

Howrah Improvement Act, 1956

Section 71 - (1) The said Tribunal shall consist of a President and two

1894. (a) the Tribunal shall (except for the purposes of section 54 or that Act) be deemed to be the Court. and the President of the Tribunal shall be deemed to be the Judge, under the said Act: (b) the said Act shall be subject to the further modifications indicated in Schedule I; (c) the President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents, by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908; and (d) the award of the Tribunal shall be deemed to be the award of the Court under the said Land Acquisition Act, 1894, Section 71 - and shall be final and conclusive. (2) The President of the Tribunal shall be either- (a) a person who was or has been a member of the Judicial Service as defined in clause 236 of the Constitution of India for at least ten years and held a rank not inferior to that of a Subordinate Judge for at least three years; or (b) a barrister or an advocate who has practised as such in the Calcutta High Court for not less than ten years. (3) The President of the Tribunal and one of the assessors shall be appointed by the State Government and the other assessor shall be appointed by the [Howrah Municipal Corporation and the Municipality of Howrah] within the time fixed by the State Government or in default of the [Howrah Municipal Corporation and the Municipality of Howrah] by the State Government; Provided that no person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or is, for any or other reasons mentioned in section 5, disqualified for appointment as a Trustee. (4) The term of office of each member of the Tribunal shall be two years; but any member shall, subject to the proviso to sub-section (3), be eligible for reappointment at the end of his term: Provided that a member who is an assessor shall not be eligible for reappointment for more than a further term of two years. (5) The State Government may, on any ground of incapacity or misbehaviour, or for any other good and sufficient reason, cancel the appointment of any person as a member of the Tribunal after giving him the person an opportunity of showing cause against the proposed action. (6) When any person ceases for any reason to be a member of the Tribunal, or when any member is temporarily absent in consequence of illness or any other unavoidable cause, the State Government or (if a person whose place is to be filled was appointed [by the Howrah Municipal Corporation or any Municipality of Howrah] the [Howrah Municipal Corporation or the Municipality, as the case may be, or] in default of the [said Corporation or Municipality, as the case may be,] the State Government shall forthwith appoint a fit person to be a member in his place. (7) All appointments made under this section shall be published by notification. The words "and the Bally Municipality" were first inserted by s. 31(1) of the Howrah Improvement Act, 1983 (V of 1983), The words within the square brackets were substituted for the words "Commissioners of the Howrah Municipality and the Bally Municipality" by s. 28(3) of the Howrah Improvement Act, 1995 (V of 1995). The words "and the Bally Municipality" were first inserted by s. 1(2) of the Howrah Improvement Act, 1983 (V of 1983). The words within the square brackets were substituted for the words "by the Commissioners of the Howrah Municipality and the Bally Municipality" by s. 28(b)(i) of the Howrah Improvement Act, 1995 (V of 1995). The words "and the Bally Municipality" were first inserted by s. 31(2) of the Howrah Improvement Act, 1983 (V of 1983). The words within the square brackets were substituted for the words "Commissioners of the Howrah Municipality and the Bally Municipality, or" by s. 28(b)(ii) of the Howrah Improvement Act, 1995 (V of 1995). The words within the square brackets were substituted for the words "said Commissioners," by s. 28(b)(iii), of the Act