

**COOCH BEHAR MUNICIPAL (SECOND AMENDMENT) ACT,  
1962**

**24 of 1962**

**[24th January, 1963]**

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**COOCH BEHAR MUNICIPAL (SECOND AMENDMENT) ACT,  
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**[24th January, 1963]**

An Act to amend the Cooch Behar Municipal Act, 1944. WHEREAS it is expedient to amend the Cooch Behar Municipal Act, 1944, for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows:

**1. Short title :-**

This Act may be called the Cooch Behar Municipal (Second Amendment) Act, 1962.

**2. Amendment of section 4 of Cooch Behar Act 3 of 1944 :-**

In clause (2) of section 4 of the Cooch Behar Municipal Act, 1944 (hereinafter referred to as the said Act), for the words "ten feet", the words "three metres" shall be substituted.

**3. Amendment of section 13 :-**

In section 13 of the said Act,

(i) for sub-section (.1), the following sub-section shall be substituted, namely: "(1) The Magistrate in charge of the subdivision in which a Municipality is situated or any other Magistrate of the first or second class authorised by him in writing in this behalf shall prepare and publish at the time and in the manner prescribed an electoral roll showing the names of persons qualified to vote at an election of Commissioners.";

(ii) in sub-section (5), for the words "Commissioners at a meeting" the words "Magistrate by whom the electoral rolls were prepared and published under sub-section (1)" shall be substituted; and

(iii) after sub-section (5), the following sub-section shall be inserted, namely: "(6) The cost of preparing, publishing and printing the electoral rolls shall be paid from, and the sale proceeds from the sales of such rolls shall be credited to, the Municipal Fund.".

**4. Amendment of section 14 :-**

In clause (g) of sub-section (1) of section 14 of the said Act, the words, figures and letter "or under section 171J of the Cooch Behar Penal Code" shall be omitted.

**5. Amendment of section 15 :-**

In section 15 of the said Act,

(1) for sub-section (2), the following sub-section shall be substituted, namely: "(2) Save as otherwise provided in this Act, a person who resides in a ward of the Municipality and whose name is included in the electoral roll for the time being in force for election of members to the West Bengal Legislative Assembly from an area which includes the area comprised in the Municipality shall be qualified to be an elector of that ward.";

(2) in sub-section (3),

(a) for clause (b), the following clause shall be substituted, namely:  
"(b) if he is confined in a prison or is in the custody of the police;  
or";

(b) in clause (c), the words, figures and letter "or under section 171J of the Cooch Behar Penal Code" shall be omitted;

(3) sub-section (4) shall be omitted.

**6. Amendment of section 16 :-**

To sub-section (1) of section 16 of the said Act, the following Explanation shall be added, namely:

"Explanation. In this section the expression 'first general election' shall include the first general election held after the commencement of the Cooch Behar Municipal (Second Amendment) Act, 1962.".

**7. Amendment of section 28 :-**

In section 28 of the said Act, clause (c) shall be omitted.

**8. Amendment of section 103 :-**

In section 103 of the said Act, for the words "Within one month of any sum becoming", the words "As soon as may be after any sum has become" shall be substituted.

**9. Amendment of section 104 :-**

In sub-section (1) of section 104 of the said Act,

(i) for the words "a notice of demand, in the form prescribed in the Schedule of Forms annexed to this Act", the words, letter and figure "a notice of demand in Form A of Schedule III" shall be substituted;

(ii) for the words "if such person shall not, within seven days", the words "if such person does, not, within thirty days" shall be substituted;

(iii) the words "within six months of the service of the notice of demand" shall be omitted; and

(iv) for the words and figure "under a warrant in the form prescribed in the Schedule III of Forms annexed to this Act", the words, letter and figure "under a warrant in Form B of Schedule III" shall be substituted.

**10. Amendment of section 105 :-**

In section 105 of the said Act, for the words "in the form in the

Schedule", the words, letter and figure "in Form C of Schedule III" shall be substituted.

**11. Amendment of section 113 :-**

In section 113 of the said Act, in the Explanation, for the words and figure "mentioned in Schedule V", the words and figure "mentioned in Schedule IV" shall be, and shall be deemed always to have been, substituted.

**12. Amendment of section 124 :-**

In section 124 of the said Act, for the words "four annas", the words "twenty-five naye paise" shall be substituted.

**13. Amendment of section 152 :-**

In clause (a) of sub-section (1) of section 152 of the said Act, for the words "one mile", the words "one thousand six hundred and nine metres" shall be substituted.

**14. Amendment of section 176 :-**

In sub-section (1) of section 176 of the said Act, for the words "three hundred yards", the words "two hundred and seventy-four metres" shall be substituted.

**15. Amendment of section 178 :-**

In sub-clause (ix) of clause (a) of section 178 of the said Act, for the words "fifty yards", the words "forty-six metres" shall be substituted.

**16. Omission of section 190 :-**

Section 190 of the said Act shall be omitted.

**17. Omission of section 191 :-**

Section 191 of the said Act shall be omitted.

**18. Omission of section 192 :-**

Section 192 of the said Act shall be omitted.

**19. Omission of section 193 :-**

Section 193 of the said Act shall be omitted.

**20. Substitution of new Schedule for Schedule II :-**

For Schedule II to the said Act, the following Schedule shall be substituted, namely:

**21. Amendment of Schedule III :-**

In Schedule III to the said Act,

(1) in form B,

(i) for the words "and seven days have elapsed" the words "and thirty days have elapsed" shall be substituted; and

(ii) for the words "within seven days next after such distress", the words "within ten days next after such distress" shall be substituted;

(2) in form C, for the words "within seven days from the day of", the words "within ten days from" shall be substituted.

**22. Substitution of new Schedule for Schedule IV :-**

For Schedule IV to the said Act, the following Schedule shall be substituted, namely: