

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act XXVI of 1976

**THE DARJEELING HILL AREAS DEVELOPMENT
COUNCIL ACT, 1976.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd May, 1976.]

[3rd May, 1976.]

An Act to provide for the constitution of a Council to ensure co-ordinated and accelerated development of the hill areas of the Darjeeling District.

WHEREAS it is expedient to provide for the constitution of a Council to ensure co-ordinated and accelerated development of the hill areas of the Darjeeling District and for matters connected therewith;

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

1. This Act may be called the Darjeeling Hill Areas Development Council Act, 1976. Short title and commencement.

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

2. In this Act, unless the context otherwise requires,— Definitions.

- (a) "Chairman" means the Chairman of the Darjeeling Hill Areas Development Council constituted under this Act;
- (b) "Council" means the Darjeeling Hill Areas Development Council constituted under section 3;
- (c) "development", with its grammatical variations and cognate expressions, means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes maintenance of supplies and services essential to the life of the community, providing proper facilities for transport, communication, irrigation or drainage and creating better living conditions generally;
- (d) "hill areas" means such area or areas in the district of Darjeeling as may be specified by the State Government by notification in the *Official Gazette*;

(Sections 3-6.)

- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "Vice-Chairman" means the Vice-Chairman of the Council.

Constitution
of the
Council.

3. The State Government shall, by notification in the *Official Gazette*, constitute for the purposes of this Act a Council by the name of the Darjeeling Hill Areas Development Council.

Members of
the Council.

4. (1) The Council shall consist of a Chairman who shall be the Minister-in-charge of the Hill Affairs Branch of the Department of Development and Planning and a Vice-Chairman who shall be the Minister of State-in-charge of the Hill Affairs Branch of the Department of Development and Planning and the following other members, namely:—

- (a) the Vice-Chairman, State Planning Board, West Bengal, *ex-officio*;
- (b) the Secretary to the Government of West Bengal in the Department of Development and Planning, *ex-officio*;
- (c) the Commissioner, Jalpaiguri Division, *ex-officio*;
- (d) the Deputy Commissioner, Darjeeling, *ex-officio*;
- (e) seventeen other members to be nominated by the State Government.

(2) The term of office of the members referred to in clause (e) of sub-section (1) shall be for such period as may be prescribed.

Casual
vacancies.

5. (1) A member may resign his office by giving notice in writing to the State Government and on such resignation being accepted he shall be deemed to have vacated his office.

(2) If the office of a member referred to in clause (e) of sub-section (1) of section 4 falls vacant by reason of his death, resignation or otherwise the vacancy shall be filled up by the State Government by nomination as soon as possible and a member so nominated shall hold office for the unexpired portion of the term of office of the member whose place he fills.

(3) No act or thing done by the Council shall be invalid merely on the ground of any vacancy or defect in its composition.

Secretary
and other
staff of the
Council.

6. (1) The Council shall have a Secretary and such other staff as may be determined by the State Government.

(2) The Secretary and the other staff shall be appointed by the State Government on such terms and conditions as may be prescribed.

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(Sections 7-14.)

7. (1) The Council shall meet at such times, at such places and at such intervals as may be decided by the Chairman. Meetings of the Council.

(2) Eight members shall form a quorum for a meeting of the Council:

Provided that no quorum shall be necessary for an adjourned meeting.

8. The Council shall be consulted by the State Government—
- (i) in formulating the integrated development plans for the hill areas, and
 - (ii) in implementing schemes and programmes for development of the hill areas.
- The State Government to consult the Council.

9. The Council shall be informed about the budgetary provisions made by different departments of the State Government relating to the development of the hill areas. Examination of budget relating to hill areas.

10. The members of the Council shall have the power to inspect, survey or enquire with regard to any development scheme in the hill areas and make recommendations to the State Government. Power to inspect, etc.

11. The Council shall, in discharging its functions under this Act, be guided by such directions as the State Government may, by notification in the *Official Gazette*, give from time to time. Direction by the State Government.

45 of 1860.

12. The members of the Council and the Secretary and the members of the staff of the Council shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Members of the Council, the Secretary and other members of the staff of the Council to be public servants.

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

14. (1) The State Government may make rules for carrying out the purposes of this Act. Power to make rules.

(2) Such rules may provide for all or any matter which may be or is required to be prescribed.