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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative
NOTIFICATION

No. 804-L.—30th July, 2019.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VII of 2019

**THE WEST BENGAL MUNICIPAL CORPORATION
(AMENDMENT) ACT, 2019.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 30th July, 2019.]

An Act to amend the West Bengal Municipal Corporation Act, 2006.

WHEREAS it is expedient to amend the West Bengal Municipal Corporation Act, 2006, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXXIX of 2006.

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

Short title and commencement.

- (1) This Act may be called the West Bengal Municipal Corporation (Amendment) Act, 2019.
- (2) This section shall come into force at once; and the remaining section or sections shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint.

*The West Bengal Municipal Corporation
(Amendment) Act, 2019.*

(Section 2.)

Amendment of
section 2 of West
Ben. Act XXXIX
of 2006.

2. In section 2 of the West Bengal Municipal Corporation Act, 2006 (hereinafter referred to as the principal Act),—

- (1) in clause (41), after the words, figures and brackets ‘the West Bengal Town and Country (Planning and Development) Act, 1979’, the words ‘and shall include—
 - (i) “Cultural Heritage” designates a monument, group of building or site of historical, aesthetic, archaeological, scientific, ethnological or anthropological value;
 - (ii) “Heritage Area” is a buffer around a protected or unprotected structure, precinct or site and may include protected views;
 - (iii) “Heritage Precinct” means and includes spaces that require conservation or preservation for historical or architectural or aesthetic or cultural or environmental or ecological purpose and walls or other boundaries of a particular area or place of building which may enclose such space by an imaginary line drawn around it. The precinct may also include Heritage Streets, a Mohalla or ‘pol’ or any other area of one set character;
 - (iv) “Heritage Zone” is the zone delineated in the Master Plan or Zonal Plan that requires special attention in terms of heritage conservation;
 - (v) “Historic Urban Landscape” means ensembles of any group of buildings, structures and open spaces, in their natural and ecological context, including archaeological and paleontological sites, constituting human settlements in an urban environment over a relevant period of time, the cohesion and value of which are recognized from the archaeological, architectural, prehistoric, historic, scientific, aesthetic, socio-cultural or ecological point of view;
 - (vi) “Natural Heritage” designates outstanding physical, biological and geological features; habitat of threatened plants or animal species and areas of value on scientific or aesthetic grounds or from a conservation perspective;
 - (vii) “Urban Heritage” refers to the built legacy of the town or city history and includes protected and unprotected monuments, individual and group of buildings of archaeological, architectural, historic and cultural significance, public spaces including landscape, parks and gardens, street layout defining identifiable neighbourhoods or precincts, which together identify the visual, spatial and cultural character of the city. This is tangible and is closely linked with the intangible heritage, which confers it with meaning and significance’ shall be inserted;
- (2) after clause (41), the following clause shall be inserted:—
 - ‘(41A) “Heritage Cell” means the Heritage Cell constituted under section 402A;’.

*The West Bengal Municipal Corporation
(Amendment) Act, 2019.*

(Sections 3-9.)

Amendment of
section 17.

3. In section 17 of the principal Act,—

(1) in sub-section (1),—

(a) before the existing proviso, the following proviso shall be inserted:—

“Provided that the elected members of the Corporation may also elect an individual who is not a member of the Corporation to be the Mayor provided that he gets himself elected to be a member of the Corporation within six months from the date of the election, failing which, he shall cease to be the Mayor of the Corporation:”

(b) in the existing proviso,—

(i) for the words “Provided that”, the words “Provided further that” shall be substituted;

(ii) after the words “the Corporation”, the words “or individual” shall be inserted;

(2) in sub-section (3), after the words “the Councillors”, the words “or as Chairman, or elect one of the Councillors or an individual as mayor, as the case may be,” shall be inserted.

Amendment of
section 60.

4. In section 60 of the principal Act, in sub-section (2), in the third proviso, for the words “for a further period not exceeding six months”, the words “for a further period not exceeding twelve months” shall be substituted.

Amendment of
section 61.

5. In section 61 of the principal Act, in sub-section (1), in clause (b), after the words “by such person or persons”, the words “to be designated as the Administrator or the Board of Administrators,” shall be inserted.

Insertion of new
section 96Y after
section 96X.

6. After section 96X of the principal Act, the following section shall be inserted :—

“Prohibition against spitting in public places, streets, hospitals 96Y. (1) No person shall spit at public places, hospitals, educational institutions, religious places, markets, assembly or congregation buildings, public utility buildings or structure etc. except in bins, receptacles or pits provided and maintained by the authority for this purpose.

(2) Spitting on any place in contravention of the provisions of this Act shall, subject to such regulations as may be made in this behalf, be punishable with a spot fine by the authorized officers of the Corporation which shall not be more than one thousand rupees for each such offence.”.

Amendment of
section 102.

7. In section 102 of the principal Act, in sub-section (1), clause (b) shall be omitted.

8. In CHAPTER IX of the principal Act, for the words “*E. Tax on advertisement*”, the words “*E. Provisions regulating advertisement other than advertisements in newspapers*” shall be substituted.

Amendment of
section 142.

9. In section 142 of the principal Act,—

(1) in the marginal note, for the words “Tax on advertisement”, the words “Prohibition of advertisements without written permission of Commissioner” shall be substituted;

(2) in sub-section (1), for the words “a tax at such rate”, the words “a fee at such rate” shall be substituted;

(3) in sub-section (2), for the words “any tax”, the word “fee” shall be substituted.

*The West Bengal Municipal Corporation
(Amendment) Act, 2019.*

(Sections 10, 11.)

Substitution of
new section for
section 144.

10. For section 144 of the principal Act, the following section shall be substituted:—

“Prohibition of
advertisement
without payment
of fees.

144. No advertisement for which fee is payable under section 142 shall be erected, exhibited, fixed, or retained upon or over any land, building, wall, hoarding, frame, post, kiosk, structure, neon-sign, or sky-sign, or shall be displayed to public view in any manner whatsoever in any place, unless the fee is paid:

Provided that the Commissioner may, cancel or revoke the certificate of enlistment for profession, trade and calling issued under provision of section 141 if the licensee acts in contravention of any of the provisions contained in this chapter or under the licence:

Provided further that no order shall be made under the proviso of this section without affording a reasonable opportunity of being heard.

Explanation I.—The word “structure” in this Chapter includes any movable board on wheels used as an advertisement or advertisement medium.

Explanation II.—The word “advertisement” in relation to advertisement under this Act shall mean any word, letter model, sign, sky-sign, placard, notice, device or representation, whether illuminated or not in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.”.

Substitution of
new section for
section 402.

11. For section 402 of the principal Act, the following section shall be substituted:—

“Heritage
Conservation
Committee.

402. (1) The Corporation shall constitute a committee to be called the Heritage Conservation Committee with the Mayor of the Corporation as its Chairman and the Commissioner of the Corporation as its Convener.

(2) The Committee shall have the following members:—

- (a) one shall be a nominee of the District Magistrate of the concerned district;
- (b) one shall be a nominee of the Director under the Department of Information and Cultural Affairs, Government of West Bengal, being a Heritage Expert with 15 years experience in the field of heritage conservation;
- (c) one shall be an eminent architect having in-depth knowledge and experience in conservation and urban design;
- (d) one shall be an artist;
- (e) one shall be an environmentalist having in-depth knowledge and experience on subject matter;
- (f) one shall be a historian having knowledge of the region having experience of 10 years in the field;
- (g) one shall be the concerned Executive Engineer of the Municipal Engineering Directorate;
- (h) one shall be the Town Planner of the Corporation;

Provided that additional members up to five who have special knowledge on the subject matter may be co-opted for special purposes or in sub-committees of the Heritage Conservation Committee:

Provided further that the Committee may co-opt one person to be nominated by the concerned Department of the State Government while dealing with land or building under the management of the said Department.

(3) The tenure of the Chairman and Members other than Government Departments or Local Bodies shall be three years.

*The West Bengal Municipal Corporation
(Amendment) Act, 2019.*

(Sections 12-15.)

(4) The Heritage Conservation Committee, constituted under sub-section (1), shall send all its proposals relating to preservation and conservation of heritage building or site, precincts, areas, zones, urban heritage, cultural and natural heritage and historic and historic urban landscape to the West Bengal Heritage Commission constituted under the West Bengal Heritage Commission Act, 2001.”.

West Ben. Act IX
of 2001.

Insertion of new
section 402A
after section 402.

12. After section 402 of the principal Act, the following section shall be inserted:—

“Heritage Cell. 402A. (1) The Corporation shall constitute a Heritage Cell for the Corporation.

(2) The composition, manner of constitution and functions of the Heritage Cell under sub-section (1) shall be such as the State Government may, by order, determine.

(3) The Heritage Cell shall consist of—

- (a) the Chief Town Planner of the Corporation;
- (b) the Architect with expertise in architectural conservation; and
- (c) the concerned Executive Engineer of the Municipal Engineering Directorate.”.

Amendment of
Schedule III.

13. In Schedule III of the principal Act, for the word “tax”, wherever it occurs, the word “fee” shall be substituted.

Amendment of
section 2 of West
Ben. Act VI of
2018.

14. In section 2, in clause (1) of the West Bengal Municipal Corporation (Amendment) Act, 2018,—

- (i) for the number and brackets “(16)”, the number, letter and brackets “(16B)” shall be substituted; and
- (ii) for the number, letter and brackets “(16A)”, the number, letter and brackets “(16C)” shall be substituted.

Amendment of
section 9 of West
Ben. Act XXIII
of 2018.

15. In section 9 of the West Bengal Municipal Corporation (Second Amendment) Act, 2018,—

- (i) for the number and letter “115C”, the number and letter “115D” shall be substituted;
- (ii) for the number and letter “115D”, the number and letter “115E” shall be substituted.

West Ben. Act VI
of 2018.

West Ben. Act
XXIII of 2018.

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,
Secy. to the Govt. of West Bengal,
Law Department.