

The Road Transport Corporations (West Bengal Amendment) Act, 1959

WEST BENGAL

India

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Act 27 of 1959

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The Road Transport Corporations (West Bengal Amendment) Act, 1959 West Bengal Act 27 of 1959 [31st March, 1960.] An Act to amend the Road Transport Corporations Act, 1950, in its application to West Bengal. Whereas it is expedient to amend the Road Transport Corporations Act, 1950, in its application to West Bengal, for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows :-

1. Short title and extent.

(1) This Act may be called the Road Transport Corporations (West Bengal Amendment) Act, 1959. (2) It extends to the whole of West Bengal.

2. Application.

- The Road Transport Corporations Act, 1950 (hereinafter referred to as the said Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. Insertion of new section 47B in Act 64 of 1950.

- After section 47A of the said Act, the following section shall be inserted, namely :- "47B. Special provisions relating to West Bengal. - (1) On the establishment of a Corporation under section 3 in the State of West Bengal :- (a) all properties, movable or immovable, and all assets of the State Government in use, immediately before the establishment of the Corporation, for the purpose of the Transport Undertaking of the State Government (hereafter in this section referred to as the State Undertaking) within the State or part thereof for which such Corporation is established, shall vest in the Corporation: Provided that the State Government may, by notification in the Official Gazette,

exclude from the operation of the provisions of this clause such properties or assets as may be specified in the notification;(b)all rights acquired, all debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done, before the establishment of the Corporation, by the State Government in connection with the State Undertaking, shall be deemed to have been acquired, incurred, entered into or engaged to be done, by the Corporation ;(c)all suits or other legal proceedings instituted or which might but for the establishment of the Corporation have been instituted by or against the State Government in connection with the State Undertaking may be continued or instituted by or against the Corporation and in all such suits or other legal proceedings pending immediately before such establishment, the Corporation shall stand substituted in place of the State Government;(d)registration of all motor vehicles of the State Government used in connection with the State Undertaking except those which may be specified in the notification issued under the proviso to clause (a) made, and certificates of such registration issued, under the Motor Vehicles Act, 1939 (4 of 1939.) in favour of the State Government, and continuing in force immediately before the establishment of the Corporation shall, after such establishment, be deemed to have been made or issued in favour of the Corporation and in all such cases on application by the Corporation) the corporation shall be substituted in place of the State Government in the records of the registering authority and in such certificates of registration ;(e)any scheme prepared by, any permit granted to, and, generally, anything done or any action taken by or in favour of, the State Government in respect of the State Undertaking, shall be deemed to have been prepared by, granted to or done or taken by or in favour of, the Corporation ;(f)persons employed by the State Government in connection with the State Undertaking and continuing in office immediately before the establishment of the Corporation shall be employed by the Corporation on such terms and conditions, not less advantageous than what they were entitled to immediately before such establishment, as may be determined by the Corporation ;(g)all rules and orders made and notifications issued from time to time under the Motor Vehicles Act, 1939, in so far as they are applicable to the State Undertaking, and continuing in force immediately before the establishment of the Corporation, shall, after such establishment, continue in force and be applicable to the Corporation until they are altered, repealed or amended ;(h)all rules and orders made and notifications issued by or under the authority of the State Government in respect of the State Undertaking, and continuing in force immediately before the establishment of the Corporation, shall, in so far as they are not inconsistent with the provisions of this Act, continue in force after such establishment as if they had been made or issued by the appropriate Authority under this Act until they are altered, repealed or amended.(2)All sums which the State Government may, not later than six months after the establishment of the Corporation, declare to have been incurred by the State Government before such establishment on capital account in connection with the properties and assets vesting in the Corporation under clause (a) of sub-section (1) shall be deemed to be capital advanced by the State Government to the Corporation under section 23 and the terms and conditions thereof shall be such as the State Government may determine".