

The Darjeeling Hill Areas Development Council Act, 1976

WEST BENGAL

India

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Act 26 of 1976

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The Darjeeling Hill Areas Development Council Act, 1976 West Bengal Act 26 of 1976 [3rd May, 1976.] Assent of the President was first published in the Calcutta Gazette, Extraordinary, dated the 3rd May, 1976. An Act to provide for the constitution of a Council to ensure co-ordinated and accelerated development of the hill areas of the Darjeeling District. Whereas it is expedient to provide for the constitution of a Council to ensure co-ordinated and accelerated development of the hill areas of the Darjeeling District and for matters connected therewith ; It is hereby enacted as follows :-

1. Short title and commencement. -

(1) This Act may be called the Darjeeling Hill Areas Development Council Act, 1976. (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions. -

In this Act, unless the context otherwise requires, - (a) "Chairman" means the Chairman of the Darjeeling Hill Areas Development Council constituted under this Act; (b) "Council" means the Darjeeling Hill Areas Development Council constituted under section 3; (c) "development", with its grammatical variations and cognate expressions, means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes maintenance of supplies and services essential to the life of the community, providing proper facilities for transport, communication, irrigation or drainage and creating better living conditions generally; (d) "hill areas" means such area or areas in the district of Darjeeling as may be specified by the State Government by notification in the Official Gazette; (e) "prescribed" means prescribed by rules made under this Act; (f) "Vice-Chairman" means [a Vice-Chairman] [Words substituted for the words 'the Vice-Chairman' by W.B. Act 30 of 1981]

w.e.f. 5.8.81.] of the Council.

3. Constitution of the Council. -

The State Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Council by the name of the Darjeeling Hill Areas Development Council.

4. [Members of the Council and their allowances. - (1) The Council shall consist of a Chairman who shall be the Minister-in-charge of the Hill Affairs Branch of the Department of Development and Planning] [Section 4 substituted by W.B. Act 47 of 1978 w.e.f. 30.8.77.] [and not more than two Vice-Chairmen] [Words substituted for the words 'and a Vice-Chairman' by W.B. Act 30 of 1981 w.e.f. 5.8.81.] who shall be nominated by the State Government and the following other members :-

(a)the Secretary to the Government of West Bengal in the Department of Development and Planning, ex officio;(b)the Commissioner, Jalpaiguri Division, ex officio;(c)the Deputy Commissioner, Darjeeling, ex officio; and(d)eighteen other persons to be nominated by the State Government.(2)The term of office [of a Vice-Chairman and of the members] [Words substituted for the words 'of the Vice-Chairman and the members' by W. B. Act 30 of 1981 w.e.f. 5.8.81.] referred to in clause (d) of sub-section (1) shall be for such period as may be prescribed and they shall, for attending meetings of the Council, be entitled to such fees and allowances as may be prescribed.

5. Casual vacancies. -

(1)A member may resign his office by giving notice in writing to the State Government and on such resignation being accepted he shall be deemed to have vacated his office.(2)[] [Sub-section (2) substituted by W.B. Act 47 of 1978 w.e.f. 30.8.77.] [If the office of a Vice-Chairman] [Words substituted for the words 'If the office of the Vice-Chairman' by W.B. Act 30 of 1981 w.e.f. 5.8.81.] or of any member referred to in clause (d) of sub-section (1) of section 4 falls vacant by reason of his death, resignation or otherwise, the vacancy shall be filled by the State Government by nomination as soon as possible [and the Vice-Chairman or the member] [Words substituted for the words 'and the Vice-Chairman or member' by W.B. Act 30 of 1981 w.e.f. 5.8.81.] so nominated shall hold office for the unexpired portion of the term of office of the Vice-Chairman or the member, as the case may be, whose place he fills.(3)No act or thing done by the Council shall be invalid merely on the ground of any vacancy or defect in its composition.

6. Secretary and other staff of the Council. -

(1)The Council shall have a Secretary and such other staff as may be determined by the State Government.(2)The Secretary and the other staff shall be appointed by the State Government on such terms and conditions as may be prescribed.

7. Meetings of the Council. -

(1)The Council shall meet at such times, at such places and as such intervals as may be decided by the Chairman.(2)Eight members shall form a quorum for a meeting of the Council :Provided that no quorum shall be necessary for an adjourned meeting.(3)[The Chairman or in his absence a Vice-Chairman shall preside at the meeting of the Council. When there is no Chairman or Vice-Chairman present in the meeting, the members present shall elect one from amongst themselves to preside at such meeting.] [Sub-section (3) first inserted by W.B. Act 47 of 1978 w.e.f. 30.8.77. Thereafter, the same substituted by W.B. Act 30 of 1981 w.e.f. 5.8.81.]

8. The State Government to consult the Council. -

The Council shall be consulted by the State Government-(i)in formulating the integrated development plans for the hill areas, and(ii)in implementing schemes and programmes for development of the hill areas.

9. Examination of budget relating to hill areas. -

The Council shall be informed about the budgetary provisions made by different departments of the State Government relating to the development of the hill areas.

10. Power to inspect etc. -

The members of the Council shall have the power to inspect, survey or enquire with regard to any development scheme in the hill areas and make recommendations to the State Government.

11. Direction by the State Government. -

The Council shall, in discharging its functions under this Act, be guided by such directions as the State Government may, by notification in the Official Gazette, give from time to time.

12. Members of the Council, the Secretary and other members of the Staff of the Council to be public servants. -

The members of the Council and the Secretary and the members of the staff of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

13. Indemnity. -

No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

14. Power to make rules. -

(1)The State Government may make rules for carrying out the purposes of this Act.(2)Such rules may provide for all or any matter which may be or is required to be prescribed.