

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

West Bengal Act V of 1994

**THE WEST BENGAL MUNICIPAL CORPORATION
LAWS (AMENDMENT) ACT, 1994.**

[Passed by the West Bengal Legislature.]

[Assent of the President of India was first published in the
Calcutta Gazette, Extraordinary, of the 3rd March, 1994.]

[3rd March, 1994.]

*An Act to amend the Siliguri Municipal Corporation Act, 1990, the
Asansol Municipal Corporation Act, 1990 and the Chandernagore
Municipal Corporation Act, 1990.*

West Ben.
Act XXX of
1990. West
Ben. Act
XXXI of
1990. West
Ben. Act
XXXII of
1990.

WHEREAS it is expedient to amend the Siliguri Municipal Corporation Act, 1990, the Asansol Municipal Corporation Act, 1990 and the Chandernagore Municipal Corporation Act, 1990, for the purposes and in the manner hereinafter appearing;

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

1. (1) This Act may be called the West Bengal Municipal Corporation Laws (Amendment) Act, 1994.

(2) This section and sections 2 and 3 shall be deemed to have come into force on the 10th day of January, 1994; 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.

Short title
and
commenc-
ment.

2. In the Siliguri Municipal Corporation Act, 1990,—

(1) in section 2,—

(a) for clause (17), the following clause shall be substituted:—

(17) “edible oil” means coconut oil, cotton seed oil, groundnut oil, linseed oil, mahua oil, rapeseed oil, olive oil, poppy seed oil, safflower seed oil, taramira oil, til oil, niger seed oil, soyabeen oil, maize (corn) oil, refined vegetable oil, almond oil, water melon seed oil, imported rapeseed oil, palm oil, palmolein, palm kernel oil, sunflower seed oil, rice bran oil or mustard oil, in pure state, imported sealed oil labelled as such, any vegetable oil,

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prepared by hardening process such as hydrogenation and labelled as such and bearing in the label in English and Bengali the names of the oils entering into its composition, or any other oil which the State Government may, by notification, declare to be an edible oil for the purposes of this Act;’;

(b) for clause (18), the following clause shall be substituted:—

‘(18) “edible fat” means *ghee* or vegetable fat like *vanaspati*, and includes beef fat or suet, mutton fat, goat fat, lard, cocoa butter or refined salseed fat;’;

(c) for clause (27), the following clause shall be substituted:—

‘(27) “infectious disease” or “communicable disease” means an illness due to a specific infectious agent or its toxic products capable of being directly or indirectly transmitted from man to man or from animal to animal or from environment (through air, dust, soil, water or food) to man or animal, and declared as such by the State Government by notification;’;

(d) for clause (33), the following clause shall be substituted:—

‘(33) “milk” means the secretion derived from complete milking of healthy milch animals, free from colostrum, and includes buffalo milk, cow milk, goat or sheep milk, mixed milk, standardized milk, recombined milk, toned milk, double-toned milk, or skimmed milk, raw, pasteurized, boiled, flavoured or sterilized;’;

(e) in clause (41),—

(i) in sub-clause (d), the word “and” shall be omitted;
(ii) in sub-clause (e), for the words “land or building;”, the words “land or building; and” shall be substituted;

(iii) after sub-clause (e), the following sub-clause shall be inserted:—

“(f) occupier of a factory as defined in clause (n) of section 2 of the Factories Act, 1948;”;

(f) in clause (75),—

(i) the words “other than a Factory,” shall be omitted;
(ii) after the words “industrial process is carried on”, the words “and includes a Factory” shall be inserted;

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- (2) in section 165, after sub-section (2), the following sub-sections shall be inserted:—
 - (3) Notwithstanding anything contained in the foregoing provisions of this section, no drain shall be used for disposal of trade effluents or waste from slaughter house or such items as may cause any health hazard, except in such manner as the Corporation may direct.
 - (4) the Corporation may, by regulations, prescribe the parameter limits and compoundable lines for the disposal of waste water.
 - (5) the Corporation may levy a sewer charge at such rate as it may determine.”;
- (3) in section 176,—
 - (a) in sub-section (1), for the words “not less than twenty labourers or workmen are likely to be employed”, the words “ten or more labourers or workmen are likely to be employed, and in any part of which a manufacturing process is likely to be carried on with the aid of power, or is likely to be ordinarily so carried on,” shall be substituted;
 - (b) in sub-section (2), for the words “not less than twenty labourers or workmen are employed”, the words “twenty or more labourers or workmen are employed, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,” shall be substituted;
- (4) in section 244,—
 - (a) in the marginal note, the words “or drug,” shall be omitted;
 - (b) in sub-section (1), for the words “any food, drug, edible oil, milk or similar items of human consumption or any utensil or vessel used for preparing or storing such things.”, the words “any article of food or any utensil or vessel used for preparing or storing any article of food.” shall be substituted;
 - (c) in sub-section (2),—
 - (i) for the words “any such item”, the words “any such food” shall be substituted,
 - (ii) the words “or drug” in the two places where they occur shall be omitted, and
 - (iii) for the words “or stores”, the words “or stored” shall be substituted;

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- (d) in sub-section (3), the words "or drug" in the two places where they occur shall be omitted;
- (5) in section 281, in clause (2), for the words "may be imprisoned or fined to the extent of rupees five hundred and daily fine of rupees fifty.", the words "may be imprisoned for a term which may extend to three months or fined to the extent of rupees five hundred and, in the case of continuing offence, daily fine of rupees fifty." shall be substituted;
- (6) in section 282, for the words "may be imprisoned or fined to the extent of rupees five hundred and daily fine of rupees fifty.", the words "may be imprisoned for a term which may extend to three months or fined to the extent of rupees five hundred and, in the case of continuing offence, daily fine of rupees fifty." shall be substituted.

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3. In the Asansol Municipal Corporation Act, 1990,—

(1) in section 2,—

(a) for clause (A1), the following clause shall be substituted:—

'(A1) "Asansol" means the area comprising the Asansol Municipality as constituted under the Bengal Municipal Act, 1932 (hereinafter referred to in this clause as the said area):

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of 1932.

Provided that the State Government may, by notification, add to the said area any local area contiguous to the said area, and thereupon such local area shall stand included in the said area;';

(b) for clause (17), the following clause shall be substituted:—

'(17) "edible oil" means coconut oil, cotton seed oil, groundnut oil, linseed oil, mahua oil, rapeseed oil, olive oil, poppy seed oil, safflower seed oil, taramira oil, til oil, niger seed oil, soyabin oil, maize (corn) oil, refined vegetable oil, almond oil, water melon seed oil, imported rapeseed oil, palm oil, palmolein, palm kernel oil, sunflower seed oil, rice bran oil or mustard oil, in pure state, imported sealed oil labelled as such, any vegetable oil, prepared by hardening process such as

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hydrogenation and labelled as such and bearing in the label in English and Bengali the names of the oils entering into its composition, or any other oil which the State Government may, by notification, declare to be an edible oil for the purposes of this Act;’;

(c) for clause (18), the following clause shall be substituted:—

‘(18) “edible fat” means *ghee* or vegetable fat like *vanaspati*, and includes beef fat or suet, mutton fat, goat fat, lard, cocoa butter or refined salseed fat;’;

(d) for clause (27), the following clause shall be substituted:—

‘(27) “infectious disease” or “communicable disease” means an illness due to a specific infectious agent or its toxic products capable of being directly or indirectly transmitted from man to man or from animal to animal or from environment (through air, dust, soil, water or food) to man or animal, and declared as such by the State Government by notification;’;

(e) for clause (33), the following clause shall be substituted:—

‘(33) “milk” means the secretion derived from complete milking of healthy milch animals, free from colostrum, and includes buffalo milk, cow milk, goat or sheep milk, mixed milk, standardized milk, recombined milk, toned milk, double-toned milk, or skimmed milk, raw, pasteurized, boiled, flavoured, or sterilized;’;

(f) in clause (41),—

(i) in sub-clause (d), the word “and” shall be omitted;

(ii) in sub-clause (e), for the words “land or building;”, the words “land or building; and” shall be substituted;

(iii) after sub-clause (e), the following sub-clause shall be inserted:—

“(f) occupier of a factory as defined in clause (n) of section 2 of the Factories Act, 1948;”;

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(g) in clause (74),—

(i) the words “, other than a factory,” shall be omitted;

(ii) after the words “industrial process is carried on”, the words “, and includes a factory” shall be inserted;

(2) in section 165, after sub-section (2), the following sub-sections shall be inserted:—

“(3) Notwithstanding anything contained in the foregoing provisions of this section no drain shall be used for disposal of trade effluents or waste from slaughter house or such items as may cause any health hazard, except in such manner as the Corporation may direct.

(4) The Corporation may, by regulations, prescribe the parameter limits and compoundable lines for the disposal of waste water.

(5) the Corporation may levy a sewer charge at such rate as it may determine.”;

(3) in section 176,—

(a) in sub-section (1), for the words “not less than twenty labourers or workmen are likely to be employed”, the words “ten or more labourers or workmen are likely to be employed, and in any part of which a manufacturing process is likely to be carried on with the aid of power, or is likely to be ordinarily so carried on,” shall be substituted;

(b) in sub-section (2), for the words “not less than twenty labourers or workmen are employed”, the words “twenty or more labourers or workmen are employed, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,” shall be substituted;

(4) in section 244,—

(a) in the marginal note, the words “or drug,” shall be omitted;

(b) in sub-section (1), for the words “any food, drug, edible oil, milk or similar items of human consumption or any utensil or vessel used for preparing or storing such things.”, the words “any article of food or any utensil or vessel used for preparing or storing any article of food.” shall be substituted;

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- (c) in sub-section (2);—
 - (i) for the words “any such item”, the words “any such food” shall be substituted,
 - (ii) the words “or drug” in the two places where they occur shall be omitted, and
 - (iii) for the words “or stores”, the words “or stored” shall be substituted;
- (d) in sub-section (3), the words “or drug” in the two places where they occur shall be omitted;
- (5) for section 263, the following section shall be substituted:—

“Power to amend Schedule. 263. The State Government may, by notification, add to, amend, or alter, any Schedule to this Act.”;
- (6) in section 281, in clause (2), for the words “may be imprisoned or fined to the extent of rupees five hundred and daily fine of rupees fifty.”, the words “may be imprisoned for a term which may extend to three months or fined to the extent of rupees five hundred and, in the case of continuing offence, daily fine of rupees fifty.” shall be substituted;
- (7) in section 282, for the words “may be imprisoned or fined to the extent of rupees five hundred and daily fine of rupees fifty.”, the words “may be imprisoned for a term which may extend to three months or fined to the extent of rupees five hundred and, in the case of continuing offence, daily fine of rupees fifty.” shall be substituted;
- (8) Schedule I shall be omitted.

4. In the Chandernagore Municipal Corporation Act, 1990,—

- (1) in section 2,—

- (a) for clause (9), the following clause shall be substituted:—

- (9) “Chandernagore” means the area comprising Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) Act, 1954 (hereinafter referred to in this clause as the said area);

Provided that the State Government may, by notification, add to the said area any local area contiguous to the said area, and thereupon such local area shall stand included in the said area;”;

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(b) for clause (19), the following clause shall be substituted:—

(19) “edible oil” means coconut oil, cotton seed oil, groundnut oil, linseed oil, mahua oil, rapeseed oil, olive oil, poppy seed oil, safflower seed oil, taramira oil, til oil, niger seed oil, soyabin oil, maize (corn) oil, refined vegetable oil, almond oil, water melon seed oil, imported rapeseed oil, palm oil, palmolein, palm kernel oil, sunflower seed oil, rice bran oil, or mustard oil, in pure state, imported sealed oil labelled as such, any vegetable oil, prepared by hardening process such as hydrogenation and labelled as such and bearing in the label in English and Bengali the names of the oils entering into its composition, or any other oil which the State Government may, by notification, declare to be an edible oil for the purposes of this Act;’;

(c) for clause (20), the following clause shall be substituted:—

(20) “edible fat” means *ghee* or vegetable fat like *vanaspati*, and includes beef fat or suet, mutton fat, goat fat, lard, cocoa butter or refined salseed fat;’;

(d) for clause (29), the following clause shall be substituted:—

(29) “infectious disease” or “communicable disease” means an illness due to a specific infectious agent or its toxic products capable of being directly or indirectly transmitted from man to man or from animal to animal or from environment (through air, dust, soil, water or food) to man or animal, and declared as such by the State Government by notification;’;

(e) for clause (35), the following clause shall be substituted:—

(35) “milk” means the secretion derived from complete milking of healthy milch animals free from colostrum, and includes buffalo milk, cow milk, goat or sheep milk, mixed milk, standardized milk, recombined milk, toned milk, double-toned milk, or skimmed milk, raw, pasteurized, boiled, flavoured, or sterilized;’;

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- (f) in clause (43),—
 - (i) in sub-clause (d), the word “and” shall be omitted;
 - (ii) in sub-clause (e), for the words “land or building;”, the words “land or building; and” shall be substituted;
 - (iii) after sub-clause (e), the following sub-clause shall be inserted:—
“(f) occupier of a factory as defined in clause (n) of section 2 of the Factories Act, 1948;”;
- (g) in clause (76),—
 - (i) the words “, other than a Factory,” shall be omitted;
 - (ii) after the words “industrial process is carried on”, the words “, and includes a Factory” shall be inserted;

(2) in section 168, after sub-section (2), the following sub-sections shall be inserted:—

- (3) Notwithstanding anything contained in the foregoing provisions of this section no drain shall be used for disposal of trade effluents or waste from slaughter house or such items as may cause any health hazard, except in such manner as the Corporation may direct.
- (4) The Corporation may, by regulations, prescribe the parameter limits and compoundable lines for the disposal of waste water.
- (5) the Corporation may levy a sewer charge at such rate as it may determine.”;

(3) in section 179,—

- (a) in sub-section (1), for the words “not less than twenty labourers or workmen are likely to be employed”, the words “ten or more labourers or workmen are likely to be employed, and in any part of which a manufacturing process is likely to be carried on with the aid of power, or is likely to be ordinarily so carried on,” shall be substituted;
- (b) in sub-section (2), for the words “not less than twenty labourers or workmen are employed”, the words “twenty or more labourers or workmen are employed, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,” shall be substituted;

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(4) in section 247,—

- (a) in the marginal note, the words “or drug,” shall be omitted;
- (b) in sub-section (1), for the words “any food, drug, edible oil, milk or similar items of human consumption or any utensil or vessel used for preparing or storing such things.”, the words “any article of food or any utensil or vessel used for preparing or storing any article of food.” shall be substituted;
- (c) in sub-section (2),—
 - (i) for the words “any such item”, the words “any such food” shall be substituted,
 - (ii) the words “or drug” in the two places where they occur shall be omitted, and
 - (iii) for the words “or stores”, the words “or stored” shall be substituted;
- (d) in sub-section (3), the words “or drug” in the two places where they occur shall be omitted;

(5) for section 266, the following section shall be substituted:—

“Power to amend Schedule. 266. The State Government may, by notification, add to, amend, or alter, any Schedule to this Act.”;

- (6) in section 284, in clause (2), for the words “may be imprisoned or fined to the extent of rupees five hundred and daily fine of rupees fifty.”, the words “may be imprisoned for a term which may extend to three months or fined to the extent of rupees five hundred and, in the case of continuing offence, daily fine of rupees fifty.” shall be substituted;
- (7) in section 285, for the words “may be imprisoned or fined to the extent of rupees five hundred and daily fine of rupees fifty.”, the words “may be imprisoned for a term which may extend to three months or fined to the extent of rupees five hundred and, in the case of continuing offence, daily fine of rupees fifty.” shall be substituted;
- (8) Schedule I shall be omitted.

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(Section 5.)

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Ord. II of
1994.

Repeal and
saving.

5. (1) The West Bengal Municipal Corporation Laws (Amendment) Ordinance, 1994, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Siliguri Municipal Corporation Act, 1990, or the Asansol Municipal Corporation Act, 1990, or the Chandernagore Municipal Corporation Act, 1990, as amended by the said Ordinance, shall be deemed to have been validly done or taken under the Siliguri Municipal Corporation Act, 1990, or the Asansol Municipal Corporation Act, 1990, or the Chandernagore Municipal Corporation Act, 1990, as amended by this Act, as the case may be.

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Act XXXII
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