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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. 1991-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. 32 of 2018

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

**A
BILL**

to amend the West Bengal Municipal Act, 1993.

WHEREAS it is expedient to amend the West Bengal Municipal Act, 1993, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXII of 1993.

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 West Bengal Municipal (Second Amendment) Act, 2018.

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

(Clauses 2-8.)

(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 54 of the West Ben. Act XXII of 1993.

2. In section 54 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the principal Act), for sub-section (3A), the following sub-section shall be substituted:—

“(3A) The recruitment to the posts not required to be made through the West Bengal Municipal Service Commission constituted under sub-section (1) of section 3 of the West Bengal Municipal Service Commission Act, 2018, shall be made through the open advertisement or through such other method as the State Government may determine from time to time.”

West Ben. Act
XII of 2018.

Substitution of new section for section 55.

3. For section 55 of the principal Act, the following section shall be substituted:—

“Selection of personnel.

55. 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 municipalities as may be prescribed by the State Government, and it shall be binding on the Municipality to appoint the personnel selected by the said Commission.”

Amendment of section 68.

4. In section 68 of the principal Act, —

- (i) for the words “any bank in the municipal area,”, the words “any Scheduled Bank” shall be substituted;
- (ii) the ‘*Explanation.*’ shall be omitted.

Insertion of a new section 102C after section 102B.

5. After section 102B of the principal Act, the following section shall be inserted:—

“Exemption of holding used for Government owned Hospitals, clinics etc.

102C. 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 Board of Councillors may impose a service charge, not exceeding five *per cent* of annual value of lands and buildings of such Health Care Organizations or clinic, for providing civic services to such institutions.”

Amendment of section 105.

6. In clause (ii) of section 105 of the principal Act, for the words “sixty-five years”, the words “sixty years” shall be substituted.

Amendment of section 116.

7. For sub-section (5) of section 116 of the principal Act, the following sub-section shall be substituted:—

“(5) The Executive Officer shall, on receipt of a notice of transfer or devolution record the transfer or devolution of property in such form and in such manner as may be determined and upon payment of such fee as may be prescribed.”

Amendment of section 272.

8. In section 272 of the principal Act, for the words “which shall not be less than fifty rupees or more than five thousand rupees”, the words “which shall not be less than five hundred rupees or more than fifty thousand rupees” shall be substituted.

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

(Clause 9.)

Amendment of
section 333.

9. For sub-section (9) of section 333 of the principal Act, the following sub-section shall be substituted:—

“(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 a fine which shall not be less than rupees one thousand but which may extend to rupees one lakh only.”.

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to amend the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993), to make it more effective by making provisions, *inter alia*, for,—

- (i) opening Bank account on account of Municipal fund into any Scheduled Bank within or outside the municipal area also;
- (ii) extending the benefit of exemption of property tax to the senior citizen having the age of sixty years or more;
- (iii) empowering the West Bengal Municipal Service Commission constituted under the West Bengal Municipal Service Commission Act, 2018, for selection of personnel for municipalities;
- (iv) exemption of property tax on holding used for running Government owned Hospitals, clinics etc.;
- (v) prescribing the amount of fees for transfer of title of land or building or apartment etc.;
- (vi) raising the amount of fine for depositing and throwing any solid waste in contravention of the provisions of the Act;
- (vii) prescribing the amount of fine for contravention or non-compliance of any measure for prevention of mosquito-breeding and spreading of vector-borne diseases.

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.*