

The West Bengal Panchayat (Second Amendment) Act, 2006.
(Sections 10-15.)

Insertion of new section 36B.

10. In the principal Act, after section 36A, the following section shall be inserted :—

“Exercise of powers etc. by the officers and employees. 36B. Subject to the provisions of this Act, the rules made thereunder and to any general or special directions as the State Government may give in this behalf, the employees of the *Gram Panchayat* appointed under sub-section (1) and sub-section (2) of section 35 and other employees whose services have been placed at the disposal of the *Gram Panchayat* under sub-section (4) of section 35 shall exercise such powers, perform such functions and discharge such duties as the *Gram Panchayat* may determine.”.

Amendment of section 45.

11. In section 45 of the principal Act, in sub-section (5), for the *Explanation*, the following *Explanation* shall be substituted :—

“*Explanation*.— In this section, absence of the *Pradhan* shall be deemed to occur when the office of the *Pradhan* falls vacant or the *Pradhan* is temporarily unable to act within the concept and meaning of sub-section (4) of section 9.”.

Amendment of section 119.

12. In section 119 of the principal Act, for sub-section (2), the following sub-section shall be substituted :—

“(2) Subject to such rules as may be made by the State Government in this behalf and such orders as may be issued by the State Government a *Panchayat Samiti* shall have such other employees in its establishment as may be prescribed and they shall be appointed by the Executive Officer of *Zilla Parishad* having jurisdiction :

Provided that no post shall be created or abolished and no revision of the scale of pay of any post shall be made by the Executive Officer of *Zilla Parishad* without the prior approval of the State Government.

Explanation.— The provisions of this Chapter in their application to the areas of the *Darjeeling Gorkha Hill Council* shall have effect as if references to the Executive Officer of *Zilla Parishad* are references to the Principal Secretary of the *Darjeeling Gorkha Hill Council*.”.

Substitution of new section for section 121.

13. For section 121 of the principal Act, the following section shall be substituted :—

“Control and punishment of the staff of *Panchayat Samiti*. 121.(1) Subject to such rules as may be made by the State Government, the Executive Officer of *Panchayat Samiti* shall exercise general control over all employees of the *Panchayat Samiti* and may recommend punishment of an employee, appointed under sub-section (2) of section 119, to the *Panchayat Samiti* in such manner as may be prescribed.

(2) On receipt of such recommendation, the *Panchayat Samiti* may,—

(a) award any punishment other than punishment of dismissal, removal or reduction in rank of an officer or employee appointed under sub-section (2) of section 119 in such manner as may be prescribed ; or

(b) recommend for punishment of dismissal, removal or reduction in rank of an employee appointed under sub-section (2) of section 119 to the Executive Officer of *Zilla Parishad* in such manner as may be prescribed.

(3) On receipt of such recommendation under clause (b) of sub-section (2), the Executive Officer of *Zilla Parishad* having jurisdiction may award punishment to an employee appointed under sub-section (2) of section 119 in such manner as may be prescribed.”.

Substitution of new section for section 122.

14. For section 122 of the principal Act, the following section shall be substituted :—

“Appeal. 122. (1) An appeal shall be to the Executive Officer of *Zilla Parishad* against an order of punishment awarded by the *Panchayat Samiti* under clause (a) of sub-section (2) of section 121 within one month from the date of that order.

(2) An appeal shall lie to the Divisional Commissioner against an order of punishment awarded by the Executive Officer of *Zilla Parishad* under sub-section (3) of section 121 within one month from the date of that order.”.

Substitution of new section for section 123.

15. For section 123 of the principal Act, the following section shall be substituted :—

“Exercise of powers etc. by officers and employees. 123. Subject to the provisions of this Act, the rules made thereunder and to any general or special directions as the State Government may give in this behalf, the employees of the *Panchayat Samiti* appointed under sub-section (2) of section 119 and other officers and employees whose services have