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PART III—Acts of the West Bengal Legislatures

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1054-L.—22nd August, 2006.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :—

West Bengal Act XXII of 2006

THE WEST BENGAL MUNICIPAL (AMENDMENT) ACT, 2006.

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the **Kolkata Gazette, Extraordinary**, of the 22nd August, 2006.]*

An Act to amend the West Bengal Municipal Act, 1993.

WHEREAS it is expedient to amend the West Bengal Municipal Act, 1993, for the purposes and in the manner hereinafter appearing ;

It is hereby enacted in the Fifty-seventh year of the Republic of India, by the Legislature of West Bengal, as follows :—

West Ben. Act
XXII of 1993.

1. (1) This Act may be called the West Bengal Municipal (Amendment) Act, 2006.

Short title and commencement.

The West Bengal Municipal (Amendment) Act, 2006.

(Sections 2-6.)

(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.

Amendment of
section 2 of West Ben.
Act XXII of 1993.

2. In section 2 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the principal Act), for clause (64), the following clause shall be substituted :—

(64) "Year" means a financial year beginning on the first day of April and ending on the thirty-first day of March of the following year.'

Amendment of
section 9.

3. In section 9 of the principal Act,—

(1) in the second proviso, after the words "affected by any such order", the words "expressed in writing within the time stipulated in such order," shall be inserted ;

(2) in the third proviso, in clause (i), after the words "the views of the Board of Councillors or the Board of Councillors concerned", the words, letters and brackets "if such views is expressed in writing within the period as stipulated in the notification expressing intention of the Governor to act under clauses (a) to (g)" shall be inserted.

Amendment of
section 14.

4. In section 14 of the principal Act, the proviso to sub-section (2) shall be omitted.

Amendment of
section 19A.

5. To sub-section (1) of section 19A of the principal Act, the following proviso shall be added :—

"Provided that in case the Chairman holding office for the time being, or the Vice-Chairman, or any other authority, or any other member, exercising the powers, performing the functions, and discharging the duties of the Chairman fails to make over all cash, assets, documents, registers and seals which he may have in his possession, custody or control, to the newly elected or appointed Chairman on the date, place and hour as may be fixed by the District Magistrate or any other Executive Magistrate authorised by the District Magistrate in this behalf, the newly elected or appointed Chairman may assume charge, and shall, in the presence of the District Magistrate or any other Executive Magistrate authorised by the District Magistrate in this behalf, prepare an inventory of all cash, assets, documents, registers and seals, which he received from the municipal office, and shall send a copy of such inventory to the Director of Local Bodies as well as to the State Government."

Amendment of
section 21A.

6. In section 21A of the principal Act, in clause (d), after the words and figures "West Bengal Panchayat Act, 1973", the words "or is constituted a Municipal Area, a Notified Area or an Industrial Township" shall be inserted.

West Ben. Act
XLI of 1973.

The West Bengal Municipal (Amendment) Act, 2006.

(Sections 7-9.)

Insertion of new
sections 25A and 25B
after section 25.

7. After section 25 of the principal Act, the following sections shall be inserted :—

'Self-help group and 25A. (1) The Board of Councillors shall ensure constitution Community Develop- of Self-help Groups, and Community Development Society, ment Society. consisting of the women members of the families, identified as the families below poverty line, residing within the municipal area.

(2) The composition, manner of constitution and functions of Self-help Groups, and the Community Development Society under sub-section (1), shall be such as the State Government may, by order, determine.

Explanation.—In this section "below poverty line" means the poverty line as may be determined by the Central Government.

Poverty Alleviation 25B. (1) The Board of Councillors shall ensure constitution Cell. of a Poverty Alleviation Cell for the Municipality.

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

Amendment of
section 55.

8. To sub-section (1) of section 55 of the principal Act, the following proviso shall be added :—

"Provided that the Municipal Service Commission constituted under section 26 of the Kolkata Municipal Corporation Act, 1980, shall by virtue of the provisions contained in the said section of the said Act, select such personnel for the Municipalities, Notified Area Authorities and the Industrial Townships constituted under this Act, as the State Government may, by notification, determine.".

West Ben. Act
LIX of 1980.Insertion of new
section 64A after
section 64.

9. After section 64 of the principal Act, the following section shall be inserted :—

"Citizens' Charter. 64A. (1) The Board of Councillors shall publish a Citizens' Charter containing the,—

(a) time limits within which civic services shall be provided and the licenses, certificates, under the provisions of this Act, shall be issued and the permissions, sanctions shall be granted, subject to the maximum time limit as determined in this Act, if any ; and

(b) the civic services to be provided by the Municipality to the citizens.

Explanation.—For the purposes of this sub-section "civic services" shall include roads and streets, open spaces, parks, recreational grounds, playgrounds, water and electric supply, street lighting, sewerage, drainage, and other utilities, services and conveniences.

The West Bengal Municipal (Amendment) Act, 2006.

(Sections 10-12.)

(2) The preparation and publication of Citizens' Charter shall be done in such manner as may be prescribed.”.

10. In section 84 of the principal Act,—

(1) for the marginal note, the following marginal note shall be substituted :—

“Annual Financial Statements.”;

(2) for sub-section (1), the following sub-section shall be substituted :—

“(1) Within six months of the close of a year, a financial statement for the preceding year in respect of a Municipality shall be prepared in the form and manner prescribed, and presented before a meeting of the Board of Councillors. Financial statement shall consist of a Balance Sheet of the sources and application of funds, Income and Expenditure Account disclosing the surplus (excess of income over expenditure) or deficit (excess of expenditure over income) for the financial year, Receipts and Payments Account (showing the head-wise receipts and payments for the year alongwith balances of cash in hand, cash at bank and cash at treasury) and a Cash Flow Statement (showing the receipts and payments of cash as per three distinct categories of operating, investing and financing activities). Every such statement shall give a true and correct view of the state of affairs of the Municipality.”;

(3) in sub-section (3), after the words “extend the date for”, the words “preparation and” shall be inserted.

11. Section 85 of the principal Act shall be omitted.**12. For section 92 of the principal Act, the following section shall be substituted :—**

“Municipal Accounts 92. (1) The Board of Councillors shall, at its first Committee. meeting in each year, or in its next meeting, which shall be held within a period of thirty days from the date of its first meeting in that year, constitute a Municipal Accounts Committee.

(2) The manner of constitution and the functions of the Municipal Accounts Committee shall be such as may be prescribed.”.

Amendment of
section 84.Omission of
section 85.Substitution of new
section for section 92.

The West Bengal Municipal (Amendment) Act, 2006.

(Section 13.)

Insertion of new sections 102A and 102B after section 102.

13. After section 102 of the principal Act, the following sections shall be inserted :—

"Exemption of holdings where closed or sick industries are located. 102A. The State Government may, for reasons to be recorded in writing, by an order, exempt any premises, in which any closed industry or sick industry which is so certified by the Department of Industrial Reconstruction, Government of West Bengal, is located, from payment of property tax.

Exemption of holdings used for Information Technology Industry and Information Technology Enabled Services. 102B. (1) The Chairman-in-Council may, with the prior approval of the State Government, exempt from payment of a portion of the property tax not exceeding fifty *per cent.* of the actual gross amount of property tax on any land or building, at least fifty *per cent.* area of which is exclusively used for Information Technology Industry or Information Technology Enabled Services :

Provided that such exemption shall be allowed only for the first six years from the quarter following the date of approval of the State Government.

Explanation I.—For the purpose of this section Information Technology Industry means the industry exclusively engaged in software programming and software development.

Explanation II.—Information Technology Enabled Services is that sector of Information Technology Industry, which aims at providing various services, through the use of Information Technology. This sector of service includes call centres, claim processing, medical transcription, legal transcription, content development or computer animation, data processing, Computer Aided Engineering and Computer Aided Design, Geographic Information System Services, remote maintenance, revenue accounting, support centres, website services and other operations such as accounting, data processing, and data mining, and such other type of services that is not possible to be provided without the use of Information Technology. Apart from this, such other services, as may be determined by the Department of Information Technology, Government of West Bengal, as Information Technology Enabled Services, shall also be deemed to be Information Technology Enabled Services for the purpose of this section.

(2) For the purpose of getting exemption under sub-section (1), the applicant shall, with the application, submit a certificate to be issued by the Department of Information Technology, Government of West Bengal, to the effect that the industry or the service carried on any land or building, in respect of which the exemption under sub-section (1) has been sought for by the applicant, is an Information Technology Industry or Information Technology Enabled Services."

The West Bengal Municipal (Amendment) Act, 2006.

(Sections 14-17.)

Amendment of
section 182.

14. In sub-section (2) of section 182 of the principal Act, in the proviso, for the words "rupees two in the case of passenger vehicles and rupees five in the case of goods vehicles", the words "rupees ten in the case of passenger vehicle and goods vehicle" shall be substituted.

Amendment of
section 203.

15. In section 203 of the principal Act,—

- (1) after the words "unless such site has been so approved", the words "on payment of a fee at such rate as may be prescribed, and" shall be inserted ;
- (2) after the words "unless a building plan has been sanctioned for such erection", the words "on payment of a fee at such rate as may be prescribed, and" shall be inserted.

Amendment of
section 340.

16. In section 340 of the principal Act,—

- (1) for the marginal note, the following marginal note shall be substituted :—
"Prohibition against defiling of water of public and private tanks and uses, and throwing of plastic in the public streets and tanks, whether private or public.";
- (2) in clause (e), for the words "or corrupted.", the words "or corrupted ; or" shall be substituted ;
- (3) after clause (e), the following clause shall be inserted :—
"(f) use, sale and distribute plastic within the municipal area or throw plastic in the public streets and tanks, whether private or public and defile water of public and private tanks.";
- (4) the following *Note* shall be inserted at the end :—
"*Note.*—For the purpose of this section 'plastic' means virgin and recycled plastic carry bags, cups and any other materials made of plastic of size less than 8" x 12" and less than 20 microns in thickness."

Amendment of
section 417.

17. In section 417 of the principal Act, after sub-section (4), the following sub-section shall be inserted :—

"(5) Notwithstanding anything contained in sub-sections (1), (2) and (4) of this section, the State Government may, in special circumstances,

*The West Bengal Municipal (Amendment) Act, 2006.**(Section 18.)*

for the reasons to be recorded in writing, for the interest of the public, relax any or all the provisions of a rule made under this Act.”.

Amendment of
Schedule IV.

18. In Schedule IV to the principal Act, for the corresponding entries in column (2) against the entries in column (1) “Section 340”, the following entries shall be substituted :—

“Prohibition against defiling of water of public and private tanks and uses and throwing of plastic in the public streets and tanks, whether private or public.”.

By order of the Governor,

S. K. CHAKRABARTI,
*Secy. to the Govt. of West Bengal,
Law Department.*