

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act XXII of 2000

THE WEST BENGAL MUNICIPAL (AMENDMENT) ACT, 2000.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,
Extraordinary, of the 25th August, 2000.]

[25th August, 2000.]

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

West Ben.
Act XXII of
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-first 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 (Amendment) Act, 2000.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In section 2 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the principal Act),—

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

(1) after clause (22), the following clauses shall be inserted:—

‘(22A) “heritage building or site” means any building of one or more premises, or any part thereof, or any monument, or any precinct, or any site, which requires preservation and conservation for historical, architectural, environmental or cultural purpose, and includes such portion of the land adjoining such building or any part thereof as may be required for fencing or covering or otherwise preserving such building, and also includes the areas and buildings requiring preservation and conservation for the purpose as aforesaid under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979;

West Ben.
Act XIII of
1979.

(Sections 3-6.)

(22B) "Heritage Conservation Committee" means the Heritage Conservation Committee constituted under sub-section (1) of section 225D;';

(2) after clause (44), the following clause shall be inserted:—

'(44A) "office-bearer" means the Chairman, the Vice-Chairman, or a member of the Chairman-in-Council;';

Amendment
of section 14.

3. In sub-section (4) of section 14 of the principal Act, for the words and figures "and thereupon the provisions of section 431 shall apply *mutatis mutandis*.", the words "and all the powers or 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 person or persons to be designated as Administrator or Board of Administrators as the State Government may, by notification, appoint." shall be substituted.

Amendment
of section 15.

4. In sub-section (2) of section 15 of the principal Act,—

(1) for the words "as soon as possible after he enters into office,", the words "within a period of thirty days of his entering into office," shall be substituted, and

(2) the following proviso shall be added at the end:—

"Provided that the State Government may, on an application by the Chairman and for reasons to be recorded in writing, extend the period as aforesaid by such period not exceeding thirty days as the State Government may think fit."

Amendment
of section 18.

5. Sub-section (4) of section 18 of the principal Act shall be omitted.

Amendment
of section 19.

6. For sub-section (2) of section 19 of the principal Act, the following sub-section shall be substituted:—

"(2) When—

(a) the office of the Chairman falls vacant by reason of death, resignation, removal or otherwise, or

(b) the Chairman is, by reason of leave, illness or other cause, temporarily unable to exercise the powers, perform the functions and discharge the duties of his office,

the Vice-Chairman shall exercise the powers, perform the functions and discharge the duties of the Chairman until a Chairman is elected under sub-section (3) of section 17 and assumes office or until the Chairman resumes his duties, as the case may be."

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(Sections 7-9.)

7. After section 19 of the principal Act, the following section shall be inserted:—

Insertion of
new section
19A.

“Making over
of charge by the
Chairman. 19A. (1) On the election of the Chairman following a general election or on the office of the Chairman otherwise falling vacant, 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 shall make over all the cash, assets, documents, registers and seals which he may have in his possession, custody or control as soon thereafter as possible on such 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 to the newly elected Chairman or, in the case of a vacancy occurring otherwise, to the Vice-Chairman or to the Chairman appointed under the provisions of sub-section (2), or sub-section (4), of section 17 or to such person or persons appointed under the provisions of sub-section (3) of section 431 or section 431A in the presence of the District Magistrate or any other Executive Magistrate authorised by the District Magistrate in this behalf.

(2) On the inclusion of a municipal area in a *Gram Panchayat* under sub-section (1) of section 6A of the West Bengal *Panchayat* Act, 1973, the Chairman 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 immediately before the inclusion of such municipal area in the *Gram Panchayat*, shall make over the properties, funds and liabilities of the Municipality in respect of the area so included to the *Gram Panchayat*, the *Panchayat Samity*, the *Zilla Parishad* or the *Mahakuma Parishad*, in accordance with such allocation as may be determined by the prescribed authority referred to in clause (a) of sub-section (3) of section 6A of that Act.

West Ben.
Act XLI of
1973.

8. In section 21 of the principal Act,—

Amendment
of section 21.

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

“(d) a newly elected Chairman enters upon his office in the case of any casual vacancy in the office of the Chairman caused by death, resignation, removal or otherwise.”;

(2) clause (e) shall be omitted.

9. In section 21B of the principal Act,—

Amendment
of section
21B.

(1) in sub-section (1),—

(a) in clause (a), after sub-clause (i), the following sub-clause shall be inserted:—

“(iA) joined another recognised political party, or”;

(Sections 10-12.)

(b) in clause (b),—

(i) for the words “he is an elected Councillor set up by a recognised political party”, the words “he is an elected Councillor not set up by a recognised political party” shall be substituted, and

(ii) in the second proviso, for the words, figures, letter and brackets “referred to in sub-clause (ii) of clause (a)”, the words, figures, letters and brackets “referred to in sub-clause (iA), or sub-clause (ii), of clause (a)” shall be substituted;

(2) in clause (a) of sub-section (7), after clause (i), the following clause shall be inserted:—

“(iA) joined another recognised political party, or”.

Insertion of
new section
21C.

10. After section 21B of the principal Act, the following section shall be inserted:—

“Leader of
Opposition.

21C. There shall be a Leader of Opposition in a Municipality, who shall be a Councillor of the Municipality and who is, for the time being, the Leader of the recognised political party in opposition in the Municipality having the greatest numerical strength and recognised as such by the Chairman:

Provided that where there are two or more recognised political parties in opposition in the Municipality having the same numerical strength, the Chairman shall, having regard to the status of the recognised political parties, recognise any one of the Leaders of such recognised political parties as the Leader of the Opposition, and such recognition shall be final and conclusive.”.

Amendment
of section 23.

11. In sub-section (2) of section 23 of the principal Act, for the words “as the State Government may, by notification, determine.”, the words “as may be prescribed.” shall be substituted.

Amendment
of section 54.

12. In section 54 of the principal Act, after sub-section (4), the following sub-section shall be inserted:—

“(5) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, but subject to the provisions of sub-section (2), the Board of Councillors may, by resolution, decide to engage, on contract basis with the prior approval of the State Government, officers and other employees of a Municipality against such posts of such officers and other employees as may be created under section 53:

Provided that the remuneration for, and the other terms and conditions of, such engagement shall be such as the State Government may approve.”.

(Sections 13-15.)

- 13.** In section 60A of the principal Act,—
- Amendment
of section
60A.
- (1) in sub-section (1), for the words “He may be required to be present at a meeting of the Councillors or of any committee by the Chairman”, the words “He shall be present at a meeting of the Councillors or of any committee” shall be substituted;
 - (2) in sub-section (2), for the words “the Executive Officer and the Finance Officer shall exercise such powers and perform such functions”, the words “the Executive Officer shall exercise such powers and perform such functions in the matter of municipal establishment and in other matters” shall be substituted;
 - (3) after sub-section (2), the following sub-section shall be inserted:—

“(3) Subject to the supervision and control of the Chairman, the Finance Officer shall exercise such powers and perform such functions in the matter of municipal finance and in other matters as may be notified by the State Government from time to time.”.
- 14.** In section 66 of the principal Act,—
- Amendment
of section 66.
- (1) for the word “transfer,”, the words “transfer by contract or otherwise,” shall be substituted,
 - (2) for the words “to any organisation,”, the words “to any individual or organisation,” shall be substituted, and
 - (3) for the words “as may be prescribed.”, the words “as may be determined by the Board of Councillors and approved by the State Government.” shall be substituted.
- 15.** In sub-section (1) of section 92 of the principal Act,—
- Amendment
of section 92.
- (1) for the words “or as soon as may be at any meeting subsequent thereto,”, the words “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,” shall be substituted, and
 - (2) the following proviso shall be added at the end:—

“Provided that the State Government may, on an application by the Chairman and for reasons to be recorded in writing, extend the period as aforesaid by such period not exceeding thirty days as the State Government may think fit.”.

(Sections 16-20.)

Amendment
of section
101.

16. In section 101 of the principal Act,—

- (1) in clause (c), for the words “properties of Government,” the words “properties of Government, or” shall be substituted, and
- (2) after clause (c), the following clause shall be inserted:—
“(d) social welfare homes run by the State Government.”

Substitution
of new
section for
section 105.

17. For section 105 of the principal Act, the following section shall be substituted:—

“Exemption of certain holdings from property tax. **105.** The Board of Councillors may exempt from property tax any holding, the annual valuation of which does not exceed three hundred rupees.”

Amendment
of section
112.

18. To sub-section (1) of section 112 of the principal Act, the following proviso shall be added:—

“Provided that where the Review Committee reduces the valuation of any land or building, such reduction shall not be more than twenty-five *per centum* of the annual valuation of such land or building except in the case of gross arithmetical or technical mistake, and the Review Committee shall, in every such case, record in writing the reasons for such reduction.”

Amendment
of section
118.

19. In section 118 of the principal Act, for the words “at a meeting;”, the words “by regulations:” shall be substituted.

Substitution
of new
section for
section 132.

20. For section 132 of the principal Act, the following section shall be substituted:—

“Ferries may be declared as municipal ferries. **132.** (1) Where ferry plies between two points on a water course within the limits of different municipal areas, the State Government, after considering the views of the Board of Councillors of the respective municipal areas, may declare such ferry to be a municipal ferry, and direct that the profits derivable from the plying of such ferry shall be shared equally by the Municipalities governing the terminal points of such ferry and shall be credited to the Municipal Funds of the concerned Municipalities:

Provided that the leasing of such ferry shall be made by the concerned Municipalities by turns.

(2) Where a ferry plies between two points on a water course and both the points are situated within one municipal area or one point is situated within the limits of a municipal area and the other point is situated within the limits of any other local authority, not being a Municipality, the

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(Sections 21-23.)

State Government, after considering the views of the concerned Board of Councillors of such municipal area and the other local authority as aforesaid, may declare such ferry to be a municipal ferry, and, thereupon, the profits derivable from the plying of such ferry shall be credited to the Municipal Fund of the concerned Municipality:

Provided that every such ferry including the terminal points shall be maintained by the concerned Municipality.

(3) Due compensation to any person for the loss which he may have sustained as a result of a ferry being declared to be a municipal ferry shall be given by the concerned Board of Councillors in the case of any ferry being declared to be a municipal ferry under sub-section (2), and in equal shares by the concerned Boards of Councillors in the case of any ferry being declared to be a municipal ferry under sub-section (1):

Provided that the amount of compensation due in each such case shall be ascertained and awarded by an Executive Magistrate under section 17 of the Bengal Ferries Act, 1885, or any other law for the time being in force.”.

Ben. Act I of 1885.

21. In section 138 of the principal Act, for the words “whenever matters relating to ferries concern more than one Municipality or”, the words “whenever matters relate to” shall be substituted.

Amendment of section 138.

22. In section 208 of the principal Act, the words “this section,” shall be omitted.

Amendment of section 208.

23. In part V of the principal Act, after chapter XIV, the following chapter shall be inserted:—

Insertion of new chapter XIVA.

‘CHAPTER XIVA

Preservation and Conservation of Heritage Buildings.

Owner to maintain preserve and conserve heritage building or site. 225A. Every owner or occupier of any heritage building or site declared as such by the Municipality shall maintain, preserve and conserve it and shall not change its use in contravention of the provisions of this Act or the rules or the regulations made thereunder for its maintenance, preservation or conservation.

Explanation I.—The word “maintain”, with its grammatical variations and cognate expressions, shall include fencing, covering, repairing, restoring or cleansing, or doing of any act which may be necessary for the purpose of preserving or conserving, of, or securing convenient access to, a heritage building or site.

(Section 23.)

Explanation II.—“Owner” shall, notwithstanding anything contained elsewhere in this Act, include, for the purposes of this chapter,—

- (a) a joint owner of a heritage building or site vested with the power of management thereof on behalf of himself and any other joint owner, or successor-in-title of any such joint owner; or
- (b) a manager, or trustee, vested with the power of management of a heritage building or site, or successor-in-office of such manager or trustee.

Power of Municipality to declare a building or site as a heritage building or site. 225B. Where the Municipality, on the recommendation of the Heritage Conservation Committee and also of the Chairman-in-Council, is of the opinion that any building or site in the municipal area should be preserved and conserved for historical, architectural, environmental or cultural purpose, it may declare such building or site as a heritage building or site:

Provided that during the period when any proposal for declaring a building or site as a heritage building or site is under consideration of the Heritage Conservation Committee or the Chairman-in-Council, no owner of such building or site, or no lessee or sub-lessee to whom such building or site has been leased out, shall transfer such building or site by way of sale, lease or mortgage without the prior approval of the Board of Councillors.

Gradation of heritage building. 225C. The gradation of a heritage building according to its historical, architectural, environmental or cultural purpose shall be such as may be prescribed.

Heritage Conservation Committee. 225D. (1) The Chairman-in-Council 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.

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(Section 23.)

(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 Committee shall, in accordance with the provisions of this Act and the rules and the regulations made thereunder, scrutinize every application or proposal for declaration of a building or site as a heritage building or site, and recommend to, and also advise, the Chairman-in-Council in respect of the preservation and conservation of such building or site as a heritage building or site.

(5) The Committee shall meet at such periodical interval as may be determined by the Chairman-in-Council.

(6) The Chairman shall, in the case of emergency, take such measures as may be necessary for the preservation and conservation of a heritage building or site, provided that such measures shall be required to be approved by the Heritage Conservation Committee at its meeting.

Powers and
functions of
Heritage
Conservation
Committee.

225E. The Heritage Conservation Committee shall have the power to function independent of the Board of Councillors for the purpose of preservation, conservation and maintenance of heritage buildings in so far as such power does not offend any other provisions of this Act or the rules made thereunder relating to construction or use of building:

Provided that for erection or re-erection in a heritage building or part thereof, or for restoration of any heritage building to its old shape, design or beauty in the case of unlawful demolition, or for making any change of internal or external wall, structural pattern, floor, roof, interior or exterior architectural floor, facade or skyline, or for any other change, of a heritage building, the provisions of chapter XIV of this Act and the rules made thereunder shall apply *mutatis mutandis*.

Power of
Municipality to
require, purchase
or take on lease
heritage building
or site.

225F. Subject to the other provisions of this Act, the Municipality may acquire, purchase or take on lease any heritage building or site for the purpose of preservation and conservation thereof:

Provided that in the case of a heritage building or site declared as such for the purpose of preservation and conservation as required under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979, the approval of the concerned department of the State Government shall be taken.

(Section 23.)

Transfer of right of development for the purpose of acquisition by agreement.

225G. When the owner of any heritage building or site is not willing to preserve or conserve any heritage building or site, the Chairman may, for the purpose of acquisition of such heritage building or site by agreement and on the recommendation of the Heritage Conservation Committee and with the approval of the Chairman-in-Council, allow the transfer of right of development of such heritage building or site, which shall be heritable and transferable, to the owner of such heritage building or site in such manner, and subject to such conditions, as may be prescribed.

Explanation I.—“Development” shall have the same meaning as in clause (7) of section 2 of the West Bengal Town and Country (Planning and Development) Act, 1979.

West Ben.
Act XIII of
1979.

Explanation II.—“Right of development” in relation to a heritage building or site shall mean the right of development, in the prescribed manner, of such potentials as may be available in respect of such heritage building on a plot of land or such site different from the land and building comprising the heritage building or from the site but in the same ward of the Municipality.

Right of access to heritage building or site acquired by Municipality.

225H. Subject to such rules or regulations as may be made under this Act, every person shall have the right of access to any heritage building or site acquired by the Municipality.

Sub-lease of heritage building or site.

225I. The Municipality shall have the right to allow the transfer of right of development to the lessee of a heritage building or site where the unexpired period of the term of lease is for 90 years, and to take the heritage building or site on sub-lease by agreement, if there is provision for such sub-lease in the deed executed between the owner and the lessee, provided that the question of payment of premium or rent in such case to the owner shall not, notwithstanding any agreement in this behalf, arise, and if the owner as confirming party to the agreement waives the right to receive any further payment of such premium or rent.

Permission of concerned department of State Government before acquisition of heritage building or site.

225J. If the Municipality considers that it is necessary to acquire any building or site declared as a heritage building or site for the purpose of preservation and conservation as required under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979, by agreement or under the Land Acquisition Act, 1894, permission of the concerned Department of the State Government shall be taken before such acquisition.

I of 1894.

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(Section 23.)

Power to
exempt rates
and taxes, etc.
on heritage
building or site.

225K. If the owner of a heritage building or site enters into an agreement with the Municipality to maintain, preserve and conserve such heritage building or site properly at his own expenses, the Municipality may, in such case, exempt wholly or partly the owner of such heritage building or site from payment of rates or taxes or fees for supply of water or any other charges in respect of such heritage building or site.

Agreement with
owner of
heritage
building or site
pending
acquisition.

225L. (1) The Chairman may, pending acquisition of a heritage building or site by the Municipality under this Act and with approval of the Chairman-in-Council, propose to the owner of such heritage building or site to enter into an agreement with the Municipality for a specified period for the maintenance of such heritage building or site.

(2) The agreement as aforesaid may provide for all or any of the following matters:—

- (a) maintenance of the heritage building or site by the owner or by any other person willing to maintain the said heritage building or site;
- (b) custody of the heritage building or site and the duties of the person who may be employed to watch it;
- (c) the restrictions on the owner's right—
 - (i) to use the heritage building or site for any other purpose detrimental to its conservation,
 - (ii) to charge any fee for entry into, or inspection of, the heritage building or site, and
 - (iii) to build on or near the site of the heritage building or site.

Voluntary
contribution and
agreement with
any voluntary
organisation,
person of
company.

225M. (1) The Chairman may receive voluntary contributions towards the cost of maintaining any heritage building or site and may give order as to the management and application of such contributions for the purpose of preservation and conservation of such heritage building or site.

(2) Subject to the approval of the Chairman-in-Council, the Chairman may enter into any agreement with any person or voluntary organisation or company, whether incorporated or not, willing to preserve and conserve any heritage building or site on such terms and conditions as the Chairman-in-Council may determine.

(Section 23.)

Taking over
management
and control of
heritage
building or site.

225N. (1) If the Chairman, on receipt of any information, is satisfied that the owner of a heritage building or site fails to preserve or conserve the heritage building or site, the Chairman may, when the heritage building or site is vacant and after hearing the owner, by order in writing, take over the management and control of such heritage building or site for the purpose of preservation and conservation thereof, suspending the right of the owner to transfer such heritage building or site for a maximum period of five years, subject to acquisition either by agreement or under the provisions of the Land Acquisition Act, 1894.

I of 1894.

(2) The Chairman shall thereafter notify the heritage building or site for letting it out by agreement to any person as tenant for the purpose as aforesaid, and the owner shall be entitled to an amount equal to the reasonable letting value of the heritage building or site as rent less the cost on account of preservation and conservation of the heritage building or site.

When heritage
building or site
cases to be
heritage building
or site.

225O. If the Municipality decides that any heritage building or site has ceased to be of public interest or has lost its importance for any reason whatsoever, it may, with the approval of the State Government, declare that such heritage building or site has ceased to be a heritage building or site for the purposes of this Act.

Penalty. 225P. (1) Any person who destroys, removes, alters, defaces or misuses any heritage building or site or does any act, or abets in the commission thereof, in contravention of any provision of this chapter or the rules or the regulations made thereunder, shall be punishable with rigorous imprisonment for a term which may extend to three years and also with fine which may extend to fifty thousand rupees and, in default, with further rigorous imprisonment for six months.

(2) Any court convicting any person under this section shall, by order, direct such person to restore the heritage building or site to its former shape and beauty at his cost, and any failure to comply with such order shall be deemed to be a continuing offence and such person shall be punishable with an additional fine of rupees two hundred and fifty for every day during which such contravention or failure continues after conviction for the first such contravention.

(3) Where an offence under this section has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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(Section 24.)

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(4) Notwithstanding anything contained in sub-section (3), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals;
- (b) “director”, in relation to a firm, means a partner in the firm; and
- (c) “person” shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier who supervises or causes erection, destruction, removal, defacement or misuse of any heritage building or site.

Power of the State Government to make rules for the purpose of this chapter.

this chapter.’.

225Q. Notwithstanding anything contained elsewhere in this Act, the State Government may make rules to provide for any matter considered necessary for the purpose of implementation of the provisions of

Substitution of new section for section 333.

24. For section 333 of the principal Act, the following section shall be substituted:—

“Prevention of mosquito-breeding. 333. (1) If, in the opinion of the Chairman-in-Council, any pool, ditch, tank, well, pond, swamp, quarry, hole, drain, cesspool, watercourse, pit, cistern, desert or air-cooler, ground, underground, or overhead tank or any collection of water, or any land on which water may, at any time, accumulate, is or likely to become a breeding place of mosquitoes or, in any other respect, becomes a nuisance, the Chairman-in-Council may by notice require the owner or the person having control thereof to take all or any of the following actions:—

- (a) to clean, or drain off or remove water therefrom, or to provide cover thereto, or

(Section 24.)

- (b) to have any courtyard, lane, passage, or open space paved with such material, and in such manner, as may be directed by the Chairman-in-Council, to keep such paving in proper repair, or to raise the level of such courtyard, lane, passage, or open space, or
- (c) to fill up unwholesome waterbody:

Provided that any unwholesome waterbody may be filled up only after compliance with the provisions of section 4C of the West Bengal Land Reforms Act, 1955, by the owner or the person having control thereof.

West Ben.
Act X of
1956.

(2) No person shall keep, or permitted to be kept or maintained, within any premises or land any collection of stagnant or flowing water which, in the opinion of the Chairman-in-Council, is, or is likely to be, a breeding place for mosquitoes, unless such collection of water is treated in such manner as may effectively prevent the breeding of mosquitoes.

(3) All borrow pits dug in the course of construction and repairs of buildings, roads, or embankments shall be deep and connected with each other in the formation of a drain directed towards the lowest level and properly sloped for discharge into a river, stream, channel, or drain, and no person shall create any isolated borrow pit which, is likely to cause accumulation of water which again, in turn, may breed mosquito.

(4) The owner or occupier of any premises shall not keep therein any bottle, tyre (old or new), vessel, can, container or receptacle in such manner as may allow it to collect, or to retain, water which may breed mosquito, and shall clean and dry such bottle, tyre (old or new), vessel, can, container or receptacle at the interval of seven days.

(5) The owner or occupier of any premises shall wrap the openings of the vent-pipes and the outlets of septic tanks with proper mosquito-proof nets and shall maintain covering slabs of septic tanks to prevent entry and exit of mosquitoes.

(6) The owner or occupier of any premises shall seal the overhead tanks, cisterns or water receptacles to prevent mosquito breeding, and shall provide safe ladder for making the overhead tanks or cisterns or water receptacles approachable in order to facilitate inspection of the water in the container by the municipal authorities.

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(Sections 25-28.)

(7) For construction of permanent water collections such as swimming pools, artificial fountains, or water reservoirs, constructed for the purpose of beautification,—

- (a) an application shall be submitted to the Municipality, stating therein the anti-larval measures, which shall be taken by the applicant to keep the water free of mosquito larvae;
- (b) the Board of Councillors, after considering the application, shall issue a license to the applicant;
- (c) the applicant shall receive the said license on payment of such fee as may be determined by the Board of Councillors, and the license shall be renewed annually.

(8) The owner or the occupier of any private pond or water reservoir shall keep such pond or water reservoir free from water hyacinth or allied weeds to prevent mosquito breeding.

(9) If any person contravenes any provision of this section or fails to comply with any requirement under this section, he shall be punished with fine which may extend to one thousand rupees, and a daily fine of fifty rupees in the case of continuance of such contravention commences from the day on which such contravention is brought to the notice of such person by the municipal authority.”.

25. In section 363 of the principal Act,—

- (1) for the words “a register to be maintained wherein the”, the words “registration of” shall be substituted,
- (2) the words “shall be entered” shall be omitted, and
- (3) for the word “prescribed.”, the words “determined by regulations.” shall be substituted.

Amendment
of section
363.

26. In section 364 of the principal Act,—

- (1) for the words “eight days”, the words “twenty-one days” shall be substituted, and
- (2) for the word “prescribed:”, the words and figures “required under the Registration of Births and Deaths Act, 1969:” shall be substituted.

Amendment
of section
364.

27. In section 365 of the principal Act, for the words “eight days”, the words “twenty-one days from the date” shall be substituted.

Amendment
of section
365.

28. In section 366 of the principal Act,—

- (1) after the words “to give,”, the words “within twenty-one days from the date of its occurrence and” shall be inserted, and
- (2) for the words “as may be prescribed within twenty-four hours of its occurrence:”, the words and figures “as may be required under the Registration of Births and Deaths Act, 1969:” shall be substituted.

Amendment
of section
366.

(Sections 29-32.)

Amendment
of section
379.

29. In section 379 of the principal Act, for the words and figures “section 5 and section 6,” the words and figures “section 5, section 6 and section 9,” shall be substituted.

Amendment
of section
431.

30. In sub-section (4) of section 431 of the principal Act, for the words “The State Government shall hold a general election to the Municipality within six months of its dissolution and shall take steps”, the words “A general election to the Municipality shall be held within six months of its dissolution” shall be substituted.

Insertion of
new section
431A.

31. After section 431 of the principal Act, the following section shall be inserted:—

“Special provision
in the case of
prohibitory order
from court.

431A. Where, by reason of any order of a competent court, the Board of Councillors is unable to exercise the powers, or perform the duties, or discharge the functions, conferred or imposed on it by or under any provision of this Act or the rules or the regulations made thereunder, the State Government may appoint any authority, or any person or persons, to exercise the powers, or perform the duties, or discharge the functions, as the case may be, during the period of such inability, in such manner, and on such conditions, as the State Government may, by order, direct.”.

Insertion of
new sections
433A and
433B.

32. After section 433 of the principal Act, the following sections shall be inserted:—

“Member, officers
and employees
to be public
servants.

433A. All the members of a Board of Councillors and all the officers and other employees of a Municipality shall, while acting, or purporting to act, in pursuance of, or in exercise of any power conferred by or under, any provision of this Act or the rules or the regulations made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

State Government
to place officers
and employees at
the disposal of
Municipalities.

433B. (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force,—

- (a) upon the issue of any direction to any Municipality to exercise any power or to perform any function or to discharge any duty, or
- (b) upon the transfer to any Municipality of any function, or control and management of any property,

under any provisions of this Act, the State Government shall, subject to such conditions as it may deem fit to impose, place at the disposal of the

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(Section 33.)

Municipality the services of such officers and other employees as may be necessary to enable it to exercise such power or perform such function or discharge such duty, as the case may be.

(2) The officers and other employees, whose services are so placed at the disposal of the Municipality, shall continue to be the officers and other employees of the State Government and their salary, allowances and other benefits shall be met from the Consolidated Fund of the State:

Provided that where any disciplinary or other action is required to be taken against any such officer or other employee, the Municipality shall make a reference to the State Government for appropriate action.

(3) Where any power or function or duty as conferred or imposed on any Municipality by or under any other law for the time being in force, such law shall have effect as if this section had formed a part of such law, and thereupon such law shall be deemed to have been amended accordingly.”

33. In sub-section (1) of section 434 of the principal Act, after the words “the Municipal Engineering Directorate of the State Government”, the words “, or the Calcutta Metropolitan Development Authority, or any other development authority or development organisation, or any department of the State Government, or any under-taking of the State Government” shall be inserted.

Amendment
of section
434.