

West Bengal Act XLII of 1975
THE WEST BENGAL GOVERNMENT TOWNSHIPS
(EXTENSION OF CIVIC AMENITIES) ACT, 1975.

West Ben. Act XXXII of 1976. West Ben. Act XIX of 1985.

[5th January, 1976.]

An Act to *provide for the extension of civic amenities to*
AMENDED *Government/new*
Townships in West Bengal and for matters
connected therewith or
incidental thereto.

WHEREAS it is expedient to provide for the extension of civic amenities to Government Townships in West Bengal and for matters connected therewith or incidental thereto;

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

1. (1) This Act may be called the West Bengal Government Townships (Extension of Civic Amenities) Act, 1975.

(2) It extends to the whole of West Bengal,

2. In this Act, unless there is anything repugnant in the subject or context.—

(a) "Administrator" means an officer not below the rank of a Deputy Collector, appointed by the State Government to carry out the purposes of this Act:

Provided that there may be different Administrators for different areas;

²(aa) "building" means any structure or erection intended to be used for residential, commercial, industrial or other purposes, whether in actual use or not;

For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV, of the 1st December, 1975, page 2603; For proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 8th December, 1975.

²Clause (aa) was inserted by s. 2(i) of the West Bengal Government Townships (Extension of Civic Amenities) Amendment Act, 1976.

Short title
and Enactment.

Definitions.

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(b) "civic amenities" includes roads, buildings, water-supply, street-lighting, drainage, conservancy and sewerage, sanitation, maintenance of public health, prevention or abatement of nuisance, registration of birth and deaths, parks, gardens, recreation grounds, schools, hospitals and dispensaries, markets, workshops, warehouses, godowns, factories, offices, industrial or commercial establishments, or any other convenience which the State Government may, by notification in the *Official Gazette*, specify to be an

— amenity;

(c) "Government Township" means an area which is declared as such by the State Government by notification published in the *Official Gazette*;

(d) "prescribed" means prescribed by rules made under this Act.

Application
of
this Act to
Government
Townships

3. Whenever, in the opinion of the State Government, it is necessary to make provisions for all or any of the purposes of this Act in respect of a Government Township, the State Government may, by order to be published in the *Official Gazette*, extend to such Government Township with such incidental or consequential modifications as the State Government may consider necessary—

(a) any provision of the Calcutta Municipal Act, 1951, the Bengal Municipal Act, 1932, or the Calcutta Metropolitan Water and Sanitation Authority Act, 1966,

(b) any provision of any other Act which applies to the Corporation of Calcutta or to a Municipality, or

(c) any rule or by-law in force in such Corporation or Municipality.

West Ben.
Act I XXXII
of 1951, Ben.
Act XV of
1932, West
Ben. Act I XI
of 1966.

Officers and
employees.

4. (1) For every Government Township there shall be an Administrator who shall be responsible for carrying out the purposes of this Act in respect of the area included within that Government Township.

(2) The Administrator shall be assisted by such number of other officers and employees as the State Government may think fit to appoint.

Issue of
directions by
the
Administrator,

4A. The Administrator may, with the approval of the State Government, by notification to be published in the prescribed manner, issue in relation to a Government Township or any part thereof such regulatory or prohibitory directions as may be considered necessary regarding one or more of the following matters, namely:—

(a) the use of land for residential, industrial, commercial or other purposes;

²Clause (d) was added by s. 2(ii) of the West Bengal Government Townships (Extension of Civic Amenities) (Amendment) Act, 1976 (West Ben. Act XXXII of 1976).

(Sections 4B, 4C.)

- (b) the reservation of land for roads, gardens, recreation grounds, schools, markets and other public purposes;
- (c) the division of any area for the erection of buildings of any particular type or types or class or classes and the architectural designs of such buildings;
- (d) any other matter which is considered necessary for the orderly development of a Government Township or part thereof for carrying out generally the purposes of this Act.

¹4B. (1) Any person desiring to obtain settlement through lease of any land situated within a Government Township may submit an application to the Administrator, in such form and in such manner as may be prescribed:

Lease of land
within a
Government
Township.

Provided that the provisions of sub-sections (1), (2), (3) and (4) shall not come into force until the form of application, and the manner of its submission, have been prescribed,

(2) On receipt of such application the Administrator shall, after making such enquiry as he considers necessary, either grant or refuse to grant the same:

Provided that the Administrator shall, while refusing to grant an application, record the reasons for doing so,

(3) Any person who is aggrieved by an order of the Administrator under sub-section (2) may, within such period as may be prescribed, prefer an appeal to the State Government and the State Government shall pass such order upon such appeal as it considers necessary.

(4) No further appeal shall lie against the order passed by the State Government under sub-section (3).

³(5) Nothing in sub-sections (1), (2), (3) and (4) shall apply or shall be deemed to have applied to any lease of land situated within a Government Township which has been granted, or shall apply to any such lease which may hereafter be granted, by the State Government on an application made to it or on its own motion.

¹4C. (1) No person shall erect any building on any land within a Government Township except in accordance with the directions issued under section 4A.

Control of
development
and building
operations.

¹See foot-note 2 on page 290. *ante*.

³This proviso was added, w.e.f. [the 1st day of October, 1976, by s. 2(a) of the West Bengal Government Townships (Extension of Civic Amenities) (Amendment) Act, 1975 (West Ben. Act XLX of 1975).

(Sections 4D, 4E.)

(2) Any person desiring to construct any building otherwise than in accordance with the directions issued under section 4A shall make an application in writing to the Administrator in such form and containing such particulars as may be prescribed and shall also deposit such fees not exceeding one hundred rupees for a ground area of one hundred square metres or a fraction thereof as may be fixed by the Administrator:

Provided that in case an application is rejected, five *per cent*, of the fees shall be retained and the balance shall be refunded to the applicant under the orders of the Administrator.

Explanation.—For the purpose of calculating the fees, ground area shall mean the area of the portion which is proposed to be built upon, including the internal courtyard.

(3) On receipt of such application the Administrator shall, after making such enquiry as he considers necessary, by order in writing, either grant the permission or refuse to grant the same, recording, in the case of refusal, the reasons therefor.

(4) Any person aggrieved by an order of the Administrator under sub-section (3) refusing permission may, within thirty days from the date of communication of such order to him, prefer an appeal to the State Government.

(5) No further appeal shall lie against the order passed by the State Government under sub-section (4).

Power to
demolish
building.

'4D. Where any building is being or has been erected in contravention of the provisions of this Act or the directions issued thereunder, the Administrator may, after giving the owner of such building an opportunity of being heard, make an order directing the demolition of the building by the owner within such time as may be specified in the order and, in default, the Administrator may himself effect the demolition and recover the cost from the owner of the building as an arrear of land revenue under the Bengal Public Demands Recovery Act, 1913.

Power of
entry,

'4E. The Administrator may empower any of his officers, employees or other persons to enter at any time after giving forty-eight hours' previous notice, upon any land or building with such assistants as he considers necessary, for the purpose of taking any measurement or making survey of such land or building or do any other act which he considers to be necessary for carrying out the purposes of this Act or any rule made thereunder.

Ben. Act III
of 1913.

XLII of 1975.]

(Sections 4F, 5-10.)

Penalty. ; '4F. (1) Any person who erect any building in contravention of [the provisions of section 4A. shall, without prejudice to any action [hat may be taken against him under section 4D, be punishable with imprisonment which may extend 10 six months or lo fine which may extend to one thousand rupees or to both.

(2) Any person who, without lawful excuse, obstructs the Administrator or any officer, employee or other person, as the case may be, in the exercise of any of the powers conferred upon him under section 4E shall be punishable with imprisonment which may extend to three months or lo fine which may extend to five hundred rupees or to both.

Consequences of the application of certain enactments to a Government Township.

5. When any tax is imposed in a Government Township under any of the provisions of the Calcutta Municipal Act, 1951, or the Bengal Municipal Act, 1932, as the case may be, as extended under section 3, the proceeds of such tax shall be credited to the Consolidated Fund of the State.

Vesting of additional powers.

6. The State Government may by order vest the Administrator with such powers and duties exercisable by any other authority within the whole or any part of a Government Township under any law for the time being in force, as the State Government thinks fit.

7. If any difficulty arises in giving effect to the provisions of this Act or the rules made

Removal of difficulties.

thereunder the State Government may take such steps or issue such orders not inconsistent with the said provisions as may be necessary for the removal of the difficulty.

Memmiy,

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

Delegation.

9. Subject to such conditions as may be imposed by rules made in I his behalf the Administrator may by an order in writing delegate any of his powers under this Act to any officer or employee appointed under section 4 lo assist him.

Act to override

other laws.

10. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any contract, express or implied, or in any instrument and notwithstanding any custom or usage to the contrary.

'See foot-note 2 on page 290. ante.

(Sections 11, 12.)

1. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which may be or is required to be prescribed under this Act.

Order of the Government of West Bengal repealing the West Bengal Government Townships (Extension of Civic Amenities) Ordinance, 1975, with savings,

(2) Anything done or any action taken under the West Bengal Government Townships (Extension of Civic Amenities) Ordinance, 1975, shall be deemed to have been validly done or taken under this Act as if this Act had commenced on the 23rd day of September, 1975.