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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. 951-L.— 7th August, 2017.—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. 35 of 2017

**THE HOWRAH MUNICIPAL CORPORATION
(AMENDMENT) BILL, 2017.**

**A
BILL**

to amend the Howrah Municipal Corporation Act, 1980.

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

West Ben. Act
LVIII of 1980.

It is hereby enacted in the Sixty-eighth 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, 2017.

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

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(Amendment) Bill, 2017.*

(Clauses 2-5.)

come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint.

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

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

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

Amendment of section 13.

3. In sub-section (2) of section 13 of the principal Act,—

(1) in clause (a), the words “in consultation with the Mayor-in-Council” shall be omitted;

(2) in the second proviso to clause (b), the words “, in consultation with the Mayor-in-Council,” shall be omitted.

Amendment of section 57A.

4. In section 57A of the principal Act,—

(1) in the marginal note for the words “twenty-five lakhs”, the words “one crore” shall be substituted;

(2) for the words “twenty-five lakhs”, wherever they occur, the words “one crore” shall be substituted.

Amendment of section 177.

5. In sub-section (1) of section 177 of the principal Act,—

(1) after the second proviso, the following proviso shall be added:—

“Provided also that the Commissioner may by order, on such terms and conditions and on payment of such fees as may be prescribed by regulations, regularize the minor unauthorised erection, or execution of any minor work without sanction under this Act, or minor deviation from the sanctioned plan or execution of any minor erection or work in contravention of any sanctioned plan under this Act or the rules or the regulations made thereunder, as the case may be:

Provided also that the Commissioner may, by order, delegate his powers and functions under the first and the second proviso of this sub-section to the Special Officers, appointed by the Commissioner with the approval of the State Government on such terms and conditions as may be determined by the Corporation, and the expenses for payment of such officers shall be borne on from the Municipal Fund.”;

(2) the ‘*Explanation*’ shall be renumbered as ‘*Explanation-II*’ and before the ‘*Explanation*’ so renumbered, the following ‘*Explanation*’ shall be inserted:—

“*Explanation I*—For the purpose of this section ‘minor unauthorised erection, minor work, or minor deviation’ shall be such as may be determined by regulations.”.

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(Clause 6.)

Insertion of new
Chapter XXII
after Chapter
XXI.

6. After Chapter XXI of the principal Act, the following chapter shall be inserted:—

“CHAPTER XXII

**Special provisions as to land and building in area or
areas notified as Security zone**

Security zone
around
Government land
and buildings. 243. Notwithstanding anything contained in this Act, the State Government in the Home and Hill Affairs Department, for the purpose of security and safety of the strategic installations on land and buildings belonging to the Government or Semi-Government agency or institution within specific area or areas of the Corporation, may notify that area or areas as ‘Security zone’ and that shall be subject to the control of the Commissioner of Police of the concerned areas:

Provided that this section shall in no way derogate from the powers vested in the Corporation or any other municipal authority under this Act enabling the Corporation or such authority, as the case may be, in the interests of the public health to require the owner or occupier of any land or building in such area or areas of the Corporation to remedy or abate any sanitary defect on, or in such, land or building.

Sanction of State
Government
required for
erection of
masonry building. 244. Notwithstanding anything contained in the forgoing provisions of this chapter or any other law for the time being in force, the State Government may, if it deems fit and necessary, prohibit or restrict, as the case may be, sanction of building exceeding fifteen and half metres of height from ground level within five hundred metres radius of strategic installations or buildings considering the point of view of security.

Demolition or
alteration of
buildings erected
without such
sanction. 245. (1) If the erection of any masonry new building within such area or areas of the Corporation as declared security zone under section 243 is, after the commencement of this section, commenced, carried on or completed without obtaining sanction of the State Government, the Commissioner of the Corporation shall, if requested by the Commissioner of Police to do so,—

- (a) by written notice direct the owner to demolish or alter the building, or
- (b) himself cause the building to be demolished or altered at the expense of the owner.

(2) No person shall be entitled to any compensation on account of such demolition or alteration.

Such sanction not
to bar other
provision of this
Act. 246. Notwithstanding anything contained in section 244, permission to erect a masonry building in such area or areas of the Corporation as declared security zone under section 243 shall not be given so as to contravene, by rendering less strict, any of the provisions of this Act regulating the construction of buildings: and the provisions of section 245 shall be in addition to, and not in derogation of, any other powers of the Corporation or any other municipal authority under this Act to take proceedings for the demolition of any masonry new building erected in such area or areas of the Corporation after the commencement of this Act.”.

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(Amendment) Bill, 2017.*

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) for the purposes of making, *inter alia*, provision for—

- (a) empowering the State Government to appoint the Commissioner, Controller of Finances and the Chief Auditor in Howrah Municipal Corporation and to extend the term of office without any consultation with the Mayor-in-Council to avoid administrative delay;
 - (b) enhancing Financial powers of the Corporation so as to facilitate civic services in prompt manner in public interest;
 - (c) empowering Howrah Municipal Corporation to regularise minor unauthorised construction in a transparent manner;
 - (d) empowering the State Government to restrict or prohibit construction of buildings exceeding fifteen and a half metres of height from ground level within five hundred metres radius of strategic installations or buildings considering the security point of view.
2. The Bill has been framed with the above objects in view.
 3. There is no financial implication involved in giving effect to the provisions of the Bill.

KOLKATA,
The 7th August, 2017.

FIRHAD HAKIM,
Member-in-Charge.

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