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PART III— Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 424-L.— 22nd March, 2005.— The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act I of 2005 THE DARJEELING GORKHA AUTONOMOUS HILL COUNCIL (AMENDMENT) ACT, 2005.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the
22nd March, 2005.]

An Act to amend the Darjeeling Gorkha Autonomous Hill Council Act, 1988.

WHEREAS it is expedient to amend the Darjeeling Gorkha Autonomous Hill Council Act, 1988, for the purposes and in the manner hereinafter appearing;

West Ben.
Act XIII of
1988.

It is hereby enacted in the Fifty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
commencement.

1. (1) This Act may be called the Darjeeling Gorkha Autonomous Hill Council (Amendment) Act, 2005.

(2) It shall come into force at once.

Amendment of
section 1 of
West Ben. Act
XIII of 1988.

2. In sub-section (1) of section 1 of the Darjeeling Gorkha Autonomous Hill Council Act, 1988 (hereinafter referred to as the principal Act), for the words “Darjeeling Gorkha Autonomous Hill Council”, the words “Darjeeling Gorkha Hill Council” shall be substituted.

Amendment of
section 2.

3. In clause (f) of section 2 of the principal Act, for the words “Darjeeling Gorkha Autonomous Hill Council”, the words “Darjeeling Gorkha Hill Council” shall be substituted.

Amendment of
section 13.

4. In sub-section (1) of section 13 of the principal Act, after the words “before the expiration of the term of office of the Councillors”, the words “, or as the case may be, the term of office of the Administrator or the Board of Administrators,” shall be inserted.

The Darjeeling Gorkha Autonomous Hill Council (Amendment) Act, 2005.

(Sections 5-7.)

Amendment of
section 17.

5. To sub-section (1) of section 17 of the principal Act, after the proviso, the following provisos shall be added :—

“Provided further that if it is not possible at any time, within the extended period of one year as specified in the first proviso, to hold the first meeting which is required to be held after each general election for constitution of a new General Council, the Government may, by order, appoint any person to be designated as the Administrator, or constitute a Board of Administrators consisting of several persons, one of whom to be appointed as Chairperson of such Board, to exercise the caretaker powers of the General Council for a period not exceeding six months at a time or until the date on which the first meeting of the newly elected General Council is held, whichever is earlier:

Provided also that if the Government may consider necessary so to do in the public interest, it may, by order, change the Administrator or reconstitute the Board of Administrators.”.

Amendment of
section 37.

6. After sub-section (1) of section 37 of the principal Act, the following sub-section shall be inserted :—

“(1A) Notwithstanding anything contained in sub-section (1) or any other provisions of the Act, where the Administrator or the Board of Administrators has been appointed or constituted, as the case may be, by the Government under the second proviso to sub-section (1) of section 17, the powers exercisable, and functions performed, by the Chief Executive Councillor under the Act shall be exercised and performed by such authority as the Government may, by notification, specify.”.

Amendment of
section 51.

7. After sub-section (2) of section 51 of the principal Act, the following sub-section shall be inserted :—

“(3) The method of, and the qualifications required for, recruitment of officers and other employees of the Council shall be such as may be prescribed.”.

By order of the Governor,

MD. HESAMUDDIN,
*Secretary-in-charge to the Govt. of West
Bengal,
Law Department.*