

HOWRAH IMPROVEMENT ACT, 1956

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1956. The provisions of this Act relating to the sewage disposal scheme for the Municipality or Howrah shall stand repealed with effect from the date of vesting in the Calcutta Metropolitan Water and Sanitation Authority of the works relating to such scheme. vide section 88(2) of the Calcutta Metropolitan Water and Sanitation Authority Act 1966 (West Ben. Act XIII of 1966), 'This was brought into force with effect from the 26th January, 1957, vide Notification No. 595 -M. I A-49156. dated the 18th January

1957. The Local Self-Government (Departmental) Act, 1956. published in the Calcutta Gazette. dated the 24th January, 1957, Part IV. page 261. 'Sub-section (3) was substituted for the original sub-section by s. 2 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). Prior to this substitution, the following changes occurred in original sub-section namely:— (i) the words "and the Bally Municipality" were inserted by s. 2(1) of the Howrah Improvement (Amendment) Act 1983 (West Ben. Act XLIII of 1983). and (ii) the words "the Municipalities" were substituted for the words "the Municipalities" by s. 2 ibid. Short title, extent, commencement and extent, [final]. The Howrah Improvement Act, 1956 [West Ben. Act (Chapter 2.) 2. In this Act, unless there is anything repugnant in the subject or

context,— (a) (c) (d) (e) (cc) 2(f) (g) "betterment fee" means the fee prescribed by section 80 in respect of an increase in value of land resulting from the execution of an improvement scheme; "the Board" means the Board of Trustees for the improvement of Howrah, constituted under this Act; "building" includes a house, out-house, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding ten feet in height) and any other structure, whether of masonry, bricks, wood, mud, metal or any combination of these materials, or any other material whatsoever but does not include a tent or other portable shelter and does not also include any temporary shed erected on ceremonial or festive occasions; "building line" means a line (in rear of the street alignment) up to which the main wall of a building abutting on a projected public street may lawfully extend; "Chairman" means the Chairman of the Board; "Chief Executive Officer" means the person appointed by the State Government to be the Chief Executive Officer of the Board; "Howrah" means the area within the jurisdiction of the district of Howrah; "Howrah Municipal Corporation" means the Howrah Municipal Corporation established under the Howrah Municipal Corporation Act, 1980; "Improvement scheme" means a scheme falling under any of the categories mentioned in section 33 but does not include a projected public street or a projected public park referred to in section 63; (h) "land" has the same meaning as in clause (a) of section 3 of the Land Acquisition Act, 1894; (i) "municipal assessment-book" means the municipal assessment-book referred to in sub-section (l) of section 143 of the Calcutta Municipal Act, 1923, as extended to the Howrah Municipality 4[and the assessment list prepared for the Bally Municipality under section 136 of the Bengal Municipal Act, 1932, as the case may be]; (j) Clause (D) was substituted for original clause by s. 3 (b). *ibid.* Prior to substitution, the words "and the Bally Municipality" were inserted in original clause (D) by s. 3(1) of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983), Clause (ft) was inserted by s. 3(c) of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). The words and figures within the square brackets were inserted by s. 3(2) of the Howrah Act, 1983 XLIII of 1983), West Ben. Act LVIII of 1980. In 1894, Ben. Act III of 1923, Ben. XV or 1932. of 1956. 1 of 1993. Ben. XV or [32. The Howrah Improvement Act, 1956. (Chapter II.—The Board of Trustees.—Sections 3, 4.) 1 "Municipality" has the same meaning as in clause (38A) of (u) section 2 of the West Bengal Municipal Act, 1993; "notification" means a notification published in the Official Gazette; "Secretary to the Board" means the person for the time being appointed by the Board to discharge the functions of the Secretary to the Board; the "Tribunal" means the Tribunal constituted under section "Trustee" means a Member of the Board; and (m) the expressions "bused", "drain", "public street" and "street (n) alignment" have the same meaning as in clauses (4), (13), (44) and (52), respectively, of section 3 of the Bengal Municipal Act, 1932

CHAPTER 11. The Board of Trustees. Cons'titution of the Board. 721 Creation and incorporation of Board. Constitution of Board, 3. The duty of carrying out the provisions of this Act shall, subject to the conditions and limitations hereinafter contained, be vested in a Board, to be called, ' VI-the Trustees for [the Improvement or Howrah' ; and such Board shall be a body corporate and have perpetual succession and a common seal and shall by (the said name sue and be sued

24. The Board shall consist of eleven Trustees as specified below;—(a) the Mayor of the Howrah Municipal Corporation (hereinafter referred to as the Mayor); (b) one representative of the Department of Urban Development, Government of West Bengal; (c) one representative of the Finance Department, Government of West Bengal; 'Clause (ü) was inserted by s. 3(d) of the Howrah Municipal Corporation Amendment Act

1995. Ben.XV of 1995). "Section 4 was substituted for the original section by s. 4. *ibid.* Prior to this substitution, the following changes occurred in original section 4. namely:— (i) sub-section (l) was substituted by s.4 (a) of the Howrah Improvement (Amendment) Act. 1983 Ben. XLIII of 1983), (ii) in sub-section (a) the words, brackets and letters "clause (e). (D and (g)" were substituted for the words, brackets and letters "clauses (c) and (d)" by s. *ibid.*, and (b) the words "The Chairman of the Bally Municipality" were inserted by s. *ibid.*, and (iii) in sub-section (a) the words, brackets and letters "clauses (e). (9 and were substituted for the words, brackets and letters "clauses (c) and (d)" by s. *ibid.*, and (b) the words such as "The Chairman of the Bally Municipality" inserted by s. *ibid.* 722 functions appointed or elected by The Howrah Improvement Act 1956. [West Ben. Act (Chapter II.—The Board of Trustees.—Sections 4.4, 5.) (d) one official of the Calcutta Metropolitan Development Authority to be appointed by The State

Government; (c) Chief Officer; (D) five persons to be appointed by the State Government; (g) person appointed by the State Government to be the Secretary of the Board, who shall be the Member-Secretary: Provided that when an order of supersession of the Howrah Municipal Corporation has been made under the Howrah Municipal Corporation Act, 1980, and is in force, it shall be competent for the State Government to nominate in place of the Mayor a person having special knowledge or experience in Municipal administration. 14A. [(Constitution of the Board on appointment of Executive Officer for Howrah Municipality under section 67A of the Bengal Municipal ACT, 1932. by s. 5 of the Howrah Improvement Act, 1983 (West Ben. Act of 1983).] Ben. Act LVUI of 1980. (a) (b) (c) A person shall be disqualified for being appointed a Trustee if he— has been convicted and sentenced by any Court for an offence punishable with imprisonment for a period of not less than six months; or is an undischarged insolvent; or holds any office or place of profit under the Board; or has, directly or indirectly, by himself, or by any partner, employer or employee, any share or interest in any contract or employment with, by, or on behalf of, the Board; or is a director, or a secretary, manager or other salaried officer, of any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board. (2) But a person shall not be disqualified as aforesaid or be deemed to have any share or interest in such contract or employment as aforesaid, by reason only of his having a share or interest in (i) any sale, purchase, lease, or exchange of land, or any agreement for the same; or (ii) any agreement for the loan of money, or any security for the payment of money only; or (iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted; or 'Section 4A was inserted by s. 2 of the Howrah Improvement (Amendment) Act, 1969 Ben. XVII or 1969). -The words "omitted" were omitted by s. 5 of the Howrah Improvement (Amendment) The Howrah Improvement Act

1956. XIV of 1956.) (Chapter II.—The Board of Trustees.—Sections 6-9.) (iv) the occasional sale to the Board, of a value not exceeding two thousand rupees in any one financial year, of any article in which he trades: or by reason only of his having a share or interest, otherwise than as director, or secretary, manager or other salaried officer, in any incorporated company which has any share or interest in any contract or employment with, by, or on behalf of, the Board. (3) The State Government may, if it thinks fit, remove by an order the disqualification mentioned in clause (a) of sub-section (1) and shall do so if, in the opinion of the State Government, the offence does not involve moral turpitude. 6. (1) The State Government shall appoint, by notification, to be the Chairman of the Board. 7 3(1) The Chairman shall receive such monthly [honorary or allowance] as may be fixed by the State Government.

8. Nothing in section 6 shall be deemed to prevent the State Government from appointing a salaried officer to be the Chairman of the Board in addition to his own duties as a temporary measure, in which case such Chairman shall receive in addition to his pay such allowances as the State Government may fix but shall not be entitled to receive the [honorary or allowance] mentioned in section 7.9. (1) The State Government may, after consultation with the Board, grant leave of absence to the Chairman, or depute him to other duties, for such period as it thinks fit. i The word within the square brackets was substituted for the words by s. 6(a) of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV or 1995). *Sub-section (2) was omitted by s. 6(b). *ibid.* "Sub-section (1) "as substituted for the original sub-section by s. 6 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). The words within the square brackets were substituted for the word "Salary" by s. 7(a) of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). *Sub-sections (2). (3) and (4) were omitted by s. 1(b). *ibid.* The words within the square brackets were substituted for the words "Salary and allowance" by s. 723 Appointment Chairman of the Board-Remuneration of Chairman. Temporary appointment of a salaried officer as Chairman of the Board. Leave of absence or deputation of the Chairman. 724 ment. etc. of ailing. Chairman. Leave of absence of Trustees. Removal of Chairman or Trustee—, The Howrah Improvement Act, 1956. [West Ben. Act (Chapter II.—The Board of Trustees.—Sections 1002.) (2) The allowance (if any) to be paid to the Chairman while absent on leave or deputation shall be such amount, not exceeding his [honorary or allowance under sub-section (1) of section 7,] as may be fixed by the State Government: Provided that, if the Chairman is a servant of the State Government, the amount of such allowance shall be such as he may be entitled to under the conditions of his service under the Government relating to transference to foreign service. 10. (1) When the Chairman is granted leave or absence or deputed to other duties or when the

post of Chairman falls vacant by reason of his death, resignation or removal or otherwise, the State Government, may appoint a person to act as Chairman for such period as it thinks fit. (2) The salary and house-rent and conveyance allowance (if any) of any person appointed to act as Chairman shall be fixed by the State Government (3) Any person appointed to act as Chairman shall exercise the powers and perform the duties conferred and imposed by and under this Act on the Chairman, and shall be subject to the same liabilities, restrictions and conditions as the Chairman

11. The Board may permit any Trustee, other than the Chairman, to absent himself from meetings of the Board for any period not exceeding six months. 12. (1) If at any time it appears to the State Government that the Chairman has been guilty of any misconduct or neglect in the discharge of his duties or has shown himself to be otherwise unsuitable for the office, which renders his removal expedient, it may, after giving him an opportunity of showing cause against the proposed action, declare, by notification, that he shall cease to hold office as the Chairman. (2) The State Government may, by notification, declare that any Trustee shall cease to be a Trustee if— (a) he has acted in contravention of section 20, or (b) he has been absent from, or is unable to attend, the meetings of the Board for any period exceeding six consecutive months or for five words. figures and brackets within the square brackets were substituted for the word "salary" by s. 9 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995) and the words "subject to the provisions of section 7" were omitted by s. 10, ibid. The words "or the Chairman of the Bally Municipality" were first inserted by s. 7 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). Thereafter, the words "the Chairman of the Howrah Municipality or the Chairman of the Bally Municipality" were omitted by s. 11 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). The Howrah Improvement Act

1956. XIV of 1956.) (Chapter II.—The Board of Trustees.—Sections 13, 14.) (c) he has, without the permission of the Board, been absent from the meetings of the Board for any period exceeding three consecutive months, or (d) he is a salaried servant of the Government, and if his continuance in office as a Trustee is in the opinion of the State Government undesirable, or (e) in the opinion of the State Government he has become incapable of acting as a Trustee or has so abused his position as a Trustee as to render his continuance as such detrimental to the public interest: Provided that when the State Government proposes to take action under this sub-section, an opportunity of showing cause against the proposed action shall be given to the Trustee concerned, and when such action is taken, the reasons therefor shall be placed on record. (3) The State Government shall, by notification, declare that a Trustee shall cease to be a Trustee— (i) if he incurs any of the disqualifications mentioned in section 5 after his appointment or election, as the case may be, as a Trustee; or (ii) if any Trustee permitted by the Board to absent himself from meetings of the Board for any period exceeding three months or if any Trustee, * , dies, or resigns (the office of Trustee, or ceases to hold the office of Trustee in pursuance of a notification published under section 12, the vacancy shall be filled by a fresh appointment or election, as the case may be, under section 4. 314. The term of office of the Trustees, other than the Chairman, shall be three years. Clause (ii) was omitted by s. 12 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995), words "or of the Bally Municipality" were first inserted by s. 9 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). Thereafter, the words "other than the Chairman of the Howrah Municipality or of the Bally Municipality" were omitted by s. 13 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). Section 14 was substituted for original section by s. 14, ibid. Prior to this substitution, there occurred following changes in original section 14, namely:— (i) the words "of the Bally Municipality" were inserted by s. 10(a) of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983), and (ii) brackets and letters "clause(c) or clause(d)" for the words "brackets and letters" "clause (c) or clause (d)" by s. 10, ibid, 725 filling of casual in certain Term of office of Trustee. 726 relating to Board. Temporarily as co-operation of members with the Board for particular purposes, The Howrah Improvement Act, 1956. [West Ben. Act (Chapter II.—The Board of Trustees.—Sections 15, 16.) Conduct of business

15. The Board shall meet, and shall, from time to time, make such arrangements with respect to the place, day, hour, notice, management and adjournment of their meetings, as they may think fit, subject to the following provisions, namely: (a) an ordinary meeting shall be held once at least in every month, (b) the Chairman may, whenever he thinks fit, and shall upon the written request of not less than two other Trustees, call a special meeting, (c) the Chairman shall attend every

meeting of the Board unless absent on leave or prevented by sickness or other reasonable cause; '(d) one-half of the existing number of the Trustees shall make quorum for transaction of business at any meeting: Provided that no quorum shall be necessary for an adjourned meeting; (e) every meeting shall be presided over by the Chairman and in his absence by a Trustee chosen by the members present to preside over the meeting; (D) all questions shall be decided by a majority of votes of the Trustees present, the person presiding having a second or casting vote in all cases of equality of votes; (g) if a poll be demanded, the names of the Trustees voting, and the nature of their votes, shall be recorded by the person presiding; (h) minutes of the proceedings of each meeting (together with the names of the Trustees present) shall be recorded and such minutes shall be read and signed at the next meeting by the person presiding at such meeting and shall be open to inspection by any Trustee during office hours. 16. (1) The Board may associate with themselves, in such manner and for such period as may be prescribed by rules made under section 149, any person or persons whose assistance or advice they may desire in carrying out any of the provisions of this Act. (2) A person associated with themselves by the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relative to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member of the Board for any other purpose. 'Clause (d) was substituted for the original by s. 11 of the Howrah Improvement 1983 (West Ben. XLIII of 1983). The Howrah Improvement Act, 1956. XIV of 1956.] (Chamber II.—The Board of 17, 18.) 17. (1) The Board may from time to time appoint Committees consisting of such persons of any of the following classes as they may think fit, namely,— (i) Trustees, (ii) persons associated with the Board under section 16, (iii) other persons whose assistance or advice the Board may desire as members of Committees: Provided that no Committee shall consist of less than three persons. (2) The Board may— (a) refer to such Committees, for inquiry and report, any matter relating to any of the purposes of this Act, and (b) delegate to such Committees, by specific resolution, and subject to any rules made under section 149, any of the powers or duties of the Board. (3) The Board may at any time dissolve, or, subject to the provisions or sub-section alter the constitution of, any such Committee. (4) Every such Committee shall conform to any instructions given to them from time to time by the Board. (5) All proceedings of any such Committee shall be subject to confirmation by the Board. 18. (1) Committees appointed under section 17 may meet and adjourn as they think proper; but the Chairman may, whenever he thinks fit, call a special meeting of any Committee, and shall call a special meeting of any Committee upon the written request or not less than two members thereof, (2) Every meeting of a Committee shall be presided over by the Chairman, if he is a member of the Committee, but, if he is not a member of the Committee or if he, being a member of such Committee, is absent from such meeting, the meeting shall be presided over by such member of the Committee as may be chosen by the members present. '(3) One-half or the number of the members of the Committee shall make a quorum for transaction of business at any meeting: Provided that no quorum shall be necessary for an adjourned meeting. (4) All questions at any meeting of a Committee shall be decided by a majority of votes of the members present, the person presiding having a second or casting vote in all cases of equality of votes. 'Sub-section (3) was substituted for the original sub-section by s. 12 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). 727 Constitution and functions of Committees. 728 for attendance at meetings. Trustees and of Board or any Committee—* not to take part in proceedings in which they are interested. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter II.—The Board of Trustees.—Sections 19, 20.) 19. Subject to the rules made under section 148 in this behalf, every Trustee (other than the Chairman) and every person associated with the Board under section 16 shall be entitled to receive a fee of fifteen rupees], and every member of a Committee a fee of twenty-five rupees, for attending a meeting of the Board or a Committee at which business is transacted: Provided that a person who is a salaried servant of the State or the Central Government shall not be entitled to receive any fee as aforesaid. 20. (1) A Trustee who (a) has, directly or indirectly, by himself or by any partner, employer or employee, any such share or interest as is described in sub-section (2) of section 5, in respect of any matter, or (b) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid, shall not vote or take any other part in any proceeding of the Board or any Committee relating to such matter. (2) If any Trustee, or any person associated with the Board under section 16, or any other member of a Committee appointed under this Act, has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any improvement scheme framed under

this Act, or in an area in which it is proposed to acquire land for any of the purposes of this Act,— (i) he shall, before taking part in any proceeding at a meeting of the Board or any Committee relating to such area, inform the person presiding at the meeting of the nature of such interest, (ii) he shall not vote at any meeting of the Board or any Committee upon any resolution or question relating to such land, and (iii) he shall not take any other part in any proceeding at a meeting of the Board or any Committee relating to such area if the person presiding at the meeting considers it inexpedient that he should do so. The words within the square brackets substituted for the words "twenty by s. or the (Amendment) 1983 (West Ben. Act or *The words within the square brackets were substituted the words rupees" by s. ibid. The Howrah Improvement Act

1956. XIV of 1956.] (Chapter II—The Board of Trustees.—Sections 20.4-23.) 120A. The Board may, on behalf of any person or the State Government, execute any work or render any service, not being a work or service which is inconsistent with the provisions of this Act, in any area in which this Act applies on such terms and conditions as may be agreed upon between the Board and such person or the State Government. as the case may be: Provided that when any work is executed or any service is rendered on behalf of any person, no such work shall be executed or services rendered except with the previous sanction of the State Government

21. Board may perform all such work and enter into and perform all such contracts as they may consider necessary or expedient for carrying out any of the purposes of this Act. 22. (1) Every such contract shall be made on behalf of the Board by the Chairman: Provided that— (a) a contract involving an expenditure exceeding 2[fifty thousand rupees] shall not be made by the Chairman without the previous sanction of the Board; and (b) a contract involving an expenditure exceeding '[twenty-five lakhs of rupees]' shall not be made by the Chairman without the previous sanction of the Board and of the State Government, (2) Every estimate for the expenditure of any sum for carrying out any of the purposes of this Act shall be subject to the approval of the authority who is empowered by sub-section (1) to make or sanction the making of a contract involving the expenditure of a like sum. (3) Sub-sections (1) and (2) shall apply to every variation or abandonment of a contract or estimate, as well as to an original contract or estimate. 23. (1) Every contract made by the Chairman on behalf of the Board shall be entered into in such manner and form as would bind the Chairman if such contract were made on his own behalf, except that the common seal of the Board shall be used (where necessary); and every such contract may in the like manner and form be varied or discharged. 'Section 20A was inserted by s. 3 of the West Bengal Improvement Laws (Amendment) 1972 Ben. of 1972). 'The words within the square brackets for the words thousand by s. 14(1) of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII or 'The words within the square brackets were substituted words "one lakh of rupees" by s. 14(2). ibid. 729 Power of Board to execute certain works or to render certain services. Power to make and perform contracts. Execution of contracts and approval of estimates. Further provisions as to execution of contracts and provision of Board. 730 The Howrah Improvement Act, 1956. [West Ben. Act (Chapter II—The Board of Trustees.—Section 24.) (2) Every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding 1[five thousand rupees] shall be in writing, and shall be sealed. (3) The common seal of the Board shall remain in the custody of the Secretary to the Board, and shall not be affixed to any contract or other instrument except in the presence of a Trustee (Other than the Chairman), who shall attach his signature to the contract or instrument in token that the same was sealed in his presence. (4) The signature of the said Trustee shall be in addition to the signature or any witness to the execution of such contract or instrument. (5) A contract not executed as provided in this section shall not be binding on the Board. 24* (1) The Board may determine either generally for any class of cases or specially for any particular case "Whether a work should be executed by contract or otherwise. (2) When it is decided to execute a work by contract or purchase any materials or goods and the expenditure involved in such execution or purchase is estimated (to exceed 2[five thousand rupees]) the Chairman shall, at least seven days before entering into such contract or making such purchase give notice by advertisement in the local newspapers inviting tenders for the same: Provided that the Board may, at the instance of the Chairman and with the sanction of the State Government, for reasons to be recorded in the proceedings, authorise the Chairman to enter into a contract without inviting tenders: Provided further that every contract made by the Chairman involving an expenditure exceeding '[fifty thousand rupees]' shall be reported by the Chairman to the Board within fifteen days after it is made. (3) In every case involving an

expenditure exceeding '[fifty thousand rupees] in which tenders are invited, (the Chairman shall place before the Board the specifications, conditions and estimates and all the tenders received, specifying the particular tender (if any) which he proposes to accept. The words within the square brackets were for the words "one thousand rupees" by s. 15 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). The words within the square brackets were for the words "one thousand rupees" by s. 16 (b), ibid. The words within the square brackets were substituted for the words "one thousand rupees" by s. 16 (b), ibid. The Howrah Improvement Act, 1956. XIV of 1956.] (Chapter II.—The Board of Trustees.—Sections 25-27.) (4) In every case in which the acceptance or a tender would involve an expenditure exceeding [twenty-five lakhs of rupees] and the Board propose to accept a tender which is not the lowest tender received, they shall submit to the State Government the specifications, conditions and estimates and all the tenders received, specifying the particular tender which they propose to accept with the reasons for such proposal. (5) Neither the Board nor the State Government shall be bound to sanction the acceptance of any tender which has been made; but the Board, or the State Government, as the case may be, may sanction the acceptance of any of such tenders which appears to them, upon a view of all the circumstances, to be the most advantageous, or may direct the rejection of all the tenders submitted to them

25. The Chairman shall take sufficient security for the due performance of every contract involving an expenditure exceeding twenty-five thousand rupees]. (1) The Chairman shall forward to the State Government a copy of the minutes of [the proceedings of each meeting of the Board, within ten days from the date on which the minutes of the proceedings of such meeting were signed as prescribed in clause (h) of section 15. (2) If the State Government so directs in any case, [the Chairman shall forward to it a copy of all papers which were laid before the Board for consideration at any meeting. (3) The State Government may require [the Chairman to furnish it with— (a) any return, statement, estimate, statistics or other information regarding any matter under the control of [the Board, or (b) a report on any such matter, or (c) a copy of any document in the charge of the Chairman. Officers and servants

27. The Board shall from time to time prepare and maintain a statement showing—(a) the number, designations and grades of the officers and servants (other than employees who are paid by the day or whose pay is charged to temporary work) whom they consider it necessary and proper to employ for the purposes of this Act, (1) The words within the square brackets were substituted for the words "one lakh or rupees" by s. 16(c) of the Howrah (Amendment) Act, 1983 (West Ben. Act XLIII of 1983)— words within the square brackets were substituted for the words "one thousand rupees" by s. 17, ibid. 731 Secucily for furnishing of contract. Supply of dwellings and information to the State Government of strength and remuneration of staff. 732 Board to make rules. Powers of appointment), whom vested-

29. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter II.—The Board of Trustees.—Sections 28, 29.) (b) the amount and nature of the salary, fees and allowances to be paid to each officer and servant and (c) the contributions payable under section 155 in respect of each such officer and servant. The Board shall from time to time make rules— (a) fixing the amount and nature of the security to be furnished by any officer or servant of the Board from whom it may be deemed expedient to require security; (b) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Board; (c) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers or servants of the Board (other than any servant of the Government in respect of whom a contribution is paid under section 155) to contribute to such fund, at such rates and subject to such conditions as may be prescribed by such rules and for supplementing such contributions out of the funds of the Board (d) for regulating compassionate allowance and gratuities to officers and servants of the Board and families of deceased officers and servants; (e) prescribing the qualifications for employment as officers and servants under the Board; and (f) for regulating the conduct of officers and servants of the Board: Provided that a servant of the Government employed as an officer or servant of the Board shall not be entitled to leave or leave allowances otherwise than as may be prescribed by the conditions of his service under the Government relating to transfer to foreign service. (1) Subject to any directions contained in any statement prepared under section 27 and any rules made under section 28 and for the time being in force, the power of appointing, promoting and granting leave to officers and servants of the Board, and reducing them in rank or suspending or dismissing them from service for misconduct,

31. The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Board; and, subject to the foregoing sections, shall dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances.

The words within square brackets were substituted for the words "one hundred rupees" by s. 1 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). The proviso was added by s. 1 of the same Act. Sub-section (2) was inserted by s. 18(2), ibid. The words within square brackets were substituted for the words "one thousand by s. 19(1), ibid. The words and figures within the square brackets were substituted for the words and figures "under section 29" by s. 1 of the same Act. The words within square brackets were substituted for the words "one thousand by s. 1 of the same Act. ; The words or by s. 733 Sanction of Government required to obtain statements, rules and orders. Control by Chairman. 734 [Negotiation of powers, duties and functions of] Chairman. Improvement scheme. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter II—The Board of Trustees.—Section 32.—Chapter III.—Improvement Schemes.—Section 33.) 32. (1) The Chairman may, by general or special order in writing, delegate to the Chief Executive Officer] any of the Chairman's powers, duties or functions under this Act or any rule made hereunder, except those conferred or imposed upon or vested in him by sections 15, 18, 26, 117, 121, 125, 127 and 161: Provided as follows:— (a) the Chairman shall not delegate his power under section 22 to make on behalf of the Board any contract involving an expenditure exceeding two [five thousand rupees]; (2) The exercise or discharge by [the Chief Executive Officer] of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and revision by [the Chairman. CHAPTER m. Improvement Schemes.- 33. (1) The Board shall, as soon as may be after the coming into force of this Act, frame a sewage disposal scheme for Howrah and undertake all works and incur all expenditure necessary for carrying it into effect; and may from time to time extend and add to the size of the scheme. (2) The Board may, subject to the provisions of this Act, undertake any work and incur any expenditure for the improvement and development of the area to which this Act applies by framing and executing an improvement scheme of one of the following types or a combination or any two or more of such types or of any special features thereof, as may be necessary from time to time, namely: (a) a general improvement scheme; (b) a street scheme; (c) a bustee improvement scheme; (d) a re-housing scheme; and (e) a housing accommodation scheme. The words within the square brackets were substituted for the words "any officer of the Board" by s. 15(a) of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). -The words within the square brackets were substituted for the words "one thousand by s. 1 of the Howrah Improvement (Amendment) Act, 1983

(West Ben. Act XLIII or -IClauses (a) and (b) were orriled by s. 20(2). ibid. "The words within the square brackets were substituted for the words "any officer" by the Howrah Improvement Act, 1936. [Chapter 34. "When framing an improvement scheme under section 33 in respect of any area regard shall be had to (a) the nature and the conditions of neighbouring areas and of Howrah as a whole; (b) the several directions in which the expansion of Howrah appears likely to take place; and (c) the likelihood of improvement schemes being required for other parts or Howrah. (1) An improvement scheme mentioned in section 33 may provide for all or any of the following matters, namely— (i) the acquisition by the Board of any land or other property in the area comprised in the scheme or required (or affected by the execution of [the scheme; (ii) the laying out or re-laying out of the land comprised in the scheme; (iii) the demolition, alteration or reconstruction of buildings or portions of buildings situated on the land which it is proposed to acquire in the said area; (iv) the construction of any building which the Board may consider necessary to erect or carrying out any of the purposes of this Act; (v) the laying out, construction or alteration of streets (including bridges, causeways and culverts, if required), and the levelling, paving, mending, nagging and channelling of such streets and the planting of flower bushes or trees on the sides of such streets; (vi) the sewerage and draining of such streets and the provision therein of water, lighting and other sanitary conveniences ordinarily provided in municipalities; (vii) the raising, lowering or levelling of any land in the area comprised in the scheme; (viii) the provision of accommodation for any class of the inhabitants; (ix) the provision of facilities for communication; (x) the formation and retention of open spaces, gardens, parks, playgrounds, lakes, etc. and the provision therein of athletic tracks, recreation buildings and other necessary aids to field or aquatic sports, arboriculture and any other object which the Board consider desirable to provide for enhancing the beauty of the area or the entertainment of the public; (xi) controlling the use of land developed by the Board by zoning or reserving areas exclusively for specific purposes; (xii) any other matters consistent with the provisions of this Act which the Board may think fit. (2) In addition to any of the provisions mentioned in sub-section (1), the sewage disposal scheme mentioned in sub-section (1) or section 33 may provide for the construction of outfall works, pumping plants and sewage treatment and disposal works together with the construction of such sewers and outfall channels as may be necessary for bringing the sewage into the pumping plants and discharging the effluents

36. When areas are exclusively reserved for specific purposes under clause (xi) of sub-section (1) of section 35 it shall be the duty of the Commissioners of the Municipality within whose jurisdiction the area is situated to prohibit and prevent their use in violation of such purposes

37. Whenever it appears to the Board, whether upon an official representation made under section 38 or without such representation,—(a) that any buildings in any area which are used as dwelling places are unfit for human habitation, or (b) that danger to the health of the inhabitants of any area or of a neighbouring area is caused by— (i) the narrowness, closeness and bad arrangement and conditions of streets or buildings or groups of buildings in such area, or (ii) the want of light, air, ventilation or proper conveniences in such area, or (iii) any other sanitary defects in this area, or (c) that any area is undeveloped or has been developed without a satisfactory plan or design and that it is necessary to develop or re-develop it on a better plan after incorporating all or some of the improvements mentioned in sub-section (1) of section 35, the Board may pass a resolution to the effect that a general improvement scheme as mentioned in sub-section (2) of section 33 ought to be framed in respect of such area and may then proceed to frame such a scheme. 38. (1) An official representation referred to in section 37 may be made by the [Councillors or the Howrah Municipal Corporation or of any Municipality of Howrah]— (a) of their own motion; or (b) on a written complaint by the Health Officer of the [Howrah Municipal Corporation] or of the Bally Municipality]; or "The words "or of the Bally Municipality" were first inserted by s. 21 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). Thereafter, the words within the square brackets were substituted for the words "Commissioners of the Howrah Municipality or of the Bally Municipality" by s. 16 (a)(i) of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). The words "or of the Bally Municipality" were first

inserted by s. 21 (1) of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983), thereafter. The words within the first brackets were substituted for words "Howrah Municipality" by s. 2 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995 i. XIV of 1956.) Ben. Act III of 1923. The Howrah Improvement Act, 1956. (Chapter III.—Improvement Schemes.—Section 39.) (c) in respect of any area comprised in a municipal area within a complaint signed by twenty-five or more residents of such ward who are liable to pay either the owner's share or the occupier's share of the consolidated rate leviable under the Calcutta Municipal Act, 1923, as extended to the Howrah Municipality [or of the Bally Municipality.] (2) If the Board of the Howrah Municipal Corporation or of any Municipality of Howrah, as the case may be, decide not to make an official representation on any complaint made to them under clause (b) or clause (c), they shall cause a copy of such complaint to be sent to the Board, with a statement of the reasons for their decision. 39. (1) The Board shall consider every official representation made under section 38 and, if satisfied as to the correctness thereof and to the sufficiency of their resources, shall decide whether a general improvement scheme to carry such representation into effect should be framed forthwith or not, and shall forthwith intimate their decision to the Board of the Howrah Municipal Corporation or of any Municipality of Howrah, as the case may be. (2) If the Board decide that it is not necessary or expedient to frame a general improvement scheme forthwith, they shall inform the Board of the Howrah Municipal Corporation or of any Municipality of Howrah, as the case may be, of the reasons for their decision. (3) If the Board fail, for a period of six months after the receipt of any official representation made under section 38 to intimate their decision thereon to the Board of the Howrah Municipal Corporation or of any Municipality of Howrah, as the case may be, or if the Board intimate to the Board of the Howrah Municipal Corporation or of any Municipality of Howrah, as the case may be, their decision that it is not necessary or expedient to frame a general improvement scheme forthwith, the Board of Councillors of the Howrah Municipal Corporation or of any Municipality of Howrah, as the case may be, may, if they think fit, refer the matter to the State Government. The words within brackets inserted by s. 21 (1) of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). The words "or of the Bally Municipality, as the case may be." were first inserted in section 39(2) and 39(3) by ss. 21 (2), 22(a), 22(b) and 22(c), respectively, of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). Thereafter, the words within the brackets were substituted for words "Commissioners of the Howrah Municipality or of the Bally Municipality" in the aforesaid sections by ss. 16(b), 17(a), 17(b) and 17(c), respectively, of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). 737 Consideration of official representations. 738 Width of streets, schemes for improvement of insanitary bus area. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter III.—Improvement Schemes.—Sections 40-42.) (4) The State Government shall consider every reference made to it under sub-section (3), and (a) if it considers that the Board ought, under all the circumstances, to have passed a decision within the period mentioned in sub-section (3), shall direct the Board to pass a decision within such further period as it may think reasonable, or (b) if it considers that it is, under all the circumstances, expedient that a scheme should forthwith be framed, shall direct the Board to proceed forthwith to frame a scheme. (5) The Board shall comply with every direction given by the State Government under sub-section (4)

40. Whenever the Board are of opinion that, for the purpose of—(a) providing building-sites, or (b) remedying defective ventilation, or (c) creating new, or improving existing, means of communication and facilities for traffic, or (d) affording better facilities for conservancy, it is expedient to lay out new streets or to alter existing streets (including bridges, causeways and culverts), the Board may pass a resolution to that effect, and shall then proceed to frame a street scheme for such area as they may think fit

41. No street laid out or altered by the Board shall be of less width (a) forty feet, if the street be intended for carriage traffic, or (b) twenty feet, if the street be intended for foot traffic only: Provided as follows;—(i) the width of an existing street need not be increased to the minimum required by this section, if the Board consider it impracticable to do so; (ii) nothing in this section shall be deemed to prevent the Board from laying out service passages for sanitary purposes of any width less than twenty feet. 42. (1) Whenever it appears to the Board that the condition of a bus area is insanitary or attended with risk of disease to the persons residing within the area or in the neighbourhood of such bus area by reason of the manner in which huts and other buildings are constructed or crowded together or of want of drainage,

sewerage or water-supply or of the impracticability of scavenging or from any other cause, they may depute an officer or officers to inspect and carry out a survey of the area and to submit a report. The Howrah Improvement Act, 1956. XIV of 1956.] (Chapter Schentes.—Sections 43, 44.) (2) If the Board are satisfied on receipt of such report or otherwise the condition of the bustee is as mentioned in sub-section (1), they may pass a resolution to that effect and shall then proceed to frame a scheme for the improvement of such area. (3) A scheme prepared under sub-section (2) shall make provision for the previous re-housing of persons displaced by the improvement of the bustee and may, in addition to any other matters mentioned in section 35, make provision for all or any one or more of the following matters, namely,— (a) the construction or streets or passages within the area sufficient in number and of sufficient width to enable the proper scavenging of such area and the provision of lighting of such streets and passages, (b) the construction of drains and sewers in such manner as to render the area sanitary, (c) the filling up of tanks, wells, ditches, drains or low lands and the construction of new tanks or the re-excavation and improvement of existing tanks within the area, (d) the partial or complete removal or demolition of any hut or buildings in the area or the alteration or reconstruction of any such hut or building, and (e) public water-supply, common bathing arrangements and public privies and urinals for the use of the inhabitants of this area and the lighting of such common bathing arrangements, privies and urinals.

43. The Board may frame schemes (in this Act called re-housing schemes) for the construction, maintenance and management of such and so many dwellings and shops and other classes of accommodation as they may consider ought to be provided for persons who—(a) are displaced by the execution of any improvement scheme sanctioned under this Act, or (b) are likely to be displaced by the execution of any improvement scheme which it is intended to frame, or to submit to the State Government for sanction, under this Act

44. Whenever the Board are of the opinion that it is expedient and for the public good to provide housing accommodation for any class of persons in any area to which this Act applies, the Board may frame a scheme for the purpose to be called a housing accommodation scheme.⁷³⁹ Re-housing [Reasons by Improvement Housing accommodation Preparation, publication and Intimation of notice as to improvement and supply of documents to Transmission to Board of representation by Municipality or other Authority. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter III.—Improvement Schentes.—Sections 45, 46.) 45. (1) When any improvement scheme has been framed, the Board shall prepare a notice stating— (a) the fact that the scheme has been framed, (b) the boundaries of the area comprised in the scheme, and (c) the place at which particulars of the scheme, a map of the area comprised in the scheme, and a statement of the land which is proposed to be acquired and of the land in regard to which it is proposed to recover a betterment fee, may be seen at reasonable hours. (2) The Board shall— (i) cause the said notice to be published weekly for three consecutive weeks in the Official Gazette and in local newspapers, with a statement of the period within which objections will be received, and (ii) send a copy of the notice to the [Mayor] to the Chairman of any other Municipality constituted under the Bengal Municipal Act, 1932, in which, and to the General Manager of the Calcutta Metropolitan Water and Sanitation Authority and to the Chief Executive Officer of the Calcutta Metropolitan Development Authority under whose jurisdiction, any portion of the area comprised in the scheme is situated. (3) The Chairman shall cause copies of all documents referred to in clause (c) of sub-section (1) to be delivered to any applicant on payment of such fee as may be prescribed by rule made under section 149. 346. 41 The Mayor,) the Chairman of any other Municipality, the General Manager of the Calcutta Metropolitan Water and Sanitation Authority and the Chief Executive Officer of the Calcutta Metropolitan Development Authority, to whom a copy of the notice has been sent under clause (ii) of sub-section (2) of section 45 shall, within a period of sixty days from the date of receipt of the said copy, forward to the Board Clause (ii) was substituted for the original clause by s. 23 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). Prior to this substitution, the words and 20 the General Manager of the Calcutta Metropolitan Water and Sanitation Authority within whose jurisdiction, were inserted in the original clause, by s. 88(3) and Schedule III, item B 1, of the Calcutta Metropolitan Water and Sanitation Authority Act, 1966 (West Ben. Act of 1966). word within the square bracket was for words "Chairman of the Howrah Municipality, the Chairman of the Bali Municipality" by s. 18 of the Howrah Improvement (Amendment) 1995 (West Ben. Act XV of 1995), Section 46 was further substituted for the original section by s. 88(3) and Schedule III, item B 2, of the

Calculi0 Metmcnlitan Wüterand SaninaÜon Aillhority Act. 1966 (West Ben. Act XIII or 1956. Lact, the same was resubsticuted by s. 24 of lthe Howrah [Inprovemen((Amendment) Act. 1983 (Wesl Ben. Act XLUt or 1983). A The words wilhin the guarc brackes were subslituled for the words "The Chain-nan of lthe Howrah Municipality. Chairrnan of lthe Bally Municipality" by s. 19(0) of the Howtah (Amcndmcnl)Acr- '90S f We« Ren Y V nf Ben. Act XV of 1932. The How•rah Improvement Act, 1956. XIV of 1956.] West Bea. Act X" or Ben. XV of 1932, (Chapter III.—hnprovernennr Schenles.—Seclions 47, 48.) any representation which I(lhe Mayor,) the Municipality or the Authority may lthink fit wilh rgard to the scheme; Provided that any direction issued by any authority constituted under the West Bengal Town and Counlry (Planning and Development) Act, 1979 to lthe Board as to lthe improvement scheme shall be carried out by the Board. 47. (1) During (he thirty days next following the first day on which any notice is published under section 45 in respect of any scheme, lthe Board shall serve a notice on— (i) every person whose name appears in the municipal assessmcm-book as being primarily liable to pay lthe owner's share of the consolidated rate, or the rale on the annual value of holdings, as the case may be, in respect of any land which Lhe Board propose to acquire in executing lthe scheme or in regard to which lthey propose to recover a beLLermenL fee, and (ii) Lhe occupier (who need not be named) of each premises or holding, entered in the municipal assessment-book, which the Board propose to acquire in executing lthe scheme. (2) Such notice shall— (a) state that the Board -propose to acquire such land or lo recover such betterment fee for the purpose of carrying out a general improvement scheme or a street scheme, as lthe case may be. and (b) require such person, if he dissents from such acquisition or from the recovery of such betlerment fee, 10 slate his reasons in weiLing within a period of thirty days from (he service of the notice. (3) Every such notice shall be signed by ot by order of, the Chairman. 48. 21 The Mayor and the] Chairman of any other Municipality constituted under lthe Bengal Municipal Act, 19321 in any part of which this Act is for the Lime being in force, respectively, furnish the Board, aL their request, with a copy of. or exacts from, the municipal assessment-book at such charges as may be mutually agreed upon. I The words within square brockel-s welt by s. 19 (b) oftl* Howrah In-uprovernctu 1995 XV Df 1995). words the Chairman of the Bally Municipality" were first insengd by s. 25 or Lhe Howrah Improvement (Arrendmeal) Act. 1983 (West Ben. Act of 1983). Thereafter. Lhe word-s within the square btackets were substituted for lthe words "The Chairman or lthe Howrah Municipality. lthe Chair-roan of the Bally Municipa]ilY and" by s. 20 of the Howrah Improvement (Anendmeac) Act, 1995 (West Ben. Act XV of 1995). 741 Serviccof nolice as 10 pmposed acquisilion or land or recovery of fee. Furnishing of copy of. orexitacts from. the municipal assessment* book. 742 Abandon- nxnl%f I rnprmc- schellIE. or application lo Slate Governnænt lo sanction Power to sancllon or 'liipruve- schell*. The Howrah In:provunenr Act, 1956. [West Ben. Act (Chapter 49, 50.) 49. (1) After the expiry of (he periods, respectively, prescribed under clause (i) of sub-section (2) of section 45, and by section 46 and clause (b) of sub-section (2) or section 47. in respect of any scheme, Lhe Board shall consider any objection, representation and statement of dissent received thereunder, and, after hearing all persons making any such objecLion. representation or dissent who may desire to be heard, the Board may either abandon the scheme or apply to Lhe State GovernmenL for according sanction to the schcmc, with such modifications (if any), as the Board may consider necessary. (2) Every application submitted under sub-section (1) shall be accompanied by— (a) a description of, and full paniculars relating to, the scheme, and complete plans and estimates of Lhe cost of executing lthe scheme•, (b) a statment or Ehe for any modifications made in the scheme as originally framed; (c) a slatement of objections (if any) received under seclion 45; (d) any representation received under section 46; (e) atis•t of the names of all persons (if any) who have dissented. under clause (b) of sub-secLion (2) of section 47, from Lhe proposed acquisiLion of their land or from the proposed recovery ofa betterment fee, and a statement or lthe reasons given for such dissent; and (f) a statcmnt of the arrangements made or proposed by (he Board for the re-housing of persons who are likely to be displaced by the execution or IIIC scheme. (3) When any applicalion has been subinitLed to the State GovernmenL under sub-section (1), the Board shall cause notice of the ract to be published for two consecutive weeks in the Official Gazezre and in local newspapers

50. The State Government may sanction, either with or without modification, or may refuse to sancLion, any scheme submiued to iL under section 49: Provided [hat in considering a bustee improvement scheme ror sancllon the State Government shall have regard to Lhe conditions—(a) that no bustee dwellers are displaced until arrangements ror re-housing [hem have previously been made;

and (b) that the rents indicated in the scheme for the accommodation provided for displaced bustee dwellers as aforesaid are reasonable: Provided further that the State Government may give such financial aid and on such terms and conditions as it may consider necessary, to the Board to enable them to fix reasonable rents (or the accommodation provided for the displaced bustee dwellers. The Howrah Improvement Act, 1956. of 1956.) (Chapter III.—Improvement Schemes.—Sections 51-54.) (1) Whenever the State Government sanctions any scheme submitted under section 49, it shall announce the fact by notification, and the Board shall forthwith proceed to execute the scheme. (2) The publication of a notification under sub-section (1) in respect of any scheme, shall be conclusive evidence that the scheme has been duly framed and sanctioned.

52. At any time after any scheme has been sanctioned by the State Government under section 50 and before it has been carried into execution, the Board may alter or cancel it: Provided as follows:—

(a) if any alteration is estimated to increase the estimated net cost of executing a scheme by more than five per centum of such cost, such alteration shall not be made without the previous sanction of the State Government; (b) if any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the State Government, the procedure prescribed in the foregoing sections of this Chapter shall, so far as applicable, be followed, as if the alteration were a separate scheme; (c) if, owing to changes made in the course of a scheme, any land not previously liable under the scheme to the payment of a betterment fee, becomes liable to such payment the provisions of sections 45, 47 and 49 shall, so far as they are applicable, be followed in any such case; (d) no scheme shall be cancelled without giving the Municipality or Municipalities concerned an opportunity to express their views within sixty days of the receipt of the notice of the cancellation and without the previous sanction of the State Government.

53. Any number of areas in respect of which improvement schemes have been, or are proposed to be framed, may, at any time be included in one combined scheme.

54. (1) Whenever any building, or any street, square or other land, or any part thereof, which Ben. XV of 1932 (a) is situated in the Howrah Municipal Corporation and is vested therein, or (b) is situated in any part of any Municipality of Howrah constituted under the Bengal Municipal Act, 1932, in which this Act is for the time being in force, and is vested in the Commissioners of that Municipality, the words in Bally Municipality" were first inserted, in the original clause (a), by s. 26 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). Finally clause (a) was substituted for the original clause by s. of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). The words within the square brackets were substituted for the words "any other by s. 2 ibid 743 Notification or sanction to improve or alter scheme after sanction. Combination of improvement schemes, Transfer to Board for purposes of improvement scheme, of building or land vested in the Corporation or Municipality. 744 The Howrah Improvement Act, 1956. Ben. Act (Chapter III.—Improvement Schemes 54) is within the area of any improvement scheme and is required for the purposes of such scheme, the Board shall give notice accordingly to the Mayor and the Chairman of the Municipality concerned and such building, street, square, other land or part shall thereupon vest in the Board, subject, in the case of any building, or any land, not being a street or square to the payment of compensation, if any, to the Howrah Municipal Corporation or the Municipality concerned, as the case may be, under section (3): Provided that if the Mayor or the Councillors of the Municipality concerned, as the case may be, shall be allowed reasonable opportunity to remove at their own cost any underground pipes, cables or other fixtures belonging to them, if they so desire. (2) When any land, not being a street or square, vests in the Board under the provisions of sub-section (1) and the Board make a declaration that such land will be retained by the Board only until it re-vests in the Howrah Municipal Corporation or the Municipality concerned, as the case may be, as part of a street, park, lake or garden under section 65 no compensation shall be payable by the Board to the Howrah Municipal Corporation or the Municipality concerned, as the case may be, in respect of that land. (3) Where any land, not being a street or square, or building vests in the Board under sub-section (1) and no declaration is made by the Board that the land will be so retained, the Board shall pay to the Howrah Municipal Corporation or the Municipality concerned, as the case may be, as compensation a sum equal to the market value of the said land or building as on the date of the publication of the notification under section 51 and where any building, situated on land in respect of which a declaration has been made by the Board under sub-section (2), is vested in the Board under sub-section (1), like compensation shall be payable in respect of such

building by (he Board. words within square brackets were substituted for 1.1* words "give notice accordingly to the Chairman" by s. 21 of the Howrah Improvement (Amendment) Act, 1995 (West Bengal Act XV of 1995). words within square brackets were substituted for the words "to the Commissioners of the Municipality concerned" by s. 21 of the Howrah Improvement (Amendment) Act, 1995 (West Bengal Act XV of 1995). The words within the square brackets were substituted for the words "Commissioners of the Municipality concerned" by s. 21 of the Howrah Improvement (Amendment) Act, 1995 (West Bengal Act XV of 1995). The words within the square brackets were substituted for the words "to the Commissioners of the Municipality concerned" by s. 21 of the Howrah Improvement (Amendment) Act, 1995 (West Bengal Act XV of 1995). one word within the square brackets was substituted for the words "The Commissioners of the Municipality concerned" by s. 21 of the Howrah Improvement (Amendment) Act, 1995 (West Bengal Act XV of 1995). (Chapter III.—Improvement Schemes.—Sections 55, 56) (4) If, in any case where the Board have made a declaration in respect of any land under sub-section (2), the Board retain or dispose of (the land contrary to the terms of the declaration, so that the land does not '[re-vest in the Howrah Municipal Corporation or the Municipality concerned, as the case may be as contemplated under such declaration] the Board shall pay to the Corporation or Municipality, as the case may be,] compensation in respect of such land in accordance with the provisions of sub-section (3). (5) If any question or dispute arises— (a) as to whether compensation is payable under sub-section (3) or sub-section (4), or (b) as to the sufficiency of the compensation paid or proposed to be paid under sub-section (3) or sub-section (4), or (c) as to whether any building, street, square or other land, or any part thereof is required for the purposes of the scheme, the matter shall be referred to the State Government whose decision shall be final. 55. (1) All the lands acquired by the Municipal Corporation or any Municipality of Howrah under the Land Acquisition Act, 1894, for the drainage scheme and described in Part A of Schedule I, excluding the lands described in Part B of the said Schedule, shall vest in the Board. (2) The State Government may, by notification, alter, add or cancel any entry in the said Schedule. 56. (1) When any building, or any street, square or other land, or any part thereof, has vested in the Board under section 54, no municipal drain or waterwork therein shall vest in the Board until another drain or waterwork (as the case may be), if required, has been provided by the Board, to the satisfaction of the Corporation or the Municipality concerned, as the case may be in place of the former drain or work. 1 The words within the square brackets were substituted (or the words "re-vest in the Commissioners of the Municipality concerned" by s. 21 of the Howrah Improvement Act, 1995 (West Bengal Act XV of 1995). the words within square brackets were substituted for the words "such Commissioners" by s. 21 of the Howrah Improvement (Amendment) Act, 1995 (West Bengal Act XV of 1995). The words within the square brackets were substituted for the words "Commissioners of the Howrah Municipality or the Bally Municipality" by s. 22 of the Howrah Improvement (Amendment) Act, 1995 (West Bengal Act XV of 1995). 4 For notification amending Schedule I to this Act, see Notification No. 8399M. H.—59, dated 2nd August, 1960, published in the Calcutta Gazette of 1960, Part I, page 2787. 5 The words within the square brackets substituted the words "Commissioners of the Municipality concerned" by s. 23 of the Howrah Improvement (Amendment) Act, 1995 (West Bengal Act XV of 1995). 745 Lands acquired for drainage scheme to be used for the purpose of drain or waterwork to replace another situated on land vested in the Board under section 54. 746 Bar to application of certain Calcutta Municipal Act, 1923, to streets vested in the Board. Repair and watering vested in the Board. Guarding and lighting when street vested in the Board is opened or broken up or when street is under construction and speedy completion The Howrah Improvement Act, 1956. [West Bengal Act (Chapter III.—Improvement Schemes.—Sections 57-59.) (2) If any question or dispute arises as to whether another drain or waterwork is required, or as to the sufficiency of any drain or waterwork provided by (the Board, under sub-section (1) the matter shall be referred to the State Government whose decision shall be final, 57. Sections 296 and 297, clause (c) or section 306 and section 307 of the Calcutta Municipal Act, 1923, as extended to (the "[Howrah Municipal Corporation], 2[and (the corresponding provisions, if any, under the Bengal Municipal Act, 1932, as in force in (any Municipality of Howrah.)] shall not apply to any street which vested in the Board. (2) Rules 4 and 5 in Schedule XVI Calcutta Municipal Act, 1923, as extended to the 5 (Howrah Municipal Corporation) and the corresponding provisions or the rules, if any, made under (the Bengal Municipal Act, 1932) shall not apply when any drain, pavement or surface referred to in the said rules is opened or broken up by the Board or when any public street is under construction by the Board

58. Whenever the Board allow any street vested in them to be used for public traffic, (a) they shall, as far as practicable, keep the street in good repair and do all things necessary [or the safety and convenience of persons using it, and (b) they shall cause the street to be watered, if they consider it necessary to do so for the public convenience

59. Whenever any drain in, or the pavement or surface of, any street vested in the Board is opened or broken up by (the Board for the purpose of carrying on any work or whenever the Board allow any street which they have under construction to be used for public traffic, the Board shall cause the place to be fenced and guarded and to be sufficiently lighted during the night, and shall take proper precautions for guarding against accident by shoring up and protecting adjoining buildings, and shall with all convenient speed, complete the said work* fill in the ground, and repair the said drain, pavement or surface, and carry away the rubbish occasioned thereby or complete the construction of the said street, as the case may be. The words within the brackets were substituted for the words "Howrah Municipality" by s. of the Howrah Improvement (Amendment) Act, '99S (West Ben. Act XV of 1923) of the words and figures within the square brackets were inserted by s. 28(a) of the Howrah Improvement (Amendment) Act. 1983 (West Ben. Act XLIII of 1983). The words within the first brackets were substituted for the words "in the Bally Municipality" by s. of the 140B Town Improvement (Amendment) Act. 1995 (West Ben. Act XV of 1995). The words and within the square brackets were substituted for the words "the said Act as extended to the Howrah Municipality" by s. 28(b) of the Howrah Improvement (Amendment) Act. 1983 (West Ben. Act XLIII of 1983). The words within the round brackets substituted for the words "Howrah Municipality" have been X V of Ben. of 1923. Ben. Act XV of 1932. The Howrah Improvement Act, 1956. s. xv of 1956.] (Chapter III.—Improvement Schemes.—Sections 60-62.) 60. (1) When any work referred to in section 59 is being executed by the Board in any public street vested in them, or when any other work which may lawfully be done is being executed by the Board in any street vested in them, the Board may direct that such street shall, during the progress of such work, be either wholly or partially closed to traffic generally or to traffic of any specified description. (2) When any such direction has been given, the Board shall set up in a conspicuous position in or near the street an order prohibiting traffic to the extent so directed, and shall fix such bars, chains or posts across or in the street as they may think proper for preventing or restricting traffic therein, after notifying in local newspapers their intention to do so

61. When any work is being executed by the Board in any public street vested in them, (he Board shall, so far as may reasonably be practicable, make adequate provision for— the passage or diversion of tram; (a) securing access to all premises approached from such street; (b) and any drainage, water-supply or means of lighting which is (c) interrupted by reason of the execution of the work. The Board may— turn, diver, discontinue the public use of, or permanently (a) close, any public street vested in them or any part thereof, or discontinue the public use of, or permanently (b) close, any public square vested in them, or any part thereof. (2) Whenever the Board discontinue the public use of, or permanently close, any public street vested in them or any part thereof, they shall pay reasonable compensation to every person who was entitled, otherwise than as a mere licensee, to use such street or part as a means or access and has suffered damage from such discontinuance or closing. (3) Whenever the Board discontinue the public use of, or permanently close, any public square vested in them, or any part thereof, they shall pay reasonable compensation to every person— (a) who was entitled, otherwise than as a mere licensee, to use such square or part as a means of access, or (b) whose immovable property was ventilated by such square or part, and who has suffered damage,— (i) in case (a), from such discontinuance or closing, or (ii) in case (b), from the use to which the Board have put such street or square or part thereof. (4) In determining the compensation payable to any person under sub-section (2) or sub-section (3), the Board shall take into consideration any benefit accruing to him from the construction, provision or improvement of any other public street or square at or about the same time that the public street or square or part thereof, on account of which the compensation is paid, is discontinued, or closed. (5) When any public street or square vested in the Board, or any part thereof, is permanently closed under sub-section (2) or sub-section (3) the Board may sell, or lease so much of the same as is no longer required. 63. (1) The Board may from time to time in regard to any area— (a) within the [Howrah Municipal Corporation or any Municipality of Howrah,] or (b) in the

neighbourhood or 2[Lhe said Corporalion or the Municipality, as [he case may be.]— make plans of— (i) proposed public slteeß, showing the dirccclion of such sLreets, the street alignment and building line (if any). on each side of Khem. their intended width and such other details may appear desirablc, and (ii) proposed public parks showing such details as may appear desirablc, (2) When a plan has been made under sub-section (1), [he Board shall prepare a notice stating— (a) [he fact Lhat such plan has been made, (b) particulars of Lhe land (shown in such plan) comprised within the proposed public park or through which the proposed public street will pass, or on which Lhe park or (he open space witi be laid out, (c) lhe place at which the said plan and parüculars may be scen at reasonable hours, and (d) the period (which shall be not less than thirty days) within which objections LO the said plan may be submitted to the Board', and the Board shall thereupon— (i) cause the said notice to be published weekly for two consecutive weeks in Lhe Official Gazerte and in local news- papers, and in such other manner as the Board may direct, and 'The words "or the Bally Municipality" were first inserted by s. 29(1)(a) of Lhe Howrah Improvement (An-rndrrrn1) Act. 1983 (West Ben. Act XLIII or 1983). Thereafter, the words within the square brackets were subsütuled for lhe words "Howrah Municipality or the Bally Municipality" by s. of the Howrü Improvement (Aliundtrent) Act. 1995 (West Ben. Act XV of 1995). 2 The words 'those Municipalilics' were first substituted for lhe words "the said Municipality" by s, 29(ofthe Howrah Impluvendrnt (Amendrnt) Act. 1983 (Wilst Ben. Act XLIII of 1983). Thereafter, the words within the squale brackeLs were substituted ror the words "those Municipalities" by s. of the Howrah Imprövcmm (Amendmen1) Act. The Howrah hnproveÆnen1 Acr, 1956 XIV of 1956.] (Chapter III.—buproventenr 63.) (ii) forward a copy of Lhe said notice to any person whose name appears in Lhe municipal assessment-book as being primarily liable to pay (he owner's share of lhe consolidated rate, or (hc ratc on the annual value of holdings, as the case may bc, in respect of any land included within the proposed public slrect or the proposed public park, and (iii) forward a copy of (he said notice and ofthe plan to which it relates to the I(Mayotl the Chairman of any Municipality of Howrah] and, if any area in the of the Howrah Municipal Corporation and of any Municipality of Howrah) is) included in such plan, Io lhe Chairman of the- local authority administering any ponion of such arca, and (iv) cause copies of the said notice and plan to be delivered to any applicant on payment of such fec as may be prescribed by rule made under section 149. (3) On or after a date (not being less than thirty days from the date of Lhe first publication of the notice) to be appointed by lhe Board in this behalf, the Board shall consider— (a) all objections in writing received from any pcrson affected by Lhe plan, and (b) any representation in regard to such plan made to the Board by the 3[Howrah Municipal Corporation or any MunicipaliTY of Howrah] of the aforesaid local authoriLY% and the Board may thereupon either withdraw [hc plan or apply to lhe State GovernmenL for sanction thereto with such modification (if any) as the Board may consider necessary. (4) If the Board apply for sancdon as provided in sub-section (3), Lhey shali simultaneously forward (0 the Slate Government a full statemenL of all objections and represcatations made to [hem under the said sub-section. (5) When a plan as aforesaid has been submitted to Lhe Slate Government under sub-section (3), lhe Board shall cause notice of lhe facL (0 be published for two consecutive weeks in Lhe Official Gazette and in local newspapers. 'The words 10 [bc Chairman or lhe Bally Municipality" ',vecc fißl inserted by s. 29(2)(a) orth.2 Howrah Impmwment 1983 (West Ben. Act XLIII of 1983). lhecea.fter. the words wilhin the square brackeu' were substituted ror [bc words "Chainnan or the Howrah Municipality. lhe Choirman of the Bally MuicipalilY" by s. 25(b)(i) of the Howrah Improvement {AruendmenL) ACI- 1995 (West Ben. ACI XV of 1995). The words "*Hewnh MunicipaliTY and of Bally Municipality is" first substituted for the words "Howrah MunicipalÄy is" by s. 29(2)(b) or the Howrah (rnprqvcmcnc (Amendtucru) Aeti 1983 (West Ben. Act XLIII of 1983). Thereafter, the words within the first brockets ',verc sub'.lill-ued lhe words ' •neighbourhood orthe Howrah Municipolüy and of lhe Bally Municipality" by s. 25(b)(ii) or lhe Hownh Improvement (Amendnuent) ACI, 1995 den. Act xvor 1995). 'The words "oc the Bally Municipality" were first insenced by s. 29.(1) of lhe Howrah I•uproverrxm (Amendinent) Act. 1983 (West Ben. Act XLIII of 1983). lbe words within (he square brackeus were substituted ror lhe words "Conn- nissioners or lhe Howrah Municipality or lhe Bally Municipality" by s. 25(c) or tlr Howrah Imprövcment (Amcndnmt) 1995 (Wesi Ben.Act XV of 1995). 749 750 The Howrah Improvenrent Act, 1956. [West Ben. Act (Chaprer III.—lnrprove'nenc Schenæs.—Section 63.) (6) The State Government may sanction, either with or wiLhout modification, or may refuse to sanction, any plan submitted to it under sub-section (3). (7) Whenever the State Government sanctions a plan it shall announce the fact by notification and lhe

publication of such notification shall be conclusive evidence (that the plan has been duly made and sanctioned; and the proposed public street or public park to which such notification refers shall be deemed to be a projected public street, or a projected public park, as the case may be, and shall be so deemed until— (a) such street or park has been declared under section 65 to be a public street, or public park, or (b) the said notification has been cancelled by another notification: Provided that such cancellation shall not affect the validity of any action taken by the Board in pursuance of the said notification. (8) If any person desires to erect, re-erect or add to any wall (exceeding ten feet in height) or building which falls within the area comprised in a projected public park or within the street alignment or building line of a projected public street shown in any plan sanctioned by the State Government under this section, he shall submit an application in writing to the Chairman for permission so to do: Provided as follows:— (i) no such application shall be necessary for permission to erect or re-erect, between a building line and the street alignment,— (a) a porch or balcony, or (b) along not more than one-third of the frontage, an outhouse not exceeding fifteen feet in height; (ii) nothing in this sub-section shall relieve any person from the liability to obtain such sanction as it may be necessary to obtain under any law for the time being in force from the local authority. (9) The Chairman shall in no case refuse an application submitted under sub-section (8) if the applicant executes an agreement binding himself and his successors in interest to remove, without compensation, any wall or building to which (that application relates, in the event of the Board— (a) deciding (at any time after a scheme has been sanctioned under section 50 for an area within which such building or wall is situated) that the said wall or building, or any portion thereof, ought to be removed, and The Howrah Improvement Act, 1956. or 1956.] (Chapter Schenks.—Section 64.) (b) calling upon the owner the time-being, by written notice, to remove the same within a time (not being less than sixty days from the date of the service of the notice) to be specified in the said notice. (10) If the Chairman does not, within thirty days from the receipt of an application submitted under sub-section (8), grant or refuse the permission applied for [hereunder, such permission shall be deemed to have been granted. (11) If the Chairman refuses permission to any person to erect, re-erect or add to any wall or building as aforesaid which falls— (i) within the street alignment of a projected public street, or within a projected public park, or (ii) between the street alignment and the building line of a projected public street, the owner of the land on which it was sought to erect, re-erect or add to such wall or building, may call upon the Board, at any time, within three months from the date of such refusal either— (a) to pay him compensation for any damage sustained by him in consequence of such refusal* or (b) to acquire so much of his land as falls within the street alignment, or between the street alignment and the building line or within the park or space, as the case may be; and the Board shall thereupon— in case (a), make full compensation to the said owner for any damage which he may be found to have sustained in consequence of such refusal, and in case (b), forthwith take steps to acquire the said land: Provided that, in the case of such land as falls within [the street alignment only, it shall be optional with the Board to acquire the same in lieu of paying compensation therefor. (12) An appeal shall lie to the Board from any refusal by the Chairman to grant an application under this section. 64. (1) The Board may, for the purpose of the sewage disposal scheme referred to in sub-section Q) of section 33, make plans for the proposed extension of the sewage disposal site showing by reference to the cadastral survey map or otherwise, location, area* extent and configuration of the lands not immediately required for sewage treatment and disposal but likely to be so required in future. (2) The lands referred to in sub-section (1) may fall wholly without the municipal limits of Howrah or partly within and partly without such limits as the Board may think fit. 751 Board may make plans for future extension or sewage disposal site. 752 Vesting in Municipal Corporation or any Municipality of Howrah.) as the case may require. and other spaces provided, by the Board under an improvement scheme. The Improvement Act, 1956. (West Ben. Act (Chapter Schenks.—Section 65.) (3) When the Board make a plan of a proposed extension of the sewage disposal site the provisions of sub-sections (2) to (6) of section 63 shall as far as practicable apply. (4) When the State Government sanctions with or without modification a proposed extension of the sewage disposal site it shall announce the fact by notification. The publication of such notification shall be conclusive evidence (that the plan has been duly made and sanctioned and the proposed extension of the sewage disposal site to which such notification refers shall be deemed to be a projected sewage disposal site. (5) No new building or wall shall be erected nor any existing building re-erected or added to on any land within the projected sewage disposal site but the owner of the land on which it was sought to erect, re-erect or add to the building or wall may call

upon the Board at any time either— (a) to pay him or (b) LO acquire so much of his land as falls within the projected sewage disposal site, and the Board shall thereupon— in case (a), pay reasonable compensation to the owner, and in case (b), forthwith take steps to acquire the land. 65. (1) (a) (b) (c) When the Board are of opinion— That any street laid out or altered by them has been duly levelled, paved, metalled, nagged, channelled, sewered and drained in the manner provided in the plan sanctioned by the State Government under section 50, that such lamps, lamp-posts or other apparatus as are necessary for the lighting of such street have been provided, and that water and other sanitary conveniences ordinarily provided in a municipality have been duly provided in such street, they shall report the fact to the Commissioners of the Howrah Municipality and it shall be the duty of the Municipal Corporation or any Municipality of Howrah,) as the case may be, within three months from the date of receipt of such report, after such inquiry as they think fit to make, either to declare the street to be a public street by notice affixed in some conspicuous position in such street, words '•or Bally Municipality. as the case may be.' were first inserted. in section 65, by s. 30 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII 1983). Thereafter the words within the first brackets were substituted for the words '*Commissioners of the Howrah Municipality or the Bally Municipality' by s. 26(a) of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). The Howrah Improvement Act, 1956. xlv of 1956.] (Chapter III—Improvement Scheme.—Section 65.) whereupon such shall vest in the [(Howrah Municipal Corporation or any Municipality of Howrah,) as the case may be,) and be maintained, kept in repair, lighted and cleared by them; or, if the Municipal Corporation or any Municipality of Howrah,) as the case may be,] are of opinion that certain works are required to be done before such declaration may be made, to require the Board to complete such works: Provided as follows:— (a) no engineering or accommodation works, not included in the schemes sanctioned by the State Government under section 50, shall be required to be done by the Board except with the latter's consent as a condition of such transfer, (b) when certain works in connection with the street can be taken up only after a lapse of time to allow for consolidation of roads or the erection of buildings on both sides, the declaration shall not be put off till they are completed, but shall be made, within the time prescribed under this sub-section on the Board giving on undertaking that they shall complete the works when asked by Municipal Corporation or any Municipality of Howrah,) as the case may be,] to do so. (2) As soon as the works required to be done by the Municipal Corporation or any Municipality of Howrah,) as the case may be,] as aforesaid are completed, the Board shall report the fact to them; and it shall be their duty to declare the street to be public street by written notice annexed in some conspicuous position in such street within two months from the date of receipt of the report, and the expiry of which period the liability of the Board to maintain the street and the street lighting or to pay the municipal rates, if any, assessed on the lands comprised within such street shall cease. (3) When any open space, park, garden or lake has been provided by the Board in executing any improvement scheme, and the Board are of opinion that such open space, park, garden or lake should be transferred to the Commissioners of the Howrah Municipality, they may pass a resolution to that effect, and such open space, park, garden or lake shall thereupon vest in and be maintained at the expense of the Municipal Corporation or any Municipality of Howrah,) as the case may be. Provided that the Commissioners of the Howrah Municipality may require the Board, before any such open space, park, garden or lake is 'See f001-1101c I on page 752. nre, 753 754 Power to purchase or acquire land under the Land Acquisition 1894. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter Scheme.—Section 66.—Chapter IV.— Acquisition and Disposal of Land—Section 67,) transferred, to enclose, level, drain and lay out such open space, park, garden or lake and provide footpaths (herein and, if necessary, to provide lamps and other apparatus for lighting it: Provided further that no open space, park, garden or lake transferred to the Municipal Corporation or any Municipality of Howrah,) as the case may be,] shall be permanently closed or leased out for building purposes without the previous approval of the State Government. (4) any difference of opinion arises between the Board and the [(Howrah Municipal Corporation or any Municipality of Howrah,) as the case may be,] in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the State Government whose decision shall be final: Provided that the State Government, in deciding a dispute regarding the taking over by the Municipal Corporation or any Municipality of Howrah,) as the case may be,] of a public street, open space, park or garden provided by the Board, may direct the Corporation or the Municipality, as the case may be,] to take it over within a specified date and [or the Corporation or

the Municipality, as the case may be, falling] to comply with the direction to pay to the Board the cost of its maintenance from the said specified date to the date on which it is taken over. 66. [Application of section 65 other Municipalities.—omitted by s. 27 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. XV of 1995)], CHETER [V. Acquisition and Disposal of Land.—Acquisition by agreement and compulsory acquisition]

61. The Board may, for carrying out the purposes of this Act, and with the previous sanction of the State Government—(i) enter into an agreement with any person for the purchase, or taking on lease by the Board from such person, of any land or any interest in such land; or 1 The words "or the Bally Municipality. as the case may be" were first inserted. in section 65. by s. 3D of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). Thereafter. the words within the first brackets were substituted for the words "Commissioners of the Howrah Municipality or the Bally Municipality" in sub-sections (4) and •proviso to sub-section .by ss. 26(b). 26(c). 26(d)(i) and respectively. of the Howrah Improvement Act, 1995 (West Ben. Act XV of 1995). the words within the square brackets were substituted for the words "direct the Commissioners" by s. ibid. 2 The words within the square brackets were substituted for the words "on the Commissioners falling" by s. ibid. The Howrah Improvement Act, 1956. XIV of 1956.] 1908. (Chapter IV.—Acquisition and Disposal of Land.—Sections 68-71.) (ii) acquire land under the provisions of the Land Acquisition Act, 1894

68. The power of the Board to purchase, take on lease or acquire land or any interest in such land under section 67 may be exercised not only in respect of land falling within an improvement scheme already framed but also in respect of land relating to which the Board may frame improvement schemes in future

69. A Tribunal shall be constituted, as provided in section 71, for the purpose of performing the functions of the Court in reference to the acquisition of land for the Board under the Land Acquisition Act, 1894

70. For the purpose of acquiring land under the said Act for the Board,—(a) the Tribunal shall (except for the purposes of section 54 of that Act) be deemed to be the Court, and the President of the Tribunal shall be deemed to be the Judge, under the said Act, (b) the said Act shall be subject to the modifications indicated in Schedule (c) the President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908; and (d) the award of the Tribunal shall be deemed to be the award of the Court under the said Land Acquisition Act, 1894, and shall be final. n. (1) The said Tribunal shall consist of a President and two assessors. (2) The President of the Tribunal shall be either— (a) a person who was or has been a member of the Judicial Service as defined in article 236 of the Constitution of India for at least ten years and held a rank not inferior to that of a Subordinate Judge for at least five years; or (b) a barrister or an advocate who has practised as such in the Calcutta High Court for not less than ten years. 755 Power to acquire land for future improvement scheme. Tribunal to constitute. Modification of the Land Acquisition Act, 1894, Constitution of Tribunal. 756 The Howrah Improvement Act, 1956. [West Ben. Act (Chapter and Disposal of Land.—Section 71.) (3) The President of the Tribunal and one of the assessors shall be appointed by the State Government and the other assessor shall be appointed by the [Howrah Municipal Corporation and the Municipalities of Howrah] within the time fixed by the State Government or in default of the [Howrah Municipal Corporation and the Municipalities of Howrah] by the State Government; Provided that no person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or is, for any of the reasons mentioned in section 5, disqualified for appointment as a Trustee. (4) The term of office of each member of the Tribunal shall be two years; but any member shall, subject to the proviso to sub-section (3), be eligible for reappointment at the end of that term: Provided that a member who is an assessor shall not be eligible for reappointment for more than a further term of two years. (5) The State Government may, on ground of incapacity or misbehaviour, or for any other good and sufficient reason, cancel the appointment of any person as a member of the Tribunal after giving the person an opportunity of showing cause against the proposed action. (6) When any person ceases for any reason to be a member of the Tribunal, or when any member is temporarily absent in consequence of illness or any other unavoidable cause, the State Government or (if the person whose place is to be filled was appointed by the Howrah Municipal Corporation or any Municipality of Howrah) the [Howrah Municipal Corporation or the Municipality, as the case may be.

or] in default or the '(said Corporation or Municipality. as the case may be,) the SLALC Government shall forthwith appoint a fit person to be a member in his place. (7) All appointments made under this section shall be published by notification. I The words "and the Bally Municipality" were first inserted by s. 32(1) of the Howrah Improvement (Amendment) Act. 1983 (West Ben. Act XLIII of 1983), Thereafter. The words within the square brackets were substituted for the words "Commissioners or the Howrah Municipality and Bally Municipality" by s. 28(a) of Howrah Improvement (Amendment) Act. 1995 (West Ben. Act XV of 1995), and the words "and the Bally Municipality" were first inserted by s. 32(2) of the Howrah Improvement (Amendment) Act. 1983 (West Ben. Act XLIII of 1983), Thereafter. The words within the square brackets substituted for words "by the Commissioners or Howrah Municipality and the Bally Municipality" by s. the Howrah Improvement (Amendment) Act. 1995 (West Ben. Act XV of 1995). J The words "and the Bally Municipality" were first inserted by s. 32(2) of the Howrah Improvement Act. 1983 (West Ben. Act XLIII of 1983), Thereafter. the words within the square brackets were substituted for words "Commissioners of the Howrah Municipality and the Bally Municipality, or" by s. of the Howrah Improvement (Amendment) Act. 1995 (West Ben. Act XV of 1995), 4 The words within the square brackets were substituted words "said Commissioners. " by s. ibid, The Howrah Improvement Act, 1956. 1956.] (Chapter IV.—Acquisition and Disposal of Land.—Sections 72, 73.) 72. Each member of the Tribunal shall be entitled to receive such remuneration, either by way of monthly salary or by way of fees, or partly in one of those ways and partly in the other, as the State Government may prescribe, 73. (k) The President of the Tribunal shall, from time to time, prepare a statement showing— (a) the number and grades of the clerks and other officers and servants who he considers should be maintained for carrying on the business of the Tribunal, (b) the amount of the salary to be paid to each such officer and servant, and (c) the contributions payable under section 155 in respect of each such officer and servant. (2) The President of the Tribunal shall, from time to time, make (i) prescribing the qualifications, the period and conditions of service, the age of superannuation of the officers and servants of the Tribunal; (ii) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers or servants of the Tribunal; and (iii) for establishing and maintaining a provident or annuity fund. (or compelling all or any of the officers or servants of the Tribunal (other than any servant of the Government in respect of whom a contribution is paid under section 155) to contribute to such fund, at such rates and subject to such conditions, as may be prescribed by such rules and, with the sanction of the Board, for supplementing such contribution out of the funds of the Board: Provided that a servant of the Government employed as an officer or servant of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be prescribed by the conditions of his service under the Government relating to transfer (or foreign service. (3) No statement prepared under sub-section (1) and no rule made under sub-section (2) shall have any validity unless and until it is sanctioned by the State Government. (4) Before sanctioning any such statement or rule the State Government may modify it, 757 Remuneration of Members of Tribunal. Officers and servants of Tribunal, The Howrah Improvement Act. 1956. [West Ben. Act Payments by Board on account of Tribunal. make rules for Tribunal, Award of Tribunal. how to be determined, (Chapter IV.—Acquisition and Disposal of Land.—Sections 74-76.) (5) Subject to any directions contained in any statement prepared under sub-section (1) and any rules made under sub-section (2) and for the time being in force, the power of appointing, promoting and granting leave to officers and servants of the Tribunal, and the power of reducing them in rank, or suspending or dismissing them from service, shall vest in the President of the Tribunal

74. The remuneration prescribed under section 72 for members of the Tribunal, and the salaries, leave allowances and acting allowances prescribed under section 73 for officers and servants of the Tribunal, shall be paid by the Board to the President of the Tribunal for distribution: Provided that when under the provisions of section 78, the functions of the Tribunal are performed by the Tribunal constituted under section 70 of the Calcutta Improvement Act, 1911, the Board shall pay to the Chairman of the Board of Trustees for the Improvement of Calcutta such portion of the remuneration of the assessors and of the salaries and allowances of officers and servants of the said Tribunal as the State Government may, having regard to the work done by the said Tribunal with reference to the acquisition of land for the Board of Trustees for the Improvement of Howrah under the Land Acquisition Act, 1894, determine from time to time. 75. (1) The President of the Tribunal may, from time to time, with the previous sanction of the State Government, make rules, not repugnant to the Code of Civil Procedure,

1908, for the conduct of business by the Tribunal. (2) All such rules shall be published by notification. 76. (I) For the purpose or determining the award to be made by the Tribunal under the Land Acquisition Act, 1894,— (a) if there is any disagreement as to the measurement of land, or the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail; (b) questions relating to the determination of the persons to whom compensation is payable or the apportionment of compensation or the investment or money deposited in respect of lands belonging to persons who have no power to alienate the lands may be tried and decided in the absence of the assessors if the President of the Tribunal considers their presence unnecessary; and when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal. • Bea. Act V of 1911. I of 1894. Act V of 1908. The Howrah Improvement Act, 1956. XIV of 1956. 1759 April, 1908. (Chapter IV.—Acquisition and Disposal of Land.—Section 77.) (c) notwithstanding anything contained in the foregoing clauses, the decision on all questions of law and procedure shall rest solely with the President of the Tribunal. (2) Every award of the Tribunal and every order made by the Tribunal for the payment of money shall be enforced by the Court of the District Judge of Howrah as if it were a decree of that Court. 77. (E) An appeal shall lie to the High Court from an award made under this Chapter, in any of the following cases, namely:— (a) where the decision is that of the President of the Tribunal sitting alone in pursuance of clause (b) of sub-section (1) of section 76; (b) where the decision is that of the Tribunal, and (i) the President of the Tribunal grants a certificate that the case is a fit one for appeal, or (ii) the High Court grants special leave to appeal: Provided that the High Court shall not grant such special leave unless the President of the Tribunal has refused to grant a certificate under sub-clause (i) and the amount in dispute is not less than five thousand rupees. (2) An appeal under clause (b) of sub-section (1) shall only lie on (one or more of) the following grounds, namely:— (i) the decision being contrary to law or to some usage having the force of law; (ii) the decision having failed to determine some material issue of law or usage having the force of law; (iii) a substantial error or defect in the procedure provided by the Land Acquisition Act, 1894, which may possibly have produced error or defect in the decision of the case upon the merits. (3) Subject to the provisions of sub-sections (1) and (2), the provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as may be, apply to appeals under this section. (4) An appeal under this section shall be deemed to be an appeal under the Code of Civil Procedure, 1908, within the meaning of article 156 of the First Schedule to the Indian Limitation Act, 1908. (5) The Court of the District Judge, Howrah, shall, on application, execute any order passed by the High Court on appeal under this Act as if it were an order of the Government in appeal to the Tribunal for Calcutta or the Tribunal for Abandonment or acquisition in consideration of payment. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter IV.—Acquisition and Disposal of Land. Sections 78. 79. 78. Notwithstanding anything contained in sections 69, 71 and 72, the State Government may, by notification direct that the Tribunal constituted under section 70 of the Calcutta Improvement Act, 1911, for performing the functions of the Court in reference to the acquisition of land for the Board of Trustees for the Improvement of Calcutta shall in addition to the duties assigned to it under the said Act, perform the functions of the Court, in reference to the acquisition of land for the Board or Trustees for the Improvement of Howrah; and thereupon all references to the Tribunal in this Act shall be construed as references to the said Tribunal as if the said Tribunal were constituted under section 69 of this Act. Abandonment of acquisition. 79. (I) In any case in which the State Government has sanctioned the acquisition of land, in any area comprised in an improvement scheme which is not required for the execution of the scheme, the owner of the land, or any person having an interest therein, may make an application to the Board, requesting that the acquisition of the land should be abandoned in consideration of the payment by him of a sum to be fixed by the Board in that behalf. (2) The Board shall admit every such application if it— (a) reaches them before the time fixed by the Collector, under section 9 of the Land Acquisition Act, 1894, for making claims in reference to the land, and (b) is made by all persons who have interests in the land greater than a lease for years having seven years to run. (3) If the Board decide to allow any such application, they shall forthwith inform the Collector; and the Collector shall thereupon stay for a period of three months all further proceedings for the acquisition of the land, and the Board shall proceed to fix the sum in consideration of which the acquisition of the land may be abandoned. (4) Within the said period of three months, or, with the permission of the Board, at any time before the Collector has taken possession of the land, under section 16 of the Land Acquisition Act

1894, the Person from whom the Board have arranged to accept the sum so fixed may, if the Board are satisfied that the security offered by him is sufficient, execute an agreement with the Board, either— (i) to pay the said sum three years after the date of the agreement, or before, after the expiry of 1894. The Improvement Act, 1956. 761 XIV of 1956.] (Chapter IV.—Acquisition and Disposal of Land—Section 79.) (ii) (1) leave the said sum outstanding as a charge on his interest in the land, subject to the payment in perpetuity of interest such rate not exceeding 12 per centum per annum as the State Government may fix by notification, and to make the first annual payment of such interest four years after the date of the agreement: Provided that the Board may, at any time before the Collector has taken possession of the land under section 16 of the Land Acquisition Act, 1894, accept immediate payment of the said sum instead of an agreement as aforesaid. (2) When any agreement has been executed in pursuance of sub-section (4) or when any payment has been accepted in pursuance of the proviso to that sub-section, in respect of any land, the proceedings for the acquisition of the land shall be deemed to be abandoned. (3) Every payment due from any person under any agreement executed under sub-section (4) shall be a charge on the interest of that person. (4) If any instalment of interest payable under an agreement executed in pursuance of clause (ii) of sub-section (4) be not paid on the date on which it is due, the sum fixed by the Board under sub-section (3) shall be payable on that date, in addition to the said instalment. (5) At any time after an agreement has been executed in pursuance of clause (ii) of sub-section (4), any person may pay off the charge created thereby, with interest, at the rate fixed under the provisions of that clause up to the date of such payment. (6) When an agreement in respect of any land has been executed by any person in pursuance of sub-section (4), no suit with respect to such agreement shall be brought against the Board by any other person (except an heir, executor or administrator of the person first aforesaid) claiming to have an interest in the land. (7) When an application has been made under sub-section (1) and the Board are of opinion that the whole or any part of the land belonging to the applicant is not required for the execution of the scheme but that it is necessary that some adjoining land should be purchased by the applicant and amalgamated with his land or the portion not so required, in order to conform to the general layout of the scheme, they may permit the applicant to execute an agreement to purchase the adjoining land abovementioned and may at the same time fix a fee in consideration of it. The words within the square brackets were substituted for the words "six per centum per annum" by s. 33 of the Howrah Improvement (Amendment) Act, 1983 (West Bengal Act No. 76 of 1983) Payment of betterment fee. Asst. Commissioner Board, The Howrah Improvement Act, 1956. [West Bengal Act (Chapter IV.—Acquisition and Disposal of Land.— Sections 80, 81.) which the land not required for the execution of the scheme may be exempted from acquisition. The price of the land sold together with the sum fixed as exemption fee shall then be dealt with in the manner provided in sub-section (4), and if the whole sum payable or any part of it is kept outstanding, it shall be secured as a charge on the applicant's interest in the total area of the land sold to the applicant and of the land exempted. Sub-sections (5), (7) and (8) shall apply to such agreements in the same manner as in the case of total abandonment under the foregoing provisions of this section. Betterment fee. 80. (1) When by the making of any improvement scheme, other than a sewage disposal scheme any land in the area comprised in the scheme which is not required for the execution thereof will, in the opinion of the Board, be increased in value, the Board may, in framing the scheme, may, in lieu of providing for the acquisition of such land, declare that a betterment fee shall be payable by the owner of the land or any person having an interest therein in respect of the increase in value of the land resulting from the execution of the scheme. (2) Such betterment fee shall be an amount equal to one-third of the increase in value of the land resulting from the execution of the scheme, and shall be calculated upon the amount by which the value of the land on the completion of the execution of the scheme estimated as if the land were clear of buildings exceeds the value of the land prior to the execution of the scheme estimated in like manner. 81. (1) When it appears to the Board that any particular scheme is sufficiently advanced to enable the amount of the betterment fee to be determined, the Board shall, by a resolution passed in this behalf, declare that for the purpose of determining such fee the execution of the scheme shall be deemed to have been completed and shall (hereupon) give notice in writing to every person to whom a notice in respect of the land to be assessed has been served under clause (i) of sub-section (1) or section 47 that the Board propose to assess the amount of the betterment fee payable in respect of such land under section 80. (2) The Board shall then assess the amount of betterment fee payable by each person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of

receipt of notice in writing of such assessment from the Board, inform the Board by a declaration in writing whether he accepts or dissents from the assessment. (3) When the assessment proposed by the Board is accepted by the person concerned within the period specified in sub-section (2), The Howrah Improvement Act, 1956. XIV of 1956.1 (Chapter IV.—Acquisition and Disposal of Land.—Section 82.) (4) If the person concerned dissents from the assessment made by the Board or fails to give the Board the information required by sub-section (2) within the period specified therein, the matter shall be determined by arbitrators in the manner provided by section 82. 82. (1) For the determination of the matter referred to in sub-section (4) of section 81 the State Government shall constitute a panel of arbitrators consisting of two parts, the first part of which shall be composed of persons having special knowledge of the valuation of land and the second part of other suitable persons. (2) When the Board have, in accordance with the provisions of section 81, assessed the amount of betterment fee payable by all persons in respect of land in the area comprised in the scheme, the Board shall serve a notice on all those persons who have dissented from the assessment made by the Board, requiring them to meet at such time and place as may be fixed by the Chairman for the purpose of electing an arbitrator. (3) For each scheme there shall be a body of two arbitrators, one of whom shall be elected by vote by the persons present at the meeting referred to in sub-section (2) from one part of the panel, and the other shall be appointed by the State Government from the other part of the panel: Provided that for the purposes of a particular scheme the State Government may, prior to the election referred to in this sub-section, if it thinks fit, modify either part of the panel. (4) In case of a difference of opinion on any matter between the two arbitrators, a third arbitrator who shall act as an umpire shall be selected by lot from the first part of the panel and the decision of the umpire on the matter shall be final. (5) If an arbitrator dies, resigns, becomes disqualified, is removed under sub-section (3) or refuses to perform or in the opinion of the State Government neglects to perform or becomes incapable of performing his functions, the authority who elected or appointed him shall forthwith elect or appoint a fit person to take the place of such arbitrator. (6) If the State Government is satisfied after such inquiry as it thinks fit that the arbitrator has misconducted himself, it may remove him. (7) When an award has been made under this section by the arbitrators or the umpire, as the case may be, the award shall be signed by the arbitrators or the umpire, as the case may be, and shall be forwarded by the arbitrators to the Board, and such award shall, subject to the provisions of sub-section (8), be final and conclusive and binding on all persons. 763 Settlement fee by arbitrator. 764 Fees for arbitrators. Powers of arbitrators, Board to give notice to persons liable to payment of betterment Agreement to make payment to meet a charge on land. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter IV.—Acquisition and Disposal of Land.— Sections 83-86.) (8) If the State Government is satisfied* after such inquiry as it thinks fit, that an award has been improperly procured or that an arbitrator has misconducted himself in connection with an award, the State Government may set aside the award

83. The Board shall pay to each arbitrator a fee to be determined by the State Government in respect of the whole of the scheme for which his services are utilized

84. Notwithstanding anything contained in any other enactment the proceedings of arbitrators under section 82 shall be governed by rules to be made in this behalf under section 148: Provided that every party to such proceedings shall be entitled to appear before the arbitrators either in person or by his authorised agent

85. When the amount of all betterment fees payable in respect of land in the area comprised in the scheme has been determined under section 81 or section 82. as the case may be, the Board shall, by a notice in writing to be served on all persons liable to such payment, fix a date by which such payment shall be made, and interest at the rate of six per centum per annum upon any amount outstanding shall be payable from that date. 86. (1) Any person liable to the payment of a betterment fee may, at his option, instead of making a payment thereof to the Board, execute an agreement with the Board to leave the said payment outstanding as a charge on his interest in the land. subject to the payment in perpetuity of interest at the rate of ten per centum per annum], the first annual payment of such interest to be made one year from the date referred to in section 85. (2) Every payment due from any person in respect of a betterment fee and every charge referred to in sub-section (1) shall, notwithstanding anything contained in any other enactment and notwithstanding the existence of any mortgage or other charge whether legal or equitable, be the first charge upon the interest of such person in such land. (3) The provisions of sub-sections (7), (8) and (9) of section 79 relating, in the case of the payments mentioned in that section, to the non-payment of

instalments of interest, the paying off of the charge with interest and the restrictions in respect of suits against the Board, shall apply, mutatis mutandis, to the payment of the money payable under an Ifte words within the square brackets were substituted the words "six per centum per annum" by s. 34 of the Howrah Improvement (Amendment) Act, 1983 (West yr ...F The Howrah Improvement Act, 1956. XIV of 1956.) Ben. Act of 1923. (Chapter IV.—Acquisition and Disposal of Land.— Sections 87-89.) agreement made in pursuance of sub-section (1) and of the interest payable in respect thereof. Recover)' of special payments and betterment fees

87. All money payable in respect of any land by any person under an agreement executed in pursuance of sub-section (4) of section 79, or by any person in respect of a betterment fee under section 81 or section 82, or by any person under an agreement executed in pursuance of sub-section (1) of section 86, shall be recoverable by the Board (together with interest due, up to the date of realization, which shall, in the case of betterment fee under section 81 or section 82, be at the rate of ten per centum per annum), from the said person or his successor in interest in such land, in the manner provided by the Calcutta Municipal Act, 1923, as extended to the Howrah Municipality, for the recovery of the consolidated rate; and, if not so recovered, the Chairman may, after giving public notice of his intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or his successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter. 88. The Board may direct by what authority any powers or duties incident under the Calcutta Municipal Act, 1923, as extended to the Howrah Municipality, to the enforcement of any process for the recovery of the consolidated rate shall be exercised and performed when that process is employed under section 87. Acquisition on fresh declaration

89. If any land, in respect of which an agreement has been executed or a payment has been accepted in pursuance of sub-section (4) of section 79, or in respect of which the payment of a betterment fee has been accepted in pursuance of sub-section (3) of section 81, or, has been made after its determination under section 82 or in respect of which an agreement for such payment has been executed under section 86, be subsequently required for any of the purposes of this Act, the agreement or payment shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894. The words within the square brackets were substituted for the words "six per centum per annum" by s. 35 of the Howrah Improvement (Amendment) Act, 1983 (West XLII of 1983). 765 Recovery of money payable in of sections 79, Board to appoint persons for of processes for recovery of dues. Agreement or payment not to bar acquisition under a fresh declaration. 766 Power; 10 disposal of land. Calcutta Thika Tenancy Act, 1949, and West Bengal Non-Agricultural Tenancy Act, 1949, shall apply. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter IV.—Acquisition and Disposal of Land.— Sections 90, 91.) Disposal of land. 90. (1) The Board may retain, or may let on hire, lease, sell, exchange or otherwise dispose of, any land vested in or acquired by them under this Act. (2) Whenever the Board decide to lease or sell any land acquired by them under this Act from any person, they shall give notice by advertisement in local newspapers. (3) Notwithstanding anything contained in sub-section (2) or in any other provision of this Act when the State Government or a Government undertaking or the Calcutta Metropolitan Development Authority constituted under the Calcutta Metropolitan Development Authority Act, 1972 (hereinafter referred to as the Authority) or the West Bengal Housing Board constituted under the West Bengal Housing Board Act, 1972 (hereinafter referred to as the Housing Board), requires any land vested in or acquired by the Board under this Act, for carrying out any of the purposes of the Act under which the Authority or the Housing Board, as the case may be, was constituted, the Authority or the Housing Board, as the case may be, may ask the Board to let on hire, lease, sell, exchange or otherwise dispose of such land to itself and the Board shall comply with such demand and forthwith transfer possession of such land in favour of the Authority or the Housing Board, as the case may be. (4) The amount of consideration at which any land shall be let on hire, leased, sold, exchanged or otherwise disposed of under sub-section (3) shall be such as may be agreed between the Authority or the Housing Board, as the case may be, and the Board, and if they fail to reach an agreement, the parties or any of them shall refer the matter to the State Government and the decision of the State Government (hereon shall be final. Nothing in the Calcutta Thika Tenancy Act, 1949, or in the West Bengal Non-Agricultural Tenancy Act, 1949, shall apply to (a) any land vested in or in the

possession of, the Board; or (b) any land which is required for carrying out any of the provisions of this Act; or (c) any land held by any tenant under the Board. (3) and (4) were inserted by s 36 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). *The words within the square brackets were inserted by s, 29 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). West Ben. Act XXXII of 1972. West Ben.

1949. West Ben. Act XX of The Howrah Improvement Act, 1956. XIV of 1899. Ben. V (Chapter 92-94.) CHAPTER V. Taxation. Duty on transfers of property, 92. (D) The duty imposed by the Indian Stamp Act, 1899, on instruments of sale, gift and usufructuary mortgage, respectively, of immovable property shall, in the case of instruments affecting immovable property situated [in any area within the jurisdiction of the Howrah Municipal Corporation or of any Municipality of Howrah] and executed on or after the commencement of this Act be increased by two per centum on the value of the property so situated, or (in the case of a usufructuary mortgage) on the amount secured by the instrument, as set forth in the instrument. (2) All collections resulting from the said increase shall, after deducting incidental expenses (if any), be paid to the Board at such time as may be prescribed by rule made under section 95. 93. (I) For the purposes of section 92 of this Act, section 27 of the Indian Stamp Act, 1899, shall be read as if it specifically required the particulars referred to therein to be set forth separately in respect of— (a) property situated in any area within the jurisdiction of the Howrah Municipal Corporation or of any Municipality of Howrah, and (b) property situated outside [any area within the jurisdiction of the Howrah Municipal Corporation or of any Municipality of Howrah], (2) For the purposes of section 92 of this Act, section 64 of the Indian Stamp Act, 1899, shall be read as if it referred to the Board as well as the Government. Customs duty in jute

94. One-half share of the customs duty on jute received by [the Board of Trustees for the Improvement of Calcutta under sub-section (2) or section 84 of the Calcutta Improvement Act, 1911], shall be transferred, as often as it is received by the Board of Trustees for [the Improvement of Calcutta, to the Board established under this Act.] The words "or the Bally Municipality" were first inserted by s. 37 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983), hereafter, the words within the square brackets were substituted for the words "in the Howrah Municipality or the Bally Municipality" by s. 30 of the Howrah Improvement 1995 (West Ben. Act XV of 1995). The words "and the Bally Municipality" were first inserted by s. 35 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). Hereafter, the words within the square brackets were substituted for the words "Howrah Municipality and the Bally Municipality" by s. 31 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). 767 DuLQY Qn eca5n Transfers of immovable property. Particulars set forth in documents making transfer of Distribution of customs exports or jute. 768 Power to State Government to make Power to State Government to issue directions. Government to pay to the Board a share of the net proceeds of [the State Government] taxes assigned Power to Board to borrow money. The Howrah Improvement Act, 1956 [West Ben. Act (Chapter 95. 95A.—Chapter VI—Finance.— Sections 96-98.) Supplemental Provisions. 95. (1) The State Government may make rules for carrying out the purposes of [this Chapter. (2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules for regulating the collection of taxes imposed by this Chapter, and the payment thereof to the Board. 95A. The State Government may, for the efficient administration of this Act or for such other reasons as it thinks fit, issue from time to time, directions not inconsistent with the provisions of this Act, to the Board and the Board shall carry out such directions. CHAPTER VI. Finance. 96. [(Contributions from Municipality) by s. 40 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983)] 97. The State Government shall pay to the Board every financial year, on such date or dates as may be fixed by notification, a share to be determined by the State Government* of the net proceeds of so much of the terminal taxes, if any, levied on goods or passengers carried by railway, sea or air, within the State of West Bengal and collected by the Government of India during the financial year next preceding as may be assigned to the State Government under article 269 of the Constitution of India. Loans

98. The Board may from time to time borrow at such rate of interest, and such period, and upon such terms, as to the time and method of repayment and otherwise, as the State Government may approve, any sum necessary for the purpose or— (a) meeting expenditure debitable to the capital account under section 133, or (b) repaying any loan previously taken under this Act. If rules made in exercise of the conferred

by section 95 for canying oui I-be V. sec No. 654/M3R4WS6. daled Ibe 22nd January. 1957. of Self-GovemmenL D-•ptrtrnenl. published in lthe Calculid Gazelle. daled the 3 ISI January. L 957, Pam I. pages 456-57. 2Sectcion 95A was ingred Ely s. 39 Ofehe Howrah Improvement (Amendmenl) Act. 1983 (West den. Act XLIII Df 1983). The Howrah Inprovementf Act, 1956. XIV of 1956.] (Chapter 99-103.) 99. Whenever (he borrowing of any sum has been approved under section the Board may, instead of borrowing such sum or any part thereof froun the public, lake credit from any Bank. on a cash account to be kept in the name of Lhe Board, Io the extenl of such sum or pan; and, with the previous sanction of the State Government, may grant mortgages of all or any property vested in (he Board by way of securing the payment of the amount ot such credit or of the sums from time to time advanced on such cash account with interst, 100. When any sum of money has been borrowed undct section 98 or section 99 ror the purpose of meeting particular expenditure or repaying a particular loanl no portion lhcreofshall be applied (o any other purpose wi(hout the previous sanction of the Stalc Government. 101. (I) Whenever money is boaoowed by Lhe Board on debentures, the debentures shall be in such form as the Board, with the previous sancüon of the Slate Government. may from time (o time determine. (2) All debentures shali be signed by the Chainman and one other Trustee. (3) The holder of any debentuure in any form prescribed under subscelion (1) may obtain in exchange therefor. upon such terms as the Board may from Gme Io [ime determine, a debenture in any other fom so prescribed. (4) Every debenture issued by lthe Board shall be transcrable by endorsement, unless some other mode of transfer bc prescribed therein. (5) The right to sue in respect of moneys secured by debcntures issued by the Board shall vest in lthe respectüve holders of lherdebentures for Lhe (ime being, withouL any prefetence by reason of some or such debentures being prior in date to others

102. All coupons attached LO debentures issued under this Act shall bear the signature of the Chairman; and such signature may be engraved, lithographed or impressed by any mechanical process

103. When any debenture or security issued under this Act is payable to two or more persons jointly* and eilher or any of Lhem dies, duen, notwithstanding anything in section 45 of Lhe Indian Contract Act, 1872, the debenture or security shall be payable to the sury'ior or sur-livocs of such persons: Provided tha(nothing in (his section shall affect any claim by lthe representative of a deceased person against such survior or-survivors. 769 Loans from Banks. Diversion borrowed money LO purrxjses other than t*ose first approved- Fonn, signaluæ. c.xchange.. lwnnsfernd effect af deycentures. Signalurc of coupons otflached detentures, Poyrnems to survivors of joint payees, 770 Receipt by joint hplder for interest ordividend, rriotily o' payltx:titis for interest and loans. Repaymem or loans under secl ion 98. Establish- ment and maintenance or sinking funds. Power [0 distonnnue payments imo sinkiag funds. The Howrah bnpmvenrenr Act, 1956, [West Ben. Act (Chapter 104-108.) 104. Where two or more persons arc joint holders of any debenture or security issued under (his Acl, any one of such persons may give an effectual receipt for any interest or dividend payable in rspect of such debenture or security, unless notice to lthe contrary has been given to the Board by any 0Lher of such persons

105. All payments due from the Board for inlcrest on. or lthe repayment of, loans, shall be made in priority to all other payments due from the Board

106. Every loan taken by (he Board under section 98 shall bc repaid within the period approved by the Stale Government under that section, and, subject Io the provisions of sub-section (2) of section 1351 by such of the following methods as may bc so approved, namely:—(a) from a sinking fund established under seccion 107 in respect or the loan, or (b) by paying equal yearly or half-yearly instalments of principal, or of principal and interesl, throughout Lhe said period, or, (c) if (he Board have. before borrowing money on deben- tures, reserved, by public notice, a power to pay off the loan by periodical instalments and to select by lot the particular debenLures Io be discharged at particular petiods— then by paying such ins:alnucnls at such periods, or (d) from money borrowed for Lhe purpose under clause (b) of section 98, or (e) panly from lthe sinking fund eslablshed under section 107 in respect of the loan. and parLlly from money borrowed for lthe purpose under clause (b) of section 98. 107. (I) Whenever [he State Government has approved the repayment of a loan from a sinking fund the Board shall establish such a fund and shall pay into it in every year, until lthe loan is repaid, a sum so calculated (hat, if regularly paid lthroughout the period approved by the State Government under sccdon 98, it with accumulations in the way of compound interest be sufficient, after payme.nc of all expenses. to pay' off the

loan at the end of that period. (2) The rate of interest on the basis of which (the sum referred to in sub-section (1) shall be calculated shall be such as may be prescribed by the State Government

108. Notwithstanding anything contained in section 107, if at any time the sum standing at credit of the sinking fund established for the repayment of any loan, is of such amount, that, if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that section, The Howrah Improvement Act, 1956. XIV of 1956.] (Chapter 109-111.) it will be sufficient to repay the loan at the end of the period approved by the State Government under section 98, then, with the permission of the State Government further annual payments into such fund may be discontinued. 109. (1) All money paid into any sinking fund shall possibly be invested, under the orders of the Board, in— (a) Government securities, or (b) securities guaranteed by the Central Government, or (c) Calcutta Municipal debentures, or (d) debentures issued by the Commissioners for Calcutta, or as soon as any State the power of (e) (i) debentures issued by the Board of Trustees for the improvement of Calcutta, or (ii) debentures issued by the Board, in the joint names of the Secretary to the Government of West Bengal in the Finance Department and the Accountant-General, West Bengal, to be held by them as trustees for the purpose of repaying, from time to time, the debentures issued by the Board of Trustees for the improvement of Calcutta or by the Board of Trustees for the improvement of Howrah, as the case may be. (2) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the appropriate sinking fund and invested in the manner prescribed by sub-section (1). (3) Any investment made under this section may, from time to time, subject to the provisions of sub-section (1), be varied or transposed. 110. The aforesaid trustees may from time to time apply any sinking fund, or any part thereof, in or towards the discharge of the loan or any part of the loan for which such fund was established; and until such loan is wholly discharged shall not apply the same for any other purpose. 111. (1) The aforesaid trustees shall, at the end of every financial year, transmit to the Chairman a statement showing— (a) the amount which has been invested during the year under section 109, (b) the date of the last investment made previous to the transmission of the statement, 771 of sinking funds. Application of sinking funds. Annual statements by trustees. 772 Annual examination of sinking funds. Procedure if Board fail to make any payment or investment in respect of loans. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter 112, J 13.) (c) the aggregate amount of the securities held by them, (d) the aggregate amount which has, up to the date of the statement, been applied under section 110 in or towards repaying loans, and (e) the aggregate amount already paid into each sinking fund. (2) Every such statement shall be laid before the Board and published by notification. 112. (1) *The Board shall maintain a proper account of every sinking fund established under section 107 and every such fund shall be subject to annual examination by the Accountant-General, West Bengal, who shall ascertain whether the cash and the current value of the securities at credit of such funds are actually equal to the amount which would have accumulated had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom. (2) The Board shall forthwith pay into any sinking fund any amount which the Accountant-General, West Bengal, may certify to be deficient. unless the State Government specially sanction a gradual readjustment: Provided that notwithstanding the existence of a deficiency in any sinking fund the Accountant-General, West Bengal, shall not certify the deficiency if the cash and the current value of all the securities in all the sinking funds at the time of the examination are equal to the amount mentioned in sub-section (1). 113. (a) (c) Enforcement of liabilities. the Board fail— to pay any interest due in respect of any loan taken in pursuance of section 98, or to make any payment prescribed by section 106, section 107 or sub-section (2) of section 112. or to make any investment prescribed by section 109, [the Accountant-General, West Bengal shall make such payment or set aside and invest such sum as ought to have been invested under the said section 109] as the case may be; and the State Government may attach the rents and other income of the Board; and thereupon the provisions of sub-section (2) of section 118 of the Calcutta Municipal Act 1923, as extended to the Howrah Municipality, shall, with all necessary modifications, be deemed to apply. Ben. Act 111 of 1923. The Howrah Improvement Act, 1956. of 1956.] Act of 1923. (Chapter 114-119.) 114. [(Procedure if Commissioners of Howrah Municipality fail to *make any payment due to Board. by s. 32 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995).] 115. All moneys payable under section 113 shall constitute a charge upon the property of the Board

116. If any money borrowed by the Board from the State Government or any interest or cost due in respect thereof, is or are not repaid according to the conditions of the loan, the State Government may attach the rents and other income of the Board or any part thereof or any property of the Board, and thereupon the provisions of sub-section (2) of section 118 of the Calcutta Municipal Act, 1923* as extended to the Howrah Municipality, shall, with necessary modifications, be deemed to apply.

117. (1) The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and expenditure of the Board for the next ensuing financial year. **(2)** Every such estimate shall make provision for the due fulfilment of all the liabilities of the Board and for the efficient administration of this Act. **(3)** Every such estimate shall differentiate capital and revenue funds, and shall be prepared in such form, and shall contain such details, as the State Government or the Board may from time to time direct. **(4)** Every such estimate shall be completed and printed, and a copy thereof sent, by post or otherwise, to each Trustee, least ten clear days before the date of the meeting at which the estimate is to be laid before the Board

118. The Board shall consider every estimate so laid before them, and shall sanction the same, either without alteration or with such alterations, as they may think fit.

119. (1) Every such estimate, as sanctioned by the Board, shall be submitted to the State Government, who may, at any time within two months after receipt of the same,— (a) approve the estimate, or (b) disallow the estimate or any portion thereof, and return the estimate. In the manner for the purpose of section 773 under section 113 charge on the Board. Procedure if Board fails to repay loans obtained from the State Government. Estimates of income and expenditure to be laid annually before the Board. Sanction or Board to Approval of State Government to estimates. 774 Transmission of copy of estimate to Chairman of Howrah Municipality. Special Provisions in the first schedule under the constitution of the Board. Supplementary estimates, Adherence to estimate, and Income statement or closing balance. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter 120-123.) **(2)** If any estimate is so returned to the Board, they shall forthwith proceed to amend it, and shall resubmit the estimate, as amended, to the State Government, who may then approve it

120. A copy of every such estimate shall, when approved by the State Government, be sent by the Board to the Mayor and the Chairmen of all the Municipalities of Howrah.

121. (1) A special meeting of the Board shall be held as soon as may be expedient after the day appointed under sub-section (1) of section 14, and the Chairman shall at such special meeting lay before the Board an estimate of the income and expenditure of the Board for the portion of the financial year which on the said day had not expired. **(2)** provisions of sub-sections (2) to (4) or section 117, and sections 118 to 120 shall apply to the said estimate. **122. (1)** The Board may, at any time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and laid before them at a special meeting. **(2)** The provisions of sub-sections (3) and (4) of section 117, and sections 118 to 120 shall apply to every supplementary estimate. **123. (1)** No sum shall be expended by or on behalf of the Board unless the expenditure of the same is covered by a current budget grant or can be met by reappropriation or by drawing on the closing balance. **(2)** The closing balance shall not be reduced below twenty-five thousand rupees without the previous sanction of the State Government. **(3)** The following items shall be excepted from the provisions of sub-sections (1) and (2), namely:— (a) repayments of moneys belonging to contractors or other persons and held in deposit, and of moneys collected by, or credited to, the Board by mistake; (b) payments due under a decree or order of a Court passed against the Board or against the Chairman ex-officio, or under an award of the Tribunal; (c) sums payable under a compromise of any suit or other legal proceeding or claim effected under section 161; (d) sums payable under this Act by way of compensation; and (e) payments required to meet some pressing emergency. The words "and of the Bally Municipality" were first inserted by s. 42 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983), Thereafter, the words within the square brackets were substituted the words "Chairman of the Howrah Municipality and of the Bally Municipality." by s. 33 of the 100K D The Howrah Improvement Act, 1956. Of 1956.1 (Chapter 124-127.) **(4)** Whenever any sum exceeding five thousand rupees is expended under clause (e) of sub-section (3), the Chairman shall forthwith report the circumstances to the State Government, and shall at the same time explain how the Board propose to cover the expenditure. Banking and investments, 124. All moneys payable to the Board shall be received by the [Chief Executive Officer], and shall forthwith be paid into the State Bank of India, or any other Bank approved by the State Government to the credit of an account which shall be styled "The Account of

the Trustees for the Improvement of Howrah". 125. (1) Surplus moneys the credit of (he said account may from time to time be— (a) deposited at interest in the State Bank of India or in any other Bank approved by the State Government in (his behalf, or (b) invested in any of the securities or debentures mentioned in sub-section (1) of section 109 of this Act or in section 20 of the Indian Trusts Act, 1882. (2) All such deposits and investments shall be made by the 2[Chief Executive Officer] on behalf of, and with the sanction of the Board; and, with (he like sanction, the 2[Chief Executive Officer] may at any time withdraw any deposit so made, or dispose of any securities, and re-deposit or reinvest the money so withdrawn or the proceeds of the disposal of such securities. 126. (1) No payment shall be made by any Bank out of the account referred to in section 124, except upon a cheque. (2) Payment of any sum due by the Board exceeding one hundred rupees in amount shall be made by means of a cheque, and not in any other way

127. All orders for making any deposit. investment, withdrawal or disposal under section 125, and all cheques referred to in section 126, must be signed— (a) by the 1[Chief Executive Officer] and the Secretary to the Board. or 1The words within the square brackets were substituted for the word "Chairman" by s. 34 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). 'The words within the square brackets were substituted for word "Chairman" • by s. 35, ibid. 'The words within the first brackets were substituted for the word "Chairman" by 775 Receipts of moneys, and deposit in Bank of India. Investment of surplus money. Payments by cheque. Signature of orders under section 125 and cheques. 776 Duty of Chairman and others to fore sign a cheque. Accounts of receipts and disburse- •ment how to keep. Definition of "cost of management". The Howrah Improvement Act, 1956. [West Ben. Act (Chapter 128-130.) (b) in the event of the illness or occasional absence from Howrah of the Chairman or the Secretary, then by the Secretary or the Chairman, as the case may be, and 1[by an officer or (he Board authorised by the 2(Chief Executive Officer) in this behalf.] 128. Before the 1(Chief Executive Officer) [or the Secretary to the Board or the Officer of the Board authorised by (he 3(Chief Executive Officer) in this behalf] signs a cheque under section 127, he must satisfy himself that the sum for which such cheque is drawn is either required for a purpose or work specifically sanctioned by the Board or is an item of one of the excepted descriptions specified in sub-section (3) of section 123

129. Subject to any rules made by the State Government in [his behalf. accounts of receipts and disbursements of the Board shall be kept in such manner and in such form as the Board may from time to time prescribe by rule made under section 149. Accounts. 130. (1) The expression "cost of management", as used in the following sections in this Chapter, means— (a) the salary and house-rent and the conveyance allowance (if any) of the Chairman or acting Chairman, and the allowances and contributions referred to in sub-section (2) of section 7; (b) all fees paid under section 19, for attendance at meetings; (c) the salaries, fees and allowances of, and the contributions paid under section 155 in respect of, officers and servants of the Board including persons employed for the collection of the rents and other proceeds of land vested in the Board who are included in statements prepared under section 27; (d) the remuneration of other employees of the Board, except employees whose pay is charged to temporary work; 1The words within the square brackets were substituted for the words "by a Trustee other than the Chairman" by s. 43 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). 'See footnote 3 on page 223. annex. 1The words within the first brackets were substituted for word "Chairman" • by s. 37 of (he Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995). 4The words within the square brackets were substituted for the words "for any other Trustee or the Secretary to the Board" by s. 44 of the Howrah Improvement (Amendment) Act, 1983 (West Ben. Act XLIII of 1983). [Chapter 131-133.] (c) all payments made under section 74 and section 155 on account of the Board or the Tribunal; and (1) all office expenses incurred by the Board or the Tribunal. (2) The expression "office expenses" in clause (f), means expenses incurred for carrying on office work, including the rent of offices, the provision of furniture and of equipment therefor, the purchase of books, charges for printing, photographing, preparing models and stationery, (J) The Board shall keep a capital account and a revenue 131. account. (2) The capital account shall show separately all expenditure incurred by the Board on each improvement scheme.

132. There shall be credited to the capital account—(b) (d) (e) (f) (g) (h) all sums (except interest) received by way of special payments for betterment fees in pursuance of sections 79, 80 or 87; all moneys received on account of loans taken by the Board in pursuance of section 98 or section 99; the proceeds of the sale of any land vested in the Board; the proceeds of the sale of any movable property (including

securities for money invested from the capital account) belonging to the Board; lump sums received from any Government in aid of the capital account; all premia received by the Board in connection with leases; all sums (if any) which the State Government directs, under sub-section (2) of section 135, to be credited to the capital account; and all moneys resulting from the sale of securities by direction of the State Government under section 136. 777 Keeping of capital ICCOU" and revenue account. Credits to account. Application of capital account

133. The moneys credited to the capital account shall be held by the Board in trust, and shall be applied to (a) meeting all costs or framing and executing improvement schemes; (b) meeting the cost of acquiring land for carrying out any of the purposes of this Act; (c) meeting the cost of constructing buildings required for carrying out any of the purposes of this Act including buildings required for accommodating the offices for carrying on the work of the Board; 778 Credits account. Application of revenue account. The Howrah Improvement Act* 1956. [West Ben. Act (Chapter 134, 135.) (d) the repayment or loans from money borrowed in pursuance of clause (b) of section 98; (e) making, or contributing towards the cost of making, surveys, in pursuance of section 174; (d) meeting such proportion of the cost of management as the Board may, with the sanction of the State Government, prescribe in this behalf; and (g) temporarily making good the deficit (if any) in the revenue account at the end of any financial year. There shall be credited to the revenue account— 134. 135. (a) (b) (c) (d) (e) (g) all interest received in pursuance of sections 791 86 or 87; all proceeds received by the Board of taxes imposed by Chapter V; all sums contributed from Municipal Funds which are received by the Board under section 96; all damages received by the Board under section 169; all annually recurring sums received from the Government in aid of the funds of the Board; all rents of land vested in the Board; and all other receipts by the Board which are not required by section 132 to be credited to the capital account. (f) the moneys credited to the revenue account shall be held by the Board in trust, and shall be applied to— (a) meeting all charges for interest and sinking fund due on account of any loan taken in pursuance or clause (a) of section 98, or section 9m and all other charges incurred in connection with such loans; (b) paying all sums due from the Board in respect of rates and taxes imposed under the Calcutta Municipal Act, 1923, as extended to the Howrah Municipality [or under the Bengal Municipal Act, 1932, as the case may be,] upon land vested in the Board; (c) holding or participating in conferences or exhibitions relating to urban improvement; (d) paying the fees prescribed for arbitrators under section 83; (e) paying all sums which the State Government may direct to be paid to any auditor under section 143; 'The words and figures within the square brackets were inserted by s. 45 of the Howrah Improvement Act, 1956. (Chapter 136.139.) (d) paying the cost of management, excluding such proportion thereof as may be debited to the capital account under clause (f) of section 133'. (g) paying all other sums due from the Board, other than those which are required by section 133 to be debited from the capital account, and (h) meeting the cost of survey, if any, made by the direction of the Board under section 174. (2) The surplus (if any) remaining after making the payments referred to in sub-section (1) shall, subject to the maintenance of a closing balance of twenty-five thousand rupees and unless contributed permanently to the capital account under the direction of the State Government or advanced to the capital account under the provisions of section 137, be invested, in the manner prescribed in section 109 towards the service of any loans outstanding after the expiry of sixty years from the commencement of this Act. 136. If, at any time after any surplus referred to in sub-section (2) of section 135, has been invested, the State Government is satisfied that the investment is not needed for the service of any loan referred to in the said sub-section, it may direct the sale of the securities held under the investment. 137. (1) Notwithstanding anything contained in section 135, the Board may advance any sum standing at the credit of the revenue account for the purpose of meeting capital expenditure. (2) Every such advance shall, unless a direction is given by the State Government under sub-section (2) or section 135, be refunded to the revenue account as soon as may be practicable. 138. (1) Any deficit in the revenue account at the end of any financial year may be made good by an advance from the capital account. (2) Every such advance shall be refunded to the capital account in the following financial year

139. The Board may, for reasons to be recorded in writing, order to be struck off the books any sum due to the Board which may appear to them to be irrecoverable: provided that the prior sanction of the State Government shall be obtained if the sum exceeds two hundred and fifty rupees .779 Power of direct sale of securities in which any surplus or the revenue account is invested. revenue account

to capital account- Advances from capital account to revenue account. Striking off inconvertible sum. Submission of abstracts of accounts Government- Annual audit or accounts. Powers of auditor- Rotation of auditor. Reports and information furnished by auditor to the Board. Board to remedy defects pointed out by auditor. The Howrah Improvement Act, 1956. [West Ben. Act (Chapter 140-145.) 140. The Board shall submit to the State Government at the end of each half of every financial year, an abstract of the accounts of their receipts and expenditure

141. The accounts of the Board shall, once in every financial year, be examined and audited by such auditor as the State Government may appoint in this behalf

142. The auditor so appointed may,—(a) by written summons require the production before him of any document which he may consider necessary for the proper conduct of the audit; (b) by written summons require any person having (the custody or control of, or being accountable for, any such document to appear in person before him: and (c) require any person so appearing before him to make and sign a declaration with respect to any such document, to answer any question or to prepare and submit any statement

143. The Board shall pay to the said auditor such remuneration as the State Government may direct

144. The said auditor shall—(a) (b) (c) report to the Board any material impropriety or irregularity which he may observe in the expenditure, or in the recovery of moneys due (to the or in the accounts, and report the same to the State Government; furnish to the Board such information as they may from time to time require concerning the progress of his audit; and within fourteen days after the completion of his audit forward his report upon the accounts to the Chairman. 145* (1) It shall be the duty of the Board forthwith to remedy any defects or irregularities that may be pointed out by the auditor. (2) If there is a difference of opinion between the Board and the auditor or if the Board do not remedy any defect or irregularity within a period considered by the auditor to be reasonable, the matters shall be referred to the State Government within such time and in such form as the Accountant-General, West Bengal, in the Local Audit [Pan. Meas as Auditor of the accounts or deed of Trustees for the Improvement or Howrah, see notification No. 121M2A—26j57, dated 5.11.51, published in Calcutta Gazette of 1957, Part I, page 3958 The Howrah Improvement Act, 1956. XIV of 1956.1 (Chapter 14a 147.—Chapter VII.—Rules—section 148,) manner as the State Government may prescribe by rule and it shall be competent to the State Government to pass such orders thereon as it thinks fit. The orders of the State Government shall be final and the Board shall take action in accordance therewith. (3) If within any period fixed by an order made by the State Government under sub-section the Board fail to comply with such order, the State Government may direct the Chairman to comply with the order and the cost of taking action by the Chairman for complying with the order shall be a charge on the revenue account of the Board

146. The Chairman shall cause the report mentioned in clause (c) of section 144, to be printed and shall forward a printed copy thereof to each Trustee, and shall bring such report before the Board for consideration at their next meeting

147. As soon as practicable after the receipt of the said report, the Board shall prepare an abstract of the accounts to which it relates, and shall publish such abstract by notification. and shall send a copy of the abstract to the [Mayor, the Chairmen of the Municipalities of Howrah and] the State Government

CHAPTER VII

148. In addition to the power conferred by section 95, the State Government may make rules—
(2) for prescribing the maximum sum which may be paid to any person by way of fees under section 19; 'The words the Chairman of the Bally Municipality' were first inserted by s. 46 of the Howrah Improvement Act, 1983 (West Ben. Act XLIII of 1983). Thereafter, the words within the square brackets were substituted for the words "Chairman of the Howrah Municipality and to" by s. 38 of the Howrah Improvement (Amendment) Act, 1995 (Ben. Act XV of 1995). For "the Howrah Improvement (Election of Trustees by Municipal Commissioners) Rules, 1957". made exercise of power conferred by section 148. see notification No. 1970/M-3R-/57, dated the 13th March, 1957, of the Local Self-Government Department, published in Gazette dated the 21st March, 1957, Part II, pages For rules in exercise of the power conferred by section 148 for regular elections under clause (d) of sub-section (i) of section 4 or

[his Act. see notifica[ion No. 6S2/Nf.3R.4WS6. dated the 22nd January. 1957 of the Local Setr-Govcmmnt Depan- meni. published in the Culcuun Gazere. doted the 3151 January. 1957, Pan 1. pages For Jules made under sub-section (3) or æction 4 and (he proviso 10 sub-secction (2) of section I-I. in exercise of the power conccred by section 148. see notification No. 6.531M3R481.56, doted the 22nd Janua.ay. 1957. pu6lishtd in the Calcuta Gazere. doled the 31st January, 1951. Pan I, page 456. 'Clause (t) to section 148 was onuiued by s. 39 of the Howrah Iliprovcmcnl (Amend- 1995 (WCSI Ben. Act XV or I(J9S) 781 Audi10T's tepon sent each and comsidered by Board. Publication Itransmission of an absa-acl of the accounts. Fulüer powers 10 Stan: Govcrmn-•ett for making rul#, 782 Funhec powers 10 Board for rules. Conditions prer-edenl to the making under scclions 95. 148 or 149. The Howrah hnprovenjent Act, 1956, [West Ben. Act (Chamer 149. 150.) (3) for de(enuioing the qualifications and disqualifications of. the conditions and mode of election, selection or appointment of, an arbitcatoc and for regulating the proceedings or arhilcawrs under section 82; and (4) for prescribing the form of (he abstracts of accounts referred (o in sections 140 and 147. 149. (1) In addition to the power conferred hy section 28, the Board may from time to time make rules (not inconsistent with any rules made by the State Government ot the President of the Tribunal under this Act) for canying oot the purposes of [his AcL (2) In particular, and wiLhout prejudice to the gencralily of the foregoing power, the Board may make rules— (a) (or associating members with the Board uhder section 16; (b) for appointing persons (other than Trustees and persons associated with the Board under section 16) LO be members of Committees under section 17; (c) for regulating the delegation of powers or du[ics of the Board 10 Commincecs under section 17; (d) for the guidance or persons employed by them under this Act; (e) for prcscscribing the fees payable for copies of documents delivered under sub-section (3) of section 451 or clause (iv) of sub-section (2) of section 63; (D for the maintenance and management of dwellings and shops constructed under rehousing schemes. (3) In making any rule under sub-section (1) or sub-section (2), the Board may provide that a breach of it shall be punishable— (i) with fine which may extend to five hundred rupees, or (ii) in case of a continuing breach, with fine which may extend to fifty rupees for every day during which the breach continues a..fter receipt of written notice from the Chairman to discontinue the breach. (4) No rule made under this section shall have any validity unless and unil it is sanctioned, wiL11 or without modification, by the State Government

150. The power 10 make rules under section 95, secLion 148 or section 149 shall be subject to the condition of the rules being made after previous publicalionc and to the following further conditions, namely,—(a) a draft of the rules shall be published by notification and in local newspapers; The Ilon•ra/l Inproventenr Act, 1956. of 1956.) XLV of (Chapter 151-153.—Chapfer VIII.— Supplenjenral Provisions.—Secrion 154,) (b) such draft shall not be [unher proceeded with until after the expiraLion of a period of one month from such publicaLion or such longer period as (he State Government or (in (he case of rules made under section 149) the Board may appoint; (c) for onc monLh at least during such period, a printed copy or such draft shall be kept at the Board's officc for public inspecüon and every person shall be permitted at any reasonable lime to peruse the same, frec of charge; (d) printed copies of such draft shall be supplied to any person requiring the same, on payment of a fee of Ilone rupee] (or each copy

151. When any rule has been made by or "Vith the sanction of the Slate Government under section 95 or section 148 or section 149, it shon be published by the State Government by nolification, and such pub)icalion shall be conclusive proof that the rule has been duly made.152, Ille Chairman shall cause all rules mentioned in the foregoing section bc printe.d and copies to be supplied to any applicant on payment of a fee of 2(one rupee] for each copy

153. Copies, in English and Bengali, of all rules mode under section 148 or section 149 shall bc hung or affixed in some conspicuous part of the Board's office and in such places of public reson affected by the rules as the Chairman may think CHAPTER Supplemental Provisions.Slarus of Trustees, etc

154. Every Trustcc, and every officer and servant of the Board, and every member and officer and servant of the Tribunal, shall be deemed (0 be a public servanL within the meaning of section 21 of the Indian Penal Code.*The words within the square bmckets were subssiinned for the words annas" by s. 48 of the Howrah Improvement (Amenement) Act, 1983 (West Ben. Act N..111 of 1983). IThe words within the square brackets were subslituted for the words "IWO annas" by s. 49. ibid. 783 Publicaüon of rules. Priming and sale of culex. Exhibition of copies of rules. Trustæs.elc,. {ketiEd public servans. 784

Contributions by Board towards allowances and of servants Government employed under this Saving or Telegraph and Railways Cognizance of offences, Linington or (in for pmccoon, The Howrah Improvement Act, 1956. [West Ben. Act (Chapter VIII.—Supplemental Provisions.—Sections 155-160.) Contributions towards leave allowance and pensions of servants of the Government

155. The Board shall be liable to pay such contributions for the leave allowances and pensions of any servant of the Government employed as Chairman or as an officer or servant of the Board. or as a member or officer or servant of the Tribunal, as may be required by the conditions of his service under the Government to be paid by him or on his behalf. 156. [(Power to extend the Bengal Municipal Act, 1932, to areas in the neighbourhood of Howrah Municipality to which the provisions of the present Act have been by s. 40 of the Howrah Improvement (Amendment) Act, 1995 (West Ben. Act XV of 1995).] 157. [(Publication of notifications under sections and 156(1) in draft, for by s. 4 i, ibid.] 158. Nothing in this Act shall be deemed to affect the provisions of the Indian Telegraph Act, 1885, or the Indian Railways Act, 1890. 159. 1898— 160. Legal Proceedings. Notwithstanding contained in the Code of Criminal Procedure, all offences against this Act or any rule made hereunder shall, wherever committed, be cognizable by a Magistrate of the first or second class, and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence by reason only of being liable to pay any tax imposed by this Act or of his being benefited by the funds to the credit of which any fine imposed by him will be payable. No person shall be liable to punishment for any offence against of 1890. Act V of this Act or any rule made hereunder unless complaint of such offence is made before a Magistrate of the first or second class (within the next after the detection of the commission of such offence), The words within the square brackets were substituted for the words '*within the month next after the commission of such offence*' by s. 50 of the Howrah Improvement (Amendment) 1983 Men. Act XLIII or 1983). The Howrah Improvement Act, 1956. XIV of 1956.1 (Chapter VIII.—Supplemental Provisions.—Sections 161-164.) 161. The Chairman may, subject to the control of the Board,— (a) institute, defend or direct the withdrawal of, legal proceedings under this Act or any rule made hereunder; (b) compound any offence against this Act or any rule made hereunder which, under any law for the time being in force, may lawfully be compounded; (c) admit, compromise or withdraw any claim made under this Act or any rule made hereunder; and (d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the Board to obtain, (or any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Board or any officer or servant of the Board 162. No suit shall be maintainable against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of anything done lawfully and in good faith and with due care and attention under this Act or any rule made hereunder

163. No suit shall be instituted against the Board, or any Trustee, or any officer or servant of the Board, or any person acting under the direction of the Board or of the Chairman or of any officer or servant of the Board, in respect of any act purporting to be done under this Act or any rule made hereunder—until the expiration of one month next after written notice has been delivered or left at the Board's office or the place of abode of such officer, servant or person, stating the cause of action, the name and place of abode of the intending plaintiff, and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left. Police. 164. (1) The Superintendent of Police, Howrah, and his subordinates shall co-operate with the Chairman for carrying into effect and enforcing the provisions of this Act. 785 Powers of Chairman as to institution of legal proceedings and obtaining legal advice. [Notice of suit against Board. c.c. Co-operation of the police. 786 Order, - Proof of consent. etc.- or Board or Chairman or officer or servant of Board, of acts and The Howrah Improvement Act, 1956. [West Ben. Act (Chapter VIII.—Supplemental Provisions.—Sections 165-167.) (2) It shall be the duty of every police officer who is subordinate to the Superintendent of Police, Howrah— (i) to communicate without delay to the proper officer or servant of the Board any information which he receives of a design to commit or of the commission of any offence against this Act or any rule made hereunder, and (ii) to assist the Chairman or any officer or servant of the Board reasonably demanding his aid for the lawful exercise or any power vesting in the Chairman or in such officer or servant under this Act or any such rule. 165. (1) Every police officer may arrest any person who commits,

in his view, any offence against [his Act or any rule made hereunder. if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address, or gives a name or address which such officer has reason to believe to be false. (2) No person so arrested shall be detained in custody after his (true name and address are ascertained, or without the order of a Magistrate, for any longer time, not exceeding twenty-four hours from the arrest, than is necessary for bringing him before a Magistrate. (3) Any police officer above the rank of a constable may arrest any person who obstructs any officer or servant of the Board in the exercise of any of the powers conferred by this Act or any rule made hereunder. Evidence

166. Whenever, under this Act or any rule made hereunder, the doing or the omitting of anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—(a) the Board or the Chairman, or (b) any officer or servant of the Board. a written document signed, in case (a) by the Chairman, and in case (b) by the said officer or servant, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence of such approval, sanction, consent, concurrence, declaration, opinion or satisfaction. Validation. 167. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of— (a) the existence of any vacancy in, or any defect in the constitution of the Board or any Committee; or The Howrah Improvement Act, 1956 XIV of 1956.] (Chapter Provisions.—Sections 168-170.) (b) any person having ceased to be a Trustee; or (c) any Trustee, or any person associated with the Board under section 16, or any other member of a committee appointed under this Act, having voted or taken any other part in any proceeding in contravention of section 20; or (d) the failure to serve a notice under section 47 on any person where no substantial injustice has resulted from such failure; or (e) any omission, defect or irregularity not affecting the merits of the case. (2) Every meeting of the Board, the minutes of the proceedings of which have been duly signed as prescribed in clause (h) of section 15, shall be taken to have been duly convened and to be free from all defect and irregularity. Compensation

168. In any case not otherwise expressly provided for in this Act, the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers by (this Act or any rule made or scheme sanctioned hereunder, in the Board or the Chairman or any officer or servant of the Board. 169. (1) If, on account of any act or omission, any person has been convicted of an offence against this Act or any rule made hereunder, and, by reason of the same act or omission of the said person, damage has occurred to any property of the Board, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for [the said offence. (2) In the event of dispute the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence. (3) [If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said Magistrate, as if it were a fine inflicted by him on the person liable therefor. Public notices and advertisements 170. Every public notice given under this Act or any rule made hereunder shall be in writing over the signature of the Chairman, and shall be widely made known in the locality to be affected (hereby, by 787 General power Board to pay compensation—Iron. Compensation—liability to be paid by offender; for caused by them—Public notices how made 788 Newspaper. in which advertisement—Items or notices to be published. signature on notices or Service how to be effected—Power to make surveys, or contribute towards their cost. The Howrah Improvement Act, 1956. Ben. Act (Chapter Provisions.—Sections 17 to 74.) affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspapers, or by any two or more of these means, and by any other means that the Chairman may think fit

171. Whenever it is provided by this Act or any rule made hereunder that notice shall be given by advertisement in local newspapers, or that notification or any information shall be published in local newspapers, such notification or information shall be inserted, if practicable, in at least two English newspapers and two vernacular newspapers published in Howrah or Calcutta. Signature and service of notices or bills

172. Every notice or bill, which is required by this Act or by any rule made hereunder to bear the signature of the Chairman or of any other Trustee or of any officer or servant of the Board, shall be deemed to

properly signed if it bears a facsimile of the signature of the Chairman or of such other Trustee or of such officer or servant, as the case may be, stamped thereupon

173. When any notice, bill or other document is required by (his ACL or any rule made hereunder to be served upon or issued or presented to any person such service, issue or presentation shall be effected—

174. (a) by giving or tendering such document to such person; or (b) if such person is not found, by leaving such document at his last known place of abode in Howrah, or by giving or tendering the same to some adult male member or servant or his family; or (c) if such person does not reside in Howrah, and his address elsewhere is known to the Chairman, by forwarding such document to him by registered post under cover bearing the said address; or (d) if none of the means aforesaid be available, by causing a copy of such document to be affixed on some conspicuous part of the land (if any) to which the document relates. **175.** The Board may— (a) cause a survey of any land to be made, whenever they consider [that a survey is necessary or expedient for carrying out any of the purposes of this Act. Of The Howrah Improvement Act, 1956. xrv of 1956.] (Chapter VIII.—Supplementary Provisions.—Section 175.) (b) contribute towards the cost of any such survey made by any other local authority. **176.** (1) The Chairman or any other officer of the Board authorized by him in this behalf may, with or without assistants or workmen, enter into or upon any land, in order— (a) to take levels, to dig or bore into the sub-soil, to set out boundaries and intended lines of work, to mark such levels, boundaries and lines by placing marks, and cutting trenches, or (b) to do any other thing, whenever it is necessary to do so for any of the purposes of [his Act or any rule made or scheme sanctioned hereunder or any scheme which the Board intend to frame hereunder: Provided as follows:— (i) no such entry shall be made between sunset and sunrise; (ii) no dwelling-house, and no public building or hut which is used as a dwelling-place, shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice of the intention to make such entry; (iii) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed; (iv) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered. (2) Whenever the Chairman enters into upon any land in pursuance of sub-section (1) he shall at the time of such entry pay or tender payment of any necessary damage to be done as aforesaid; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Board, whose decision shall be final. **177.** Any person, without lawful authority.— (a) removes any fence or shoring-limber, or removes or extinguishes any light, set up under section 59, or (b) infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 60, he shall be punishable with fine which may extend to fifty rupees. **178.** If any person, without the permission of the Chairman required by sub-section (8) of section 63, erects, re-erects or adds to any wall (exceeding ten feet in height) of building which falls within the street alignment or building line of a projected public street (or a projected public park) shown in any plan sanctioned by the State Government under the said section, or erects, re-erects or adds to any building or wall on any land scheduled for the proposed future extension of the sewage disposal site under section 64, he shall be punishable— (a) with fine which may extend, in the case of a masonry building or a wall, to five hundred rupees, and, in the case of a hut, to fifty rupees, and (b) with further fine which may extend, in the case of a masonry building or a wall, to one hundred rupees, and, in the case of a hut, to ten rupees for each day after the first during which the projection continues

176. If any Trustee, or any officer or servant of the Board, knowingly acquires, directly or indirectly, by himself or by any partner, employer or employee, otherwise than as such Trustee, officer or servant, any share or interest in any contract or employment with} by, or on behalf of, the Board, not being a share or interest such as, under sub-section (2) of section 5, it is permissible for a Trustee to have without being thereby disqualified for being appointed a Trustee, he shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code. 177. any person, without lawful authority.— (a) removes any fence or shoring-limber, or removes or extinguishes any light, set up under section 59, or (b) infringes any order given, or removes any bar, chain or post fixed, under sub-section (2) of section 60, he shall be punishable with fine which may extend to fifty rupees

178. If any person, without the permission of the Chairman required by sub-section (8) of section 63, erects, re-erects or adds to any wall (exceeding ten feet in height) of building which falls within the street alignment or building line of a projected public street (or a projected public park) shown in any plan sanctioned by the State Government under the said section, or erects, re-erects or adds to any building or wall on any land scheduled for the proposed future extension of the sewage disposal site under section 64, he shall be punishable— (a) with fine which may extend, in the case of a masonry building or a wall, to five hundred rupees, and, in the case of a hut, to fifty rupees, and (b) with further fine which may extend, in the case of a masonry building or a wall, to one hundred rupees, and, in the case of a hut, to ten rupees for each day after the first during which the projection continues

179. If [he owner or the time being of any wall or building in respect of which an agreement has been executed as provided in sub-section (9) of section 63, fails— (a) to remove such wall or building, or any specified portion thereof, when so required by notice issued under that sub-section, or, 'The words within the square brackets were inserted by s. 51 of the Howrah Improvement Act XLV of 1860. The Howrah Improvement Act

1956. XIV of 1956.] (Chapter VIII.—Supplementary Provisions.—Sections 180-182.) (b) within fifteen days from the receipt of such notice, to authorize the Chairman, by permission in writing to remove the said wall, building or portion, he shall be punishable— (i) with fine which may extend, in the case of a masonry wall or building, to one hundred rupees, and, in the case of a hut, to twenty rupees, and (ii) with further fine which may extend, in the case of a masonry wall or building, to ten rupees, and, in the case of a hut, to five rupees, for each day after the first during which the failure continues

180. If any person fails to comply with any requisition made under section 142, he shall be punishable— 181. (a) with fine which may extend to one hundred rupees; or (b) in case of a continuing failure, with fine which may extend to fifty rupees for each day after the first during which the failure continues. any person (a) obstructs or molests any person with whom [the Chairman has entered into a contract on behalf of the Board, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue of or in consequence of this Act or any rule made hereunder, or (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act or any rule made or scheme sanctioned hereunder, he shall be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two months. Recovery of expenses

182. When a written notice, issued under sub-section (9) of section 63, for the removal of a wall or building, or any portion thereof, is not complied with by the owner thereof for the time being as provided in section 179, the Chairman may proceed to remove such wall, building or portion and the expenses incurred in effecting such removal shall be a penalty [or failure to comply with requisition made by auditor. Penalty for obstructing or molesting any person with whom the Chairman has entered into a contract on behalf of the Board, in the performance or execution by such person of his duty or of anything which he is empowered or required to do by virtue of or in consequence of this Act or any rule made hereunder, or (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act or any rule made or scheme sanctioned hereunder, he shall be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to two months. Recovery of expenses

183. (1) Whenever the State Government considers that any duty or tax imposed by Chapter V, or any payment required by section 96, or any portion of any such duty, tax or payment, as the case may be, is not required for the purposes of this Act, it may by notification,— (a) suspend, for any specified period, the levy of such duty or tax or any specified portion thereof, or the making of such payment or any specified portion (hereof, or (b) abolish such duty, tax or payment, or any specified portion (hereof, from a date to be specified in the notification. (2) If any time the State Government considers that any duty, tax or payment, or any portion thereof, which has been suspended or abolished under sub-section (1) is required for the purposes of this Act, it may, by notification, cancel such suspension or abolition, wholly or in part, as it may think fit, from a date to be specified in the notification. **184. (1)** If in the opinion of the State Government it is necessary so to do with a view to better co-ordination and speedier execution of development work and maintenance thereof [the State Government may, by an order published in the Official Gazette and mentioning therein the reason for the order, supersede the Board for such period as may be specified in the order. (2) For the removal of doubts it is hereby declared that no notice whatsoever is required to be given to the Board for submission of any representation before making any such order of supersession under sub-section (1). (3) The State Government may, if it considers necessary so to do, by order, extend or modify from time to time the period of supersession. **184A. (1)** When an order of supersession has been made under section 184, then with effect from the date of the order— (a) all Trustees of the Board and all members of other persons constituting committees shall vacate their respective offices; Sections 184 and 184A were substituted for original section 184 by the schedule. [which was inserted in the principal Act by s. 6 of the Calcutta Metropolitan Development Authority (Amendment) Act, 1974 (West Ben. Act XX of 1974).] In the Calcutta Metropolitan Development Authority Act, 1972 (West Ben. Act XI of 1972). 193 of Ben. Act XI of The Howrah Improvement Act, 1956. (Chapter Provisions.—Section 184A.) (b) all properties, funds and dues which are vested in or realisable by the Board and the Chairman, respectively, shall vest in and be realisable by

the Calcutta Metropolitan Development Authority constituted under section 3 of the Calcutta Metropolitan Development Authority Act, 1972 (hereinafter referred to as the Metropolitan Authority); (c) all contracts and liabilities which are enforceable by or against the Board shall be enforceable by or against the Metropolitan Authority; (d) all the powers and duties which may, under the provisions of this or any other Act or any rule, regulation, bye-law, order or notification made (hereunder, be exercised or performed by the Board, Commissioner or the Chairman shall be exercised or performed by the Metropolitan Authority; (e) all legal proceedings instituted by or against the Board may be continued or enforced by or against the Metropolitan Authority; (f) all officers and other employees of the Board continuing in office immediately before the date of the order shall be deemed to be employed by the Metropolitan Authority on such terms and conditions not being less advantageous than what they were entitled to immediately before the said date. (2) The State Government shall, before the expiration of the period of supersession, reconstitute the Board in accordance with the provisions of this Act. (3) The State Government may make such incidental or consequential orders as may appear to it to be necessary for giving effect to the order made under sub-section (1) or (3) of section 184 or under sub-section (2) of this section. 794 Amendment of section 3, The Howrah Improvement Act, 1956. [West Ben. Act (Schedule I.) (b) all liabilities which are enforceable against the Board shall be enforceable only against the Commissioners of the Howrah Municipality; (c) for the purpose of completing the execution of any scheme, sanctioned under this Act, which has not been fully executed by the Board, and of realizing properties, funds and dues referred to in clause (a), the functions of the Board and the Chairman under this Act shall be discharged by the Chairman of the Howrah Municipality, and (d) the Commissioners of the Howrah Municipality shall keep separate accounts of all moneys respectively received and expended by them under this Act until all loans raised hereunder have been repaid, and until all other liabilities referred to in clause (b) have been duly met. SCHEDULE 1. (Referred to in section 70.) Further modifications in the Land Acquisition Act, 1894

1. After clause (e) of section 3, the following clause shall be deemed to be inserted, namely:—"(e) the expression authority" includes the Board of Trustees constituted under the Howrah Improvement Act, 1956. 2. After section 6, the following section shall be deemed to be inserted, namely:— "Publication of notification. 3A. When acquisition is proposed to be made of land comprised within any improvement scheme framed hearing or objections and declaration under the Howrah Improvement Act"

1956. To be substituted for those under sections 4, 5A and 6. by the Board and published under section 51 of the Howrah Improvement Act, 1956— (i) the publication of a notice of the improvement scheme under sub-section (2) of section 45 of the Howrah Improvement Act, 1956, shall be substituted for and have the same effect as publication of a notification in the Official Gazette and giving public notice of the substance of such notification in the locality under section 4; (ii) proceedings under section 47 and sub-section (1) of section 49 of the Howrah Improvement Act, 1956, shall be substituted for and have the same effect as proceedings under section 5A. The Howrah Improvement Act, 1956. xlv of 1956.] (Schedule I.) (iii) the publication of a notification under section 51 of the Howrah Improvement Act, 1956, shall be substituted for and have the same effect as a declaration under section 3. In section 11, before the words "make an award under his hand" the words "after considering such evidence as may be adduced by the Board under sub-section (2) of section 50" shall be deemed to be inserted

4. In section 15) for the word and figures "and 24" (the figures. word and letter "24 and 24A" shall be deemed to be substituted. 5. (1) In sub-section (3) of section 17, after the figures "24" the words, figures and letter "or section 24A" shall be deemed to be inserted. (2) To the said section 17, the following sub-sections shall be deemed to be added, namely:— "(5) Sub-sections (1) and (3) shall apply also in the case of any area which is stated in a certificate granted by a salaried Magistrate of the first class to be unhealthy. (6) Before granting any such certificate, the Magistrate shall cause notice to be served as promptly as may be on the persons referred to in sub-section (3) of section 9, and shall hear without any avoidable delay any objections which may be urged by them. (7) When proceedings have been taken under this section for the acquisition of any land, and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for such dispossession."

6. After section 17, the following section shall be deemed to be inserted, namely:—of land 17A. In every case referred to in section 16 or w Boan]. section 17, the Collector shall, upon payment of the COSI of acquisition, make overcharge of the land to the Board; and the land shall thereupon vest in the Board, subject to the liability of the Board to pay any further COSIS which may be incurred on account of its acquisition." 7. 1(1) Sub-section (2) of section 23 stands re-introduced. 'Sub-paragraph (1) was substituted for IIC original by s. 52 of the Howrah Improvement (1983 (West Act or 1983). 795 Amendment or section 11. Amendment of section 15, Amendment of section 11. New section 11A. Amendment of section 23. 796 The Howrah Improvement Act, 1956. [West Ben. Act (Schedule 1.) (2) At the end of section 23, the following sub-section shall be deemed to be added, namely:— "(3) For the purposes of clause first of sub-section (1) of this section,— (a) when acquisition is proposed to be made by the Board of land comprised within any improvement scheme framed by the Board and published under section 51 of the Howrah Improvement Act, 1956, the market value of the land shall be deemed to be the market value according to the disposition of the land at the date of publication of the notice under sub-section (2) of section 45 of the said Act; and in other cases, the market value shall be deemed to be the market value according to the disposition of the land at the date of publication of the notification relating (hereto under section 4; (b) if the market value has been increased or decreased owing to the land falling within or near to the alignment of a projected public street, so much of the increase or decrease as may be due to such cause shall be disregarded; (c) if any person, without the permission of the Chairman required by sub-section (8) of section 63 of the Howrah Improvement Act, 1956, has erected, re-erected or added to any wall (exceeding ten feet in height), or building within the street alignment or building line of a projected public street or a projected public park, or having erected, re-erected or added to any wall or building as aforesaid with such permission fails to remove such wall or building or any specified portion thereof when so required by notice issued under sub-section (9) of the said section, then any increase in the market value resulting from such erection, re-erection or addition shall be disregarded; (d) if any person erects, re-erects or adds to any wall (exceeding ten feet in height), or building within a projected sewage disposal site or having erected, re-erected or added to any wall or building as aforesaid fails to remove such wall or building or any specified portion (hereof when so required by a notice issued by the Board) then any increase in the market value resulting from such erection, re-erection or addition shall be disregarded: The Howrah Improvement Act, 1956. XIV of 1956.] (Schedule 1.) (e) if the market value has been increased by means of any improvement made by the owner or his predecessor-in-interest within two years before the date with reference to which the market value is to be determined, such increase shall be disregarded, unless it be proved that the improvement was made bonafide and not in contemplation of proceedings for the acquisition of the land being taken under this Act; (f) if the market value is especially high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded, and the market value shall be deemed to be the market value of the land if put to ordinary uses; and (g) if the market value of any building is especially high in consequence of the building being so overcrowded as to be dangerous to the health of the inmates, such overcrowding shall be disregarded, and the market value shall be deemed to be the market value of the building if occupied by such number of persons only as could be accommodated in it without risk of danger from overcrowding."

8. For clause seventhly of section 24, the following shall be deemed to be substituted, namely:— "seventhly, any outlay on additions or improvements to land acquired which was incurred after the date with reference to which the market value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair."

9. After section 241 the following section shall be deemed to be inserted, namely:— 24A. In determining the amount of compensation to be awarded for any land acquired for the Board under this Act the Tribunal shall also have regard to the following provisions, namely:— (1) when any interest in any land acquired under this Act has been acquired after the date with reference to which the market value is to be determined, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land: 797 Amendment of section 24, New section 24A. 798 Amendment of section 27. sections 4SA and IO

11. The Howrah Improvement Act, 1956. [West Ben. Act (Schedule I.) (2) if, in the opinion of the Tribunal, any building is in defective state, from a sanitary point of view, or is not in a reasonably good

state of repair, the amount of compensation shall not exceed the sum which the Tribunal considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair. as the case may be, minus the estimated cost of pulling it into such condition or state of repair; (3) if, in the opinion of the Tribunal, any building, which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials of the building, minus the cost of demolishing the building; (4) if any tank in any area comprised within a scheme framed by the Board and published under section 51 of the Howrah Improvement Act, 1956, is, on account of accumulation of filth rubbish or putrid matter or of the percolation of foul water from the kitchen, courtyard, privy or urinal, or for any other cause, in an unhygienic condition or contains water which is discoloured or malodorous or unfit for use for domestic purposes, or is a source of nuisance or disease, then notwithstanding anything contained in any law for the time being in force, the Tribunal shall, in determining the amount of compensation, make such deduction from the market value of the tank according to its present disposition as will, in their opinion, be a reasonable set-off against the cost to society in unhealthiness, disease and discomfort caused by the tank being kept in such an unhygienic or insanitary condition." Sub-section (2) of section 27 shall be deemed to be omitted. After section 48, the following sections shall be deemed to be inserted, namely:—

"Section 48A. (1) If, within a period of two years from the date it is awarded when land not of the issue of the public notice under sub-section (1) of section 9, in respect of any land, the Collector has not made two years' an award under section 11 with respect to such land, the owner of the land shall be entitled to receive compensation for the damage suffered by him in consequence of the delay. The Howrah Improvement Act, 1956. XIV of 1956.] (Schedule I.) (2) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section. Sections 48 and 48B No compensation shall be payable in pursuance of section 48A nor to apply of section 48 or section 48A when proceedings for the acquisition of land have been abandoned on the execution of an agreement, or the acceptance of a payment, in pursuance of sub-section (4) of section 79 of the Howrah Improvement Act, 1956"

12. For sub-section (1) of section 49, the following sub-section shall be deemed to be substituted, namely:—"(1) *The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building if the acquisition of the part will render the full and unimpaired use of the remaining portion of the house, manufactory or building impracticable: Provided that if any question shall arise as to whether the part proposed to be acquired will render the full and unimpaired use of the remaining portion of the house, manufactory or building impracticable, the Collector shall refer the determination of such question to the Court and shall not take possession of such part until after the question has been determined. In deciding on such a reference the Court shall have regard only to the question whether the land proposed to be taken is reasonably required for the full and unimpaired use of the remaining portion of the house, manufactory or building." 799 Amendment or section 94. Village. Ichapur North Barua Do. North Bantr Shahanpur Ichapur Do. South Bantr Do. Do. Chakraberia Chakraberia Balor Do. Do. Padmapuku. Do. Padmapuku Dakshin Bu Do. Do. Do. Makua alicu Thana Makl Makua Goaberia (Panchpara) Land me under the L; Gazette, dat, 19th August North Bantra Chakraberia Chakraberia (These are Calcutta Gaz Registered No. CHAITRA 10] WB/SC-247 Cayene Extraordinary Published by Authority FRIDAY, MARCH 31, 2017 PART III—Acts of the West Bengal Legislature. GOVERNMENT OF WEST BENGAL LAW DEPARTMENT Legislative NOTIFICATION [SAKA 1939 No. 385-L.—31st March, 2017.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information: West Ben. Act XIV of 1956. Short title and commencement. West Bengal Act X of 2017 THE HOWRAH IMPROVEMENT (AMENDMENT) ACT, 2017. [Passed by the West Bengal Legislature.] [Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 31st March, 2017.] An Act to amend the Howrah Improvement Act, 1956. WHEREAS it is expedient to amend the Howrah Improvement Act, 1956, for the purposes and in the manner hereinafter appearing; It is hereby enacted in the Sixty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows: 1. (1) This Act may be called the Howrah Improvement (Amendment) Act, (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint. 2 Amendment of section 2 of West Ben. Act xlv of Insertion of new section after section 29. Amendment of section 95A. THE

KOLKATA GAZETTE, EXTRAORDINARY, MARCH 31, 2017 The Howrah Improvement (Amendment) Act, 2017. (Sections 2—4.) 2. After clause (n) of section 2 of the Howrah Improvement Act, 1956 (hereinafter referred to as the principal Act), the following clause shall be inserted: '(o) "State Government" means the Government of West Bengal in the Department of Urban Development and Municipal Affairs;'

3. After section 29 of the principal Act, the following section shall be inserted: "Power of appointment etc.29A. Notwithstanding anything contained elsewhere in this Act, [PART 111 West Ben. Act XXII of 1993. the Municipal Service Commission constituted under the West Bengal Municipal Act, 1993, or any other body as may be notified by the State Government, shall select candidates for being appointed in the Howrah Improvement Trust."

4. For section 95A of the principal Act, the following section shall be substituted: "Power of State Government to issue directions.95A. (1) The State Government may, for the efficient administration of this Act or for such other reasons as it thinks fit, issue direction to the Board from time to time and the Board shall carry out such directions as issued to it from time to time by the State Government. (2) If any dispute arises between the State Government and the Board, the decision of the State Government on such dispute shall be final.". By order of the Governor, MADHUMATI MITRA, Secy. to the Govt. of West Bengal, Law Department. Published by Law Department, Government of West Bengal and Printed at Saraswati Press Ltd.(Government of West Bengal Enterprise), Kolkata 700 056.

