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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. 1990-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. 31 of 2018

THE WEST BENGAL MUNICIPAL CORPORATION
(SECOND AMENDMENT) BILL, 2018.

A
BILL

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 Sixty-ninth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Municipal Corporation (Second Amendment) Act, 2018.

*The West Bengal Municipal Corporation
(Second Amendment) Bill, 2018.*

(Clauses 2-9.)

(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 the Heading of Chapter IV of the West Ben. Act XXXIX of 2006.

2. In Chapter IV of the West Bengal Municipal Corporation Act, 2006 (hereinafter referred to as the principal Act), for the words in the Heading "*B. Municipal Service Commission*", the words "*B. Selection by the West Bengal Municipal Service Commission*" shall be substituted.

Omission of section 37.

3. Section 37 of the principal Act shall be omitted.

Omission of section 38.

4. Section 38 of the principal Act shall be omitted.

Substitution of new section for section 39.

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

39. 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.

Amendment of section 60.

6. To sub-section (2) of section 60 of the principal Act, after the second proviso, the following proviso shall be added:—

"Provided also that if, for any reason, it is not possible to hold the election before expiry of the period of six months under this sub-section, the State Government may, by notification, extend the term of such person or persons, as the case may be, appointed under clause (b) of sub-section (1) of section 61, for a further period not exceeding six months."

Amendment of section 62.

7. In section 62 of the principal Act,—

(i) in sub-section (2), for the words "the State Bank of India or in any other nationalised bank or in the State Co-operative Bank", the words "any Scheduled Bank" shall be substituted;

(ii) the '*Explanation.*' shall be omitted.

Amendment of section 115C.

8. In section 115C of the principal Act, for the words "sixty-five years", the words "sixty years" shall be substituted.

Insertion of new section 115D after section 115C.

9. After section 115C of the principal Act, the following section shall be inserted :—

115D. All Health Care Organizations, either primary, or secondary or all clinic, owned or sponsored by the Government, shall be exempt from property tax:

Provided that the Corporation may impose a service charge, not exceeding five per cent of annual valuation of lands and buildings of such Health Care Organizations or clinic, for providing civic services to such Health Care Organizations or clinic."

*The West Bengal Municipal Corporation
(Second Amendment) Bill, 2018.*

(Clauses 10, 11.)

Substitution of new section for section 300.

10. For section 300 of the principal Act, the following section shall be substituted:—

300. For the purpose of securing the efficient scavenging and cleansing of all streets, public places and premises in the Corporation area, the Corporation shall undertake the functions of collection, removal and disposal of solid wastes.”

Insertion of new section 300A, 300B, 300C, 300D, 300E, 300F, 300G, 300H, 300I, 300J, 300K, 300L, 300M, 300N, and 300O after section 300.

11. After section 300 of the principal Act, the following sections shall be inserted:—

300A. (1) The Corporation shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit of—

- (a) rubbish;
- (b) offensive matter;
- (c) trade refuse;
- (d) carcasses of dead animals;
- (e) excrementitious and polluted matter.

(2) Different receptacles, depots or places may be provided or appointed for the temporary deposit of any of the matters specified in sub-section (1).

300B. (1) It shall be the duty of the owners or the occupiers, as the case may be, of all premises—

- (a) to have the premises swept and cleaned;
- (b) to cause all rubbish and offensive matters to be collected from their respective premises and to be deposited, at such time as the Commissioner by public notice specifies, in public receptacles, depots or places provided or appointed by the Corporation or in receptacles provided under clause (c) for the temporary deposit or final disposal thereof;
- (c) to provide receptacles of the type and in the manner specified by the Municipal Commissioner for the collection therein of all rubbish and offensive matters from such premises and to keep such receptacles in good condition and repair.

(2) The Commissioner may levy, on the owner or the occupier of any premises, administrative charges or special cleansing service charges for sweeping, cleansing of the premises, and for collecting and final disposal of the rubbish and offensive matters, at such rates, as the Mayor-in-Council may determine from time to time. Any unpaid sum under this section shall be recoverable from the person concerned as an arrear tax under this Act.

*The West Bengal Municipal Corporation
(Second Amendment) Bill, 2018.*

(Clause 11.)

Corporation to provide for clearing of streets and removal of solid wastes.

300C. (1) The Corporation shall take measures for securing—

- (a) the daily surface-cleaning of all streets in the Corporation area and removal of sweeping therefrom;
- (b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by the Corporation under the provisions of this Act for the temporary deposit of rubbish, trade refuse, carcasses of dead animals and excrementitious and polluted matter;
- (c) the removal of special wastes and hazardous wastes and other solid wastes from premises.

(2) The Commissioner may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

(3) The Commissioner shall make adequate provision for preventing receptacles, depots, places, vehicles and vessels referred to in this Chapter from becoming sources of nuisance.

Solid wastes to be the property of the Corporation.

300D. All matters deposited in public receptacles, depots and places provided or appointed by the Corporation and all solid wastes collected shall be the property of the Corporation.

Provision of vehicles or other suitable means for removal of solid wastes.

300E. (1) The Corporation shall provide vehicles or other suitable means and where necessary covered vehicles or vessels for the removal of solid wastes.

(2) The Corporation may construct, acquire, operate, maintain, develop or manage any garage or work for proper maintenance of the vehicles or vessels or means for removal of solid wastes under sub-section (1).

Removal of solid wastes accumulated on non-residential premises.

300F. The Commissioner may if he thinks fit,—

- (a) by written notice, require the owner or the occupier of any premises used—
 - (i) as factory, workshop or for carrying on any manufacture, or
 - (ii) as a trade premises or shop or as a market or slaughter house, or
 - (iii) as a hotel, eating house, or restaurant, or
 - (iv) as a hospital or nursing home, or
 - (v) as a warehouse or godown, or
 - (vi) as a place to which large number of persons resort, or

*The West Bengal Municipal Corporation
(Second Amendment) Bill, 2018.*

(Clause 11.)

- (vii) in any other way, where rubbish, offensive matter, filth, trade refuse, special wastes, hazardous wastes or excrementitious, and polluted matters are accumulated in large quantities, to collect such matters accumulating thereon and to remove the same at such time and in such trailers or receptacles and by such routes as may be specified in the notice to a depot or place provided or appointed by the Corporation, or
- (b) after giving such owner or occupier notice of his intention, cause all rubbish including building rubbish, offensive matter, trade refuse, special wastes, hazardous wastes or excrementitious and polluted matter accumulated in such premises to be removed, and charge the said owner or occupier, as the case may be, for such removal such fee as may be determined by the Corporation and specified in the notice issued under clause (a).

Appointment of places for disposal and final disposal of solid wastes.

it considers suitable:

300G. The Corporation may dispose of the solid wastes in such manner as may be approved by the State Government and at such place or places within or outside the Corporation area as

Provided that no place, which has not been before the commencement of this Act used for the purpose of disposal of solid waste, shall be used except in conformity with the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979.

West Ben. Act
XIII of 1979.

Provision processing and disposal of solid wastes.

such solid wastes into compost or other matters, construct, acquire, operate, maintain, develop, and manage any work within or outside the Corporation area and run it on a commercial basis.

300H. (1) The Corporation may, for the purpose of receiving, storing, treating, processing and disposing solid wastes or converting

(2) The Corporation may, subject to the regulations made in this behalf, cause to be utilized solid wastes for filling up any well, tank or low land and perform this function on a commercial basis within or outside the Corporation area.

Prohibition against deposit of solid wastes.

300I. (1) No person shall deposit or cause or permit to be deposited or throw upon or along any public street, public place, land belonging to the Corporation or any unoccupied land or on the bank of a water-course any solid waste except in accordance with the provisions of this Act.

(2) Without prejudice to the generality of the foregoing provision, no person shall deposit or cause or permit to be deposited any building rubbish in or along any street, public place or land except in conformity with the conditions of prior permission from the Commissioner:

Provided that no permission shall be given until an advance payment of a fee for the removal by the employees or contractors of the Corporation of such rubbish has been made in accordance with such rates as may be determined by the Corporation from time to time :

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(Clause 11.)

Provided further that if the Commissioner thinks fit, he may, for reasons to be recorded, refuse to give such permission.

Presumption as to offender.

300J. If any rubbish, offensive matter, trade refuse, special waste, hazardous waste or excrementitious and polluted matter accumulating on any premises is deposited in any place in contravention of the provisions of this Act, it shall be presumed, unless the contrary is proved, that such contravention has been committed by the occupier of such premises.

Depositing or throwing any solid waste in contravention of the provisions of this Act.

300K. Whoever deposits or throws or causes or permits to be deposited or thrown any solid waste on any place in contravention of the provisions of this Act shall, subject to such regulations as may be made in this behalf, be punishable with fine which shall not be less than rupees five thousand and which may extend to rupees one lakh for each such offence.

Power of the Corporation to get places scavenged and cleansed.

300L. If any street of public place under the control of Government or any statutory body, or any premises to which large number of persons resort to, is not properly or regularly scavenged or is, in the opinion of the Corporation, in a filthy and unwholesome condition, the Commissioner may, by written notice, require the owner or the occupier to do the scavenging or cleansing or may cause scavenging or cleansing to be done and the cost of such scavenging or cleansing shall be recovered from the owner or the occupier thereof.

Commissioner not to sanction building plan in certain cases except in conformity with regulations for solid wastes.

300M. The Corporation may by regulations determine any class or classes of buildings in the cases of which the Commissioner shall not sanction any building plan except in conformity with the regulations framed by the Corporation for construction on the premises of receptacles for temporary deposit of solid wastes.

Notice to be given by methar, etc. before withdrawing from work.

300N. Notwithstanding anything to the contrary contained in any other law in force for the time being, no methar or other employee of the Corporation who is employed to remove or otherwise deal with any rubbish, offensive matter, filth, trade refuse, or other solid waste, shall, without giving the Commissioner any notice of his intention so to do or without the permission of the Commissioner, withdraw from his duties.

Special sanitary arrangements at certain places.

300O. (1) The Commissioner may make such special arrangements, whether permanent or temporary, as he considers adequate for maintaining sanitation in the vicinity of any place of religious worship or institutions or places to which large numbers of persons resort on particular occasions or in any place used for holding fairs, festivals, sports or cultural or social events.

(2) The Commissioner may require any person having control over any such place to pay to the Corporation fees at such rates as the Corporation may from time to time determine."

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(Second Amendment) Bill, 2018.*

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to amend the West Bengal Municipal Corporation Act, 2006 (West Ben. Act XXXIX of 2006), by making provision, *inter alia*, for—

- (i) opening Bank account in any Scheduled Bank within or outside the Corporation area;
- (ii) empowering State Government to extend the term of person or persons appointed under clause (b) of sub-section (1) of section 61;
- (iii) extending the benefit of exemption of property tax to the senior citizen;
- (iv) selection of personnel by the West Bengal Municipal Service Commission constituted under the West Bengal Municipal Service Commission Act, 2018;
- (v) exemption of holding used for running Government owned Hospitals, clinics etc. from payment of property tax;
- (vi) collection, removal and disposal of solid wastes for the purpose of securing efficient scavenging and cleansing of all streets, public places and premises in the Corporation area.

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.*