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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 721-L.—3rd June, 2015.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 18 of 2015

**THE HOWRAH MUNICIPAL CORPORATION
(AMENDMENT) BILL, 2015.**

**A
BILL**

to amend the Howrah Municipal Corporation Act, 1980.

WHEREAS it is expedient to amend the Howrah Municipal Corporation Act, 1980, for the purpose and in the manner hereinafter appearing;

West Ben. Act
LVIII of 1980.

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

Short title and
Commencement.

1. (1) This Act may be called the Howrah Municipal Corporation (Amendment) Act, 2015.

*The Howrah Municipal Corporation
(Amendment) Bill, 2015.*

(Clauses 2, 3.)

(2) This section shall come into force at once, and the remaining provision of this Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of the West Ben. Act LVIII of 1980.

2. In section 2 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act), after clause (28A), the following clause shall be inserted:—

“(28AA) ‘State Government’ means the Government of West Bengal in the Department of Municipal Affairs;”.

Substitution of new section for section 102.

3. For section 102 of the principal Act, the following section shall be substituted:—

“Certificate for enlistment of profession, trade and callings. 102. (1) Every person engaged or intending to be engaged in any profession, trade or calling, as categorized in Schedule III, and as may be detailed in the guidelines issued by the State Government for the purpose, in Howrah Municipal Corporation area, either by himself or by an agent or representative, shall obtain a Permanent Certificate of Enlistment or Provisional Certificate of Enlistment, as the case may be, as per modalities specified in sub-section (2), or get the Permanent Certificate of Enlistment renewed, on or before the expiry of the validity period thereof, from the Commissioner of the Corporation or, in his absence, from the officer authorised to function as the Commissioner, upon presentation of an application together with such application fee, as specified in the guideline, at such rates, not exceeding rupees two thousand and five hundred *per annum*, and also the documents as may be determined by the State Government by issuance of guidelines from time to time. Application form for the purpose shall be available either from the Corporation office on payment of such fee as may be determined by the Corporation or through the web portal:

Provided that the Provisional Certificate of Enlistment shall not be renewable, and on or before completion of the validity period of Provisional Certificate of Enlistment, the same has to be converted into Permanent Certificate of Enlistment:

Provided further that such enlistment or renewal thereof shall not absolve such person from any liability to take out any license under this Act or any other law for the time being in force.

(2) Notwithstanding anything contained in sub-section (1), the application for enlistment of profession, trade and calling may also be submitted through web portals, as may be determined by the State Government along with the manner of submission of such applications in the guidelines, mentioned in sub-section (1). In the case of applications under this sub-section, where any or all necessary statutory clearance remain pending, Provisional Certificate of Enlistment shall be issued by the Commissioner for a period of one year, and where all the statutory clearances are available, the Permanent Certificate of Enlistment be issued by the Commissioner within the time limit as may be determined by the guidelines under sub-section (1) on receipt of requisite fees. The recipient of the Provisional Certificate of Enlistment shall obtain all statutory clearances based on this Provisional Certificate of Enlistment, and on or before the expiry of validity of the Provisional Certificate of Enlistment shall apply for Permanent Certificate of Enlistment, and shall receive the Certificate from the Corporation office on payment of requisite fee as may be determined by the guidelines. The manner of issuance of Provisional and Permanent Certificate of Enlistment shall be such as may be determined by the State Government in the Guidelines mentioned in sub-section (1).

*The Howrah Municipal Corporation
(Amendment) Bill, 2015.*

(3) Permanent Certificate of Enlistment under sub-section (1) or sub-section (2) may be obtained for a maximum period of three years together and be renewed for a maximum period of three years together, subject to condition that the fee for enlistment for the entire period shall be deposited together at a time for which the certificate to be issued.”.

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to amend the Howrah Municipal Corporation Act, 1980 (West Ben. Act LVIII of 1980) (hereinafter referred to as the said Act) for the purposes of, *inter alia*, providing provision for:—

- (a) online submission of application for Certificate of Enlistment under the said Act;
- (b) issuance of non-renewable Provisional Certificate of Enlistment, where required documents are yet to be obtained, and issuance of Permanent Certificate of Enlistment, after receipt of required documents;
- (c) issuance of Provisional Certificate of Enlistment for a period of one year and Permanent Certificate of Enlistment and renewal thereof for a maximum period of three years together;
- (d) empowering the State Government to publish a list of documents as well as the rates of fees and timeline etc. through guidelines for the purpose of obtaining the Certificate of Enlistment under the said Act.

2. The Bill has been framed with the above objects in view.

3. There is no financial implication involved in giving effect to the provision of the Bill.

KOLKATA,
The 2nd June, 2015.

FIRHAD HAKIM,
Member-in-Charge.

By order of the Governor,

MADHUMATI MITRA,
*Secy. to the Govt. of West Bengal,
Law Department.*