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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. 1112-L.—16th November, 2022.—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 2022

**THE WEST BENGAL MUNICIPAL
(AMENDMENT) BILL, 2022.**

**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 Seventy-third 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 (Amendment) Act, 2022.

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(Amendment) Bill, 2022.*

(Clauses 2 – 4.)

(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 15 of
West Ben. Act
XXII of 1993.

2. In section 15 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the principal Act), for sub-section (1), the following sub-section shall be substituted:—

“(1) There shall be Chairman-in-Council consisting of the Chairman, Vice-Chairman and such number of other elected members of the Municipality, as the State Government may from time to time determine by notification for each Group of Municipality referred to in section 7.”.

Amendment of
section 113.

3. In section 113 of the principal Act, in sub-section (1),—

(1) for the words “the Board of Councillors may”, the words “the Executive Officer may, subject to laying of such alteration and amendment as transaction of business in the immediate next meeting of Board of Councillors for approval after they are made” shall be substituted;

(2) to clause (i), the following provisos shall be added:—

“Provided that the Executive Officer shall cause automated alteration and amendment of the assessment list, using the computer resources of the Municipality, in consonance with the registration of any instrument, if the ownership of any holding is changed due to transfer of property through that instrument:

Provided further that for such automated alteration or amendment of the assessment list, hearing of the person affected shall not be mandatory.”.

Amendment of
section 114.

4. In section 114 of the principal Act,—

(1) in sub-section (1), for the words “The Chairman-in-Council”, the words “The Executive Officer” shall be substituted;

(2) to sub-section (1), the following provisos shall be added:—

“Provided that the Executive Officer shall cause the automated annual valuation of any holding and assessment thereon, using the computer resources of the Municipality, if that holding is newly created by mutation or by transfer:

Provided further that for annual valuation of such newly created holding and for assessment thereon, offering any opportunity to the owner or occupier of such holding to prefer any objection to the proposed valuation of that holding and hearing thereupon, shall not be mandatory.”;

(3) in sub-section (2), for the words “the Chairman-in-Council” wherever they occur, the words “the Executive Officer” shall be substituted;

(4) in sub-section (4), for the words “The Chairman-in-Council shall, thereafter”, the words “The Executive Officer shall, subject to laying of such addition as transaction of business in the immediate next meeting of Board of Councillors for approval after they are made” shall be substituted;

(5) in sub-section (5),—

(a) for the words “the Chairman-in-Council” wherever they occur, the words “the Executive Officer” shall be substituted;

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(Clauses 5 – 11.)

(b) to the proviso, for the words “the Chairman-in-Council” wherever they occur, the words “the Executive Officer” shall be substituted;

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

“Provided further that any action taken under provision of this sub-section shall be laid as transaction of business in the immediate next meeting of Board of Councillors for approval after they are made.”.

Insertion of new section 114A after section 114.

5. After section 114 of the principal Act, the following section shall be inserted:—

“Intimation to Valuation Board regarding addition to, or alteration in, assessment list.

114A. In case of any addition to, or alteration in, the assessment list under the provisions of section 113 or section 114, as the case may be, the Executive Officer shall bring such addition or alteration, to the notice of the West Bengal Valuation Board established under the West Bengal Valuation Board Act, 1978.”.

West Ben. Act
LVII of 1978.

Amendment of section 115.

6. In section 115 of the principal Act,—

(1) in sub-section (1), for the words “The Chairman”, the words “The Executive Officer” shall be substituted;

(2) to sub-section (1), the following proviso shall be added:—

“Provided that any action taken under provision of this sub-section shall be laid as transaction of business in the immediate next meeting of Board of Councillors for approval after they are made.”;

(3) in sub-section (3), for the words “The Chairman”, the words “The Executive Officer” shall be substituted;

(4) to sub-section (3), the following proviso shall be added:—

“Provided that any action taken under provision of this sub-section shall be laid as transaction of business in the immediate next meeting of Board of Councillors for approval after they are made.”.

Amendment of section 204.

7. In section 204 of the principal Act, for the words “the Board of Councillors”, the words “the Committee appointed by the Board of Councillors consisting of such members as may be prescribed” shall be substituted.

Amendment of section 206.

8. In sub-section (2) of section 206 of the principal Act, for the words “The Board of Councillors” wherever they occur, the words “The Committee referred to in section 204” shall be substituted.”.

Amendment of section 207.

9. In section 207 of the principal Act,—

(1) for the words “sixty days”, the words “fifteen days” shall be substituted;

(2) for the words “the Board of Councillors” wherever they occur, the words “the Committee referred to in section 204” shall be substituted.

Amendment of section 208.

10. In section 208 of the principal Act,—

(a) in the marginal note, for the words “the Board of Councillors”, the words “the Committee referred to in section 204” shall be substituted;

(b) for the words “the Board of Councillors”, the words “the Committee referred to in section 204” shall be substituted.

Omission of section 209.

11. Section 209 of the principal Act shall be omitted.

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(Clauses 12, 13.)

Amendment of
section 211.

12. In section 211 of the principal Act,—

- (a) for the words “Board of Councillors” wherever they occur, the words “Committee referred to in section 204” shall be substituted;
- (b) in the proviso, for the words “Board of Councillors”, the words “Committee referred to in section 204” shall be substituted.

Amendment of
section 213.

13. In section 213 of the principal Act,—

- (1) in sub-section (1), for the words “the Board of Councillors”, the words “the Committee referred to in section 204” shall be substituted;
- (2) in sub-section (2), for the words “the Board of Councillors”, the words “the Committee referred to in section 204” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

After introduction of online mutation system, it has become necessary to reduce the time for administrative approval to the cases for amendment, alteration and addition to the assessment list of holdings in the municipal areas.

2. Online sanction of building plan has also been introduced in municipalities and for this reason time for administrative approval for sanctioning building plan also requires to be reduced.

3. In view of these, 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 providing provisions for—

- (a) empowering the Executive Officer to approve the cases for amendment, alteration and addition to the assessment list of holdings in the municipal areas, subject to subsequent approval in the next meeting of the Board of Councillors.
- (b) making provisions for automated annual valuation of holding and assessment thereon and also automated alteration and amendment of assessment list.
- (c) insertion of new provision by which the Executive Officer may be obligated to communicate the West Bengal Valuation Board on the subsequent amendment, alteration and addition to the assessment list of holdings in the municipal areas.
- (d) empowering the Committee appointed by the Board of Councillors for approval of sanction of building plan.
- (e) reduction of stipulated time period for sanction of building plan from existing “sixty days” to “fifteen days”.

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- (f) omission of provision for giving notice to Board of Councillors before commencement of work.
- (g) empowering the State Government for determination of number of members, other than the Chairman and the Vice-Chairman of Chairman-in-Council for each Group of Municipality.
4. The Bill has been framed with the above objects in view.
5. There is no financial implication involved in giving effect to the provisions of the Bill.

KOLKATA,
The 14th November, 2022.

FIRHAD HAKIM,
Member-in-charge.

By order of the Governor,
PRADIP KUMAR PANJA,
*Secy. to the Govt. of West Bengal,
Law Department.*