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PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 198-L.—17th February, 2010.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XV of 2009

**THE WEST BENGAL MUNICIPAL CORPORATION
(AMENDMENT) ACT, 2009.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Kolkata Gazette,
Extraordinary, of the 17th February, 2010.]*

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

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

West Ben. Act
XXXIX of 2006.

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

*The West Bengal Municipal Corporation (Amendment)
Act, 2009.*

(Sections 1, 2.)

Short title and
commencement.

1. (1) This Act may be called the West Bengal Municipal Corporation (Amendment) Act, 2009.

(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 XXXIX of
2006.

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

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

“(2A) ‘annual value’ means the annual value of any land comprising any building or any vacant land or covered space of any building or portion thereof determined under this Act;”;

(b) after clause (4), the following clause shall be inserted :—

“(4A) ‘base unit area value’ means the uniform rate per square feet of any land comprising building or any vacant land or covered space of building or portion thereof, as the case may be, to be determined under sub-section (3) of section 119A by the Municipal Valuation Committee;”;

(c) after clause (63), the following clause shall be inserted :—

“(63A) ‘Municipal Valuation Committee’ means the Municipal Valuation Committee constituted under this Act;”;

(d) for clause (78), the following clause shall be substituted :—

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

(e) after clause (90), the following clause shall be inserted :—

“(90A) ‘Scheme’ means the scheme published under sub-section (3) of section 119A;”;

(f) after clause (104), the following clause shall be inserted :—

“(104A) ‘vacant land’ for the purpose of assessment of property tax, means any vacant land with any water body or any water body and shall also include land within a premises excluding the land occupied by plinth of any building erected thereon in which the covered area is below a certain percentage of the plot area as may be determined by the Corporation in case of valuation under section 119, and in the scheme in case of valuation under section 119A, and also for the purpose of assessment of property tax, any space at the ground level which is open to sky with a floor made of cement concrete or any other material or separately transferred roof shall also be treated as vacant land;”;

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(Sections 3-7.)

(g) for clause (110), the following clause shall be substituted :—

“(110) ‘year’ means a financial year beginning on the first day of April and ending on 31st March of the following year.”.

Amendment of
section 3.

3. In section 3 of the principal Act,—

(1) after the words “more than one municipal area”, the words “under the West Bengal Municipal Act, 1993, or part thereof” shall be inserted;

West Ben. Act XXII
of 1993.

(2) in clause (iii), for the words “three-fourth”, the words “one-half” shall be substituted.

Amendment of
section 8.

4. In section 8 of the principal Act, in the second proviso, after the words “taken into consideration”, the words and letters, if such views are expressed in writing within the period as stipulated in the notification expressing intention of the State Government to act under clauses (a) to (g),” shall be inserted.

Amendment of
section 10.

5. In section 10 of the principal Act, in sub-section (1),—

(a) for the words “shall mean the Board of Councillors charged with the authority of Municipal Government of the Corporation area”, the words “shall be a Corporation charged with Municipal Government of area, to be known as a Municipal Corporation” shall be substituted;

(b) in clause (b), after the words “as may be nominated by the State Government”, the words “, in consultation with the Corporation,” shall be inserted.

Amendment of
section 13.

6. In clause (d) of section 13 of the principal Act, after the words and figures “the West Bengal Panchayat Act, 1973”, the words and figures “,or is constituted a municipal area, a notified area or an industrial township under the West Bengal Municipal Act, 1993” shall be inserted.

West Ben. Act XLI
of 1973.

Insertion of new
section 23A after
section 23.

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

“Area Sabha.

23A. (1) There shall be an Area Sabha in every ward comprising of one or more polling booths and consisting of persons whose names are included in the part of the electoral roll of the polling booth concerned.

(2) The composition and function of Area Sabha shall be such as may be prescribed.”.

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Act, 2009.*

(Sections 8, 9.)

Amendment of
section 24.

8. For sub-section (1) of section 24 of the principal Act, the following sub-section shall be substituted :—

“(1) At the first meeting of the Corporation or at the meetings subsequent thereto, the Corporation 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) Health and Sanitation Standing Committee;
- (e) Public Works and Public Safety Standing Committee;
- (f) Education and Urban Poverty Alleviation Standing Committee:

Provided that notwithstanding anything contained in this section, the Corporation may, if it thinks necessary, recast the shape of Standing Committees by way of segregating or amalgamating the functions mentioned above, and may also constitute the Standing Committees, other than those mentioned above, if it so thinks fit.”.

Insertion of new
sections 29A, 29B
and 29C after
section 29.

9. In Chapter III of the principal Act, after section 29, the following sections shall be inserted :—

“Constitution of Joint
committee.

29A. (1) The State Government may, if it considers necessary so to do, constitute a Joint Committee for more than one Municipal Corporation, or for one or more Municipal Corporations with other local authority or local authorities for any purpose in which they are jointly interested or for delegating to it any power or function which calls for joint action.

(2) The Joint Committee shall consist of the following members:—

- (i) two nominees of each of the Municipal Corporations or local authority concerned;
- (ii) one nominee of each of the concerned departments of the State Government and of the concerned local authorities;
- (iii) such expert or experts as the State Government may nominate;
- (iv) Director of Local Bodies or his representative who shall also act as the convenor of the Committee.

(3) The procedure of transaction of business and the meeting by a Joint Committee shall be such as may be prescribed.

Self help group and
Community Development
Society.

29B. (1) The Board of Councillors shall ensure constitution of Self-Help Groups and Community Development Society, consisting of the women members of the families, identified as the families below poverty line, residing within the Corporation area.

(2) Composition, manner of constitution and functions of Self-Help Groups and the Community Development Society shall be such as may be determined by the State Government, by order.

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(Sections 10-15.)

Note.—In this section ‘below poverty line’ means the poverty line as may be determined by the Government of India.

Poverty Alleviation Cell. 29C. (1) The Corporation shall ensure constitution of a Poverty Alleviation Cell for the Corporation.

(2) Composition, manner of constitution and functions of the Poverty Alleviation Cell shall be such as may be determined by the State Government, by order.”.

Amendment of
section 30.

10. In section 30 of the principal Act,—

(a) in sub-section (2), after the words, figure and brackets “in sub-section (1)”, the words “,excepting the Deputy Commissioner, Revenue,” shall be inserted;

(b) after sub-section (2), the following sub-section shall be inserted :—

“(2A) The post of the Deputy Commissioner, Revenue shall be filled up from amongst the persons who are in service of the State Government in the Municipal Executive Officers’ Service constituted under the West Bengal Municipal Act, 1993.”.

West Ben. Act XXII
of 1993.

Insertion of new
section 34A after
section 34.

11. After section 34 of the principal Act, the following section shall be inserted:—

“Municipal Vigilance
Authority.

34A. 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 Corporation as and when required by the Commissioner of the Corporation concerned.”.

West Ben. Act LIX
of 1980.

Amendment of
section 37.

12. In section 37 of the principal Act, after sub-section (4), the following sub-section shall be inserted :—

“(5) Notwithstanding anything contained in this section, the Municipal Service Commission constituted under 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 Corporation as the State Government may, in consultation with the Mayor-in-Council of the Corporation, by notification, determine.”.

Amendment of
section 41.

13. In sub-section (3) of section 41 of the principal Act, for the words “proceedings”, the words “All minutes of proceedings” shall be substituted.

Amendment of
section 43.

14. In sub-section (2) of section 43 of the principal Act, after the words “Deputy Mayor shall”, the words and figures “,other than the powers of the Chairman under section 49,” shall be inserted.

Amendment of
section 45.

15. In sub-section (2) of section 45 of the principal Act, for the words “the proceedings”, the words “the minutes of proceedings” shall be substituted.

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(Sections 16-19.)

Substitution of new
section for section
49.

16. For section 49 of the principal Act, the following section shall be substituted :—

“Nomination of panel of Presiding Officers. 49. (1) The Chairman shall, excepting the first meeting of the Corporation under section 51, preside over the meetings of the Corporation in such manner as may be prescribed.

(2) The Chairman shall, at the beginning of each calendar year, nominate from amongst the elected members of the Corporation a panel of not more than three Presiding Officers and specify sequence in which any one of them may preside over the meetings of the Corporation in the absence of the Chairman.

(3) A member nominated under sub-section (2) shall hold office until a new panel of Presiding Officers is nominated.”

Amendment of
section 52.

17. In section 52 of the principal Act, after the words “under the direction of the Chairman to”, the words “the registered address of” shall be inserted.

Substitution of new
section for section
66.

18. For section 66 of the principal Act, the following section shall be substituted:—

“Approval of State Government in respect of work etc. estimated to cost more than rupees one crore. 66. No expenditure for any work or for purchase of any materials, as may be necessary for the purposes of this Act, shall be made by the Mayor, if the estimated cost of such work or purchase of such materials exceeds rupees fifty thousand, by the Mayor-in-Council if such cost exceeds rupees five lakh, and by the Corporation if such cost exceeds rupees one crore:

Provided that where the estimated cost of such work or purchase of such materials exceeds rupees one crore, approval of the State Government shall be obtained.”

Insertion of new
section 86A after
section 86.

19. After section 86 of the principal Act, the following section shall be inserted:—

“Annual Financial Statements.

86A. (1) Within six months of the close of a year, a financial statement for the preceding year in respect of a Corporation shall be prepared by the Corporation in the form and manner prescribed, and presented before a meeting of the Corporation. Financial statements 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 balance of cash in hand, balance as at bank and 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 Corporation.

(2) A copy of the Financial Statement shall be forwarded to the State Government and shall be available for inspection by the members of public in the manner prescribed.

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(3) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, on the prayer of a Corporation, extend the date for preparation and presentation of the financial statement of a Corporation for reasons to be recorded in writing.”.

Insertion of a new
part IIIA after Part
III.

20. After Part III of the principal Act, the following Part, chapter and sections shall be inserted :—

“PART IIIA
COMMUNITY HEALTH

CHAPTER VIIA
Public Safety and Nuisances

Precautions in case of
dangerous structures.

96A. (1) If any structure is deemed by the Corporation to be in ruinous state and dangerous to the passers-by or to the occupiers of neighbouring structures, the Corporation may, by notice, require the owner or the occupier to fence off, take down, secure or repair such structure to prevent any danger therefrom within such period as may be specified in the notice.

(2) If immediate action is necessary, the Corporation shall, before giving such notice or before the period specified in the notice expires, fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as it may think fit to prevent danger, and the cost of doing so shall be recoverable from the owner or the occupier as an arrear of tax under this Act.

(3) If, in the opinion of the Mayor-in-Council, the structure as aforesaid is imminently dangerous to the inmates thereof, it shall order immediate evacuation thereof, and any person disobeying the order may be removed by any police-officer.

Precautions in case of
dangerous trees.

96B. (1) If any tree or any branch of a tree or the fruit of any tree overhangs or is likely to fall and thereby endanger any person or any structure, well or tank, the Commissioner may by notice require the owner of such tree to secure, lop or cut down the tree to prevent any danger therefrom.

(2) If immediate action in respect of any tree or any branch of a tree or the fruit of any tree referred to in sub-section (1), is necessary, the Commissioner shall, before giving such notice or before the period specified in the notice expires, secure, lop or cut down such tree or remove the fruit thereof or fence off a part of any street or take such other temporary measures as he may think fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree as an arrear of tax under this Act.

Precautions in case of
dangerous tanks, wells,
holes, etc.

96C. (1) If any tank, pond, well, hole, stream, dam, bank or other place appears to the Corporation to be, for want of sufficient repair, protection or enclosure, dangerous to the passers-by or to persons living in the neighbourhood, the Corporation may by notice require the concerned owner to fill in, remove, repair,

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protect or enclose such tank, pond, well, hole, stream, dam, bank or other place, as the case may be, to prevent any danger therefrom within such period as may be specified in the notice.

(2) If immediate action in respect of any tank, pond, well, hole, stream, dam, bank or other place referred to in sub-section (1) is necessary, the Mayor-in-Council shall, before giving such notice or before the period specified in the notice expires, take such temporary measures as it may think fit to prevent danger, and the cost of doing so shall be recoverable from the owner as an arrear of tax under this Act.

Power to stop dangerous quarrying.

96D. If, in the opinion of the Corporation, the working of any quarry or the removal of stone, earth, coal or other material from any place is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Corporation may require the owner or the person having control of such quarry or place to discontinue the working of the same or to discontinue the removal of stone, earth, coal or other material from such place or to take such order with such quarry or place as it may deem necessary, for the purpose of preventing danger or abating the nuisance arising or likely to arise therefrom.

Precautions against fire.

96E. (1) The Corporation may by notice require the owner of any structure, booth or tent partly or entirely composed of, or having any external roof, verandah, pandal or wall partly or entirely composed of, cloth, grass, leaves, mats or other inflammable materials, to remove or alter such tent, booth, structure, roof, verandah, pandal or wall, or may grant him permission to retain the same on such conditions as the Corporation may think necessary to prevent danger from fire.

(2) The Corporation may by notice require any person using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the Mayor-in-Council is of opinion that the means of egress from any building are insufficient to allow safe exit in the event of fire, it may by notice require the owner or the occupier of the building to alter or reconstruct any staircase in such manner, or to provide such additional or emergency staircase, as it may direct; and when any building, booth or tent is used for purposes of public entertainment, the Mayor-in-Council may require, subject to the foregoing provisions of this section, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as may readily afford the audience ample means of safe egress, that the seating shall be so arranged as may not interfere with free access to the exits, and that gangways, passages and staircases leading to the exit shall, during the presence of the public, be kept clear of obstruction.

Prohibition of construction of wells, tanks etc. without permission of Corporation.

96F. (1) No new well, tube-well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the Corporation.

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(2) The Corporation may grant such permission, subject to such conditions as it may deem necessary, or may, for reasons to be recorded in writing, refuse such permission.

(3) If any work is begun or completed without permission as aforesaid, the Mayor-in-Council may—

- (a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Mayor-in-Council may direct, or
- (b) grant permission to retain such work for reasons to be recorded in writing, in exceptional circumstances if such retention is not otherwise objectionable :

Provided that the Corporation may impose such fine not exceeding five hundred rupees for such contravention, as it may deem fit.

Prevention of mosquito-
breeding.

96G. (1) If, in the opinion of the Mayor-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 Mayor-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
- (b) to have any courtyard, lane, passage, or open space paved with such material, and in such manner, as may be directed by the Mayor-in-Council, to keep such paving in proper repair, or to raise the level of such courtyard, lane, passage, or open space.

(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 Mayor-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.

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(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.

(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 Corporation, stating therein the anti-larval measures, which shall be taken by the applicant to keep the water free of mosquito larvae;
- (b) the Corporation, 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 Corporation, 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 Corporation.

Regulation or prohibition
of certain practices
relating to cultivation.

96H. The Corporation, on the report of the Director of Health Services or the Chief Medical Officer of Health of the district or upon any expert opinion that the cultivation or practices relating to the cultivation of any description of crop or the use of any kind of pesticide or manure or the irrigation of any land in any place within the limits of the Corporation area is injurious to the public health, may, with the previous sanction of the State Government, by public notice regulate or prohibit the cultivation or any practice relating to cultivation, or use of any pesticide or manure or irrigation so reported to be injurious.

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Cleansing of unsanitary private tank or well used for drinking purposes.

96I. (1) The Mayor-in-Council may by notice require the owner of, or the person having control over, any private water course, spring, tank, well, or other place, the water of which is used for drinking, bathing, or washing purposes, to keep the same in good repair and to cleanse it of silt, refuse or vegetation and to protect it from pollution by surface drainage in such manner as the Mayor-in-Council may think fit.

(2) If the water of any place which is used for drinking, bathing or washing purposes, as the case may be, is proved to the satisfaction of the Mayor-in-Council to be unfit for any such purpose, the Mayor-in-Council may by notice require the owner or the person having control thereof —

- (a) to refrain from using, or permitting the use of, such water, or
- (b) to close or fill up such place or enclose it with a substantial wall or fence.

Duty of the Mayor-in-Council in respect of public well or receptacle of stagnant water.

96J. (1) The Mayor-in-Council shall maintain in a clean condition all wells, tanks and reservoirs which are not private property and may fill them up or drain them when it appears necessary so to do.

(2) All wells, tanks and reservoirs as aforesaid, when maintained by the Corporation, shall be open to use and enjoyment by all members of the public.

Prohibition against, or regulation of, washing animals or clothes or fishing in public water courses, tanks, etc.

96K. The Mayor-in-Council may, in the interest of public health, regulate or prohibit the washing of animals, clothes or other things or fishing in any public spring, tank, well, public water course or part thereof within the corporation area and may set apart any such place for drinking or bathing or washing clothes or animals or for any other specified purpose.

Provision of public toilets and wash-houses.

96L. (1) The Corporation may construct or provide and maintain public toilets and wash-houses or places for bathing or washing of clothes, and may require the payment of such rents, and fees for the use of any such toilet, wash-house or place as it may determine.

(2) The Corporation may farm out the collection of such rents and fees for any period, not exceeding three years at a time, on such terms and conditions as it may think fit.

Provision against washing by washermen at unauthorised places.

96M. (1) The Mayor-in-Council may by public notice prohibit the washing of clothes by washermen in pursuance of their calling, within the Corporation area except at—

- (a) public wash-houses or places maintained or provided for the purpose, or
- (b) such other places as the Mayor-in-Council may appoint for the purpose, if sufficient number of public wash-houses are not maintained or provided.

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(2) When any such prohibition has been made, no person, who is by calling a washerman, shall, in contravention of such prohibition, wash clothes, except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within the limits of the corporation area other than a public wash-house or place maintained or appointed under this Act.

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

96N. No person shall—

- (a) bath in, or in any manner defile, water in any place set apart by the Corporation or by the owner thereof for drinking only; or
- (b) deposit any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purpose; or
- (c) wash clothes in any place set apart as aforesaid for drinking or bathing purpose; or
- (d) wash any animal or any cooking utensils or other foul or offensive substance or deposit any offensive or deleterious matter in any place set apart as aforesaid for bathing purpose or washing clothes; or
- (e) cause or suffer to drain into or upon any place set apart as aforesaid for drinking, or bathing purpose or washing clothes or cause or suffer anything to be brought thereinto or do anything whereby the water may be fouled or corrupted; or
- (f) use, sale and distribute plastic within the Corporation area or throw plastic in the public streets and tanks, whether private or public and defile water of public and private tanks.

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”×12” and less than 20 microns in thickness.

Unoccupied buildings or lands.

96 O. If any building or land, by reason of abandonment, disputed ownership or other cause, remains unoccupied, and thereby becomes a resort of idle and disorderly persons or if, in the opinion of the Mayor-in-Council, becomes a nuisance, the Mayor-in-Council may, after due inquiry by notice, require the owner or the person claiming to be the owner to secure, enclose, clear or cleanse the same.

Abatement of over-crowding in dwelling house or dwelling place.

96P. (1) If it appears to the Mayor-in-Council that any dwelling-house or other building, which is used as a dwelling-place, or any room in such dwelling-house or building, is generally so overcrowded as endangers the health or safety of the inmates thereof, it may, by a written notice, require the owner or the occupier of the building or the room to abate such overcrowding by reducing the number of lodgers, occupants or other inmates of the building or room within such time, not exceeding four weeks, as may be specified in the notice, or may pass such order as it may deem just and proper.

(2) The Mayor-in-Council may, by written order, declare the extent of surface or cubit space which shall be deemed, for the purposes of sub-section (1), to be necessary for each occupant of a building or room.

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(3) It shall be incumbent on every tenant, lodger or other inmate of a building or room to abate overcrowding or vacate, on being required by the owner so to do, in pursuance of any notice issued under sub-section (1).

(4) Nothing in this section shall apply to overcrowding of a casual nature or on a festive occasion.

Prohibition against feeding certain animals on filth.

96Q. No person shall feed any animal, or permit any animal, which is kept for dairy purpose or may be used for food, to be fed, on filth.

Premises not to be used for keeping animals, birds, etc., without licence.

96R. No person shall use, or permit to be used, any land or premises for keeping cattle, horse, pig, dog, or other quadruped animal or any kind of bird for any purpose whatsoever without, or otherwise than in conformity with, the terms of a licence granted by the Corporation on payment of such fees as may be determined by the Corporation by regulations :

Provided that the Corporation may, by a written order, exempt any class of animal or bird from such licence or from any purpose for which such class of animal or bird may be kept.

Seizure of certain animals or birds.

96S. (1) If any cattle, horse, pig, dog, or other four-footed animal or bird is kept on any land or premises in contravention of the provisions of this Chapter or is found roaming or straying or tethered on any street or public place or is found causing nuisance or danger to the public, the Commissioner may direct any officer or employee of the Corporation to seize such cattle, horse, pig, dog or other four-footed animal or bird and may cause it to be impounded or removed to and maintained in such place as may be appointed by the Corporation for this purpose; and the cost of such seizure and impounding or removing and maintenance shall be recoverable by sale of such animal or bird, as the case may be, by auction :

Provided that any person claiming such animal or bird may, within seven days of such seizure, get it released on his paying all the expenses incurred by the Corporation in seizing, impounding or removing, or maintaining such animal or bird and on his producing such evidence in support of his claim as the Commissioner may think sufficient.

(2) The proceeds of sale of any animal or bird by auction under sub-section (1) shall be applied in meeting the expenses incurred on account of seizure, impounding or removal and maintenance of such animal or bird and of holding such sale; and the surplus, if any, shall be held in deposit by the Commissioner and shall, if not claimed by the owner of such animal or bird within a period of ninety days from the date of sale, be credited to the Municipal Fund.

Power to deal with infected dogs or animals.

96T. The Commissioner may—

- (a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

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- (b) by public notice direct that after such date as may be specified in the notice, dogs which are without a license distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be confined and cause them to be otherwise dealt with or destroyed, if necessary.

Power to stop nuisances from animals within premises. 96U. (1) Whenever the Commissioner is of opinion that the user of any premises for keeping any animal or bird, even if licensed, is causing a nuisance and that such nuisance should immediately be stopped, the Commissioner may, by order, require the owner or the occupier of such premises to stop such nuisance within such period as may be specified in the order.

(2) If, at the end of such period, the nuisance is not stopped, the Commissioner or any other officer authorised by him in this behalf may cause such use of such premises to be stopped forthwith by such means as he thinks fit and direct such owner or occupier to show cause why the license for keeping the animal or the bird, as the case may be, shall not be cancelled.

(3) If such owner or occupier does not show cause to the satisfaction of the Commissioner or if the nuisance is not abated, the nuisance shall be stopped by the seizure and auction of the animal or the bird found in the premises after cancellation of the license therefor.

Control and removal of *Khatahs*. 96V. Subject to the provisions of any other law for the time being in force for removal of *Khatahs*, the Corporation may make regulations specifically for control of *Khatahs* within the corporation area or removal of *Khatahs* therefrom.

Such regulations may provide for restricting the *Khatahs* within a specified zone or zones or setting up of milk colony exclusively for rearing of cattle within the Corporation area and seizure of animals for violation of regulations and penalty for offenders.

Power to require repair, alteration, removal or conversion of latrines etc. 96W. (1) The Mayor-in-Council may require, by written notice, the owner or the occupier of any land or building to comply with any of the following within such period as may be specified in the notice :—

- (a) to close, remove, alter, repair, cleanse, disinfect or otherwise put to order any cesspool, drain, receptacle for sewage, septic tank or any other type of latrine ;
- (b) to require such cesspool, drain, receptacle for sewage, septic tank or other type of latrine to be provided for any land or building, whether or not, in addition to the existing ones;
- (c) to cause any service privy or urinal in any land or building to be converted into or replaced by sanitary latrine of specified design, model or standard;
- (d) to provide specified devices to the existing cesspool, drain, receptacle for sewage, septic tank or latrine to abate the mosquito menace.

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(Sections 21-23.)

(2) Upon the issue of notice under sub-section (1), it shall be incumbent upon every owner or occupier to comply with the same within the period specified in the notice.

(3) On the failure of the owner or the occupier to comply with the notice, the Mayor-in-Council may cause the work to be done and recover the expenses thereof from the owner or the occupier of the land or the building or from both in such proportions as it may deem reasonable.

Power to abate nuisances
caused by pollution.

96X. Subject to the provisions of this Act and of any other law for the time being in force, the Corporation may take measures for abatement of any nuisance caused by the pollution of noise, foul odour, visual irritation, sensory annoyance, respiratory affection or the like in such cases and manners, and by fixing such standards, as may be prescribed.”

Insertion of new
sections 98A and
98B after section 98.

21. After section 98 of the principal Act, the following sections shall be inserted :—

“Citizens’ Charter.

98A. (1) The Corporation shall publish a Citizens’ Charter containing the—

- (a) time limits within which different civic services shall be delivered and as per the provisions of this Act, the licenses, certificates 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 services to be delivered by the Corporation to the citizens.

(2) Preparation and publication of Citizens’ Charter shall be done in such manner as may be prescribed. Copy of the Citizens’ Charter shall be made available to the general citizens on payment of a fee as may be determined by the Corporation.

Public Disclosure.

98B. (1) Every corporation shall publish,—

- (a) the audited Financial Statements and Cash Flow Statement on a half yearly basis, within two months from the end of the second and fourth quarter of a year;
- (b) financial statements for the full financial year, within three months from the date of completion of audit; and
- (c) such other documents relating to development programmes of the corporation as may be prescribed.

(2) The manner of publication under sub-section (1) shall be such as may be prescribed.”

Amendment of
section 102.

22. In sub-clause(iii) of clause(d) of sub-section (1) of section 102 of the principal Act, the words “, and but which shall be a heavy passenger motor vehicle,” shall be omitted.

Amendment of
section 108.

23. In section 108 of the principal Act,—

- (a) in sub-section(2), after the words “Such property tax”, the words and letters “, until the Scheme is published under section 119A,” shall be inserted;

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(b) after sub-section (3), the following sub-section shall be inserted :—

“(4) Notwithstanding anything contained in this section, in case of determination of annual valuation of holdings under section 119A, the procedure for determining rates of property tax shall be as follows, and the provisions of section 109 shall not be applicable in these cases:—

- (a) for any building, the property tax shall be equal to a percentage of such annual value of covered space of building, as determined under section 119A, subject to the minimum and maximum limit as specified in clause(c) of this sub-section;

Explanation.— “covered space”, in relation to a building, shall mean the total floor area including the thickness of walls, and shall include the spaces of covered courtyard, gangway, garage, verandah, common service area, balcony and any projections and such other spaces as may be specified in the regulations;

- (b) the property tax on land comprising building or any vacant land in respect of any premises shall be equal to a percentage of such annual value of land comprising building or any vacant land, as determined under section 119A, subject to the minimum and maximum limit as specified in clause(d) of this sub-section :

Provided that no property tax on vacant land shall be leviable on any premises in which there is a construction and the covered area at the plinth level exceeds at such percentage of the area of the plot as may be specified in the Scheme;

- (c) save as otherwise provided in this Act, the rate of property tax on buildings in Corporation area shall be between a minimum of six percent, and a maximum of twenty percent, of the annual values of such buildings as may be specified in the Scheme :

Provided that the Corporation may, at any time, specify fixed rates between the minimum and the maximum rates of property tax for different categories of buildings or for different categories of areas or for different groups of buildings in such categories, through the Scheme:

Provided further that the Corporation may also introduce graduated rates of property tax within the minimum and the maximum rates of property tax on the basis of any system as may be determined by regulations ;

- (d) save as otherwise provided in this Act, the rate of property tax on land comprising building or any vacant land in Corporation area shall be between a minimum of six per cent, and a maximum of twenty per cent of the annual value of such lands as may be specified in the Scheme :

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(Sections 24, 25.)

Provided that the Corporation may, at any time specify fixed rates between the minimum and the maximum rates of property tax, as aforesaid, for different categories of areas or group of lands within such categories, by the Scheme :

Provided further that the Corporation may also introduce graduated rates of property tax within the minimum and the maximum rates of property tax, as aforesaid, on the basis of any system as may be determined by the regulations.”.

Substitution of new section for section 109.

24. For section 109 of the principal Act, the following section shall be substituted :—

“Levy of Surcharge.

109. Notwithstanding the provisions of section 108, the Corporation may, where any land and building or hut or portion thereof is used for commercial or non-residential purpose, levy a surcharge on the property tax on such land or building or hut or portion thereof at such rate not exceeding fifty percent of the property tax as the Corporation may, from time to time, determine :

Provided that where any portion of any land or building or hut is used for commercial or non-residential purpose, the amount of the property tax payable in respect of such portion shall, while fixing the property tax for the entire land or building or hut, be separately calculated :

Provided further that the Corporation may exempt any class or classes of lands or buildings or huts used for educational, medical, public health or cultural purposes or for purposes of sports, from payment of the surcharge :

Provided also that such exemption shall in no case exceed seventy-five per cent of the surcharge.”.

Insertion of new sections 115A, 115B and 115C after section 115.

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

“Exemption of holdings where closed or sick industries are located.

115A. The State Government may, for the reasons to be recorded in writing, by an order, exempt any premises, in which any closed or sick industry, with certification from the Public Enterprise and Industrial Reconstruction Department of Government of West Bengal, is located, from payment of property tax:

Provided that if in any such premises there exists human habitation and the Corporation provides water supply or other civic services for such habitation, the Corporation may impose service charges for the purpose on the owner of the premises or the beneficiaries of such services.

Exemption of holdings used for Information Technology and Information Technology Enabled Sectors.

115B. The Mayor-in-Council may 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 premises, at least fifty percent area of which is exclusively used for Information Technology Industry or Information Technology enabled sectors, with the prior approval of the State Government.

Exemption of property tax on land and buildings of Senior Citizens, widow or deserted women and physically challenged persons.

115C. The Mayor-in-Council may exempt from payment of the property tax of any self occupied residential land or building or portion thereof, annual value of which does not exceed one thousand rupees and owned singly or jointly by citizen who attained the age

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(Sections 26, 27.)

of sixty five years or more, or owned by widow or deserted women irrespective of age, or a certified physically challenged person, irrespective of age, or jointly owned by any of these categories of persons:

Provided that where such person owns or occupies, for residential purpose, more than one piece of land or more than one building or portion thereof, such person shall get benefit for such exemption for one plot of land or for one building or portion thereof, as the case may be.”.

Amendment of
section 119.

26. In section 119 of the principal Act,—

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

“(1) Notwithstanding anything contained in the West Bengal Premises Tenancy Act, 1997, or in any other law for the time being in force, until the Scheme under section 119A is published, for the purpose of assessment of the property tax, the annual value of a holding comprising vacant land and building shall be deemed to be gross annual rent including service charges, if any, at which such vacant land and building might, at the time of assessment, be reasonably expected to let from year to year, less an allowance of ten percent for the cost of repairs and other expenses necessary to maintain such vacant land and building in a state to command such gross rent. The procedure for determination of gross annual rent under this section shall be as may be prescribed.”;

West Ben. Act
XXXVII of 1997.

(b) to sub-section (2), the following proviso shall be added :—

“Provided that such holding, if utilised for any gainful purpose, shall be deemed to be in commercial use for the purpose of levy of surcharge under section 109.”;

(c) for sub-section (3), the following sub-section shall be substituted:—

“(3) If the gross annual rent of any class or classes of lands or buildings cannot be easily estimated, the annual value of a holding comprising such land or building shall be deemed to be an amount not less than five per cent, but not exceeding ten per cent, of the value of the holding obtained by adding the estimated cost of erecting the building at the time of assessment less 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, if any, to the estimated present market value of the land comprised in the holding.”.

43 of 1961.

Insertion of new
section 119A after
section 119.

27. After section 119 of the principal Act, the following section shall be inserted :—

“Determination of
annual valuation through
unit area based system
of assessment.

119A. (1) Notwithstanding anything contained under section 119 of this Act and the provisions of the West Bengal Valuation Board Act, 1978, the State Government may, at any time, after the commencement

West Ben. Act LVII
of 1978.

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of the West Bengal Municipal Corporation (Amendment) Act, 2009, and thereafter at the expiration of every five year, constitute by notification in the *Official Gazette*, a Municipal Valuation Committee for the purpose of making valuation of properties in the Corporation area as per the provisions of this section. The qualifications required for appointment of the members of the Municipal Valuation Committee shall be such as may be prescribed.

(2) The Municipal Valuation Committee shall consist of—

- (i) the Commissioner as Chairman, and
- (ii) such other members, being not less than two and not more than six, as the State Government may, by notification, appoint.

(3) Valuation of properties, in pursuance of unit area based system, under this section shall be made as per the following procedure:—

- (a) the Municipal Valuation Committee shall submit to the Corporation its recommendation for division of every ward within the Corporation into different blocks defining limits of such blocks, and categorization of such blocks for the purpose of unit area based assessment;
- (b) on receipt of the recommendations of the Municipal Valuation Committee under clause(a), the Corporation shall publish a draft notification, containing the said recommendations of the Municipal Valuation Committee, in the *Official Gazette* and also in two leading newspapers, of which one shall be in the vernacular intelligible to the residents of the area concerned, and also on the website, if there is any, of the Corporation. Copies of the said notification shall be placed in the conspicuous places in the office of the Corporation;
- (c) any person or group of persons may, whose interest is likely to be affected thereby, within sixty days from the date of publication of the draft notification under clause (b), submit his objections or suggestions, if any, in such manner as may be specified in the said draft notification, to the Commissioner which shall be considered by Anomaly Review Committee constituted under clause (d);
- (d) the Corporation shall, after constitution of each of the Municipal Valuation Committee under sub-section (1), appoint for such period, not exceeding one year, as the Corporation may think fit, an Anomaly Review Committee with a view to considering the cases of hardships and anomalies, if any, in respect of the draft notification published under clause (b);
- (e) the Anomaly Review Committee shall consist of a professional from areas of finance or taxation or law or municipal management, as the Chairperson, and four other members of whom one shall be a Councillor to be nominated by the Corporation, one shall be a

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professional from the areas of municipal management or finance or taxation, one member shall be nominated from amongst the members of the Municipal Valuation Committee and one shall be an officer not below the rank of Finance Officer of the Corporation;

- (f) the manner in respect of functions of the Anomaly Review Committee may be such as may be specified by regulations;
- (g) the Anomaly Review Committee shall make recommendation to the Corporation, in writing through the Mayor-in-Council, on the petitions received from any person or group of persons regarding any hardship or anomaly with regard to the division and categorization of ward within the Corporation;
- (h) the Corporation shall submit its views on the recommendations of the Anomaly Review Committee, within sixty days from the date of receipt of the recommendations under clause (g), in writing through the Mayor, to the Municipal Valuation Committee with regard to division of each ward into different blocks and categorization thereof, but decisions of the Municipal Valuation Committee on such recommendations will be final. If the Municipal Valuation Committee rejects the views of the Corporation, either in full or in part, it shall give reasons, in writing, for such rejection;
- (i) after the Municipal Valuation Committee finalizes the division of wards into blocks with defined limit and categorization of such blocks for the purpose of unit area based assessment method, the Corporation shall cause the final publication of the notification;
- (j) after final publication of notification under clause (i) of this subsection, the Municipal Valuation Committee shall specify the base unit area values of vacant lands or lands comprising building or covered space of building or portion thereof, falling within each category;
- (k) the Municipal Valuation Committee shall also recommend to the Corporation the multiplicative factors for increasing or decreasing, or for not increasing or decreasing, the base unit area values for covered space or land comprising building or any vacant land within each category specified in clause (j), taking into consideration the parameters of type of location, use, age, structure, occupancy status, and such other relevant factors of such vacant land, land including any building or buildings, as the case may be, as the Municipal Valuation Committee considers necessary, alongwith a point scale, assigned for each parameter, to be determined by the Municipal Valuation Committee, subject to a lower limit of 0.5 and upper limit of 8.0 in the said point scale for the purpose of deriving at the final base unit area value of such land, land including any building or buildings;
- (l) on receipt of the recommendations of the Municipal Valuation Committee under clause (j), a draft Scheme, for the purpose, of

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specifying the base unit area value under clause (j), shall be published by the Corporation in the *Official Gazette*, and in two daily newspapers of which one should be in vernacular intelligible to the residents of the area concerned, and also on the website of the Corporation, if any. A copy of the said Scheme shall also be placed in the conspicuous places in the offices of the Corporation;

- (m) any person may, whose interest is likely to be affected thereby, within thirty days from the date of publication of the draft Scheme, under clause (l), submit his objection or suggestion, if any, in such manner as may be specified in the said Scheme, to the Commissioner, which shall be considered by the Municipal Valuation Committee, and thereafter, the Corporation shall cause the final publication of the said Scheme;
- (n) the final base unit area value of land comprising building or any vacant land, and the final base unit area value of covered space of buildings, as determined under this section shall be final;
- (o) the annual value of any covered space of building in any ward shall be the amount arrived at by multiplying the total area of such covered space of building by the final base unit area value of such covered space of building;
- (p) the Corporation may require the total area of the covered space of building to be certified by an Architect registered under the Architects Act, 1972, or any Licensed Building Architect, or Licensed Building Surveyor enlisted with the Corporation, or by a Valuer holding a diploma from any institution recognized by the Government; 20 of 1972.
- (q) the annual value of any land comprising building or any vacant land in any ward shall be the amount arrived at by multiplying the total area of such land by the final base unit area value of such land;
- (r) if, in the case of any land comprising building or any vacant land or covered space of building, or any portion thereof is subject to different final base unit area values, the annual value of each such portion shall be computed separately, and the sum of such annual values shall be the annual value of such land comprising building or any vacant land or covered space of building, or any portion thereof, as the case may be;
- (s) the final base unit area value of land comprising building or any vacant land and the final base unit area value of covered space of building, in respect of a specified block in a ward, shall remain in force for a period of five years from the date of final publication of the Scheme if not otherwise directed by the State Government:

Provided that until the revision of such final base unit area value is completed, the existing final base unit area values shall continue to be in force, and whenever be revised such revised value shall take effect from the beginning of the quarter from which it ought to have been enforced;

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(Section 28.)

- (t) if, for any reason, the final base unit area value of any land comprising building or any vacant land, or final base unit area value of any covered space of building, in any block of any ward has not been revised on the completion of a period of five years from the date on which such final base unit area values were last determined, it shall be lawful for the Corporation to increase or decrease the final base unit area values of such land comprising building or any vacant land, or final base unit area value of any covered space of building with the prior approval of the State Government.

(4) The annual value as determined under this section shall be rounded off to the nearest ten rupees.

(5) Notwithstanding anything contained in sub-section (1) and sub-section (2) of this section, the State Government may, by notification, empower the West Bengal Valuation Board constituted under the West Bengal Valuation Board Act, 1978, to as the Municipal Valuation Committee under this Act.”

West Ben. Act LVII
of 1978.

Amendment of
section 123.

28. In section 123 of the principal Act,—

(1) in sub-section (1),—

(a) for the words “annual valuation”, the words “general valuation” shall be substituted;

(b) for the words “, and disposal of all applications for review, shall abide by the provisions of that Act.”, the words “, publication of the valuation list, shall abide by the provisions of that Act, and the appeal shall be disposed of under this Act.” shall be substituted;

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

“(2) The valuation list prepared under sub-section(1) shall be assessment list of the Corporation, and notwithstanding anything contained elsewhere in this Act the valuation list, so prepared, shall remain operative till a new valuation list is prepared by way of revision of all lands and buildings in the entire Corporation area or portion thereof by way of periodic assessment:

Provided that if the property tax, as determined under a valuation, is continued to be paid for a period beyond the expiry of its term of five years of the said valuation due to non completion of a fresh valuation, after completion of the fresh valuation, if the property tax of any holding increases or decreases in respect of the preceding valuation, the increased or decreased amount of property tax shall take effect from the date on which the valuation became operative under section 11 of the West Bengal Valuation Board Act, 1978, and the dues payable or the excess amount paid, as the case may be, shall be adjusted in such instalments as may be determined by the Corporation concerned.”;

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(Sections 29-31.)

(3) for sub-section (3), the following sub-section shall be substituted :—

“(3) When the Mayor-in-Council is directed by the State Government to undertake preparation of general valuation, determination of annual value of all lands and buildings within a corporation area, publication of the valuation and assessment list, and disposal of appeals shall be done as per provisions as contained in the West Bengal Valuation Board Act, 1978, and that in this Act respectively and the powers of the West Bengal Valuation Board vested in this section shall be exercised by the Mayor-in-Council concerned.”.

West Ben. Act LVII
of 1978.

Omission of section
124.

29. Section 124 of the principal Act shall be omitted.

Omission of section
125.

30. Section 125 of the principal Act shall be omitted.

Substitution of new
section for section
126.

31. For section 126 of the principal Act, the following section shall be substituted:—

“Appeal.

126. (1) Any owner or person liable to payment of property tax may, if dissatisfied with the determination of objection under section 9A of the West Bengal Valuation Board Act, 1978, or with any entry in the Scheme related to his property, appeal to the Tribunal, and such appeal shall be presented to the Municipal Assessment Tribunal, constituted under section 126A, within thirty days from the date of issuance of notice under section 11 of the West Bengal Valuation Board Act, 1978 or the Scheme under section 119A, as the case may be, and shall be accompanied by a copy of the said order :

Provided that if any owner or person liable to payment of property tax presents appeal after expiry of the said thirty days, the Corporation shall forward the appeal to the Tribunal, and the Tribunal may, after considering the reasons of delay, condone the said time limit in respect of such appeal.

(2) No appeal under this section shall be entertained unless the property tax in respect of any land or building for the period ending on the date of presentation of the appeal on the valuation, which has become operative under section 11 of the West Bengal Valuation Board Act, 1978, or the Scheme under section 119A, as the case may be, has been deposited in the office of the Corporation and the appeal shall abate unless such property tax is continued to be deposited till the appeal is finally disposed of:

Provided that the Tribunal may, if it considers necessary, reduce the rate of deposit as specified in this section:

Provided further that after disposal of an appeal if the valuation of any holding increases or decreases from the valuation became operative under section 11 of the West Bengal Valuation Board Act, 1978, or the Scheme under section 119A, the increased or decreased amount of property tax shall take effect from the date on which the valuation became operative under section 11 of the West Bengal Valuation Board Act, 1978, or the scheme under section 119A, and the dues payable or the excess amount paid, as the case may be, shall be adjusted in such instalments as may be determined by the Corporation.

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(Sections 32, 33.)

(3) The valuation fixed after disposal of the appeal under this section shall take effect from the quarter in which such valuation would have taken effect and shall continue to remain in force during the period such valuation would have remained in force, had no appeal been filed.

(4) The decisions of the Tribunal with regard to valuation or assessment shall be final and no suit or proceeding shall lie in any Civil Court in respect of any matter which has been or may be referred to or has been decided by the Tribunal.

Insertion of new
section 126A after
section 126.

32. After section 126 of the principal Act, the following section shall be inserted :—

“Municipal Assessment Tribunal. 126A. (1) There shall be one Municipal Assessment Tribunal or more than one Municipal Assessment Tribunal for one or more Municipal Corporation, for hearing and disposal of appeal against the Assessment list prepared by the West Bengal Valuation Board constituted under the West Bengal Valuation Board Act, 1978 or the Scheme published under clause (1) of section 119A, as the case may be.

West Ben. Act LVII
of 1978.

(2) Each of the Tribunals shall consist of a Chairman and such number of other members, not exceeding five, as the State Government may determine.

(3) The Chairman and the other members shall be appointed by the State Government on such terms and conditions as it may determine.

(4) The Chairman shall be a person who is, or has been, a member of the West Bengal Judicial Service for a period of not less than seven years and the other members, shall have such qualification, and experience as may be prescribed.

(5) In a multi member Tribunal the decisions shall be taken on the basis of opinion of majority of the total number of members of the Tribunal including the Chairman. The procedure for hearing and disposal of appeals as well as imposition and realization of fees in connection with appeals shall be such as may be prescribed.

(6) The Tribunal shall have an establishment consisting of such officers and other employees appointed on such terms and conditions as may be prescribed.

(7) Notwithstanding anything contained in this section, the State Government may, by an order, empower the Municipal Assessment Tribunal constituted under section 189 of the Kolkata Municipal Corporation Act, 1980, to hear and dispose of appeal under this section, as per provisions laid down in this section, in respect of one or more Municipal Corporation.”.

West Ben. Act LIX
of 1980.

Amendment of
section 127.

33. For sub-section (2) of section 127 of the principal Act, the following sub-section shall be substituted :—

“(2) All cases of amendments or alterations of an assessment shall be made in pursuance of the provisions for publication of the valuation as contained in the West Bengal Valuation Board Act, 1978, and assessment list, and disposal of appeals shall be made in accordance with the provisions of this Act and the powers of the West Bengal Valuation Board under the West Bengal Valuation Board Act, 1978 shall vest and be exercised by the Mayor-in-Council concerned.”.

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(Sections 34-37.)

Amendment of
section 128.

34. In section 128 of the principal Act, for sub-section (2), the following sub-section shall be substituted :—

“(2) Determination of annual valuation of such holding and disposal of appeal thereto shall be made in accordance with the provisions of this Act and the powers of the West Bengal Valuation Board shall be exercised by the Mayor-in-Council concerned.”.

Amendment of
section 131.

35. In section 131 of the principal Act,—

(1) in sub-section (1), —

(a) for the words “whenever the title of any person to any land or building is transferred, such person, if primarily liable for payment of property tax on such land or building,” the words “whenever there is any change in nature, or name of owner, of the holding, the person primarily liable for payment of property tax on such land or building,” shall be substituted;

(b) the words “, if it is registered,” shall be omitted;

(2) in sub-section (3), for the word “prescribed”, the words “determined by the Corporation, by regulations” shall be substituted;

(3) in sub-section (5), for the word “prescribed”, the words “determined by the Corporation, by regulations” shall be substituted;

(4) for sub-section (6), the following sub-section shall be substituted :—

“(6) The District Registrar of the district or the Sub-Registrar of the local registration office shall co-operate with the Commissioner or his representatives, sent in this behalf, for collecting the particulars regarding the registration of instrument, transfer of immovable property and periodical returns containing the detailed periodical list of registration of instruments.”.

Amendment of
section 141.

36. In sub-section (1) of section 141 of the principal Act, the words “not exceeding rupees two thousand and five hundred,” shall be omitted.

Amendment of
section 142.

37. In section 142 of the principal Act,—

(1) to sub-section (1), the following provisos shall be added :—

“Provided that the permission under this sub-section shall be accorded subject to the submission of written consent, in original, of the owner or the authority of land, building, wall, hoarding, frame, post, kiosk or structure upon or over which the advertisement has been proposed to be erected, exhibited, fixed or retained, by the person intending to erect, exhibit, fix or retain any advertisement, or display any advertisement to public view:

Provided further that the application for permission shall accompany a declaration by the advertiser stipulating a time-frame within which the advertisement shall be erased, removed or taken down :

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(Section 37.)

Provided also that the application for permission shall also accompany a security deposit of such amount, as may be determined by the Board of Councillors, by order, which shall, if the advertisement is not erased, removed or taken down by the advertiser within seven days after the expiry of the time period for erasure, removal or taken down of such advertisement, as mentioned in the declaration, be allowed to have been forfeited the money, and that money so forfeited shall be used by the Corporation for erasure, removal or taken down of the advertisement :

Provided also that when the advertisement is erased, removed or taken down within seven days after the expiry of the time-frame in the declaration, the security deposit shall be refunded forthwith.”;

(2) after sub-section (1), the following subsections shall be inserted :—

“(1A) Notwithstanding anything contained in sub-section (1), a surcharge, not exceeding fifty *per cent* of the rate applicable to any case, in addition to the rates mentioned in sub-section (1), may be imposed on any advertisement on display in temporary fairs, exhibitions, sports events or cultural or social programmes.

(1B) Notwithstanding anything contained in this section or elsewhere in this Act or in any other law for the time being in force, non-commercial advertisement or advertisement related to public interest may, with the consent of the owner, be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post, kiosk or structure, or displayed to public view in any manner whatsoever :

Provided that no permission of the Commissioner shall be required for erecting, exhibiting, fixing or retaining upon or over any land, building, wall, hoarding, frame, post, kiosk or structure or displaying any advertisement, under this sub-section :

Provided further that no non-commercial advertisement, other than the advertisement related to public interest, shall be erected, exhibited, fixed or retained on—

- (i) the surface of any solid wall, or on any other permanent structure, including the terrace, in such manner which shall cover, even partially, any door, window, ventilation shaft, chimney, air conditioner, balcony, or any other portion of the building covered with iron grill;
- (ii) the building or fence of any educational institution or hospital;
- (iii) the building used for religious purposes;
- (iv) gate or exit requirement of any building;
- (v) the electrical installation like transformer, lamp post, switch gear box, meter room ;
- (vi) the water supply installation like pump house, pump, water main, boosting station or machinery, water tank or water reservoir;

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- (vii) the portion of any public transport;
- (viii) the buildings or the structures owned by the Central Government, State Government or any local authority or any heritage building;
- (ix) the public street which may block the flow of pedestrians or traffic :

Provided also that if any written complaint is received by the Corporation about contravention of any provision of this sub-section, the Corporation shall take steps for erasing, removing or taking down of such advertisement.

Explanation.— In this chapter,—

- (a) the words “non-commercial advertisement” mean the advertisement which is related to the campaign of any political party or an independent candidate, to an election, or any campaign of any mass organisation;
- (b) the words ‘advertisement related to public interest’ mean the advertisement which is related to promoting public health, preservation and conservation of environment, literacy campaign, firm protection, awareness of traffic rules, communal harmony displayed by the Government or registered non-Government organisation or any political party or any mass organisation, but shall not include the displaying the advertisement, in any manner whatsoever, for the purpose of —
 - (i) selling or buying goods, real estates, services, concepts in lieu of financial or any other consideration; or
 - (ii) entertainment or recreational programme; or
 - (iii) setting up any marketing chain or network; or
 - (iv) admission of any tutorial, academy, training center, commercial school, commercial college, or any other organisation which imparts, or shall impart, any education, including technical education, in lieu of financial or any other consideration; or
 - (v) recruitment of personnel through any private agency;
- (c) the words ‘mass organisation’ include any registered trade union, organised workers’ organisation, teachers’ organisation, youth organisation, women organisation, peasants’ organisation, students’ organisation, pensioners’ organisation, traders’ organisation;
- (d) the words “political party” shall mean a political party, as defined in clause (f) of section 2 of the Representation of the People Act, 1951.”

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(Sections 38-42.)

Amendment of
section 147.

38. For clause (a) of sub-section (1) of section 147 of the principal Act, the following clause shall be substituted :—

“(a) relates to ‘non-commercial advertisement’ or ‘advertisement related to public interest’ as defined in the *Explanation* to sub-section (1B) of section 142.”.

Substitution of new
section for section
157.

39. For section 157 of the principal Act, the following section shall be substituted :—

“Amount of tax payable,
and tax to be paid in
advance.

157. (1) Unless the amount entered in the assessment list is subsequently altered as provided in this Act, the amount entered in the list shall be deemed to be the amount due on account of property tax on the annual value of holdings. In the case of subsequent alteration, if any, the amount in relation to which the assessment or rating is so altered shall be deemed to be the amount due.

(2) Such tax shall be payable in quarterly instalments and every such instalment shall be deemed to be due in the first day of the quarter in respect of which it is payable.

(3) If any amount due is paid within thirty days from the date of presentation of the bill under section 158, a rebate, not exceeding ten *per cent* of such amount as may be determined by the Corporation, shall be allowed.

(4) Subject to the provisions of sub-section (2), the payment of taxes may be made in such manner as may be prescribed.”.

Amendment of
section 168.

40. To section 168 of the principal Act, after the first proviso, the following proviso shall be added :—

“Provided further that the assessment or recovery made under this section shall not by itself be deemed to confer upon such person any right or title as the lawful occupier of the land or the building as aforesaid.”.

Amendment of
section 171.

41. In section 171 of the principal Act, after the words “to be irrecoverable”, the words “and shall, within one month thereof, communicate it to the State Government” shall be inserted.

Insertion of new
section 171A after
section 171.

42. After section 171 of the principal Act, the following section shall be inserted :—

“Validation and saving. 171A. Notwithstanding anything contained in this Act, with effect from the date of coming into force of the West Bengal Municipal Corporation (Amendment) Act, 2009, any property tax levied on annual value of lands and buildings and any valuation or any assessment list published in respect of any Municipal Corporation covered by this Act, under the West Bengal Valuation Board Act, 1978, or the Siliguri Municipal Corporation Act, 1990, or the Assansol Municipal Corporation Act, 1990, or the Chandernagore Municipal Corporation Act, 1990, or the Durgapur Municipal Corporation Act, 1994, shall remain in force till a new valuation list is brought into effect.”.

West Ben. Act LVII
of 1978. West Ben.
Act XXX of 1990.
West Ben. Act
XXXI of 1990.
West Ben. Act
XXXII of 1990.
West Ben. Act LIII
of 1994.

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(Sections 43-49.)

Amendment of
section 176.

43. In sub-section (2) of section 176 of the principal Act, the words “,on the basis of annual valuation of the holdings of the beneficiary concerned or other criteria, such as consumption of water” shall be omitted.

Amendment of
section 212.

44. In section 212 of the principal Act, for the words “Board of Councillors”, wherever they occur, the word “Corporation” shall be substituted.

Amendment of
section 218.

45. In section 218 of the principal Act, after sub-section (2), the following sub-section shall be inserted :—

“(3) Any person who fails to act in accordance with the provisions of sub-section (2) shall, on conviction, be punished with a fine which may extend to five hundred rupees and, in the case of continuing offence, with further fine which may extend to one hundred rupees for every day during which such offence continues. In addition, such person shall also be liable for all expenses that the Corporation may incur in removing or otherwise dealing with the unauthorised construction or encroachment.”.

Amendment of
section 220.

46. In section 220 of the principal Act, after sub-section (2), the following sub-section shall be inserted :—

“(3) No action taken under, or in pursuance of, this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.”.

Amendment of
section 224.

47. In section 224 of the principal Act, after sub-section (2), the following sub-section shall be inserted :—

“(3) Any person who violates the provisions of sub-section (2) shall, on conviction, be punished with a fine which may extend to five hundred rupees and, in the case of continuing offence, with further fine which may extend to one hundred rupees for every day during which such offence continues. In addition, such person shall also be liable for all expenses that the Corporation may incur in removing or otherwise dealing with the unauthorised construction or encroachment.”.

Amendment of
section 247.

48. In section 247 of the principal Act, after sub-section (2), the following sub-section shall be inserted :—

“(3) If the owner or occupier of any building fails to comply with the notice within the time specified in the said notice, the Commissioner may take action as per provisions of section 248, and the expenditure incurred by the Corporation for taking such action shall be recovered as an arrear of tax under this Act from the person who erects or sets up such projection, obstruction or encroachment.”.

Amendment of
section 250.

49. In section 250 of the principal Act, to sub-section (2) the following proviso shall be added :—

“Provided that the failure or omission to serve such notice on any of the owners shall not invalidate the proceedings under this section.”.

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(Sections 50-56.)

Substitution of new
section for section
253.

50. For section 253 of the principal Act, the following section shall be substituted :—

“Imposition of parking fee. 253. (1) The Corporation may declare a public street or portion thereof, as a free parking area.

(2) Parking fee may be levied for each hour at such rate, and for such type of vehicles parked in different areas or for parking of different categories of street at different hours of the day, as the Corporation may determine by order.”.

Amendment of
section 273.

51. In section 273 of the principal Act, after sub-section (2), the following sub-section shall be inserted :—

“(3) Notwithstanding anything contained in this section, the Corporation may realize a one-time development fee from the person or company concerned for installation of telecom towers at such rates as may be determined by the State Government from time to time :

Provided that the payment of such one-time development fee shall not absolve such person or company concerned from any liability to take out any licence or permission or sanction required under this Act or any other law for the time being in force.”.

Substitution of new
section for section
275.

52. For section 275 of the principal Act, the following section shall be substituted :—

“Approval of building-sites and sanction of plan for erection of buildings.

275. No piece of land shall be used as a site for the erection of a building unless such site has been so approved on payment of a fee at such rate as may be prescribed, and within the prescribed period, and no building shall be erected unless a building plan has been sanctioned for such erection on payment of a fee at such rate as may be prescribed, and in accordance with the provisions of this Chapter and of the rules and the regulations made under this Act.”.

Amendment of
section 361.

53. In section 361 of the principal Act, after sub-section (4), the following sub-section shall be inserted :—

“(5) Notwithstanding anything contained in this section, the State Government, in special circumstances for the reasons to be recorded in writing, may relax any or all the provisions of a rule made under this Act.”.

Amendment of
section 372.

54. In sub-section (1) of section 372 of the principal Act, after the words “any duty”, the words “,including the duty in relation to the municipal fund,” shall be inserted.

Amendment of
section 375.

55. In sub-section (2) of section 375 of the principal Act, for the word “prescribed”, the words “determined by the Corporation, by regulations” shall be substituted.

Amendment of
section 388.

56. In sub-section (1) of section 388 of the principal Act, after the words “employee of the Corporation”, the words “or the person or persons or agents of the Corporation,” shall be inserted.

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(Section 57.)

Amendment of
Schedule V.

57. In Schedule V of the principal Act, in column 1, after the entries “section 87, sub-section (3)” and the entries relating thereto in columns (2), (3) and (4) respectively, the following entries in column (1), and the entries relating thereto in columns (2), (3) and (4) respectively shall be inserted :—

“Section 96M	Prohibition against defiling of water of public and private tanks and usage and throwing of plastic in the public streets and tanks, whether private or public.	Five hundred rupees.	One hundred rupees.”
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By order of the Governor,

ASHIM KUMAR ROY,
*Secy.-in-charge to the Govt. of West Bengal,
Law Department.*

