

# West Bengal Act XVIII of 1955

## THE CHANDERNAGORE MUNICIPAL ACT, 1955.

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 11th June, 1955.]

[11th June, 1955.]

*An Act to provide for better administration of the municipal affairs of Chandernagore by the establishment of a Municipal Corporation.*

WHEREAS it is expedient to provide for better administration of the municipal affairs of Chandernagore by the establishment of a Municipal Corporation;

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

1. (1) This Act may be called the Chandernagore Municipal Act, 1955.

(2) It applies to Chandernagore.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short  
title,  
applica-  
tion and  
com-  
mence-  
ment.

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

Defini-  
tions.

(1) "Administrator of Chandernagore" means the person who immediately before the date of commencement of this Act has been in charge of the municipal affairs of Chandernagore;

(2) "Chandernagore" means Chandernagore as defined in the Chandernagore (Merger) Act, 1954 and includes any contiguous area which may be added thereto by the State Government by notification in the *Official Gazette*;

(3) "the Bengal Act" means the Bengal Municipal Act, 1932 as applied to Chandernagore under section 6 and Schedule I;

(4) "the Corporation" means the Municipal Corporation of Chandernagore established under section 4;

(5) "Councillors", "Aldermen", "Mayor", "Deputy Mayor" and "Chief Executive Officer" respectively mean the "Councillors", "Aldermen", "Mayor", "Deputy Mayor" and "Chief Executive Officer" of the Corporation.

XXXVI of  
1954.

Ben. Act  
XV of  
1932.

*(Sections 3—5.)*

Repeal  
and  
savings.

3. All laws relating to matters provided for in this Act read with the Bengal Act and in force in Chandernagore immediately before the date of commencement of this Act shall, on and from that date, stand repealed:

Provided that any budget passed, assessment made, tax, rate, toll or fee assessed or imposed, permission or sanction granted, license or notice issued, plan approved under any of the laws aforesaid shall, in so far as it is in force immediately before that date and is not inconsistent with the provisions of this Act read with the Bengal Act, be deemed to have been respectively passed, made, assessed, imposed, granted, issued or approved under this Act read with the Bengal Act and shall, unless altered, modified, cancelled, suspended or withdrawn, as the case may be, under this Act read with the Bengal Act, remain in force for the period, if any, for which it was so passed, made, assessed, imposed, granted, issued or approved.

The Cor-  
poration.

4. (1) For the purpose of the administration of the municipal affairs of Chandernagore there shall be established from the date of commencement of this Act a Corporation in Chandernagore, and such Corporation shall by the name of the "Municipal Corporation of Chandernagore" be a body corporate and have perpetual succession and a common seal, and shall by the said name, sue and be sued.

(2) The properties mentioned in Schedule II along with all rights therein of whatsoever description used, enjoyed or possessed by the Administrator of Chandernagore immediately before the date of commencement of this Act shall, on and from such date, become vested in the Corporation.

(3) All rights, liabilities and obligations of the Administrator of Chandernagore in relation to any matter provided for in or under this Act shall, in so far as they were subsisting immediately before the date of commencement of this Act, be enforceable by or against the Corporation.

Constitution  
of the  
Corporation.

5. The Corporation shall consist of the following members, namely,—

(i) twenty-two Councillors to be elected in accordance with the provisions of section 15 of the Bengal Act; and

(ii) three Aldermen to be elected by the Councillors as provided in section 15 of the Bengal Act.

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(Sections 6—8.)

Ben. Act  
XV of  
1932.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the provisions of the Bengal Municipal Act, 1932 as in force in the State of West Bengal generally immediately before the date of commencement of this Act shall, as from that date, *mutatis mutandis* apply to and come into force in Chandernagore subject to the modifications and exceptions specified in Schedule I and to the other provisions of this Act:

Applica-  
tion of  
Ben. Act  
XV of  
1932 to  
Chander-  
nagore.

Provided that a law coming into force in the State of West Bengal generally after the date of commencement of this Act repealing, amending or adding to the provisions of the said Bengal Municipal Act shall apply to and come into force in Chandernagore if so directed by the State Government by notification in the *Official Gazette* and not otherwise.

(2) A notification applying to and bringing into force in Chandernagore any law under the proviso to sub-section (1) may be issued so as to be retrospective to any date not earlier than the date of coming into force of such law in the State of West Bengal generally and may provide for such modifications or exceptions as the State Government thinks fit subject to which such law shall apply to and come into force in Chandernagore.

7. All rules made by the State Government under the Bengal Municipal Act, 1932 and in force in the State of West Bengal generally immediately before the date of commencement of this Act shall, as from such date, *mutatis mutandis* apply to and come into force in Chandernagore to the extent to which they are not repugnant to the provisions of this Act read with the Bengal Act.

Applica-  
tion of  
rules  
under  
Ben. Act  
XV of  
1932 to  
Chander-  
nagore.

8. (1) In the Bengal Act and the rules applied to Chandernagore under section 7,—

Interpre-  
tation of  
references.

(a) references to the Commissioners of a municipality, the Commissioners at a meeting or the Commissioners or words of similar import shall be construed as references to the Corporation, the members of the Corporation or the Chief Executive Officer as the context may require;

(b) references to the Chairman, the Vice-Chairman and the Executive Officer shall be construed as references to the Mayor, the Deputy Mayor and the Chief Executive Officer respectively;

(c) references to a municipality shall be construed as references to Chandernagore, as the context may require;

(d) references to a ward shall be construed as references to a constituency.

(Sections 9, 10.)

(2) If any doubt arises as to the authority or officer to which any particular power, duty or function under the Bengal Act or the rules applied to Chandernagore under section 7 appertains, the Mayor shall refer the matter to the State Government and the decision of the State Government on such reference shall be final and shall not be called in question in any Court.

Transi-  
tional  
provi-  
sions.

9. (1) Notwithstanding anything elsewhere contained in this Act, until the Corporation is constituted for the first time under this Act read with the Bengal Act the State Government shall appoint an Administrative Officer to exercise the powers, discharge the duties and perform the functions of the Corporation and of the Mayor, the Deputy Mayor, the Chief Executive Officer or any Committee of the Corporation.

(2) The Administrative Officer appointed under sub-section (1) shall cause arrangements to be made for the election of Councillors and Aldermen under section 15 of the Bengal Act so that the Corporation may enter upon its duties under this Act read with the Bengal Act within six months of the date of publication of the Electoral Roll of the Chandernagore Assembly Constituency prepared under the Chandernagore (Merger) Act, 1954 or XXXVI of 1954, within six months of the date of commencement of this Act, whichever is later.

(3) The Administrative Officer shall exercise, discharge and perform the powers, duties and functions of the Corporation and of the Committee mentioned in section 21 of the Bengal Act until the Corporation is constituted for the first time, and of the Mayor, the Deputy Mayor, the Chief Executive Officer or any other Committee of the Corporation until a Mayor, a Deputy Mayor, Chief Executive Officer or such other Committee is elected or appointed, as the case may be, for the first time.

(4) Within thirty days of the election of the Aldermen of the Corporation as constituted for the first time, the Administrative Officer shall call a meeting for the election of the Mayor and the Deputy Mayor of the Corporation as so constituted.

Removal  
of diffi-  
culties.

10. (1) If any difficulty arises in giving effect to the provisions of this Act or in transition to the provisions of this Act, the State Government may, as occasion may require, by order, do or cause to be done anything which may be necessary for removing the difficulty.

(2) An order under sub-section (1) may be made so as to be retrospective to any date not earlier than the date of commencement of this Act.

(Schedule I.)

**SCHEDULE I.**

(See section 6.)

**Modifications of the Bengal Municipal Act, 1932.**

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Act XV  
of 1932.

In the Bengal Municipal Act, 1932,—

1. sub-section (3) of section 1 shall be omitted;
2. section 2 shall be omitted;
3. in section 3,—
  - (i) clause (34) shall be omitted;
  - (ii) after clause (58), the following clause shall be added, namely:—

“(59) expressions used in this Act and not otherwise defined have the same meaning as in the Chandernagore Municipal Act, 1955.”;
4. sections 6 to 14 shall be omitted;
5. for section 15 the following section shall be substituted, namely:—

“Election of the  
Councillors and  
Aldermen of the  
Corporation.

15. (1) The Councillors shall be elected by such constituencies as may be determined from time to time by the State Government by notification in that behalf and in the prescribed manner.

- (2) The Aldermen shall be elected by the Councillors at a meeting to be called by the Chief Executive Officer within such period after the publication of the result of the general election as the State Government may fix and in such manner as it may prescribe by rules:

Provided that no person shall be entitled to stand for election as an Alderman if he stood for election as a Councillor from any constituency at the general election immediately preceding the election of Aldermen and failed to be elected:

Provided further that no Councillor shall be entitled to be elected as an Alderman.

- (3) If there is any dispute as to the election of an Alderman the matter shall be referred to the State Government for decision. The State Government shall after making such inquiry, if any, and in such manner as it thinks fit decide the matter and its decision shall be final. If the State Government sets aside any such election, a fresh election shall be held.”;

*(Schedule I.)*

6. sections 16 to 20 shall be omitted;

7. in section 21,—

(i) in sub-section (1), after the words “qualified to vote”, the words “at elections of Councillors” shall be added;

(ii) for sub-sections (2), (3) and (4), the following sub-sections shall be substituted, namely,—

“(2) Every person whose name is included or who is entitled to have his name included in the electoral roll of the Chandernagore Assembly Constituency for the time being prepared under section 7 of the Chandernagore (Merger) Act, 1954, or such part of it as relates to Chandernagore, shall be entitled to have his name included in the electoral roll prepared under this Act and no other person shall be entitled to have his name included in such roll.

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of 1954.

(3) A separate electoral roll shall be prepared for each constituency determined under sub-section (1) of section 15 in which shall be entered the names of the persons appearing to be entitled to be registered as electors for that constituency. The name of no person shall be included in the electoral roll of more than one constituency.

(4) The electoral roll prepared and published under sub-section (1) shall remain in force until the publication of a fresh electoral roll.

(4A) Every person whose name appears in the electoral roll shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election.”;

8. for sub-sections (2), (3), (4) and (5) of section 23, the following sub-section shall be substituted, namely,—

“(2) Notwithstanding anything contained in section 21, a person disqualified under section 35 shall not, for such period as may have been determined by the court under that section, be qualified to be an elector of any constituency:

Provided that the State Government may by order remove such disqualification, if it thinks fit, on sufficient cause being shown.”;

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*(Schedule I.)*

9. in section 26, for the words "sections 16 or 18" the words "section 15" shall be substituted;
10. clause (c) of section 44 shall be omitted;
11. in section 56,—
  - (1) in clause (b) of sub-section (1), for the words "four years" in the two places where they occur the words "one year" shall be substituted;
  - (2) in sub-section (2), for the words "sub-section (1)" the words "clause (a) of sub-section (1)" shall be substituted; and
  - (3) to sub-section (3), the following proviso shall be added, namely:—

"Provided that a person shall not be eligible for election as Mayor successively for more than two terms.";
12. after section 65, the following section shall be inserted, namely:—

"Chief Executive Officer. 65A. (1) The Corporation shall appoint a suitable person for such period as it thinks fit to be the Chief Executive Officer and shall fix the salary and allowances to be paid to the person so appointed.

  - (2) The appointment, salary, allowances and conditions of service of the Chief Executive Officer shall be subject to the approval of the State Government.
  - (3) The Chief Executive Officer may at any time be removed from office for reasons to be recorded in a resolution of the Corporation passed by not less than two-thirds of the total number of its members holding office for the time being at a meeting specially convened for the purpose and approved by the State Government.";
13. after sub-section (2) of section 66, the following sub-section shall be added, namely:—

"(3) Notwithstanding anything contained in this Act any person who immediately before the date of commencement of the Chandernagore Municipal Act, 1955 was employed under the Administrator of Chandernagore and was carrying out any duty or function vested in the Corporation under this Act read with the said Act, including a person employed as a

## (Schedule I.)

teacher or in any other capacity in any Government primary school or Government high school in Chandernagore, shall be deemed, after such date, to have been appointed under this Act and shall continue to be subject to the same terms and conditions of service as applied to such person immediately before the date of commencement of the said Act:

Provided that a person deemed to be appointed as aforesaid shall have the option to accept by a declaration in writing the terms and conditions of service prescribed by the Corporation under this Act.”;

## 14. in section 67,—

(i) in clause (i) of sub-section (1), a new sub-clause (e) shall be inserted,—

“(e) Education Officer;”;

(ii) in sub-section (1), clause (ii) shall be omitted;

(iii) in sub-section (3), the words “Executive Officer” shall be omitted;

(iv) sub-section (4) shall be omitted;

## 15. in section 107, the following clauses shall be added at the end, namely:—

“(e) fifthly, such sum as is required for the discharge of the obligations in respect of primary and secondary education;

(f) sixthly, such sum as is required for the maintenance and administration of the Poor Fund.”;

## 16. after clause (xxiv) of sub-section (1) of section 108, the following clauses shall be inserted, namely:—

“(xxiva) the playing of music in squares, gardens or other public places;

(xxivb) the payment of contributions to any public fund raised for the relief of human suffering and to literary societies and physical development associations within Chandernagore;

(xxivc) the payment of contributions to the Commissioners of any neighbouring municipality for expenditure on sanitary purposes;



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(xxxivd) the presentation of addresses to, or holding of civic receptions or other functions in honour of, persons of distinction;"

17. sections 119 and 120 shall be omitted;

18. in sub-section (1) of section 123, for clause (i) the following clause shall be substituted, namely:—

"(i) a fee on vessels moored at *ghats*, jetties or landing places within the limits of the municipality;"

19. in section 200, for the words "which they may have constructed after the commencement of the Bengal Municipal Act, 1884" the words "which may have been constructed by any former Administration before the commencement of the Chandernagore Municipal Act, 1955" shall be substituted;

20. section 216 shall be omitted;

21. for the proviso to sub-section (3) of section 241, the following proviso shall be substituted, namely:—

"Provided that if the owner or occupier proves that any such structure or fixture was erected before the date of the commencement of the Chandernagore Municipal Act, 1955, the Magistrate shall order reasonable compensation to be paid to any person who suffers damage by the removal or alteration thereof. In determining the amount of compensation the value of the land shall not be taken into consideration.";

22. for sections 456 and 457, the following section shall be substituted, namely:—

'Primary and secondary education.

456. (1) The Corporation shall maintain schools in Chandernagore imparting primary education and secondary education, and the powers and duties of the Corporation in matters relating to primary education and secondary education shall, subject to the general control of the Corporation, be exercised and performed by an Education Committee.

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- (2) The constitution, powers and duties of the Education Committee referred to in sub-section (1) shall be determined by rules made by the State Government after considering the views of the Corporation.

*Explanation.*—For the purposes of this Act, primary education and secondary education shall have the same meaning as in the West Bengal Secondary Education Act, 1950.”;

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of 1950.

23. after section 458, the following heading and sections shall be inserted, namely:—

“*Poor Fund.*

458A. (1) The Corporation shall maintain the Poor Fund maintained by the Administrator of Chandernagore immediately before the date of commencement of the Chandernagore Municipal Act, 1955 and the powers and duties of the Corporation in all matters relating to the administration of the Poor Fund shall, subject to the general control of the Corporation, be exercised and performed by a Poor Fund Committee.

- (2) The constitution, powers and duties of the Poor Fund Committee referred to in sub-section (1) shall be determined by regulation made in that behalf by the Corporation with the previous sanction of the State Government.

458B. For expenditure on the maintenance and administration of the Poor Fund, the State Government shall pay annually to the Corporation a sum of not less than twenty-five thousand rupees.”;

24. section 459 shall be omitted.

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(Schedule II.)

SCHEDULE II.

Serial No.	Nature of properties.	Cadastral Plot Nos.	Area.			Location of properties.	Use of properties.
			H.	A.	C.		
1.	Land with its surroundings	3483	..	0	7	86	On the Municipal Road .. Municipal office Building.
2.	One plot of land ..	3482 & 3484	..	0	7	95	On the west of the municipal office yard. Municipal office yard.
3.	One plot of land ..	3415	..	0	11	72	General Martin Road to the West of the Priest House land. Play ground within the compound of Kanailal Bidya-mandir.
4.	One plot of land ..	140	..	1	35	88	Old Fort land .. Playing ground.
5.	One plot of land ..	426	..	13	kt. 15	ch. 11	On the West of the ditch of Laldighi. Children's Park.
6.	Laldighi tank ..	139	..	2	25	24	On the north of the old Fort land. Tank.
7.	One plot of land ..	3180 portion	..	....	....	....	On the west of the Laldighi tank. Pound.
8.	One plot of land with building	3180 portion	..	0	13	95	Ditto .. Sambhu Chandra Sabasram (Dharmashala).
9.	One plot of land with a corrugated shed.	3180 portion and lane.	..	....	....	....	Ditto .. Shelter for Cattle.
10.	One plot of land with sheds and stalls.	....	..	0	43	35	Lakhigung, Gonze Bazar .. Market.
11.	One plot of land bordering the passage at the entrance of the market on the eastern side.	....	..	13	sq. mt.	32 ..	East side of the market .. Bazar.
12.	Ditto ..	....	..	12	sq. mt.	96 ..	Ditto .. Ditto.
13.	Ditto ..	....	..	18	sq. mt.	63 ..	Ditto .. Ditto.
14.	Ditto ..	....	..	21	sq. mt.	35 ..	Ditto .. Leased out to Jugol K. Sil.

## (Schedule II.)

Serial No.	Nature of properties.	Cadastral Plot Nos.	Area.	Location of properties.	Use of properties.
15.	One plot of land ..	....	37 sq. mt. 64 ..	Urdibazar, Kutirmat. East of Plot Nos. 84 and 85.	Leased out to Sumitra Kumari Debi.
16.	One plot of land ..	....	11 0 07	Urdibazar, West of plot No. 45.	Leased out to Panchu Gopal Rakshit.
			H. A. C.		
17.	A plot of land ..	3421, 3422, 3423, 3424, 3425 and 3427.	0 96 25	Padripara Square (Play Ground).	Duplex Play Ground.
18.	A plot of land with shed ..	4776	0 10 28	Hathkhola	.. Bazar.
19.	A plot of land with building 7178 7177 portion		0 0 39	Gondalpara	.. Burning Ghat.
20.	A plot of land with shed ..	7554 portion	....	Gondalpara	.. Bazar.
21.	A plot of land ..	7593	0 14 81	Dinomardanga	.. Muslim cemetery.
22.	One land ..	....	7 Ch.	Barasat	.. Leased out to Judunath Nath.
23.	One plot of land ..	....	0 2 18	North of Station Road (Kutirmat) west of plot No. 101.	Leased out to Sk. Asgarg.
24.	One plot of land ..	7564	....	Dinomardanga	.. Horijan Cemetery. (Old Chinese Cemetery.)
25.	One plot of land ..	2898 and 2899 ..	0 7 30	Kalupukur	.. Muslim Cemetery.
26.	One plot of land with two sheds	....	0 6 07	Barasat	.. Old Barasat Bazar.

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Serial No.	Nature of properties.	Cadastral Plot Nos.	Area.			Location of properties.	Use of properties.
			H.	A.	C.		
27.	One plot of land	2841, 2842, 2843, 2844, 2845, 2846, 2847, 2885, 2886, 2887 and 2888.	2	01	14	Kalpukur	.. Trenching Ground.
28.	One plot of land	2207	5	Kt.	12	Ch. Bibirhat	.. Old Bibirhat Bazar now abolished.
29.	One plot of land	....	34	Sq.	Mt.	Boro-Sastitola	.. Open plot.
30.	One plot of land with rooms without roofing.	....	H.	A.	C.	Boraichanditola	.. Burning Ghat.
31.	Ghat of Boraichanditola with surroundings.	1192	0	0	81	Boraichanditola	.. Gongsajatri room.
32.	A plot of land	..	0	2	25	East of Boraichanditola Road, west of Plot No. 993.	Leased out to Harijiban Goswami.
33.	One plot of land	..	0	3	49	Gorhati	.. Old Bazar now abolished, new construction for primary school.
34.	One plot of land	..	0	0	33	Urdibazar, west of plot No. 183.	Leased out to Uday Raj Singh.
35.	A plot of land	..	1	Kt.	7½	Ch. Panjaripara, Boraichanditola, west of plot No. 993.	Leased out to Mudu Sudan Sett.
36.	A plot of land	..	10	Sq.	Mt.	60 Urdibazar, west of plot No. 43.	Leased out to Panchu Gopal Rakshit.
37.	A portion of land	..	H.	A.	C.	0 2 0 Lakhigung	.. Megh Nath Panthasala, shelter for travellers.
38.	A plot of land	..	41	Sq.	Mt.	32 Goswamighat, west of plot No. 1156.	Leased out to Sm. Panchu Bala Sett.
39.	A plot of land	..	3	Kt.	Goswamighat	..	Children's park portion. Leased out to Dwarika Nath Kundu.

## (Schedule II.)

Serial No.	Nature of properties.	Cadastral Plot Nos.	Area.	Location of properties.	Use of properties.
40.	Two plots of land ..	..	36 Sq. Mt. 86	Gonj, west of plot No. 220 ..	Leased out to Jugal Kishore Seal.
41.	A plot of land ..	..	0 Sq. Mt. 84	Lakhigang, north of plot No. 439.	Leased out to Bolai Ch. Ghose.
42.	A plot of land ..	..	6	50 Khalisani ..	Leased out to Gagan Ch. Das.
43.	A plot of land ..	..	5	80 Gourhati, south of plot No. 50.	Leased out to Gosto Behari Dakhi.
44.	A plot of land ..	..	0	81 Khalisany, Fatakgorah, east of plot No. 4332.	Leased out to Rajani Kanta Das.
45.	Ditto ..	..	1	0 Alounpathy, Gonj, north of plot No. 240.	Leased out to Nilmoni Pramanik.
46.	Ditto ..	..	19	53 Lakhigunj Bazar, west of plot No. 220.	Leased out to Jugal Kishore Seal.
47.	Ditto ..	..	64	35 Haridradanga, north of plot No. 1686.	Leased out to Tincori Laha.
48.	Ditto ..	..	$\frac{1}{2}$ Kt.	Narua Sankrishchan Bagan, north-east corner of plot No. 3027.	Leased out to Boroda Ghose.
49.	Ditto ..	425	....	On the south of Laldighi ..	Shelter for the sweepers, store room for straw.
50.	A portion of Government land at Goswamighat known as "Boro Island".	..	H. A. C. 0 21 39	Goswamighat ..	New burning ghat.
51.	A plot of land surrounded by ditch around Chandernagora.	..	50 Bighas.	North, south and east of the ditch road at Chandernagora.	Leased out to refugees and others.
52.	A plot of land ..	..	1 Bigha.	Dinardanga, south-east of the Police Station.	Leased out to Motilal Roy, Prabartak Asram.
53.	Ditto ..	1208	5 Kt. 11 Ch.	Boraichandighat ..	Leased out to Haridradanga Primary School.
54.	Ditto ..	..	201' x 64'	Haridradanga ..	Leased out to Haridradanga Primary School.

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(Schedule II.)

WATERWORKS.

55. Plot Nos. 7174 and 7175 North—Plot No. 7172. South—Drain and Gondalpara Road. East—River Hooghly. West—Gondalpara Road.	..	46A 83C Gondalpara Waterworks.
56. Plot No. 1041 portion 1st plot— North—Plot No. 1040. South—Common passage wide 10 ft. East—Thana. West—G. T. Road. 2nd plot— North—Plot Common passage wide 10 ft. South—Plot No. 1042. East—Plot No. 1043. West—G. T. Road.	..	4 Kt. 15 Ch. 18 sq. Boro Waterworks.
57. Plot No. 4156 portion North—Thana. South—Station Road. East—Thana. West—Plot No. 4157.	..	8 Ch. 21 sq. Khalisary Waterworks.
58. Pumping station at Ranirghat.. North—Plot No. 1. South—Ranirghat. East—River Hooghly. West—Urdibazar Road.	..	6 Kt. 12 Ch. 10 sq.
1 Hectare = 7 Bighas 8 Kattas ; 1 Are = 1 Katta 8 Chattaacks ; 1 Centiare = $\frac{1}{4}$ Chattaack or 1 sq. metre. WBGP-55/6-4166A-5M		