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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1338-L.—19th August, 2002.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XVI of 2002

THE WEST BENGAL MUNICIPAL (AMENDMENT) ACT, 2002.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 19th August, 2002.]

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;

West Ben. Act
XXII of 1993.

It is hereby enacted in the Fifty-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 West Bengal Municipal (Amendment) Act, 2002.

(2) This section shall come into force at once; and the remaining sections 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 sections of this Act.

The West Bengal Municipal (Amendment) Act, 2002.

(Sections 2-5.)

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),—

(a) after clause (49), the following clause shall be inserted:—

‘(49A) “Property tax” means a rate assessed, on building or buildings, or on lands or on both, and includes surcharge levied on property tax under this Act;’;

(b) after clause (60), the following clause shall be inserted:—

‘(60A) “State Government” means the Government of the State of West Bengal in the Department of Municipal Affairs,’.

Amendment of
section 3.

3. In clause (i) of section 3 of the principal Act, for the figures “20,000”, the figures “30,000” shall be substituted.

Amendment of
section 7.

4. In section 7 of the principal Act,—

(i) for the figures “2,00,000.”, against Group A, the figures “2,15,000.” shall be substituted;

(ii) for the words and figures “1,50,000 but not exceeding 2,00,000.”, against Group B, the words and figures “1,70,000 but not exceeding 2,15,000.” shall be substituted;

(iii) for the words and figures “75,000 but not exceeding 1,50,000.”, against Group C, the words and figures “85,000 but not exceeding 1,70,000.” shall be substituted;

(iv) for the words and figures “25,000 but not exceeding 75,000.”, against Group D, the words and figures “35,000 but not exceeding 85,000.” shall be substituted;

(v) for the figures “25,000:”, against Group E, the figures “35,000:” shall be substituted.

Amendment of
section 14.

5. For sub-section (3) of section 14 of the principal Act, the following sub-section shall be substituted:—

“(3) In a newly constituted municipal area, all the powers or functions, vested with the municipal authorities under this Act or under any other law, for the time being in force, for the purpose of shaping up the municipal administration, shall be exercised or performed, as the case may be, by such person or persons to be designated as the Administrator or the Board of Administrators, as the State Government may, by notification, appoint for a period not exceeding six months:

Provided that if, for any reason, it is not possible to hold the first general election of a newly constituted Municipality before expiry of the period of six months under this sub-section, the State Government may, by notification, extend the term of such Administrator or Board of Administrators, as the case may be, for a further period not exceeding six months. In the case of extension of the term of such Administrator or Board of Administrators, as the case may be, under this sub-section, all the powers and functions, vested with the municipal authorities under this Act or under any other law for the time being in force, shall be exercised or performed, as the case may be, by such Administrator or Board of Administrators in such extended term.”.

The West Bengal Municipal (Amendment) Act, 2002.

(Sections 6-8.)

Amendment of
section 15.

6. For sub-section (1) of section 15 of the principal Act, the following sub-section shall be substituted:—

“(1) There shall be a Chairman-in-Council consisting of the Chairman, Vice-Chairman and other members not exceeding, in the case of a municipal area included in Group A, five, in the case of a municipal area included in Group B, four, in the case of a municipal area included in Group C, three:

Provided that in respect of the municipal areas included in Group D and Group E, all the powers and functions vested with the Chairman-in-Council under this Act or under any other Law, for the time being in force, shall be examined or performed, as the case may be, by the Chairman of the concerned Municipality.”.

Substitution of
new section for
section 16.

7. For section 16 of the principal Act, the following section shall be substituted:—

“Powers and
functions of the
Chairman.

16. (1) The Chairman shall be the whole time functionary of the Municipality and he shall exercise such powers and functions as conferred on him by or under this Act.

(2) The Chairman shall preside over the meetings of the Chairman-in-Council as well as the Board of Councillors.

(3) The Chairman shall allocate the business among the members of the Chairman-in-Council in case of Group A, Group B and Group C Municipalities.

(4) The matters to be discussed at a meeting of the Chairman-in-Council as well as the Board of Councillors shall be prepared under the direction of the Chairman and shall be circulated to the members of the Chairman-in-Council as well as the Board of Councillors, as the case may be, in such manner as the Chairman may determine.

(5) The Chairman shall, if he is of opinion that immediate execution of any work is necessary and the same ordinarily requires the approval of the Board of Councillors or the Chairman-in-Council, as the case may be, direct the execution of such work:

Provided that the Chairman shall report forthwith to the Board of Councillors or the Chairman-in-Council, as the case may be, the actions taken under this section and the reasons thereof.

Explanation.—The term ‘whole time functionary of the Municipality’ shall mean the period for which a Councillor holds office of the Chairman and he shall not hold any office of profit unless, he has obtained leave of absence from his place of employment, or he shall carry on or be associated with any business, profession or calling in such manner as shall interfere or likely to interfere with due exercise of his powers or due performance of his functions or due discharge of his duties.

Amendment of
section 17.

8. In section 17 of the principal Act,—

(1) in sub-section (1),—

(i) for the words, figures and letter “after taking oath of secrecy under section 50A.”, the words, figures and letter “after taking oath of secrecy under section 50A;” shall be substituted;

(ii) the following proviso shall be inserted:—

“Provided that a Councillor shall not be eligible for such election unless he declares in writing that on being elected, he shall be the whole time functionary of his office and that during the period for

The West Bengal Municipal (Amendment) Act, 2002.

(Sections 9-12.)

which he holds, or due to hold, such office, he shall not hold any office of profit unless, he has obtained leave of absence from his place of employment, or he shall carry on or be associated with any business, profession or calling, in such manner as shall interfere or likely to interfere with due exercise of his powers or due performance of his functions or due discharge of his duties.”;

(2) in sub-section (4),—

- (i) for the words “enters upon his office.”, the words “enters upon his office:” shall be substituted;
- (ii) the following proviso shall be inserted:—

“Provided that the Chairman appointed under this sub-section shall hold meeting of the Board of Councillors within thirty days from the date of taking over his charge for the purpose of election of the new Chairman under sub-section (3) in such manner as may be prescribed.”.

Amendment of
section 18.

9. In section 18 of the principal Act,—

- (i) in sub-section (1), for the words “municipal area.”, the words “municipal area or is removed from his office under sub-section (3) or section 429A, as the case may be.” shall be substituted;
- (ii) in sub-section (3), after the words “majority of the total number of elected members of the Board of Councillors holding office for the time being”, the words “present and voting by them,” shall be inserted.

Amendment of
section 21.

10. For clause (c) of section 21 of the principal Act, the following clause shall be substituted:—

“(c) he is removed from office by a written order of the Chairman or if, in the case of the Vice-Chairman, he is removed from office under section 429A, or”.

Amendment of
section 21A.

11. In section 21A of the principal Act,—

- (i) in clause (e), for the words “for being a Councillors.”, the words “for being a Councillor, or” shall be substituted;
- (ii) after clause (e), the following clause shall be inserted:—

“(f) he is removed from the office of Councillor under section 21AA.”.

Insertion of new
section 21AA.

12. After section 21A of the principal Act, the following section shall be inserted:—

“Removal of a Councillor. 21AA. (1) The District Magistrate may, after giving a Councillor an opportunity to show cause against the action proposed to be taken against him, by order remove him from his office—

- (a) if, after his election, he is convicted by a criminal court of an offence involving moral turpitude and is punishable with imprisonment for a term which exceeds six months; or
- (b) if he was disqualified to be a Councillor at the time of his election under section 30, or incurs any of the disqualifications to be a member of the Municipality under sub-section (1) of section 31, of the West Bengal Municipal Elections Act, 1994; or
- (c) if he is absent from three consecutive meetings of the Board of Councillors without prior information to the Chairman;

The West Bengal Municipal (Amendment) Act, 2002.

(Section 13.)

Provided that in the case of issue of an order under this sub-section, the District Magistrate concerned shall furnish a copy of such order to the State Government alongwith the related documents.

(2) Any Councillor who is removed from his office by the District Magistrate concerned under sub-section (1) may, within thirty days from the date of the order, appeal to the State Government and, thereupon, the State Government may stay the operation of such order till disposal of the appeal, and may, after giving the appellant an opportunity of being heard, modify or set aside or confirm the order. The order passed by the State Government shall be final.”.

Insertion of new
sections 23A, 23B
and 23C.

13. After section 23 of the principal Act, the following sections shall be inserted:—

“Constitution of
Standing
Committee.

23A. (1) At the first meeting of the Board of Councillors or at the meetings subsequent thereto, the Board of Councillors of every Municipality shall constitute the following Standing Committees:—

- (a) Finance and Resource Mobilisation Standing Committee;
- (b) Solid Waste Management Standing Committee;
- (c) Water Supply Standing Committee;
- (d) Public Works Standing Committee;
- (e) Health, Education and Urban Poverty Alleviation Standing Committee;
- (f) Public Health and Sanitation Standing Committee:

Provided that the Standing Committees, other than those mentioned above, may also be constituted by the Board of Councillors if they so think fit.

(2) Each Standing Committee shall consist of such number of Councillors, not being more than nine or less than three, as the Board of Councillors by a specific resolution determine and the number so determined shall be selected by the Board of Councillors from amongst themselves:

Provided that no Councillor shall be a member of more than two Standing Committees and the Chairman or the Vice-Chairman shall not be a member of any Standing Committee constituted under this section but he may attend any meeting of any Standing Committee.

(3) The Board of Councillors at a meeting may, by resolution, associate with any Standing Committee such persons, not being Councillors and not exceeding one-half of the number of the Councillors in such Committee, and for such term as they may think fit. Any officer or other employee of the Municipality, and any officer of the State Government, having requisite expertise for development of civic services, municipal finance, and other areas related to municipal administration, as may be required by the Board of Councillors, may be associated with any Standing Committee constituted under this section.

(4) The Chairman shall nominate the President and the Vice-President of the Standing Committees constituted under this section. The term of the President and the Vice-President are coterminous to that of the Standing Committee concerned, unless removed earlier from office by the Chairman.

(5) The President or, in his absence, the Vice-President shall convene and preside over the meetings of the concerned Standing Committee.

(6) Any casual vacancy in the office of a member of a Standing Committee shall be filled by the Board of Councillors in the manner as specified in sub-section (2) or sub-section (3), as the case may be.

The West Bengal Municipal (Amendment) Act, 2002.

(Section 14.)

Powers, functions
and duties of
Standing
Committees.

23B. (1) Each Standing Committee shall perform such functions, exercise such powers, and discharge such duties, as the Board of Councillors at a meeting delegate to it.

(2) The Board of Councillors at a meeting may, by specific resolution, refer to a Standing Committee for inquiry or report or for opinion on such subjects relating to the powers or duties of the Municipality as the Board of Councillors may think fit.

(3) The Standing Committee shall submit its report indicating the difficulties for implementation of development programme under its respective jurisdiction, and recommending measures to remove such difficulties.

(4) All proceedings of Standing Committees shall be subject to confirmation or modification by the Board of Councillors at a meeting unless the Board of Councillors at a meeting otherwise direct.

Heritage
Conservation
Committee.

23C. (1) The Board of Councillors shall constitute a Committee to be called the Heritage Conservation Committee with the Chairman as its Chairman and an officer of the Municipality as its Convenor.

(2) The Committee shall have, in addition to the Chairman and the Convenor, seven other members of whom—

- (a) one shall be a nominee of the District Magistrate of the district;
- (b) one shall be a nominee of the Director of the Department of Archaeology, Government of West Bengal;
- (c) one shall be an eminent architect;
- (d) one shall be an artist;
- (e) one shall be an environmentalist;
- (f) one shall be a historian; and
- (g) one shall be the concerned Executive Engineer of the Municipal Engineering Directorate.

(3) The Committee may co-opt one person to be nominated by the concerned department of the State Government while dealing with any land or building under the management of the said department.

(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 to the West Bengal Heritage Commission constituted under the West Bengal Heritage Commission Act, 2001.”.

West Ben. Act IX
of 2001.

Amendment of
section 53.

14. In section 53 of the principal Act,—

- (i) in sub-section (2), for the words, figures and brackets “Until the cadre of common municipal service for the State is constituted under sub-section (1) of section 54, and subject to the provisions of sub-section (1)”, the words, figure and brackets “Subject to the provisions of sub-section (1)” shall be substituted;
- (ii) in sub-section (4),—
 - (a) for the words “without the prior sanction of the State Government, if the number of posts to be so created in a year for a Municipality is more than one per cent of the total number of sanctioned posts of officers and other employees in existence in the year immediately preceding:”, the words “without the prior sanction of the State Government” shall be substituted;
 - (b) the proviso shall be omitted.

The West Bengal Municipal (Amendment) Act, 2002.

(Sections 15-18.)

Amendment of
section 54.**15.** In section 54 of the principal Act,—

- (i) for sub-section (1), the following sub-section shall be substituted:—
“(1) The State Government may constitute cadres for the State in respect of Executive Officers, Health Officers, Engineers and Finance Officers referred to in sub-section (1) of section 53.”;
- (ii) for sub-section (2), the following sub-section shall be substituted:—
“(2) The State Government shall be the appointing authority of all the officers borne in the cadres constituted under sub-section (1), and shall be the authority to transfer such officers from one municipal area to another.”;
- (iii) in sub-section (3),—
(a) after the words “The appointment of all other officers and employees”, the words, figure and brackets “, not included in sub-section (1),” shall be inserted;
- (b) the proviso shall be omitted.

Insertion of new
section 55A.**16.** After section 55 of the principal Act, the following section shall be inserted:—“Municipal
Vigilance
Authority.

55A. (1) The Municipal Vigilance Authority appointed under sub-section (1) of section 27A of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to in this section as the said Act), shall, by virtue of sub-section (1) and sub-section (6) of section 27A of the said Act, enquire into any complaint of corruption, misconduct, lack of integrity or any other kind of malpractice or misdemeanour on part of any officer or other employee of a Municipality as and when required by the Board of Councillors concerned.”.

West Ben. Act
LIX of 1980.Amendment of
section 60A.**17.** In section 60A of the principal Act,—

- (i) in sub-section (2), for the words “in the matter of municipal establishment and in other matters as may be notified by the State Government from time to time.”, the words “as may be prescribed.” shall be substituted;
- (ii) in sub-section (3), for the words “in the matter of municipal finance and in other matters as may be notified by the State Government from time to time.”, the words “as may be prescribed.” shall be substituted;
- (iii) after sub-section (3), the following sub-section shall be inserted:—

“(4) In the case of absence of the Executive Officer or the Finance Officer, for any reason, the powers of the Executive Officer or the Finance Officer, as specified in the foregoing provisions of this section or elsewhere in this Act or the rules made under this Act, shall be exercised by the Chairman or by the Vice-Chairman or by any Councillor or by any officer of the Municipality as may be nominated by the Chairman in this behalf.”.

Insertion of new
section 66A.“Powers of the
Municipality to
enter into any
business or
venture.

66A. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Board of Councillors may, with the prior approval of the State Government, enter into any business alone, or a Joint Venture, or Partnership Business with any individual or organisation, on such terms and conditions as may be decided by the Board of Councillors and agreed to by the partner or partners of such Joint Venture or Partnership Business after being approved by the State Government.

The West Bengal Municipal (Amendment) Act, 2002.

(Section 19.)

(2) The Municipality may, with the prior approval of the State Government, invest the Municipal Properties, under section 75, in the Joint Venture or Partnership Business mentioned in sub-section (1).

(3) For financial investment from the Municipal Fund, either in any business proposed to be done by the Municipality alone or in the Joint Venture or Partnership Business mentioned in sub-section (1), existence of one of the following conditions shall be mandatory:—

- (a) the Municipality shall not have any deficit budget in the three preceding consecutive financial years; or
- (b) the Municipality shall be sure of earning profit from such Joint Venture or Partnership Business before completion of one year from the date of entering into such venture or business; or
- (c) the fund is required to be used for saving a certain Municipal Property, and the Board of Councillors is sure of earning profit within a period of five years from the date of such investment.

(4) After entering into any business alone or Joint Venture or Partnership Business, the Municipality shall send report once in every six months to the State Government detailing the progress of such business or Joint Venture or Partnership Business.

(5) If any Municipality, without showing proper reason, fails to fulfil the conditions specified in sub-section (3), the State Government may, by order, withdraw the Municipality from such business or Joint Venture or Partnership Business, and State Government may compensate, the other partner or partners of such business or Joint Venture or Partnership Business or any other person or organisation affected by the loss made in such business or Joint Venture or Partnership Business by deducting from the fund of the Municipality concerned, after being satisfied that such loss has been caused by the default of the Board of Councillors.”.

Substitution of
new section for
section 96.

19. For section 96 of the principal Act, the following section shall be substituted:—

“Property tax on
lands and buildings. 96. (1) For the purpose of this Act, a property tax on the annual value of lands and buildings as determined under this Chapter, shall be imposed by the Municipality.

(2) Such property tax shall be determined as follows:—

- (a) where the annual value of lands and buildings does not exceed nine hundred and ninety-nine rupees, the property tax shall be determined in accordance with the following formula:—

$$[\frac{\text{annual value}}{100} + 10] \text{ per cent of the annual value,}$$

- (b) where the annual value of lands and buildings exceeds nine hundred and ninety-nine rupees, the tax shall be determined in accordance with the following formula:—

$$[\frac{\text{annual value}}{1000} + 20] \text{ per cent of the annual value:}$$

Provided that the property tax shall not exceed 30 per cent of the annual value of lands and buildings:

Provided further that the formula, specified in this sub-section, shall come into effect at the time of fresh or next valuation of lands and buildings taken up in any Municipality after commencement of the West Bengal Municipal (Amendment) Act, 2002:

*The West Bengal Municipal (Amendment) Act, 2002.**(Sections 20-26.)*

Provided also that while calculating the percentage of property tax, the decimal figure below 0.5 shall be ignored and the decimal figure of 0.5 or above shall be rounded off to 1.

(3) The provisions of this section shall be made applicable for the Municipalities at the time of general valuation or revaluation of holdings under section 110 of the Act.”.

Omission of section 98.

20. Section 98 of the principal Act shall be omitted.

Amendment of section 101.

21. In section 101 of the principal Act,—

- (i) in clause (d), for the words “the State Government,”, the words “the State Government, or” shall be substituted;
- (ii) after clause (d), the following clause shall be inserted:—
“(e) any Government, or Government sponsored, school or college which is serving the cause of education without generating any surplus funds, or without being run on commercial lines.”

Amendment of section 105.

22. In section 105 of the principal Act, for the words “three hundred rupees.”, the words “five hundred rupees.” shall be substituted.

Amendment of section 106.

23. In sub-section (3) of the section 106 of the principal Act, for the words “a reasonable amount to be deducted on account of depreciation,”, the words and figures “an amount to be deducted as per rates provided under the Income Tax Act, 1961, applicable for the financial year of assessment on account of depreciation,” shall be substituted.

43 of 1961.

Amendment of section 108.

24. In sub-section (4) of section 108 of the principal Act, the following proviso shall be inserted:—

“Provided that if after enquiry it is found that the apartments have been built for the residential purpose and for the occupancy of individuals of families, such apartments shall be individually assessed even if registration under the West Bengal Apartment Ownership Act, 1972, is delayed or avoided.”.

Amendment of section 110.

25. In sub-section (3) of section 110 of the principal Act, for the words “once in every six years:”, the words “once in every five years:” shall be substituted.

Insertion of new section 115A.

26. After section 115 of the principal Act, the following section shall be inserted:—

“Self-assessment and submission of return. 115A. (1) Notwithstanding anything to the contrary contained elsewhere in this Act, any owner or person liable to pay property tax on—

- (a) any existing building which has been assessed earlier, or
- (b) any new building or existing building which has not been assessed, or
- (c) any existing building which has been redeveloped or substantially altered or improved after the last assessment, but has not been subject to revision of assessment consequent upon such redevelopment or alteration or improvement, as the case may be, or
- (d) any existing building or new building referred to in clause (a) or clause (b), the bills in respect of which have not been issued,

shall pay such amount or property tax, together with interest, if any, payable under any provision of this Act, on self-assessment:

The West Bengal Municipal (Amendment) Act, 2002.

(Section 26.)

Provided that such self-assessment, shall be certified by a valuer, holding a diploma from the Institute of Surveyors and enlisted with the Municipality for such valuation, where the total floor area of such new building exceeds 400 square meters:

Provided further that the valuation on self-assessment, where the total floor area of a existing building or new building exceeds 400 square meters or not, shall be,—

- (a) where the value of lands and buildings does not exceed Rs. 2.00 lakh of the self-assessed value $\text{— } 1$ per cent;
- (b) where the value of lands and buildings exceeds Rs. 2.00 lakh of the self-assessed value $\text{— } 1.5$ per cent.

Explanation.—For the purposes of this sub-section,—

- (1) “last assessment” shall mean the assessment where the annual value has been determined by the Municipality and communicated to the assessee;
- (2) “Institute of Surveyors” shall mean the Institute of Surveyors recognised as such by the Government of India;
- (3) “value” shall, in the case of an apartment, mean the cost of the apartment and the proportionate cost of the land.

(2) Any owner or person shall furnish to the Municipality a return of self-assessment in such form, and in such manner, as may be prescribed. Every such return shall be accompanied by proof of payment of the amount of property tax and interest, if any.

(3) The payment of the amount of property tax and interest, if any, shall be made, and such return shall be furnished, within sixty days of the commencement of the West Bengal Municipal (Amendment) Act, 2002.

(4) In the case of any new building for which an occupancy certificate has been granted or which has been taken possession of immediately after the commencement of the West Bengal Municipal (Amendment) Act, 2002, such payment shall be made, and such return shall be furnished, within thirty days of the expiry of the quarter in which such occupancy certificate is granted or such possession is taken, whichever is earlier.

Explanation.—Occupancy certificate may be provisional or final and may be for the whole or any part of the building. Possession may be of the whole or any part of a building.

(5) The payment of property tax shall continue to be made for each subsequent quarter and the last date of such payment shall be thirty days after the expiry of each such quarter.

(6) After the assessment under section 109 or revision of assessment under section 112 has been made, any amount paid on self-assessment under this section shall be deemed to have been paid on account of the assessment under section 109 or section 112, as the case may be.

(7) If any owner or other person, liable to pay the property tax under this Act, fails to pay the same together with interest, if any, in accordance with the provisions of this Act, he shall, without prejudice to any other consequence to which he may be subject, be deemed to be a defaulter in respect of the property tax or the interest or both remaining unpaid, and all the provisions of this Act applicable to such defaulter shall apply to him accordingly.

The West Bengal Municipal (Amendment) Act, 2002.

(Sections 27-34.)

(8) After the assessment is finally made under this Act, if the payment on self-assessment is found to be less than that of the amount payable by the assessee, in such case, the assessee shall pay up the difference within two months from the date of final assessment, failing which recovery shall be made in accordance with the provisions of this Act but, after the final assessment, if it is found that the assessee has paid excess amount, in such case, such excess amount shall be adjusted against the actual tax payable by the assessee.”.

Amendment of section 151.

27. In sub-section (5) of section 151 of the principal Act, the following proviso shall be inserted:—

“Provided that the Board of Councillors may, with the prior approval of the State Government, waive the interest as specified in this sub-section in respect of one or more holdings, either wholly or in part.”.

Amendment of section 207.

28. In sub-section (2) of section 207 of the principal Act, for the words “for another two years on payment of such fees as may be levied by the Board of Councillors by regulations.”, the words “for such period, and on payment of such fee, as may be prescribed.” shall be substituted.

Amendment of section 208A.

29. In section 208A of the principal Act,—

(i) in clause (b), for the words “unless the Board of Councillors, on an application made on this behalf, allows an extension of such period:”, the words and figures “or for such period for which it was granted under the West Bengal *Panchayat* Act, 1973, whichever is greater.” shall be substituted;

(ii) the proviso shall be omitted.

Amendment of section 212.

30. In the proviso to sub-section (2) of section 212 of the principal Act, after the words “to communicate its refusal to grant such permission,”, the words “such person may make a representation in writing to the Chairman, and the Chairman shall, after such inquiry as he may think fit and after giving such person an opportunity of being heard, grant such permission, or communicate his refusal to grant such permission stating the reasons therefor, within a period of thirty days from the date of receipt of the representation as aforesaid failing which” shall be inserted.

Amendment of section 215.

31. In sub-section (1) of section 215 of the principal Act, for the words “within two months of the receipt of the notice”, the words “on receipt of the notice” shall be substituted.

Omission of Chapter XIVA.

32. In Part V of the principal Act, Chapter XIVA shall be omitted.

Amendment of section 226.

33. For sub-section (2) of section 226 of the principal Act, the following sub-section shall be substituted:—

“(2) The supply of water for domestic and non-domestic uses may be charged for at such scale of fee, or price, as may be prescribed.”.

34. For section 232 of the principal Act, the following section shall be substituted:—

“Power to require water supply to be taken. **232.** (1) If, at any time, it appears to the Chairman-in-Council that any building or land in the municipal area is without a proper supply of wholesome water, the Chairman may, by written notice, require the owner or the lessee or the occupier of the building or the land or any person having any interest therein, as the case may be, to obtain from municipal water-mains such quantity of water as may be adequate for the requirement of the person usually occupying or employed upon the building or the land, and provide connection pipes of such size, materials and description, and take such necessary steps for the purpose, as may be provided by regulations within such period as may be specified in the notice.

Substitution of new section for section 232.

The West Bengal Municipal (Amendment) Act, 2002.

(Sections 35, 36.)

(2) On receipt of the written notice under sub-section (1), the owner or the lessee or the occupier of the building or the land, or the other person having an interest therein, as the case may be, shall—

- (a) obtain from the municipal water-mains such quantity of water as may be adequate for the requirement of the persons usually occupying in, or employed upon, the building or the land, as the case may be, and
- (b) provide connection pipes of such size, materials and description and take such necessary steps for the purpose, as may be provided by regulations, within such period as specified in the notice.

(3) If the owner or the lessee or the occupier of the building or the land or the other person, as the case may be, having an interest therein, does not comply with the notice within the period specified therein, the Board of Councillors shall—

- (a) obtain from the municipal water-mains such quantity of water as may be adequate for the requirement of the persons occupying in, or employed upon, the building or the land, as the case may be, and
- (b) provide connection pipes of such size, materials and description and take such necessary steps for the purpose, as may be provided by regulations,

and the cost incurred therefor by the Board of Councillors shall be recovered from the owner or the occupier of the building or the land or the other person having an interest therein, as the case may be, as an arrear of tax under this Act.”.

Amendment of
section 235.

35. In section 235 of the principal Act, for the words “the occupier may, after giving the owner and the Chairman three days’ notice in writing in such form as may be approved by the Municipality”, the words “the occupier may give to the owner and the Chairman three days’ notice in writing in such form as may be approved by the Municipality, and if the Municipality fails to get the repairs of all works done connected with the supply of water to the premises within three days from the date of receipt of the notice, the occupier may” shall be substituted.

Insertion of new
sections 429A
and 429B.

36. After section 429 of the principal Act, the following sections shall be inserted:—

“Power to remove
the Chairman or
the Vice-
Chairman.

429A. (1) Notwithstanding anything contained elsewhere in this Act, the State Government may, by an order in writing, remove, with effect from a date to be specified in the order, any Chairman or Vice-Chairman of any Municipality from his office if, in its opinion, he wilfully omits or refuses to carry out the provisions of this Act or of any rules or orders made thereunder or abuses the powers vested in him under this Act.

(2) The State Government shall, before making any order under sub-section (1), give to the person concerned an opportunity of making a representation against the proposed order of removal.

Directions by the
State Government.

429B. In the discharge of their functions, the Municipalities shall be guided by such directions as may be given to them by the State Government in conformity with the provisions of this Act.”.

By order of the Governor,

A. K. BHATTACHARYA,
Secy. to the Govt. of West Bengal.