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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1739-L.—26th November, 2012.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXVIII of 2012

**THE HOWRAH MUNICIPAL CORPORATION
(AMENDMENT) ACT, 2012.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 26th November, 2012.]*

An Act to amend the Howrah Municipal Corporation Act, 1980.

WHEREAS it is expedient to amend the Howrah Municipal Corporation Act, 1980, for the purposes and in the manner hereinafter appearing;

West Ben. Act
LVIII of 1980.

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

Short title and commencement.

1. (1) This Act may be called the Howrah Municipal Corporation (Amendment) Act, 2012.

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

*The Howrah Municipal Corporation
(Amendment) Act, 2012.*

(Section 2.)

Insertion of new sections 55A, 55B and 55C after section 55.

2. After section 55 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act), the following sections shall be inserted:—

‘Constitution of Non-lapsable Basic Services for Urban Poor Fund.’ 55A. (1) The Corporation shall create a separate fund called “Basic Services for Urban Poor Fund” for delivery of basic services to the urban poor within its jurisdiction including the inhabitants of slum areas.

(2) A minimum of twenty-five *percent* of the funds within the budget of the Corporation shall be earmarked and used for providing basic services to the urban poor, including inhabitants of slum areas on a yearly basis. The allocation to the fund shall be made from all or any of the following budgetary resources of the Corporation:—

- (a) own source of revenue, e.g. taxes, fees, charges and rent;
- (b) assigned revenues;
- (c) allocations from the Central Finance Commission and the State Finance Commission or other inter-Governmental transfers;
- (d) contributions in cash or kind, gifts from individuals, organizations, donors for services of the poor;
- (e) grants from externally aided projects;
- (f) sale of Corporation assets and also lease of land;
- (g) other sources as determined by the Corporation.

Explanation I.—For the purposes of this section, any grant or contribution by whatever name called, received by the Corporation which is exclusively for the development of slum areas shall not be a part of the Basic Services for Urban Poor Fund.

Explanation II.—For the purposes of this section “basic services” shall include expenditure on capital and revenue account directly incurred on water supply, drainage, sewerage, construction of community toilets, solid waste management, connecting affordable housing for the poor, and other services as determined by the Corporation but shall not include establishment expenses, including salary and wages, not directly and specifically incurred for delivery of basic services to the poor.

Budgetary process and nature of fund created under section 55A. 55B. (1) The allocation of the funds created under section 55A and its utilization or providing basic services to the urban poor including the inhabitants of slum areas should be detailed and enclosed with annual budget of the Corporation along with the corresponding figures for the previous year for the purpose.

(2) The fund shall be in the nature of non-lapsable fund. In the event of the annual allocations not fully utilized, the balance funds should not be transferred to the municipal fund but carried forward for utilization in the subsequent years. The fund allocation in the subsequent years shall be considered in addition, and shall not be reduced by the unspent funds of the previous years.

Management of fund under section 55A, and keeping accounts thereof.

55C. (1) A separate bank account shall be opened with a nationalized bank called “Basic Service to Urban Poor Fund” account wherein funds earmarked under section 55A shall be periodically deposited ensuring that the yearly allocation is equal to the allocation as in the municipal budget.

*The Howrah Municipal Corporation
(Amendment) Act, 2012.*

(Section 3.)

(2) For keeping of accounts of the fund created under section 55A, the Corporation shall maintain separate primary books of accounts with detailed accounting heads in the line with the provisions of the rules made under this Act in line with the National Municipal Accounts Manual for operation of special fund accounts.'.

Insertion of new
section 80A after
section 80.

3. After section 80 of the principal Act, the following section shall be inserted:—

*"Laying of audit
reports before
State Legislature.* 80A. The audit reports of the Corporation, along with the action taken reports for every year as well as the report of the Comptroller and Auditor General in respect of the Corporation, shall, as soon as may be after they are received by the State Government, be laid before the State Legislature.".

By order of the Governor,

MALAY MARUT BANERJEE,
*Secy. to the Govt. of West Bengal,
Law Department.*