

The West Bengal District Boards Act, 1947

WEST BENGAL

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Act 3 of 1947

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The West Bengal District Boards Act, 1947West Bengal Act 3 of 1947[30th December, 1947.]An Act to provide for the dissolution and constitution of certain district boards.Whereas under the award of the Boundary Commission parts of the district of Jalpaiguri, Malda, Nadia and Dinajpur have been excluded from the Province of West Bengal;And Whereas the new district of [Nadia] [Word substituted for the word 'Navadwip' by W.B. Act 15 of 1948.], West Dinajpur, Malda and Jalpaiguri have been constituted comprising respectively the parts of the former districts of Nadia, Dinajpur, Malda and Jalpaiguri which have been included within West Bengal under the said award;And Whereas it is expedient to provide for the dissolution and constitution of certain district boards;It is hereby enacted as follows :-

1. Short title and commencement. -

(1)This Act may be called the West Bengal District Boards Act, 1947.(2)It shall come into force on the date on which the West Bengal District Boards Ordinance, 1947, ceases to operate.

2. Definition. -

In this Act, the expression "Boundary Commission" means the Boundary Commission referred to in the Indian Independence Act, 1947.

3. Dissolution of certain district Boards. -

Notwithstanding anything contained in the Bengal Local Self-Government Act of 1885 or in any other law for the time being in force, on and from the date on which the award of the Boundary Commission came into force the district boards of the districts of Nadia, Dinajpur, Malda and Jalpaiguri constituted under the said Act shall be deemed to have been dissolved and every member of each such board shall be deemed to have ceased to hold office as such member in so far as such boards had authority over any area included within West Bengal under the said award.

4. Constitution of certain district boards. -

(1)Notwithstanding anything contained in the Bengal Local Self-Government Act of 1885 or in any other law for the time being in force, the [State] [Word substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, constitute district boards of the districts of [Nadia] [Word substituted for the word 'Navadwip' by W.B. Act 15 of 1948.], West Dinajpur, Malda and Jalpaiguri in such manner and consisting of such number of members as it may determine in this behalf.(2)The district boards constituted under sub-section (1) shall be deemed to have been constituted on and from the date on which the award of the Boundary Commission came into force.

5. Term of office of members. -

The [State] [Word substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may, by notification in the Official Gazette, fix the term of office of members of the district boards constituted under section 4:Provided that the term of office so fixed shall not exceed [four years, four months and fifteen days] [Words 'and six months' first inserted by Act 8 of 1949, thereafter the words 'three years and four months' substituted for the words 'two years and six months' by W.B. Act 3 of 1950, and finally the words 'four years, four months and fifteen days' substituted for the words 'three years, and four months' by W.B. Act 53 of 1950.], from the date on which the award of the Boundary Commission came into force.

5A. [Reconstitution of certain District Boards in accordance with the provisions of the Bengal Local Self-Government Act of 1885. - On the expiration of the term of office of the members of the District Boards constituted under section 4, the said District Boards shall be reconstituted in accordance with the provisions of the Bengal Local Self-Government Act of 1885; and for the purpose of such reconstitution, the members of the said District Boards shall be elected, before the expiry of the term of office of the members of the District Boards constituted under section 4, in accordance with the provisions of the Bengal Local Self-Government Act of 1885 and the rules framed thereunder and the persons who ceased to hold their offices under section 3 shall not be deemed disqualified for such elections if they are otherwise qualified therefor.] [Section 5A inserted by W.B. Act 8 of 1949.]

6. Savings. -

Any rules, by-laws, notifications or directions issued or anything done or any action taken or any suit instituted or any proceedings commenced by or against the district boards dissolved under section 3 in relation to the areas comprised in the districts of [Nadia] [Word substituted for the word 'Navadwip' by W.B. Act 15 of 1948.], West Dinajpur, Malda and Jalpaiguri before the

publication of the notification constituting the district boards of the said districts under sub-section (1) of section 4 shall be deemed to have been issued, done, taken, instituted or commenced, as the case may be, by or against the respective district boards as so constituted as if such boards had been constituted and in existence at the time when such rules, by-laws, notifications or directions were issued, thing done, action taken, suit instituted or proceedings commenced.

7. Continuance of action taken under West Bengal Ordinance 11 of 1947. -

Any notification issued or anything done or any action taken in exercise of any power conferred by the West Bengal District Boards Ordinance, 1947, shall, on the said Ordinance ceasing to be in operation, be deemed to have been issued, done or taken in exercise of the powers conferred by this Act as if this Act had commenced on the 1st day of November, 1947.