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GOVERNMENT OF WEST BENGAL

LEGISLATIVE DEPARTMENT

West Bengal Act XIX of 1963

THE WEST BENGAL LOCAL AUTHORITIES
(POSTPONEMENT OF ELECTIONS) ACT, 1963.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 3rd May, 1963.]

[3rd May, 1963.]

An Act to provide for the postponement of election of members of local authorities in West Bengal during the period of emergency.

WHEREAS the President has by Proclamation under clause (1) of article 352 of the Constitution of India declared that a grave emergency exists whereby the security of India is threatened by external aggression;

AND WHEREAS it is necessary to provide for the postponement of election of members of local authorities in West Bengal during the period of emergency in order to facilitate measures for civil defence and other efforts for the defence of India and matters connected therewith;

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

1. (1) This Act may be called the West Bengal Local Authorities (Postponement of Elections) Act, 1963. Short title and extent.
- (2) It extends to the whole of West Bengal.
2. In this Act unless there is anything repugnant in the subject or context,—Definitions.
 - (a) “election” means a general election or bye-election of members of a local authority;
 - (b) “local authority” does not include the Board of Trustees for the Improvement of Calcutta or the Board of Trustees for the Improvement of Howrah, but includes a *Nyaya Panchayat* constituted under section 70 of the West Bengal *Panchayat* Act, 1957;

2 *The West Bengal Local Authorities (Postponement of Elections) Act, 1963.*

(West Ben. Act XIX of 1963.)

(Sections 3—5.)

- (c) "member" means a member, by whatever name called, of a local authority;
- (d) "period of emergency" means the period of operation of the Proclamation under clause (I) of article 352 of the Constitution of India, issued by the President on the 26th day of October, 1962.

Act to
override
other
laws.

3. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law.

Postpone-
ment of
election
and
extension
of term
of office
of members
of local
authori-
ties.

4. Save in so far as the State Government may by notification in the *Official Gazette* otherwise direct,—

- (a) no election shall be held during the period of emergency;
- (b) any thing done or any action taken before the commencement of this Act in connection with any general election or bye-election which has not been completed at such commencement shall stand cancelled and shall be deemed never to have been done or taken;
- (c) any order of supersession of any local authority made in pursuance of any law and in force at the commencement of the period of emergency, or coming into force during such period, shall continue in force until the local authority is reconstituted according to law;
- (d) the term of office of a member of a local authority holding office at or after the commencement of the period of emergency shall extend up to the date of the first meeting, at which a quorum is present, of the newly formed body after such local authority is reconstituted according to law.

Power to
fix date of
election
after
emer-
gency.

5. On the expiry of the period of emergency, the State Government may fix a date for holding a general election or a bye-election, as the case may be, and such date shall be deemed to have been fixed by the appropriate authority under the appropriate law and different dates may be fixed for different local authorities.