

Official Trustees (West Bengal Amendment) Act, 1985

36 of 1985

[03 March 1986]

CONTENTS

1. Short title, extent and commencement
2. Application of the Act
3. Amendment of section 4 of Act 2 of 1913
4. Amendment of section 15
5. Amendment of section 7
6. Amendment of section 10
7. Amendment of section 11
8. Amendment of section 12
9. Insertion of new section 25A
10. Amendment of section 26
11. Insertion of new section 27A
12. Amendment of section 28
13. Saving of pending legal proceedings

Official Trustees (West Bengal Amendment) Act, 1985

36 of 1985

[03 March 1986]

PREAMBLE

An Act to amend the Official Trustees Act, 1913, in its application to West Bengal.

WHEREAS it is expedient to amend the Official Trustees Act, 1913, in its application to West Bengal, for the purposes and in the manner hereinafter appearing;

It is hereby enacted as follows:

1. Assent of the President of India was first published in the Calcutta Gazette, Extraordinary, of the 3rd March, 1986.

1. Short title, extent and commencement :-

(1) This Act may be called the Official Trustees (West Bengal Amendment) Act, 1985.

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

(3) This section and section 2 shall come into force at once; and the remaining provisions of this Act shall come into force on such date or dates as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

2. Application of the Act :-

The Official Trustees Act, 1913 (hereinafter referred to as the principal Act) shall, in its application to West Bengal, be amended for the purposes and in the manner hereinafter provided.

3. Amendment of section 4 of Act 2 of 1913 :-

In sub-section (1) of section 4 of the principal Act, for the words "for each State:", the words "for the State; and any Official Trustee so appointed shall be under the control and supervision of the Government:" shall be substituted.

4. Amendment of section 15 :-

In sub-section (1) of section 5 of the principal Act, after the words "subject to the control", the words "and supervision" shall be inserted.

5. Amendment of section 7 :-

In sub-section (2) of section 7 of the principal Act, after the words "Save as hereinafter expressly provided", the words, figures and letter "but subject to the provisions of section 25A" shall be inserted.

6. Amendment of section 10 :-

To sub-section (1) of section 10 of the principal Act, the following proviso shall be added:-

"Provided that the Official Trustee shall not give his consent without the prior approval of the State Government."

7. Amendment of section 11 :-

In sub-section (1) of section 11 of the principal Act, after the proviso, the following proviso shall be inserted:-

"Provided further that the Official Trustee shall not give his consent without the prior approval of the State Government."

8. Amendment of section 12 :-

In sub-section (1) of section 12 of the principal Act, after the proviso, the following proviso shall be inserted:-

"Provided further that the Official Trustee shall not give his consent without the prior approval of the State Government."

9. Insertion of new section 25A :-

After section 25 of the principal Act, the following section shall be inserted:-

"25A. Power of State Government to make orders in respect of administration of trust property vested in the Official Trustee.- Notwithstanding anything contained in this Act or in any other law for the time being in force, the State Government may make such orders as it thinks fit respecting the administration of any trust property vested in the Official Trustee, or the income or produce thereof:

Provided that such orders shall be made if the High Court has already made orders in this behalf or shall not be in conflict with the orders, if any, made by the High Court."

10. Amendment of section 26 :-

In section 26 of the principal Act,-

(a) after the words "may be made", the words "in such manner" shall be inserted, and 1,

(b) the words "in such form, as may be prescribed" shall be inserted at the end.

11. Insertion of new section 27A :-

After section 27 of the principal Act, the following section shall be inserted:-

"27A. Order of State Government to have effect as an award.-(1) Any order made by the State Government under this Act shall have the same effect as an award and shall be given effect to in such manner as may be prescribed.

(2) Any person aggrieved by any order of the State Government having the same effect as an award may prefer. an appeal, in such manner as may be prescribed, to the District Judge or to the Chief Judge of the City Civil Court, as the case may be, within thirty days from the date of such order."

12. Amendment of section 28 :-

In clause (b) of section 28 of the principal Act, for the words "with the sanction of the High Court", the words "with the approval of the State Government" shall be substituted.

13. Saving of pending legal proceedings :-

Nothing in this Act shall affect any legal proceeding pending in any court on the date on which this Act comes into force and every such proceeding shall be continued as if this Act had not been passed.