹establish for each district, with effect from such date as may be specified in the notification, a Zilla Parishad bearing the name of the district.
- (2) A Zilla Parishad shall be a body corporate having perpetual succession and a common seal and may by its corporate name sue and be sued.

1. The different Zilla Parishad which were established as per different Notifications are as follows:-

For the district of Murshidabad see Notification No. 1244/Panch/IZ-14/64, dated the 1.3.64; for the district of Birbhum see Notification No. 7146/Panch/IZ-14/64, dated the 15.12.64; for the district of Malda see Notification No. 7052/Panch/IZ-14/64, dated the 8.12.64; for the district of Midnapore see Notification No.6849/Panch/IZ-14/64, dated the 1.12.64; for the district of Darjeeling see Notification No.6233/Panch/IZ-14/64, dated the 19.11.64; for the district of 24-Parganas see Notification No. 6206/Panch/IZ-14/64, dated the 5.11.64; for the district of Burdwan see Notification No.6010/Panch/IZ-14/64, dated the 22.10.64; for the district of Howrah, West Dinajpur, Hooghly, Bankura, Nadia, Jalpaiguri and Cooch-Bihar, see Notification No.

5716/Panch/IZ-14/64, dated the 3.10.64, for the district of Purulia, see Notification No. 6171/Panch/IZ-14/64, dated the 31.10.64.

4. Composition of Zilla Parishad :-

Subject to the provisions of sections 11 and 12, the following persons shall be members and associate members of the Zilla Parishad, namely:-

(1) Members-

(a) Presidents of Anchalik Parishads of the blocks within the district-ex-officio:

Provided that if any President of an Anchalik Parishad communicates to the Chairman of the Zilla Parishad, in writing, his unwillingness to act as a member of the Zilla Parishad, he shall, with effect from the date of such communication, cease to be a member of the Zilla Parishad, and the vacancy so caused shall be filled by election from among the members of that Anchalik Parishad in such manner and within such time as may be prescribed:

Provided further that if there be no Anchalik Parishad in any block the State Government may appoint a person residing in the block as a member,

(b) two Adhyakshas, one from each of two such constituencies comprised in a sub-division of the district as may be specified by notification, elected by the Adhyakshas in each constituency from among themselves at such time and in such manner as may be prescribed:

Provided that if a district has only one sub-division, four Adhyakshas, one from each of four such constituencies comprised in the district as may be specified by notification, shall be elected by the Adhyakshas in each constituency from among themselves at such time and in such manner as may be prescribed:

Provided further that if within the time fixed for the election, the Adhyakshas in a constituency fail to elect the member, another election shall be held on such date as may be appointed by the State Government by notification to fill the vacancy and in case the Adhyakshas in the constituency still fail to elect the member at such second election, the State Government may appoint a member from among the Adhyakshas in that constituency and any person so appointed shall be deemed to be a duly elected member,

(c) members of-

(i) the House of the People or the Legislative Assembly of the State, elected thereto from a constituency comprising the district or

any part thereof, not being a Minister,

(ii) the Council of State¹* * * *, not being a Minister, having a place of residence in the district,

(d) a Chairman of a municipality or a Mayor of a municipal corporation in the district appointed by the State Government,

(e) President of the District School Board-ex-officio,

(f) two women having a place of residence in the district appointed by the State Government:

Provided that-

(i) no such appointment shall be made if two or more women have become members under the provisions of other sub-clauses of this clause, and

(ii) one such appointment shall be made if only one woman has become member under the provisions of any other sub-clause of this clause;

(2) Associate members-

(a) the Sub-divisional Magistrate of each sub-division of the district, and

(b) the District Panchayat Officer.

1. The words "or the Legislative Council of the State" were omitted by the order No. 1504-L, dated the 31.7.70, published in the Calcutta Gazette. Extraordinary, dated the 31st July, 1970, page 1708.

5. Prohibition of simultaneous membership :-

(1) A member referred to in sub-clause (c) of clause (1) of section 4 shall not be elected a member under the provisions of sub clause (b) of clause (1) of that section.

(2) If a member referred to in sub-clause (b) of clause (1) of section 4 is subsequently elected a member of the House of the People or the Legislative Assembly of the State or subsequently becomes a member of the Council of States ¹* * * *, he shall cease to be a member of the Zilla Parishad under the provisions of sub-clause (b) of clause (1) of that section.

1. The words "or the Legislative Council of the State" were omitted by the order No. 1504-L, dated the 31.7.70, published in the Calcutta Gazette. Extraordinary, dated the 31st July, 1970, page 1708.

6. Tenure of office :-

(1) A member elected under the first proviso to sub-clause (a) of

clause (1) of section 4 shall hold office for a period of four years or for so long as he continues to be a member of the Anchalik Parishad or until a new President of the Anchalik Parishad is elected, whichever is earlier.

(2) A member appointed under the second proviso to sub-clause (a) of clause (1) of section 4 shall vacate office immediately on the establishment of an Anchalik Parishad for the block and the election of a President thereof.

(3) A member elected under sub-clause (b) or clause (1) of section 4 shall, subject to the provisions of section 5, hold office for a period of four years or for so long as he continues to be the Adhyaksha, whichever is earlier.

(4) A Chairman or a Mayor appointed under sub-clause (d) of clause (1) of section 4 shall hold office for a period of four years or for so long as he continues to be such Chairman or Mayor, whichever is earlier.

(5) Subject to the provisions of sub-section (2), a member appointed under the second proviso to sub-clause (a) of clause (1) of section 4, and a member appointed under sub-clause (f) of clause (1) of that section shall hold office for a period of four years: Provided that such a member shall continue to hold office on the expiry of the said term until another member is appointed by the State Government in his place.

(6) If any President of an Anchalik Parishad or if any person referred to in sub-clauses (d) and (f) of clause (1) of section 4 be disqualified to be a member, the State Government may fill the vacancy in such manner and for such period as may be prescribed.

7. Chairman and Vice-Chairman :-

(1) There shall be a Chairman and a Vice-Chairman for a Zilla Parishad elected by the members thereof from among the members referred to in sub-clauses (a), (b), (c) and (f) of clause (1) of section 4.

(2) The Chairman and the Vice-Chairman shall, subject to the provisions of section 9 and to his continuing as a member, hold office for a period of four years:

Provided that a Chairman or Vice-Chairman shall continue in office after expiry of the said period until a new Chairman or Vice-Chairman is elected and assumes office.

(3) (a) When the office of the Chairman falls vacant by reason of death, resignation or removal or is otherwise vacant, or

(b) when the Chairman is, by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions and discharge the duties of his office, the Vice-Chairman shall exercise the powers, perform the functions and discharge the duties of the Chairman until a new Chairman is elected and assumes office or until the Chairman resumes his duties, as the case may be.

(4) (a) When the office of the Vice-Chairman falls vacant by reason of death, resignation or removal or is otherwise vacant, or

(b) when the Vice-Chairman is, by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions and discharge the duties of his office,

the Chairman shall exercise the powers, perform the functions and discharge the duties of the Vice-Chairman until a new Vice-Chairman is elected and assumes office or until the Vice-Chairman resumes his duties, as the case may be.

(5) When the offices of the Chairman and the Vice-Chairman are both vacant, the State Government may appoint a Chairman and a Vice-Chairman from among the members to act as such until a Chairman and a Vice-Chairman are elected and assume office.

¹(6) If a President of an Anchalik Parishad or an Adhyaksha is elected the Chairman or the Vice-Chairman of a Zilla Parishad, he shall cease to be the President of the Anchalik Parishad or the Adhyaksha, as the case may be, but shall, notwithstanding anything in section 4 or in sub-section (1) of this section, continue to be a member of the Zilla Parishad for the full term of his office as such Chairman or Vice-Chairman thereof under sub-section (2) of section 7 or sub-section (2) of section 10, as the case may be.

1. Sub-section (6) was substituted for the original sub-section by section 3(1) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

7A. Honoraria, allowances, leave, etc., of Chairman and Vice-Chairman :-

¹[The Chairman and the Vice-Chairman of a Z/7/a Parishad shall be paid out of the Zilla Parishad Fund such honoraria and allowances and shall be entitled to leave of absence for such period or periods and on such terms and conditions as may be prescribed.]

1. Section 7A was inserted by section 3(2), *ibid*.

8. Powers, functions and duties of Chairman and Vice-

Chairman :-

¹[(1) The Chairman shall-

- (a) have full access to all records of the Zilla Parishad;
- (b) have general responsibility for the financial and executive administration of the Zilla Parishad;
- (c) exercise administrative supervision and control over the work of the Executive Officer and the Secretary for securing implementation of resolutions or decisions of the Zilla Parishad or of any Committee thereof;
- (d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Zilla Parishad under this Act or the rules made thereunder:

Provided that the Chairman shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Zilla Parishad at a meeting;

- (e) exercise such other powers, perform such other functions and discharge such other duties as the Zilla Parishad may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

(2) The Vice-Chairman shall-

- (a) exercise such of the powers, perform such of the functions and discharge such of the duties of the Chairman as the Chairman may, from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing;
- (b) during the absence of the Chairman, exercise all the powers, perform all the functions and discharge all the duties of the Chairman.]

1. Section 8 was substituted for the original section by section 3(3), *ibid*.

9. Removal of the Chairman and the Vice-Chairman :-

(1) If the State Government is of opinion that the Chairman or the Vice-Chairman of a Zilla Parishad-

- (a) is incapable of exercising his powers, performing his functions or discharging his duties, or
- (b) wilfully neglects or refuses to carry out the directions of the State Government given under the provisions of this Act, or

(c) abuses his powers, or

(d) is liable to be removed on any of the grounds mentioned in section 12,

the State Government may, after giving the Chairman or the Vice-Chairman, as the case may be, an opportunity of being heard, by order, remove him from office and he shall thereupon cease to be a member of the Zilla Parishad and also cease to be a member of, or to hold any office in, any of the bodies constituted under this Act.

¹(2) If a motion of no-confidence against the Chairman or the Vice-Chairman is carried by the votes of more than one-half of the total number of members of the Zilla Parishad holding office for the time being, the State Government shall remove the Chairman or the Vice-Chairman, as the case may be, from office.

1. Sub-section (2) was substituted for the original sub-section by section 2 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

10. Filling of vacancies caused by action taken under section 9 :-

(1) When the Chairman or the Vice-Chairman is removed under section 9, the vacancy so caused shall be filled by election in such manner as may be prescribed.

(2) A Chairman or a Vice-Chairman elected under sub-section (1) shall hold office for the remainder of the term of his predecessor in office.

(3) A Chairman or a Vice-Chairman removed from office under sub-section (1) of section 9 on any of the grounds enumerated in clauses (a), (b) and (c) of that sub-section and clauses (a) and (c) of sub-section (4) of section 12 shall not be eligible for election or appointment as a member of, or for election or appointment to any office in, any of the bodies constituted under this Act for a period of four years from the date of such removal.

11. Disqualifications of members of Zilla Parishad :-

A person shall not be qualified to be a member of a Zilla Parishad, if-

(a) he is under twenty-five years of age; or

(b) he is an officer or employee of the Zilla Parishad, an Anchalik Parishad within the district or any Standing Committee thereof; or

(c) he has been dismissed from the service of the Central or a State Government or a local authority for misconduct; or

- (d) he has been adjudged by a competent court to be of unsound mind; or
- (e) he is an undischarged insolvent; or
- (f) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- (g) he is in arrears for more than a year in respect of any tax, rate or fee payable under this Act or the West Bengal Panchayat Act, 1957; (Act 1 of 1957.) or
- (h) he has been convicted and sentenced to undergo imprisonment by a court for an offence involving moral turpitude punishable with imprisonment for a period of more than six months, and five years have not elapsed from the date of the expiration of the sentence unless the State Government on sufficient cause having been shown shall have removed the disqualification by an order made in this behalf.

12. Removal of a member of the Zilla Parishad :-

- (1) No member or associate member of the Zilla Parishad shall, directly or indirectly by himself, partner, employer or employee, have any share or interest in any contract other than a share or interest in any company as defined in the Companies Act, 1956, (I of 1956.) or in any Co-operative Society registered under the Bengal Co-operative Societies Act, 1940, (Act XXI of 1940.) which is a party to any such contract, with, by or on behalf of, the Zilla Parishad.
- (2) If any member or associate member acquires any such share or interest he shall cease to be a member of the Zilla Parishad with effect from such date as the State Government may specify.
- (3) If a member acts as a lawyer against the Zilla Parishad in any legal proceedings to which the Zilla Parishad is a party he shall cease to be a member of the Zilla Parishad with effect from such date as the State Government may specify.
- (4) The State Government may, after giving an opportunity to a member or an associate member to show cause against the action proposed to be taken against him, by an order in writing, remove him from office-
 - (a) on the grounds of misconduct in the discharge of his duties; or
 - (b) if he refuses to act or becomes incapable of acting as such member; or
 - (c) if after he becomes a member he is convicted by a court of an

offence involving moral turpitude punishable with imprisonment for a period of more than six months; or
(d) if he is absent from six consecutive meetings of the Zilla Parishad without sufficient cause; or
(e) if he is in arrears from more than one year in respect of any tax, rate or fee payable under this Act or the West Bengal Panchayat Act, 1957; (Act 1 of 1957.) or
(f) if he was disqualified to be a member of the Zilla Parishad at the time when he became a member; or
(g) if he incurs any of the disqualifications mentioned in clauses (c), (d), (e) and (f) of section 11 after becoming a member of the Zilla Parishad.

13. Resignation of Chairman, Vice-Chairman or a member :-

The Chairman or the Vice-Chairman or a member referred to in clause (1) of section 4 may resign his office by notifying in writing his intention to do so to the prescribed authority and shall vacate his office on such resignation being accepted ¹[by the said authority] and the vacancy so caused shall be filled in such manner as may be prescribed.

1. The words within the square brackets were inserted by section 3(4) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

CHAPTER 3 TRANSACTION OF BUSINESS

14. Oath or affirmation by members :-

(1) A member of a Zilla Parishad other than a member referred to in sub-clauses (c) and (d) of clause (1) of section 4 shall before taking his seat, make and subscribe in the presence of the other members or such of them as would be sufficient to form a quorum at a meeting, assembled for a meeting of which notice has been given, an oath or affirmation of his allegiance to the Constitution of India in the form set out for the purpose in the First Schedule.

(2) A member who fails to make and subscribe, without sufficient cause, within three months from the date on which his term of office commences, the oath or affirmation referred to in sub-section (1) shall cease to hold his office and his seat shall be deemed to have become vacant and the vacancy so caused shall be filled in such manner as may be prescribed.

15. Meetings :-

(1) A Zilla Parishad shall hold a meeting at least once ¹[in every three months] at its office on such date and at such time as the Chairman may fix after giving at least ten clear days notice to the members and the associate members of the Zilla Parishad:

Provided that the Chairman may, in case of emergency, call a special meeting after giving at least three clear days notice to the members and the associate members of the Zilla Parishad:

Provided further that, when so requested by a requisition in writing by not less than one-third of the members of the Zilla Parishad, the Chairman shall, within seven days of the receipt by him of such requisition, give ten clear days notice of a meeting of the Zilla Parishad to be held within fifteen days of the date of such notice failing which the signatories to the requisition may, after sending intimation to the prescribed authority, call such meeting after giving at least ten clear days notice to the Chairman, other members and the associate members of the Zilla Parishad.

(2) The Chairman or, in his absence, the Vice-Chairman shall preside at a meeting of the Zilla Parishad, and, in the absence of both the Chairman and the Vice-Chairman, the members present shall elect one from among themselves to be the president of the meeting:

²Provided that when a meeting is held to consider a motion of non-confidence against the Chairman or the Vice-Chairman, the Chairman or, as the case may be, the Vice-Chairman shall not preside at such meeting and the provisions of this sub-section shall apply as if the Chairman or, as the case may be, the Vice-Chairman was absent from such meeting.

(3) Not less than one-third of the total number of members shall form a quorum for a meeting.

(4) All questions coming before a meeting shall be decided by the votes of the majority of members:

Provided that an associate member shall have no right to vote:

Provided further that in case of equality of votes the person presiding shall have a second or casting vote.

1. The words within the square brackets were substituted for the words "a month" by section 3(5), *ibid*.

2. The proviso was added by section 3 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

16. [Omitted] :-

(Delegations of functions of Zilla Parishad to its Chairman).-Omitted by section 3(6) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

CHAPTER 4 POWERS, FUNCTIONS AND DUTIES OF ZILLA PARISHAD

17. Power to acquire, hold and dispose of property :-

(1) A Zilla Parishad shall have the power to acquire, hold and dispose of property and to enter into contracts.

(2) A Zilla Parishad may, with the previous sanction of the State Government, acquire land under the provisions of any law for the time being in force for carrying out the purposes of this Act.

18. Power of Zilla Parishad :-

(1) Subject to any general or special directions of the State Government, a Zilla Parishad shall have power to-

(a) (i) undertake schemes or adopt measures, including the giving of financial assistance, relating to the development of agriculture, livestock, industries, co-operative movement, rural credit, water-supply, irrigation, public health and sanitation including establishment of dispensaries and hospitals, communications,

¹[primary, secondary or adult education] including welfare of students, social welfare and other objects of general public utility;

(ii) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority;

(iii) manage or maintain any work of public utility or any institution vested in it or under its control and management;

(iv) make grants in aid of any school, public library, public institution or public welfare organisation within the district;

(v) contribute such sums as may be agreed upon towards cost of maintenance of any institutions, situated outside the district, which are beneficial to, and habitually used by, the inhabitants of the district;

(vi) establish scholarships or award stipends within the State for the furtherance of technical or other special forms of education;

(vii) acquire and maintain village hats and markets;

(b) make grants to the Anchalik Parishads;

(c) contribute, with the approval of the State Government, such

sum or sums as it may decide, towards the cost of water-supply or anti-epidemic measures undertaken by the commissioners of a municipality within the district;

(d) adopt measures for the relief of distress;

(e) co-ordinate and integrate the development plans and schemes prepared by Anchalik Parishads in the district; and

(f) examine and sanction the budget estimates of Anchalik Parishads in the district:

Provided that any general or special directions of the State Government to a Zilla Parishad in matters relating to Primary Education shall be issued by the Education Department.

(2) A Zilla Parishad shall have the power to advise the State Government on all matters relating to the development of the district including the allocation of development work among Gram Panchayats, Anchal Panchayats and Anchalik Parishads.

(3) Notwithstanding anything in sub-section (1), a Zilla Parishad shall not undertake or execute any scheme confined to a block unless the implementation of such a scheme is beyond the competence of the Anchalik Parishad concerned financially or otherwise. In the latter case the Zilla Parishad may execute the scheme itself or entrust its execution to the Anchalik Parishad and give it such assistance as may be required.

(4) A Zilla Parishad may undertake or execute any scheme if it extends to more than one block.

1. The words within the square brackets were substituted for the words "primary or adult education" by section 3(7) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

19. Zilla Parishad to have powers of Magistrate in district to which the Vaccination Act extends :-

In a district to which the Bengal Vaccination Act, 1880, (Act V of 1880.) has been, or may hereafter be, extended, the Zilla Parishad shall exercise all or any of the powers exercisable by the Magistrate of the district under section 25 of the said Act.

20. State Government may place other property under Zilla Parishad :-

(1) The State Government may, from time to time, with the consent of the Zilla Parishad, place any road, bridge, ferry, channel, building or other property vested in the State Government and

situated within the district under the control and management of the Zilla Parishad subject to such conditions as it may specify.

(2) The State Government may, notwithstanding anything contained in the Bengal Municipal Act, 1932, (Act XV of 1932.) direct, after consultation with the commissioners of a municipality, that the control and maintenance of any road part of which runs through a municipality and is vested in the commissioners of such municipality shall be taken over by the Zilla Parishad and that the commissioners of such municipality shall make such contribution for the maintenance of the road as may be agreed upon or as may be fixed by the State Government in the absence of agreement.

On such direction being given the commissioners of the municipality shall cease to control and maintain such portion of the road as lies within such municipality.

21. Zilla Parishad may take over works :-

A Zilla Parishad may take over the maintenance and control of any road, bridge, tank, ghat, well, channel or drain belonging to a private owner or any other authority on such terms as may be agreed upon.

22. Power of Zilla Parishad to divert, discontinue or close road :-

A Zilla Parishad may divert, discontinue or close temporarily any road which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

23. Power of Zilla Parishad to transfer roads to the State Government or Anchalik Parishad :-

A Zilla Parishad may transfer to the State Government or to an Anchalik Parishad any road or part of a road or any other property which is under its control or management, or which is vested in it, on such terms and conditions as may be agreed upon.

24. Vesting of Zilla Parishad with certain powers :-

(1) A Zilla Parishad may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.

(2) A Zilla Parishad shall perform such functions as may be

transferred to it by notification under section 31 of the Cattle-trespass Act, 1871. (I of 1871.)

(3) A Zilla Parishad shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

25. Joint execution of schemes by two or more Zilla Parishads :-

The Zilla Parishads of two or more adjacent districts may jointly undertake and execute at common cost any development scheme or project or may jointly establish a common ferry on such terms and conditions as may be agreed upon, and in case of any difference as to the interpretation of such terms and conditions the matter shall be referred to the State Government whose decision shall be final.

26. Power of Zilla Parishad to grant licence for fair or mela :-

A Zilla Parishad may require the owner or the lessee of a fair or mela or an owner or a lessee of land intending to hold a fair or mela thereon to obtain a licence in this behalf from the Zilla Parishad on such terms and conditions as may be prescribed and on payment of a fee for such licence.

27. Power of supervision by Zilla Parishad over the Anchalik Parishads, etc. :-

A Zilla Parishad shall exercise general powers of supervision over Anchalik Parishads, Anchal Panchayats and Gram Panchayats in the district and it shall be the duty of these authorities to give effect to any directions of the Zilla Parishad on matters of policy or planning for development.

27A. Exemption of Chairman and members of Zilla Parishad from attending registration office :-

¹[Notwithstanding anything contained in the Indian Registration Act, 1908 (16 of 1908.) or any rules made thereunder, the registering officer shall, on the requisition of the Chairman made in writing and under the common seal of the Zilla Parishad, register a document executed by the Chairman or a member of a Zilla Parishad on behalf of the Zilla Parishad without requiring the

presence of the Chairman or the member concerned at the registration office.]

1. Section 27A was inserted by section 4 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

CHAPTER 5 ESTABLISHMENT OF THE ZILLA PARISHAD

28. Staff of the Zilla Parishad :-

(1) There shall be an Executive Officer for a Zilla Parishad appointed by the State Government on such terms and conditions as may be prescribed:

Provided that any person so appointed shall be recalled by the State Government if a resolution to that effect is passed by the Zilla Parishad, at a meeting specially convened for the purpose, by a majority of not less than two-thirds of the total number of members holding office for the time being.

(2) There shall be a Secretary of the Zilla Parishad to be appointed by the Zilla Parishad:

Provided that the District Panchayat Officer shall be the ex-officio Secretary for a period of four years from the date of the establishment of the Zilla Parishad under sub-section (1) of section 3 and for such further period as the Zilla Parishad may, by a resolution passed to that effect and with the approval of the State Government, determine.

(3) A Zilla Parishad may appoint such other officers and employees as may be required by it and may fix the salaries to be paid to the persons so appointed:

Provided that no post carrying a monthly salary of rupees three hundred and one or more shall be created or abolished by the Zilla Parishad without the approval of the State Government.

29. Placing the services of State Government Officers at the disposal of Zilla Parishad :-

The State Government may place at the disposal of the Zilla Parishad the services of such officers or other employees serving under it as it may think fit:

Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the Zilla Parishad, at a meeting specially convened for the purpose, by a majority of not less than two-thirds of the total number of members holding office for the time being:

Provided further that the State Government shall have disciplinary control over such officers and employees.

30. Control and punishment of the staff of the Zilla Parishad
:-

(1) The Executive Officer shall exercise general control over all officers and other employees of the Zilla Parishad.

(2) The Executive Officer may award any punishment other than dismissal, removal or reduction in rank to an officer or employee holding a post carrying a monthly salary of less than rupees three hundred but shall not award any punishment to an officer or employee holding a post carrying a monthly salary of rupees three hundred or more.

(3) The Executive Officer may recommend the dismissal, removal or reduction in rank of an officer or employee holding a post carrying a monthly salary of less than rupees three hundred to the Finance and Establishment Committee and such Committee shall forward the case to the Zilla Parishad with its own recommendation. The Zilla Parishad may, if it is satisfied with such recommendation of the Finance and Establishment Committee, dismiss, remove or reduce in rank any such officer or employee.

(4) No officer or other employee holding a post carrying a monthly salary of rupees three hundred or more shall be punished by the Zilla Parishad except by a resolution of the Zilla Parishad passed at a meeting.

31. Appeal :-

(1) An appeal shall lie to the Zilla Parishad against an order of punishment awarded by the Executive Officer under sub-section (2) of section 30 within one month from the date of that order.

(2) An appeal shall lie to the State Government against an order of punishment awarded by the Zilla Parishad under sub-sections (3) and (4) of section 30 within one month from the date of the order.

32. Exercise of powers, etc., by the officers and employees
:-

Subject to the provisions of this Act and the rules framed thereunder and to any general or special directions given by the State Government in that behalf the officers and other employees employed by the Zilla Parishad and the officers and other

employees whose services have been placed at the disposal of the Zilla Parishad shall exercise such powers, perform such functions and discharge such duties as the Zilla Parishad may determine.

CHAPTER 6 STANDING COMMITTEES OF THE THE ZILLA PARISHAD

33. Standing Committees :-

(1) A Zilla Parishad shall have the following Standing Committees, namely:-

- (i) Finance and Establishment Committee,
- (ii) Public Health Committee,
- (iii) Public Works Committee,
- (iv) Agriculture and Irrigation Committee,
- (v) Industry and Co-operation Committee,
- (vi) Public and Social Welfare Committee,
- (vii) Primary Education Committee as provided under section 38, and
- (viii) such other Committee or Committees as it may constitute subject to the approval, or under any general or special direction, of the State Government.

(2) No person ¹[except the Chairman or the Vice-Chairman] shall be a member of more than two Standing Committees.

(3) The provisions of sections 34, 35, 36 and 37 shall not apply to the Primary Education Committee.

1. The words within the square brackets were inserted by section 3(8) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

34. Constitution of Standing Committees :-

(1) A Standing Committee shall consist of the following members-

- (i) such number of persons not exceeding nine as may be prescribed for each Zilla Parishad, to be elected by the members of the Zilla Parishad from among themselves;
- (ii) not more than two persons being officers of the State Government or of the Zilla Parishad ¹appointed by the State Government:

Provided that such officers shall not be eligible for election as Chairman of the Standing Committee and shall not have any right to vote;

- (iii) not more than two persons having knowledge of, and

experience in, the subjects assigned to the Standing Committee nominated by the Zilla Parishad:

²Provided that no person who is disqualified to be a member of the Zilla Parishad under section 11 shall be so nominated;

³(iv) the Chairman and the Vice-Chairman of the Zilla Parishad (ex-officio).

(2) The members of a Standing Committee shall elect a Chairman thereof from among themselves:

⁴Provided that the Chairman of the Zilla Parishad shall be the ex-officio Chairman of the Finance and Establishment Standing Committee.

1. For notification relating to appointment for each Zilla Parishad the Officers of the State Government and an Officer of the Zilla Parishad specified as members of the Standing Committees denoted, see notification No. 2275 Panch/IA-17/64, dated the 15.6.64, published in the Calcutta Gazette of 1964, Part 1, page 1939.

2. The proviso was added by section 5 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

3. Clause (iv) was added by section 3(9)(a) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

4. The Proviso was substituted for the original proviso by section 3(9)(b), *ibid*.

35. Term of office of members of Standing Committees :-

(1) An elected member of a Standing Committee shall hold office for a period of four years or for so long as he continues to be a member of the Zilla Parishad, whichever is earlier.

(2) An officer appointed as a member under clause (ii) of sub-section (1) of section 34 shall hold office until another officer is appointed to replace him.

(3) A nominated member shall hold office for a period of four years: Provided that a nominated member shall continue in office after the expiry of the said period until a new member is nominated in his place:

¹Provided further that a nominated member may be removed from office by the State Government at any time before the expiry of the said period on any of the grounds mentioned in sub-section (4) of section 12 in the manner provided in that sub-section.

1. The proviso was added by section 6 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

36. Term of office of Chairman :-

A Chairman shall hold office for a period of four years or for so long as he continues to be a member of the Standing Committee, whichever is earlier:

Provided that the Chairman shall continue to hold office until a new Chairman is elected and assumes office.

37. Powers of Standing Committees :-

A Standing Committee shall exercise such powers, perform such functions and discharge such duties as may be prescribed or as may be assigned to it by the Zilla Parishad.

38. District School Board to function as Primary Education Committee :-

(1) The District School Board, constituted under the Bengal (Rural) Primary Education Act, 1930, (Act VII of 1930.) shall, subject to the provisions of sub-sections (3), (4) and (5), function as the Primary Education Committee of the Zilla Parishad and shall, subject to any general or special directions of the Education Department of the State Government, give effect to any instructions of the Zilla Parishad in so far as such instructions are not inconsistent with the provisions of the aforesaid Act.

(2) The instructions which may be given by the Zilla Parishad may include instructions regarding-

(a) the transfer of management of schools under the management of the District School Board to Anchalik Parishads, Anchal Panchayats or Gram Panchayats;

(b) the inspection of schools under the management of the District School Board, and of other schools the management whereof has been transferred to Anchalik Parishads, Anchal Panchayats, or Gram Panchayats, and the submission of reports of such inspection to the Zilla Parishad;

(c) the making of payments by way of contribution or otherwise to Anchalik Parishads, Anchal Panchayats or Gram Panchayats for meeting the cost of management of the schools so transferred or for giving grants-in-aid to primary schools within their jurisdictions.

(3) Notwithstanding anything contained in the Bengal (Rural)

Primary Education Act, 1930, (Act IX of 1880.) the State Government may appoint two persons interested in education to be members of the District School Board.

(4) An appointed member, unless sooner replaced, shall hold office for a term of four years and may, on the expiry of the said term, be reappointed by the State Government:

Provided that an appointed member shall continue to hold office after the expiry of the said term until another member is appointed by the State Government in his place.

(5) The District Primary Education Fund shall not form part of the Zilla Parishad Fund but shall continue to be a separate Fund.

(6) Save as provided in sub-sections (1), (2), (3) and (4), the provisions of the Bengal (Rural) Primary Education Act, 1930 shall govern the constitution, powers, functions and duties of the District School Board.

39. Works constructed by Zilla Parishad to vest in it :-

All roads, buildings or other works constructed by a Zilla Parishad from its Fund shall vest in it.

CHAPTER 7 PROPERTY, FINANCE AND TAXATION

40. Zilla Parishad Fund :-

(1) For every Zilla Parishad there shall be constituted a fund to be called the Zilla Parishad Fund and there shall be placed to the credit thereof-

(a) contributions and grants, if any, made by the Central or the State Government including such part of land revenue collected in the district as may be determined by the State Government;

(b) contributions and grants, if any, made by an Anchalik Parishad or other local authority;

(c) loans, if any, granted by the Central or the State Government or raised by the Zilla Parishad on security of its assets;

(d) the proceeds of road cess levied in the district;

(e) all receipts on account of tolls, rates and fees levied by the Zilla Parishad;

(f) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of, the Zilla Parishad;

(g) all sums received as gift or contribution and all income from any trust or endowment made in favour of the Zilla Parishad;

(h) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be prescribed;

(i) all other sums received by or on behalf of the Zilla Parishad.

(2) The Zilla Parishad Fund shall be vested in Zilla Parishad and the amount standing to the credit of the fund shall be kept in such custody or invested in such manner as the State Government may, from time to time, direct.

(3) All orders and cheques for payments from the Zilla Parishad Fund shall be signed by the Chairman of the Zilla Parishad or by any other member authorised by him in writing in this behalf.

41. Proceeds of road cess to be credited to the Zilla Parishad Fund :-

Notwithstanding anything to the contrary in the Cess Act, 1880 (Act VII of 1930.) the proceeds of road cess, if any, levied and realised in a district shall be credited to the Zilla Parishad Fund after payment of the expenses mentioned in section 109 of the said Act.

42. Levy of tolls, fees and rates :-

(1) Subject to such maximum rates as the State Government may prescribe, a Zilla Parishad may-

(a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a kutchra road or any bridge vested in it or under its management,

(b) levy tolls in respect of any ferry established by it or under its management,

(c) levy the following fees and rates, namely:-

(i) fees on the registration of vehicles or boats;

(ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government by notification;

¹(iia) a fee for licence referred to in section 26;

(iii) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Parishad within its jurisdiction;

(iv) a lighting rate, where arrangement for lighting of public streets and places is made by the Zilla Parishad within its jurisdiction.

(2) The Zilla Parishad shall not undertake registration of any vehicle or boat or levy fee therefor and shall not provide sanitary

arrangements at places of worship or pilgrimages, fairs and melas within its jurisdiction or levy fee therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has already been made by any other local authority.

1. Sub-clause (iia) was inserted by section 7 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

43. Scales of tolls, etc.. to be provided by bye-laws :-

(1) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws.

(2) Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

44. Expenditure from the Zilla Parishad fund :-

A Zilla Parishad shall have power to spend such sums out of its Fund as it thinks fit-

- (a) for carrying out the purposes of this Act;
- (b) for providing amenities for its officers and employees; and
- (c) for any special purpose approved by the State Government.

45. Zilla Parishad may raise loans and create a sinking fund :-

A Zilla Parishad may, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act, and create a sinking fund for the repayment of such loans.

46. Budget :-

(1) ¹[The Executive Officer] shall in each year, before such date as may be prescribed, place before the Zilla Parishad the budget which shall be prepared by the Finance and Establishment Committee showing the probable receipts and expenditure during the following year. The Zilla Parishad shall adopt the budget with such modifications as it may think fit.

(2) The budget so adopted shall be submitted to the State Government by such date as may be prescribed.

(3) The State Government may, within such time as may be prescribed, either approve of the budget or return it to the Zilla Parishad for such modifications as it may direct. On such modifications being made, the budget shall be resubmitted within such time as may be prescribed for approval to the State Government. If the approval of the State Government is not received by the Zilla Parishad by the last date of the year, the budget shall be deemed to have been approved by the State Government.

1. The words within the square brackets were substituted for the words "The Secretary" by section 8 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

47. Supplementary budget :-

The Finance and Establishment Committee may, if it finds it necessary to do so, prepare a supplementary or revised budget and if such a budget is prepared the provisions of section 46 shall apply thereto.

48. Accounts :-

A Zilla Parishad shall keep an account of all receipts and expenditure in such form as may be prescribed.

49. Audit :-

(1) The accounts shall be audited as soon as may be after the end of each year by such agency and in such manner as may be prescribed.

(2) A Zilla Parishad shall pay out of the Zilla Parishad Fund such sum as may be determined by the State Government by way of fees for such audit.

CHAPTER 8 CONSTITUTION OF THE ANCHALIK PARISHAD

50. Constitution of blocks :-

The State Government shall, by notification, divide a district into blocks each comprising such Anchals as may be specified in the notification.

51. Establishment of Anchalik Parishad :-

- (1) The State Government shall, by notification, establish for each block, with effect from such date as may be specified in the notification, an Anchalik Parishad bearing the name of the block.
- (2) An Anchalik Parishad shall be a body corporate having perpetual succession and a common seal and may by its corporate name sue and be sued.

52. Composition of Anchalik Parishad :-

Subject to the provisions of sections 59 and 60, the following persons shall be members and associate member of the Anchalik Parishad, namely:-

(1) Members-

(a) Pradhans, and Presidents of the Union Boards within the block-ex-officio :

Provided that if any Pradhan communicates to the President of the Anchalik Parishad, in writing, his unwillingness to act as a member of the Anchalik Parishad, he shall with effect from the date of such communication, cease to be a member of the Anchalik Parishad, and the vacancy so caused shall be filled by election from among the members of the Anchal Panchayat of which he is the Pradhan in such manner and within such time as may be prescribed,

(b) one Adhyaksha from the territorial limits of each Anchal Panchayat elected by the Adhyakshas of that area from among themselves at such time and in such manner as may be prescribed:

Provided that if within the time fixed for the election, the Adhyakshas within the territorial limits of an Anchal Panchayat fail to elect the member, another election shall be held on such date as may be appointed by the State Government by notification to fill the vacancy and in case the Adhyakshas of such territorial limits still fail to elect the member at such second election, the State Government may appoint a member from among the Adhyakshas of such territorial limits and the person so appointed shall be deemed to be a duly elected member:

Provided further that if there be no Anchal Panchayat within the territorial limits of a Union Board the State Government may appoint a person residing within such territorial limits as a member,

(c) members of-

(i) the House of the People or the Legislative Assembly of the State, elected thereto from a constituency comprising the block or any part thereof, not being a Minister,

(ii) the Council of States ¹* * * *, not being a Minister, having a

place of residence in the block,

(d) (i) two women, and

(ii) two persons belonging to a backward community, having a place of residence in the block, appointed by the State Government,

(e) two persons who have knowledge of, or experience in, social work or rural development, having a place of residence within the block, co-opted by the members in such manner as may be prescribed.

(2) Associate member-
the Block Development Officer.

1. The words "or the Legislative Council of the State" were omitted by Order No. 1504-L, dated the 31.7.70, published in the Calcutta Gazette, Extraordinary, of the 31.7.70, page 1708.

53. Prohibition of simultaneous membership :-

(1) A member referred to in sub-clause (c) of clause (1) of section 52 shall not be elected a member under the provisions of sub-clause (b) of clause (1) of that section.

(2) If a member referred to in any of the sub-clauses (a), (b), (d) and (e) of clause (1) of section 52 is subsequently elected a member of the House of the People or the Legislative Assembly of the State or subsequently becomes a member of the Council of States ¹* * * *, he shall cease to be a member of the Anchalik Parishad under the provisions of any such sub-clause.

1. The words "or the Legislative Council of the State" were omitted by Order No. 1504-L, dated the 31.7.70, published in the Calcutta Gazette, Extraordinary, of the 31.7.70, page 1708.

54. Tenure of office :-

(1) A member elected under the proviso to sub-clause (a) of clause (1) of section 52 shall hold office for a period of four years or for so long as he continues to be a member of the Anchal Panchayat or until a new Pradhan of the Anchal Panchayat is elected, whichever is earlier.

(2) A member elected under sub-clause (b) of clause (1) of section 52 shall, subject to the provisions of section 53, hold office for a period of four years or for so long as he continues to be the Adhyaksha, whichever is earlier.

(3) A member appointed under the second proviso to sub-clause (b) of clause (1) of section 52 shall vacate office immediately on

the establishment of an Anchal Panchayat for the area and the election of a Pradhan thereof.

(4) A member appointed under the first proviso to sub-clause (b) of clause (1) of section 52 and a member appointed under sub-clause (d) of clause (1) of that section shall hold office for a period of four years:

Provided that such a member shall continue to hold office on the expiry of the said term until another member is appointed by the State Government in his place.

(5) A member co-opted under sub-clause (e) of clause (1) of section 52 shall hold office for a period of four years.

(6) If any Pradhan or if any person referred to in sub-clauses (d) and (e) of clause (1) of section 52 be disqualified to be a member, the vacancy shall be filled in such manner and for such period as may be prescribed.

55. President and Vice-President :-

(1) There shall be a President and a Vice-President for an Anchalik Parishad elected by the members thereof from among the members referred to in clause (1) of section 52.

(2) The President and the Vice-President shall, subject to the provisions of section 57 and to his continuing as a member, hold office for a period of four years:

Provided that a President or Vice-President shall continue in office after expiry of the said period until a new President or Vice-President is elected and assumes office.

(3) (a) when the office of the President falls vacant by reason of death, resignation or removal or is otherwise vacant, or

(b) when the President is, by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions and discharge the duties of his office, the Vice-President shall exercise the powers, perform the functions and discharge the duties of the President until a new President is elected and assumes office or until the President resumes his duties, as the case may be.

(4) (a) When the office of the Vice-President falls vacant by reason of death, resignation or removal or is otherwise vacant, or

(b) when the Vice-President is by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions and discharge the duties of his office,

the President shall exercise the powers, perform the functions and discharge the duties of the Vice-President until a new Vice-

President is elected and assumes office or until the Vice-President resumes his duties, as the case may be.

(5) When the offices of the President and the Vice-President are both vacant, the State Government may appoint a President and a Vice-President from among the members to act as such until a President and a Vice-President are elected and assume office.

¹(6) If a Pradhan or an Adhyaksha is elected as the President or the Vice-President of an Anchalik Parishad, he shall cease to be the Pradhan or the Adhyaksha, as the case may be, but shall, notwithstanding anything in section 52 or in sub-section (1) of this section, continue to be a member of the Anchalik Parishad for the full term of his office as such President or Vice-President thereof under sub-section (2) of section 55 or sub-section (2) of section 58, as the case may be.

1. Sub-section (6) was substituted for the original sub-section by section 3(10) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

55A. Honoraria, allowances, leave, etc., of the President and Vice-President :-

¹[The President and the Vice-President of an Anchalik Parishad shall be paid out of the Anchalik Parishad Fund such honoraria and allowances and shall be entitled to leave of absence for such period or periods and on such terms and conditions as may be prescribed.]

1. Section 55A was inserted by section 3(11), *ibid*.

56. Powers, functions and duties of President and Vice-President :-

¹[(1) The President shall-

- (a) have full access to all records of the Anchalik Parishad;
- (b) have general responsibility for the financial and executive administration of the Anchalik Parishad;
- (c) exercise administrative supervision and control over the work of the Chief Executive Officer for securing implementation of resolutions or decisions of the Anchalik Parishad or of any Committee thereof;
- (d) for the transaction of business connected with this Act or for the purpose of making any order authorised thereby, exercise such powers, perform such functions and discharge such duties as may be exercised, performed or discharged by the Anchalik Parishad

under this Act or the rules made thereunder:

Provided that the President shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Anchalik Parishad at a meeting;

(e) exercise such other powers, perform such other functions and discharge such other duties as the Anchalik Parishad may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.

(2) The Vice-President shall-

(a) exercise such of the powers, perform such of the functions and discharge such of the duties of the President as the President may, from time to time, subject to rules made in this behalf by the State Government, delegate to him by order in writing;

(b) during the absence of the President, exercise all the powers, perform all the functions and discharge all the duties of the President.]

1. Section 56 was substituted for the original section by section 3(12), *ibid*.

57. Removal of the President and the Vice-President :-

(1) If the State Government is of opinion that the President or the Vice-President of an Anchalik Parishad-

(a) is incapable of exercising his powers, performing his functions or discharging his duties, or

(b) wilfully neglects or refuses to carry out the directions of the State Government given under the provisions of this Act, or

(c) abuses his powers, or

(d) is liable to be removed on any of the grounds mentioned in section 60,

the State Government may, after giving the President or the Vice-President, as the case may be, an opportunity of being heard, by order, remove him from office and he shall thereupon cease to be a member of the Anchalik Parishad and also cease to be a member of, or to hold any office in, any of the bodies constituted under this Act.

¹(2) If a motion of no-confidence against the President or the Vice-President is carried by the votes of more than one-half of the total number of members of the Anchalik Parishad holding office for the time being, the State Government shall remove the President or the Vice-President, as the case may be, from office.

1. Sub-section (2) was added by section 9 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

58. Filling of vacancies caused by action taken under section 57 :-

(1) When the President or the Vice-President is removed under section 57, the vacancy so caused shall be filled by election in such manner as may be prescribed.

(2) A President or a Vice-President elected under sub-section (1) shall hold office for the remainder of the term of his predecessor in office.

(3) A President or a Vice-President removed from office under sub-section (1) of section 57 on any of the grounds enumerated in clauses (a), (b) and (c) of that sub-section and clauses (a) and (c) of sub-section (4) of section 60 shall not be eligible for election or appointment as a member of, or for election or appointment to any office in, any of the bodies constituted under this Act for a period of four years from the date of such removal.

59. Disqualifications of members of Anchalik Parishad :-

A person shall not be qualified to be a member of an Anchalik Parishad, if-

(a) he is under twenty-five years of age; or

(b) he is an officer or employee of the Zilla Parishad, an Anchalik Parishad within the district or any Standing Committee thereof; or

(c) he has been dismissed from the service of the Central or a State Government or a local authority for misconduct; or

(d) he has been adjudged by a competent court to be of unsound mind; or

(e) he is an undischarged insolvent; or

(f) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or

(g) he is in arrears for more than a year in respect of any tax, rate or fee payable under this Act or the West Bengal Panchayat Act, 1957; (Act I of 1957) or

(h) he has been convicted and sentenced to undergo imprisonment by a court for an offence involving moral turpitude punishable with imprisonment for a period of more than six months, and five years have not elapsed from the date of the expiration of the sentence unless the State Government on sufficient cause having been

shown shall have removed the disqualification by an order made in this behalf.

60. Removal of a member of the Anchalik Parishad :-

(1) No member or associate member of the Anchalik Parishad shall, directly or indirectly by himself, partner, employer or employee, have any share or interest in any contract other than a share or interest in any company as defined in the Companies Act, 1956, (I of 1956.) or in a Co-operative Society registered under the Bengal Co-operative Societies Act, 1940, (Act XXI of 1940.) which is a party to any such contract, with, by or on behalf of the Anchalik Parishad.

(2) If any member or associate member acquires any such share or interest he shall cease to be a member of the Anchalik Parishad with effect from such date as the State Government may specify.

(3) If a member acts as a lawyer against the Anchalik Parishad in any legal proceedings to which the Anchalik Parishad is a party he shall cease to be a member of the Anchalik Parishad with effect from such date as the State Government may specify.

(4) The State Government may, after giving an opportunity to a member or an associate member to show cause against the action proposed to be taken against him, by an order in writing, remove him from office-

(a) on the grounds of misconduct in the discharge of his duties; or

(b) if he refuses to act or becomes incapable of acting as such member; or

(c) if after he becomes a member he is convicted by a court of an offence involving moral turpitude punishable with imprisonment for a period of more than six months; or

(d) if he is absent from six consecutive meetings of the Anchalik Parishad without sufficient cause; or

(e) if he is in arrears for more than one year in respect of any tax, rate or fee payable under this Act or the West Bengal Panchayat Act, 1957; (Act I of 1957.) or

(f) if he was disqualified to be a member of the Anchalik Parishad at the time when he became a member; or

(g) if he incurs any of the disqualifications mentioned in clauses (c), (d), (e) and (f) of section 59 after becoming a member of the Anchalik Parishad.

61. Resignation of President, Vice-President or a member :-

The President or the Vice-President or a member referred to in clause (1) of section 52 may resign his office by notifying in writing his intention to do so to the prescribed authority and shall vacate his office on such resignation being accepted ¹[by the said authority] and the vacancy so caused shall be filled in such manner as may be prescribed.

1. The words within the square brackets were inserted by section 3(13) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

CHAPTER 9 TRANSACTION OF BUSINESS

62. Meetings :-

(1) An Anchalik Parishad shall hold a meeting at least once ¹[in every three months] at its office on such date and at such time as the President may fix after giving at least ten clear days notice to the members and the associate member of the Anchalik Parishad:

Provided that the President may, in case of emergency, call a special meeting after giving at least three clear days notice to the members and the associate member of the Anchalik Parishad:

Provided further that, when so requested by a requisition in writing by not less than one-third of the members of the Anchalik Parishad, the President shall, within seven days of the receipt by him of such requisition, give ten clear days notice of a meeting of the Anchalik Parishad to be held within fifteen days of the date of such notice failing which the signatories to the requisition may, after sending intimation to the prescribed authority, call such meeting after giving at least ten clear days notice to the President, other members and the associate member of the Anchalik Parishad.

(2) The President or, in his absence, the Vice-President shall preside at a meeting of the Anchalik Parishad, and, in the absence of both the President and the Vice-President, the members present shall elect one from among themselves to be the president of the meeting:

²Provided that when a meeting is held to consider a motion of no-confidence against the President or the Vice-President, the President or, as the case may be, the Vice-President shall not preside at such meeting and the provisions of this sub-section shall apply as if the President or, as the case may be, the Vice-President was absent from such meeting.

(3) Not less than one-thirds of the total number of members shall

form a quorum for a meeting.

(4) All questions coming before a meeting shall be decided by the votes of the majority of members:

Provided that the associate member shall have no right to vote:
Provided further that in case of equality of votes the person presiding shall have a second or casting vote.

1. The words within the square brackets were substituted for the words "a month" by section 3(14), *ibid*.

2. The proviso was added by section 10 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

63. [Omitted] :-

[(Delegation of functions of Anchalik Parishad to the President).-
Omitted by section 3(15) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965)].

CHAPTER 10 POWERS, DUTIES AND FUNCTIONS OF ANCHALIK PARISHAD

64. Power to acquire, hold and dispose of property :-

(1) An Anchalik Parishad shall have the power to acquire, hold and dispose of property and to enter into contracts.

(2) An Anchalik Parishad may, with the previous sanction of the State Government, acquire land under the provisions of any law for the time being in force for carrying out the purposes of this Act.

65. Power of Anchalik Parishad :-

(1) An Anchalik Parishad shall have power to-

(a) (i) undertake schemes or adopt measures, including the giving of financial assistance relating to the development of agriculture, livestock, cottage industries, co-operative movement, rural credit, water-supply, irrigation, public health and sanitation including establishment of dispensaries and hospitals, communications, primary or adult education including welfare of students, social welfare and other objects of general public utility;

(ii) undertake execution of any scheme, performance of any act, or management of any institution or organisation entrusted to it by the State Government or any other authority;

(iii) manage or maintain any work of public utility or any institution vested in it or under its control and management;

(iv) make grants in aid of any school, public library, public institution or public welfare organisation within the block;

(b) make grants to the Zilla Parishad or Anchal Panchayats;

(c) contribute with the approval of the State Government such sum or sums it may decide, towards the cost of water-supply or anti-epidemic measures undertaken by a municipality within the block;

(d) adopt measures for the relief of distress;

(e) co-ordinate and integrate the development plans and schemes prepared by Anchal Panchayats in the blocks, if and when necessary.

(2) Notwithstanding anything in sub-section (1), an Anchalik Parishad shall not undertake or execute any scheme confined to an area over which a Gram Panchayat has jurisdiction unless the implementation of such a scheme is beyond the competence of the Gram Panchayat concerned financially or otherwise. In the latter case the Anchalik Parishad may execute the scheme itself or entrust its execution to the Gram Panchayat or the Anchal Panchayat and give it such assistance as may be required.

(3) An Anchalik Parishad may undertake or execute any scheme if it extends to more than one Anchal.

66. State Government may place other property under Anchalik Parishad :-

The State Government may, from time to time, with the consent of the Anchalik Parishad, place any road, bridge, ferry, channel, building or other property vested in the State Government and situated within the block under the control and management of an Anchalik Parishad subject to such conditions as it may specify:

Provided that the State Government may, after considering the views of the Anchalik Parishad, withdraw such control and management to itself subject to such conditions as it may specify.

67. Power of Anchalik Parishad to transfer roads or properties to the State Government or the Zilla Parishad :-

An Anchalik Parishad may transfer to the State Government or the Zilla Parishad any road or part of a road or any other property which is under its control or management, or which is vested in it, on such terms and conditions as may be agreed upon.

68. Anchalik Parishad may take overworks :-

An Anchalik Parishad may take over the maintenance and control of any road, bridge, tank, ghat, well, channel or drain belonging to a private owner or any other authority on such terms as may be agreed upon.

69. Power of Anchalik Parishad to divert, discontinue or close road :-

An Anchalik Parishad may divert, discontinue or close temporarily any road which is under its control and management or is vested in it, and may, with the approval of the State Government, close any such road permanently.

70. Vesting of Anchalik Parishad with certain powers :-

(1) An Anchalik Parishad may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.

(2) An Anchalik Parishad shall perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871. (1 of 1871.)

(3) An Anchalik Parishad shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

71. Power of supervision by Anchalik Parishad over the Anchal Panchayats etc. :-

An Anchalik Parishad shall exercise general powers of supervision over Anchal Panchayats and Gram Panchayats in the block and it shall be the duty of these authorities to give effect to the directions of the Anchalik Parishad on matters of policy or planning for development.

72. Power to prohibit certain offensive and dangerous trades without licence and to levy fee :-

(1) No place within a block shall be used without a licence, which shall be renewable annually, granted by the Anchalik Parishad for any trade or business declared by the State Government, by notification, to be offensive or dangerous.

(2) The Anchalik Parishad may levy in respect of any licence granted by it under sub-section (1) a fee subject to the maximum rate prescribed by the State Government under sub-section (1) of

section 86, and may impose such conditions in respect of such licence as may be considered necessary.

(3) Whoever uses without a licence any place for the purpose of any trade or business declared under sub-section (1) to be offensive or dangerous, or fails to comply with any condition in respect of such licence, shall be punished with a fine which may extend to rupees one hundred, and to a further fine which may extend to rupees twenty-five for each day after conviction during which he continues to do so.

(4) The Anchalik Parishad, upon the conviction of any person for failing to comply with any condition of a licence granted under sub-section (1), may suspend or cancel such licence.

73. Power of Anchalik Parishad to grant licence for hut or market :-

An Anchalik Parishad may require the owner or the lessee of a hut or market or an owner or a lessee of land intending to hold a hut or market thereon, to obtain a licence in this behalf from the Anchalik Parishad on such terms and conditions as may be prescribed and on payment of a fee for such licence.

CHAPTER 11 ESTABLISHMENT OF THE ANCHALIK PARISHAD

74. Staff of the Anchalik Parishad :-

(1) There shall be a Chief Executive Officer for an Anchalik Parishad and the Block Development Officer shall be the ex officio Chief Executive Officer:

Provided that such Block Development Officer shall be recalled by the State Government if a resolution to that effect is passed by the Anchalik Parishad, at a meeting specially convened for the purpose, by a majority of not less than two-thirds of the total number of members holding office for the time being.

(2) An Anchalik Parishad may appoint such other officers and employees as may be required by it and may fix the salaries to be paid to the persons so appointed:

Provided that no post carrying a monthly salary of rupees two hundred or more shall be created or abolished by the Anchalik Parishad without the approval of the Commissioner.

75. Placing the services of State Government officers at the disposal of Anchalik Parishad :-

The State Government may place at the disposal of the Anchalik Parishad the services of such officers or other employees serving under it as it may think fit:

Provided that any such officer or employee shall be recalled by the State Government if a resolution to that effect is passed by the Anchalik Parishad, at a meeting specially convened for the purpose, by a majority of not less than two-thirds of the total number of members holding office for the time being:

Provided further that the State Government shall have disciplinary control over such officers and employees.

76. Control and punishment of the staff of the Anchalik Parishad :-

(1) The Chief Executive Officer shall exercise general control over all officers and employees of the Anchalik Parishad.

(2) The Chief Executive Officer may award any punishment other than dismissal, removal or reduction in rank to an officer or employee holding a post carrying a monthly salary of less than rupees two hundred but shall not award any punishment to an officer or employee holding a post carrying a monthly salary of rupees two hundred or more.

(3) The Chief Executive Officer may recommend the dismissal, removal or reduction in rank of an officer or employee holding a post carrying a monthly salary of less than rupees two hundred to the Finance and Establishment Committee and such Committee shall forward the case to the Anchalik Parishad with its own recommendation. The Anchalik Parishad may, if it is satisfied with such recommendation of the Finance and Establishment Committee, dismiss, remove or reduce in rank any such officer or employee.

(4) No officer or other employee holding a post carrying a monthly salary of rupees two hundred or more shall be punished by the Anchalik Parishad except by a resolution of the Anchalik Parishad passed at a meeting.

77. Appeal :-

(1) An appeal shall lie to the Anchalik Parishad against an order of punishment awarded by the Chief Executive Officer under sub-section (2) of section 76 within one month from the date of that order.

(2) An appeal shall lie to the Commissioner against an order of punishment awarded by the Anchalik Parishad under sub-sections

(3) and (4) of section 76 within one month from the date of that order.

78. Exercise of powers, etc., by the officers and employees :-

Subject to the provisions of this Act and the rules framed thereunder and to any general or special directions given by the State Government in that behalf the officers and other employees employed by the Anchalik Parishad and the officers and other employees whose services have been placed at the disposal of the Anchalik Parishad shall exercise such powers, perform such functions and discharge such duties as the Anchalik Parishad may determine.

CHAPTER 12 STANDING COMMITTEES OF THE ANCHALIK PARISHAD

79. Standing Committees of the Anchalik Parishad :-

(1) An Anchalik Parishad shall have the following Standing Committees, namely:-

- (i) Finance and Establishment Committee,
 - (ii) Public Health Committee,
 - (iii) Public Works Committee,
 - (iv) Agriculture and Irrigation Committee,
 - (v) Industry and Co-operation Committee,
 - (vi) Public and Social Welfare Committee,
 - (vii) Primary Education Committee, and
 - (viii) such other Committee or Committees as it may constitute subject to the approval, or under any general or special directions, of the State Government.
- (2) No person ¹[except the President or the Vice-President] shall be a member of more than two Standing Committees.

1. The words within the square brackets were inserted by section 3(16) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

80. Constitution of Standing Committees :-

(1) A Standing Committee shall consist of the following members-

- (i) five persons to be elected by the members of the Anchalik Parishad from among themselves;
- (ii) not more than two persons being officers of the State

Government or of the Anchalik Parishad¹ appointed by the State Government:

Provided that such officers shall not be eligible for election as Chairman of the Standing Committee and shall not have any right to vote;

(iii) not more than two persons having knowledge of, and experience in, the subjects assigned to a Standing Committee nominated by the Anchalik Parishad:

²Provided that no person who is disqualified to be a member of the Anchalik Parishad under section 59 shall be so nominated;

³(iv) the President and the Vice-President of the Anchalik Parishad (ex officio).

(2) The members of a Standing Committee shall elect a Chairman thereof from among themselves:

⁴Provided that a President of the Anchalik Parishad shall be the ex officio Chairman of the Finance and Establishment Standing Committee.

1. For notification relating to appointment for each Anchalik Parishad the officers of the State Government specified as members of the Standing Committees denoted, see notification No. 2276/Panch/IA-17/64, dated the 15th June, 1964, published in the Calcutta Gazette of 1964, Part I, page 1939.

2. The proviso was added by section 11 of the West Bengal Zilla Parishads (Amendment) Act, 1967 (West Ben. Act XII of 1967).

3. Clause (iv) was added by section 3(17)(a) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

4. The proviso was substituted for the original proviso by section 3(17)(b), *ibid*.

81. Term of office of members of Standing Committees :-

(1) An elected member of a Standing Committee shall hold office for a period of four years or for so long as he continues to be a member of the Anchalik Parishad, whichever is earlier.

(2) An officer appointed as a member under clause (ii) of subsection (1) of section 80 shall hold office until another officer is appointed to replace him.

(3) A nominated member shall hold office for a period of four years: Provided that a nominated member shall continue in office after the expiry of the said period until a new member is nominated in his

place:

¹ Provided further that a nominated member may be removed from office by the State Government at any time before the expiry of the said period on any of the grounds mentioned in sub-section (4) of section 60 in the manner provided in that sub-section.

1. The proviso was inserted by section 12 of the West Bengal Zilla Parishads (Amendment) Act. 1967 (West Ben. Act XII of 1967).

82. Term of office of Chairman :-

A Chairman shall hold office for a period of four years or for so long as he continues to be a member of the Standing Committee, whichever is earlier:

Provided that the Chairman shall continue to hold office until a new Chairman is elected and assumes office.

83. Powers of Standing Committees :-

A Standing Committee shall exercise such powers, perform such functions and discharge such duties as may be prescribed or as may be assigned to it by the Anchalik Parishad.

CHAPTER 13 PROPERTY, FINANCE AND TAXATION

84. Works constructed by Anchalik Parishad to vest in it :-

All roads, buildings or other works constructed by an Anchalik Parishad from its Fund shall vest in it.

85. Anchalik Parishad Fund :-

(1) For every Anchalik Parishad there shall be constituted a fund to be called the Anchalik Parishad Fund and there shall be placed to the credit thereof-

- (a) contributions and grants, if any, made by the Central or the State Government;
- (b) contributions and grants, if any, made by the Zilla Parishad or other local authority;
- (c) loans, if any, granted by the Central or the State Government or raised by the Anchalik Parishad on security of its assets;
- (d) all receipts on account of tolls, rates and fees levied by it;
- (e) all receipts in respect of any schools, hospitals, dispensaries, buildings, institutions or works, vested in, constructed by or placed under the control and management of, the Anchalik Parishad;

- (f) all sums received as gift or contribution and all income from any trust or endowment made in favour of the Anchalik Parishad;
 - (g) such fines or penalties imposed and realised under the provisions of this Act or of the bye-laws made thereunder, as may be prescribed; and
 - (h) all other sums received by or on behalf of the Anchalik Parishad.
- (2) The Anchalik Parishad Fund shall be vested in the Anchalik Parishad and the balance standing to the credit of the fund shall be kept in such custody as the State Government may, from time to time, direct.
- (3) All orders and cheques for payments from the Anchalik Parishad Fund shall be signed by the President of the Anchalik Parishad or by any other member authorised by him in writing in this behalf.

86. Levy of tolls, rates and fees :-

- (1) Subject to such maximum rates as the State Government may prescribe, an Anchalik Parishad may-
- (a) levy tolls on persons, vehicles or animals or any class of them at any toll-bar established by it on any road other than a kutchra road or any bridge vested in it or under its management;
 - (b) levy tolls in respect of any ferry established by it or under its management;
 - (c) levy the following fees and rates, namely:-
 - (i) fees on the registration of vehicles;
 - (ii) a fee for providing sanitary arrangements at such places of worship or pilgrimage, fairs and melas within its jurisdiction as may be specified by the State Government by notification;
 - (iii) a fee for licence for a hat or market held within its jurisdiction;
 - (iv) a fee for licence referred to in sub-section (2) of section 72;
 - (v) a water rate, where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Anchalik Parishad within its jurisdiction;
 - (vi) a lighting rate, where arrangement for lighting of public streets and places is made by the Anchalik Parishad within its jurisdiction.
- (2) An Anchalik Parishad shall not undertake registration of any vehicle or levy fee therefor and shall not provide sanitary arrangements at places of worship or pilgrimages, fairs and melas within its jurisdiction or levy fee therefor if such vehicle has already been registered by any other authority under any law for the time being in force or if such provision for sanitary arrangement has

already been made by any other local authority.

87. Scales of tolls. etc., to be provided by bye-laws :-

(1) The scales of tolls, fees or rates and the terms and conditions for the imposition thereof shall be such as may be provided by bye-laws.

(2) Such bye-laws may provide for exemption from all or any of the tolls, fees or rates in any class of cases.

88. Expenditure from the Anchalik Parishad Fund :-

An Anchalik Parishad shall have power to spend such sums out of its Fund as it thinks fit-

(a) for carrying out the purposes of this Act;

(b) for providing amenities for its officers and employees; and

(c) for any special purpose approved by the State Government.

89. Anchalik Parishad may raise loans :-

An Anchalik Parishad may, subject to the provisions of any law relating to the raising of loans by local authorities, for the time being in force, raise from time to time, with the approval of the State Government, loans for the purposes of this Act, and to create a sinking fund for the repayment of such loans.

90. Budget :-

(1) The Chief Executive Officer shall in each year, before such date as may be prescribed, place before the Anchalik Parishad the budget, which shall be prepared by the Finance and Establishment Committee, showing the probable receipts and expenditure of the following year and the Anchalik Parishad shall adopt the budget with such modifications as it may think fit.

(2) The budget so adopted shall be submitted to the Zilla Parishad by such date as may be prescribed.

(3) The Zilla Parishad may, within such time as may be prescribed, either approve of the budget or return it to the Anchalik Parishad for such modifications as it may direct. On such modifications being made the budget shall be resubmitted within such time as may be prescribed for approval to the Zilla Parishad. If the approval of the Zilla Parishad is not received by the Anchalik Parishad by the last date of the year, the budget shall be deemed to be approved by the Zilla Parishad.

91. Supplementary budget :-

The Finance and Establishment Committee may, if it finds it necessary to do so, prepare a supplementary or revised budget and if such a budget is prepared the provisions of section 90 shall apply.

92. Accounts and Audit :-

(1) An Anchalik Parishad shall keep such accounts and submit such statements relating to accounts to the State Government and the Zilla Parishad as may be prescribed.

(2) Accounts of receipts and expenditure of every Anchalik Parishad shall be maintained in such forms as may be prescribed.

(3) The Chief Executive Officer shall submit quarterly statements, in such form as may be prescribed, of income and expenditure of the Anchalik Parishad to the Zilla Parishad with his comments.

(4) The accounts shall be audited as soon as may be after the end of each year by such agency and in such manner as may be prescribed.

(5) An Anchalik Parishad shall pay out of the Anchalik Parishad Fund such sum as may be determined by the State Government by way of fees for such audit.

CHAPTER 14 MISCELLANEOUS

93. Validation :-

No act or proceeding of a Zilla Parishad or an Anchalik Parishad or of any Standing Committee thereof shall be deemed to be invalid merely by reason of the existence of any vacancy in the Zilla Parishad or Anchalik Parishad or in any Standing Committee thereof, or any defect or irregularity in the constitution of the Zilla Parishad or Anchalik Parishad or any Standing Committee thereof.

94. Backward community :-

The State Government may, by notification, specify for the purposes of this Act, the community which is in its opinion socially, economically or educationally backward.

95. Members, officers and employees to be public servants :-

All members, associate members, officers and employees of the Zilla Parishad or the Anchalik Parishad shall be deemed, when acting or purporting to act in pursuance of the discharge of their duties, or in the exercise of their powers under this Act or under the rules, regulations or bye-laws made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code. (Act XLV of 1860.)

96. Indemnity :-

No suit or other legal proceeding shall lie against the Zilla Parishad or the Anchalik Parishad or against any member or associate member of such Parishad or of any Standing Committee thereof or any officer or employee of such Parishad for anything in good faith done or intended to be done in pursuance of this Act or of any rules, regulations or bye-laws made thereunder.

97. No suit to be brought against members of the Zilla Parishad or Anchalik Parishad or their officers until after notice :-

(1) No suit shall be brought against the Zilla Parishad, or Anchalik Parishad or any of its member or associate member or any officer or employee for anything done under this Act or under the rules, regulations or bye-laws made thereunder, until the expiration of one month next after notice in writing, stating the cause of action and the name and place of residence of the person who intends to bring the suit, has been delivered or left at the office of such Parishad and also if the suit is intended to be brought against any officer or employee of such Parishad at the place of residence of such officer or employee.

(2) Every such suit shall be commenced within three months from the date of service of the notice under sub-section (1) and not afterwards.

(3) No such suit shall lie if any such person to whom notice is given shall, before the suit is commenced, tender sufficient amends to the plaintiff.

98. Power to make compensation out of Zilla Parishad or Anchalik Parishad Fund :-

The Zilla Parishad or the Anchalik Parishad may pay compensation out of the Zilla Parishad Fund or the Anchalik Parishad Fund, as the

case may be, to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act or the rules, regulations or bye-laws made thereunder.

99. Reference of disputes to Anchalik Parishad :-

If any dispute arises between two or more Anchal Panchayats or between an Anchal Panchayat and any of its constituent Gram Panchayat within the jurisdiction of the same Anchalik Parishad, it shall be referred to the Anchalik Parishad by any party to the dispute. The decision of the Anchalik Parishad on such dispute shall be final.

100. Reference of disputes to Zilla Parishad :-

If any dispute arises between an Anchal Panchayat and an Anchalik Parishad or between two or more Anchalik Parishads within the jurisdiction of the same Zilla Parishad, it shall be referred to the Zilla Parishad by any party to the dispute. The decision of the Zilla Parishad on such dispute shall be final.

101. Reference of disputes to State Government :-

If any dispute arises between two or more Zilla Parishads or between a Zilla Parishad and an Anchalik Parishad within its jurisdiction, it shall be referred to the State Government by any party to the dispute. The decision of the State Government on such dispute shall be final.

102. Disputes as to election :-

(1) If any dispute arises as to the validity of an election under this Act, any person entitled to vote at such election may, within thirty days after the date of the declaration of the result of such election, file a petition, calling in question such election, before the District Judge of the district within which the election has been held and shall at the same time deposit rupees two hundred in court as security for the costs likely to be incurred:

Provided that the District Judge may transfer such petition to any judicial officer subordinate to him and not below the rank of Subordinate Judge, and the District Judge or such judicial officer (hereinafter referred to as the Judge) may hold such inquiry as he deems necessary.

(2) The procedure to be followed by the Judge including all matters

relating to the filing of such petition shall be such as may be prescribed.

(3) The Judge shall have all the powers of a Civil Court for the purposes of receiving evidence, administering oath, enforcing the attendance of witnesses and compelling the discovery and production of documents.

(4) The decision of the Judge shall be final and shall not be called in question in any court.

103. Power of State Government Officers to attend meetings :-

Any officer of the State Government authorised by the State Government in this behalf, shall be entitled to attend meetings of the Zilla Parishad or the Anchalik Parishad, as the case may be, and of any Standing Committee thereof, for the purpose of furnishing facts, information, and technical advice but shall not be entitled to vote at any such meeting.

104. Inspection by the Commissioner :-

(1) The Commissioner or any other officer not below the rank of a Deputy Collector, authorised by the State Government in this behalf, may at any time-

(a) call for and inspect any document which may be in the possession of a Zilla Parishad or an Anchalik Parishad;

(b) require a Zilla Parishad or an Anchalik Parishad to furnish such information as he may think necessary;

(c) inspect the office of a Zilla Parishad or an Anchalik Parishad or any institution maintained by or under the control of a Zilla Parishad or an Anchalik Parishad, and also inspect any records, registers or any other document maintained by such institution.

(2) When an inspection is undertaken under clause (c) of sub-section (1), a report of such inspection shall be submitted to the State Government.

105. Delegation :-

The State Government may, by notification, delegate subject to such conditions as it may specify all or any of its powers under this Act except the powers mentioned in sections 9, 12, 57, 60, 107, 108, 112, 116 and 117 to any person or authority subordinate to it.

106. Transfer of institution and works :-

(1) The State Government may transfer any institution or work under its management or control to a Zilla Parishad or an Anchalik Parishad, and a Zilla Parishad may transfer any institution or work under its management or control to any Anchalik Parishad, Anchal Panchayat or Gram Panchayat, subject to such conditions, limitations and restrictions as may be agreed upon.

(2) When any institution is transferred under sub-section (1)-

(a) by the State Government to a Zilla Parishad or to an Anchalik Parishad, or

(b) by a Zilla Parishad to any Anchalik Parishad, Anchal Panchayat or Gram Panchayat,

persons employed by the State Government, or the Zilla Parishad in such institution, shall with effect from the date of such transfer be deemed to be employed by the Zilla Parishad or Anchalik Parishad or Anchal Panchayat or Gram Panchayat, to which such institution is transferred, on terms and conditions, not less advantageous than what they were entitled to immediately before such transfer.

107. Power of State Government to rescind resolutions of a Zilla Parishad or an Anchalik Parishad or any Standing Committee :-

(1) The State Government may by order in writing rescind any resolution passed by a Zilla Parishad or an Anchalik Parishad or any Standing Committee thereof, if in its opinion such resolution-

(a) has not been legally passed, or

(b) is in excess or abuse of the powers conferred by or under this Act or any rules made thereunder, or

(c) is likely to cause, if executed, danger to human life, health, or safety or is likely to lead to a breach of the peace.

(2) The State Government shall, before taking any action under sub-section (1), give the Zilla Parishad or the Anchalik Parishad, as the case may be, an opportunity of making any representation against the proposed order.

108. Power of State Government to supersede Zilla Parishad or Anchalik Parishad :-

(1) If, in the opinion of the State Government, a Zilla Parishad or an Anchalik Parishad-

(a) has shown its incompetence to perform or has persistently made default in the performance of the duties or exercise of the

functions imposed on it by or under this Act or by any other law, or
(b) has exceeded or abused its powers,
the State Government may by an order to be published in the Official Gazette stating the reasons therefor, supersede the Zilla Parishad or the Anchalik Parishad, as the case may be, for such period, not exceeding the maximum period of two years, as may be specified in the order:

Provided that the State Government shall before taking any action under sub-section (1) give the Zilla Parishad or the Anchalik Parishad, as the case may be, an opportunity of making any representation against the proposed order.

(2) The State Government may, by order to be published in the Official Gazette, subject to the maximum period of two years mentioned in sub-section (1), extend or modify the period of supersession if it considers it necessary so to do.

109. Consequences of supersession :-

(1) When an order of supersession has been passed under section 108 then with effect from the date of the order-

(a) all the members and associate members of the Zilla Parishad or the Anchalik Parishad, as the case may be, and all the members of the Standing Committee thereof shall vacate their offices;

(b) all the powers, duties and functions which, under the provisions of this Act or any rule, bye-law or regulation made thereunder or any law for the time being in force, may be exercised, discharged or performed by the Zilla Parishad or the Anchalik Parishad or any Standing Committee thereof, shall be exercised, discharged or performed by such person, to be called the Administrator, as may be appointed by the State Government in this behalf:

Provided that such Administrator may delegate any of his powers, duties or functions to any officer or other employee of the Zilla Parishad or the Anchalik Parishad, as the case may be.

(2) The State Government shall fix the remuneration of the Administrator and may direct that such remuneration shall be paid from the Zilla Parishad Fund or the Anchalik Parishad Fund, as the case may be.

(3) All property vested in such Zilla Parishad or Anchalik Parishad, as the case may be, shall vest in the State Government during the period of supersession.

(4) The State Government may by order to be published in the Official Gazette re-establish the Zilla Parishad or the Anchalik

Parishad, as the case may be.

(5) On the expiry of the period of supersession the Administrator shall cease to exercise his functions.

(6) Nothing contained in the foregoing provisions of this sections shall affect the provisions of section 38 and the District School Board shall continue to function as the Primary Education Committee of the Zilla Parishad.

109A. Appointment of an Administrator where Zilla Parishad or Anchalik Parishad unable to function for defect of constitution, etc. :-

¹[(1) Where by reason of any judgment, decree or order of a competent Court holding the constitution of a Zilla Parishad or an Anchalik Parishad to have become defective or for any other reason a Zilla Parishad or an Anchalik Parishad is unable to function until it is reconstituted in accordance with the provisions of this Act, the State Government may, by order, appoint a person to act as the Administrator for the Zilla Parishad or the Anchalik Parishad, as the case may be.

(2) When an order has been made under sub-section (1) appointing an Administrator in respect of a Zilla Parishad or an Anchalik Parishad, then with effect from the date of the order-

(a) all members and associate members of the Zilla Parishad or the Anchalik Parishad and members of the Standing Committees thereof shall vacate their respective offices;

(b) all the powers, duties and functions which may by or under this Act or any other law for the time being in force, be exercised and performed by the Zilla Parishad or the Anchalik Parishad or any Standing Committee thereof or by the Chairman or Vice-Chairman of the Zilla Parishad or the President or Vice-President of the Anchalik Parishad shall be exercised and performed by the Administrator in such manner and under such conditions as the State Government may direct.

(3) The appointment of an Administrator under sub-section (1) in respect of a Zilla Parishad or an Anchalik Parishad shall terminate on the completion of the reconstitution of the Zilla Parishad or the Anchalik Parishad, as the case may be.

(4) The State Government may fix a remuneration for the Administrator appointed under sub-section (1) and direct that such remuneration shall be paid from the Zilla Parishad Fund or the Anchalik Parishad Fund, as the case may be.]

1. Section 109A was inserted by section 2 of the West Bengal Zilla Parishads (Amendment) Act, 1969 (West Ben. Act XIII of 1969).

110. Period of limitation for suits by Zilla Parishad or Anchalik Parishad :-

Notwithstanding anything contained in the Indian Limitation Act, 1908, (IX of 1908.) the period of limitation for the institution of any suit by or on behalf of a Zilla Parishad or an Anchalik Parishad for the possession of any immovable property vested in such Parishad from which it has been dispossessed or of which it has ceased to have possession shall be sixty years from the date of dispossession or discontinuance.

111. Repeal and vesting :-

With effect from the date specified in the notification issued under sub-section (1) of section 3, in the district referred to in the said notification-

(a) the Bengal Local Self-Government Act of 1885 (Act III of 1885.) shall stand repealed;

(b) all properties, movable or immovable, and all assets of the District Board, shall vest in the Zilla Parishad of the district;

(c) all rights acquired, all debts and obligations incurred, all matters and things engaged to be done, before the establishment of the Zilla Parishad, by the District Board shall be deemed to have been acquired, incurred or engaged to be done by the Zilla Parishad of the district;

(d) all suits or other legal proceedings instituted or which might but for the establishment of the Zilla Parishad have been instituted by or against the District Board may be continued or instituted by or against the Zilla Parishad of the district and in all such suits or other legal proceedings pending immediately before such establishment, the Zilla Parishad shall stand substituted in place of the District Board;

(e) any scheme prepared by or anything done or any action taken by or in favour of the District Board shall be deemed to have been prepared by or done or taken by or in favour of the Zilla Parishad of the district;

(f) persons employed by the District Board and continuing in office immediately before the establishment of the Zilla Parishad shall be deemed to be employed by the Zilla Parishad of the district on such terms and conditions, not being less advantageous than what they

were entitled to immediately before such establishment, as may be determined by the Zilla Parishad;

(g) all rules, orders, bye-laws and notifications made or issued from time to time under the provisions of the Bengal Local Self-Government Act of 1885, (Act III of 1885.) applicable to the District Board and continuing in force immediately before the establishment of the Zilla Parishad shall, after such establishment, continue in force in so far as they are not inconsistent with the provisions of this Act until they are repealed or amended.

112. Rules :-

(1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) any matter for which power to make provision is conferred expressly or by implication on the State Government by this Act;

(b) the establishment of the Zilla Parishad and the Anchalik Parishad;

(c) the manner of giving notice of resignation by the Chairman, Vice-Chairman or a member of the Zilla Parishad and the President, Vice-President or a member of the Anchalik Parishad;

(d) qualifications, recruitment, scales of pay, conditions of service of all or any of the categories of officers or other employees of the Zilla Parishad or Anchalik Parishad;

(e) the framing of budget of the Zilla Parishad and of the Anchalik Parishad;

(f) the keeping of accounts of the Zilla Parishad and of the Anchalik Parishad;

(g) the raising of loans;

(h) the calling and holding of meetings of the Zilla Parishad or the Anchalik Parishad and the conduct of business at such meetings; and

(i) the payment of allowances, if any, to the Chairman, Vice-Chairman and members of the Zilla Parishad and to the President, Vice-President and members of the Anchalik Parishad;

¹(j) any other matter which may be, or is required to be, prescribed.

(3) All rules made under this Act shall be published in the Official Gazette and shall, unless some later date is appointed by the State

Government, come into force on the date of such publication.

(4) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid. Any modification of the said rules made by the State Legislature shall be published in the Official Gazette, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.

1. Clause (j) was inserted by section 3(18) of the West Bengal Panchayat and Zilla Parishads (Amendment) Act, 1965 (West Ben. Act XXVII of 1965).

113. Regulations and bye-laws :-

(1) A Zilla Parishad or an Anchalik Parishad may, with the previous approval of the State Government, make regulations which may provide for-

(a) the calling and holding of meetings of the Zilla Parishad or the Anchalik Parishad, the procedure to be followed in the meetings and the conduct of business at meetings;

(b) qualifications of officers and employees and the methods of recruitment, conditions of service and discipline of such officers and employees including provisions for Provident Fund, gratuity and advances to the employees.

(2) A Zilla Parishad or an Anchalik Parishad may, with the previous approval of the State Government, make bye-laws for carrying out the purposes of this Act other than those mentioned in clauses (a) and (b) of sub-section (1).

(3) The State Government may, by notification, rescind any regulation or bye-law and thereupon such regulation or bye-law shall cease to have effect.

(4) In making a bye-law under sub-section (2), a Zilla Parishad or an Anchalik Parishad may provide that a breach of the same shall be punished with fine which may extend to rupees one hundred, and in the case of a continuing breach with a further fine which may extend to rupees ten for every day during which the breach is continued after the offender has been convicted of such breach.

114. Prosecution :-

Prosecutions under this Act for breach of bye-laws may be instituted by a Zilla Parishad or an Anchalik Parishad or by any

person authorised by such Parishad in this behalf.

115. Recovery of arrears :-

All arrears of tolls, and rates leviable by a Zilla Parishad or an Anchalik Parishad under this Act shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue.

116. Directions by State Government :-

In the discharge of their functions the Zilla Parishad and the Anchalik Parishad shall be guided by such instructions or directions as may be given to them by the State Government from time to time.

117. Provision for removing difficulty :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing such difficulty.

118. Amendment of the Cess Act, 1880 and the Bengal (Rural) Primary Education Act, 1930 :-

On the establishment of a Zilla Parishad in any district the enactments specified in column 3 of the Second Schedule shall stand amended within the territorial limits of the said district to the extent and in the manner specified in column 4 thereof.

SCHEDULE 1

FIRST SCHEDULE

**FIRST SCHEDULE.
(See section 14.)**

Form of oath or affirmation to be made by a member of a Zilla Parishad.

I, A. B., being an ex-officio member or having been elected/appointed a member of the.....Zilla Parishad do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I will faithfully discharge the duties upon which I am about to enter.

SCHEDULE 2

SECOND SCHEDULE

SECOND SCHEDULE.
Enactments amended.
(See section 118.)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
1880	IX ..	The Cess Act, 1880.	1. In section 4,- (a) the definitions of "District Board" and "District Fund" shall be omitted,
			(b) after the definition of "Year", the following definitions shall be added, namely:- "Zilla Parishad means a Zilla Parishad established under section 3 of the West Bengal Zilla Parishads Act, 1963. "Zilla Parishad Fund" means the fund constituted under section 40 of the West Bengal Zilla Parishads Act, 1963..
			2. For the words "District Board", wherever they occur, the words "Zilla Parishad" shall be substituted.
			3. For the second paragraph of clause secondly of section 109, the following paragraph shall be substituted, namely:- "And the balance, after payment of such expenses, shall be credited to the Zilla Parishad Fund of the district.".
1930	VII . .	The Bengal (Rural) Primary Education Act, 1930.	1. For the words "District Board", wherever they occur, the words "Zilla Parishad" shall be substituted.
			2. Section 20 shall be omitted.