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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. 1989-L.—21st November, 2018.—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. 30 of 2018**

**THE KOLKATA MUNICIPAL CORPORATION  
(SECOND AMENDMENT) BILL, 2018.**

**A  
BILL**

*to amend the Kolkata Municipal Corporation Act, 1980.*

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

West Ben. Act  
LIX of 1980.

It is hereby enacted in the Sixty-ninth 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 Kolkata Municipal Corporation (Second Amendment) Act, 2018.

*The Kolkata Municipal Corporation  
(Second Amendment) Bill, 2018.  
(Clauses 2-10.)*

(2) This section shall come into force at once; and the remaining sections shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 6 of the West Ben. Act LIX of 1980.

2. In section 6 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act),—

(i) the following proviso shall be added:—

“Provided that the elected members of the Corporation may also elect an individual who is not a member of the Corporation to be the Mayor provided that he gets himself elected to be a member of the Corporation within six months from the date of the election, failing which, he shall cease to be the Mayor of the Corporation.”;

(ii) in the existing proviso,—

(a) for the word “Provided”, the words “Provided further” shall be substituted;

(b) after the words “the Corporation” the words “or individual” shall be inserted.

Amendment in the heading of Chapter III.

3. In Chapter III of the Kolkata Municipal Corporation Act, 1980, for the words in the Heading “**B. Municipal Service Commission**”, the words “**B. Selection by the West Bengal Municipal Service Commission**” shall be substituted.

Substitution of new section for section 26.

4. For section 26 of the principal Act, the following section shall be substituted:—

“**Selection of personnel.** 26. The West Bengal Municipal Service Commission constituted under sub-section (1) of section 3 of the West Bengal Municipal Service Commission Act, 2018, shall select such personnel for the Corporation as may be prescribed by the State Government, and it shall be binding on the Corporation to appoint the personnel selected by the said Commission.”.

West Ben. Act XII of 2018.

Omission of section 27.

5. Section 27 of the principal Act shall be omitted.

Amendment of section 131.

6. To sub-section (3) of section 131 of the principal Act, the following proviso shall be added:—

“Provided that the rates under this sub-section may be subject to change in accordance with the relevant charging provisions.”.

Amendment of section 172.

7. In sub-clause (iA) of clause (b) of sub-section (1) of section 172 of the principal Act, for the words “sixty-five years”, the words “sixty years” shall be substituted.

Amendment of section 173B.

8. In sub-section (1) of section 173B of the principal Act, the second proviso shall be omitted.

Insertion of new section 174A after section 174.

9. After section 174 of the principal Act, the following section shall be inserted:—

“**Review of scheme for Base Unit Area Value.** 174A. Notwithstanding anything contained in section 174 or any other provisions of this Act, the Corporation may, at any time, review the scheme for specifying Base Unit Area Value by constituting a Committee of such persons as the Corporation may, with the approval of the State Government, by notification in the *Official Gazette*, appoint.”.

Amendment of section 181.

10. In section 181 of the principal Act,—

(i) in sub-section (1), for the words ‘by a public notice’, the words ‘by notice’ shall be substituted;

(ii) in sub-section (2), for the words ‘by a public notice’, the words ‘by notice’ shall be substituted.

*The Kolkata Municipal Corporation  
(Second Amendment) Bill, 2018.  
(Clauses 11-13.)*

Amendment of section 338.

11. In section 338 of the principal Act, for the words “which shall not be less than fifty rupees and more than five thousand rupees”, the words “which shall not be less than five thousand rupees and more than one lakh rupees” shall be substituted.

Substitution of new section for section 394.

12. For section 394 of the principal Act, the following section shall be substituted:—

“Application for addition to or repairs of buildings.

394. Every person who intends to execute any of the works specified in clause (b) to clause (m) of sub-section (1) of section 390 shall apply for sanction by giving notice in writing of his intention to the Municipal Commissioner in such form together with such fees including Drainage development fee and containing such information as may be prescribed.”

Amendment of section 398.

13. In sub-section (3) of section 398 of the principal Act,—

- (i) for the words “two years”, the words “five years” shall be substituted;
- (ii) the following proviso shall be added:—

“Provided that in case of sanction which requires re-erection or sanction under this Act of any dilapidated or condemned building, commencement of work should be made within one year or within such time as may be specified by the Municipal Commissioner at the time of sanction.”

**STATEMENT OF OBJECTS AND REASONS.**

It is considered necessary and expedient to amend the Kolkata Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980), for the purpose of—

- (i) election of the Mayor of a person who is not an elected member of the Corporation, who shall get himself elected as a member of the Corporation within six months of the election as Mayor;
- (ii) selection of personnel by the newly constituted West Bengal Municipal Service Commission;
- (iii) extending the benefit of exemption of property tax to the senior citizen;
- (iv) levying drainage development fees where generation of additional new useable space occurs;
- (v) extending time period for commencement of work from the date of sanction of building plan from existing two years to five years to give relief to the citizen from paying additional sanction fees for revalidation of execution of such work;
- (vi) constitution of Committee to review the Unit Area Assessment scheme for specifying Base Unit Area Value to extend maximum benefit to the tax payers of Kolkata.

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 20th November, 2018.*

FIRHAD HAKIM,  
*Member-in-Charge.*

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,  
*Secy. to the Govt. of West Bengal,  
Law Department.*