

The
Kolkata Gazette



सत्यमेव जयते

Extraordinary
Published by Authority

MAGHA 12]

THURSDAY, FEBRUARY 1, 2024

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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. 119-L.— 1st February, 2024.—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 and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 1 of 2024

**THE HOWRAH MUNICIPAL CORPORATION
(AMENDMENT) BILL, 2024.**

**A
BILL**

to amend the Howrah Municipal Corporation Act, 1980.

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

West Ben. Act
LVIII of 1980.

It is hereby enacted in the Seventy-fifth 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, 2024.

*The Howrah Municipal Corporation
(Amendment) Bill, 2024.*

(Clauses 2–4.)

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

2. After sub-clause (i) of clause (21B) of section 2 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act), the following sub-clause shall be inserted:—

“(j) City service and Public utility building, that is to say, any building used for providing services by various organizations like Corporation, Calcutta Electric Supply Corporation, Public Works Department of the Government or any other similar service providing agencies providing services used in everyday life by the public, such as electricity sub-station and ancillary building for distribution, crematorium, burning ghat, water supplies, sewerage works, water supply or drainage pumping station, exclusive Car Parking Building with services incidental to Car Parking (such as Electrical room, Pump room, Guards’ room, toilets, Control room etc.), telecommunication services; night shelters for homeless people, ward office, health unit, community hall, compactor station, pay and use toilet run by Corporation, metro railway or any other Government buildings for providing similar service purpose:

Provided that any other buildings providing services similar in nature as determined by the Commissioner with the approval of Mayor-in-Council may come under this classification.”

Insertion of new section after section 136.

3. After section 136 of the principal Act, the following section shall be inserted:—

“Commissioner not to sanction building plan unless plan relating to water supply etc. is in conformity with rules and regulations.

136A. All building plans submitted to the Commissioner for sanction shall conform to such rules or regulations as may be framed in this behalf relating to water-supply, drainage, privy and urinal accommodation within the premises and sewerage, and no building plan shall be sanctioned by the Commissioner unless the same so conforms.”

Amendment of section 144.

4. After sub-section (2) of section 144 of the principal Act, the following sub-sections shall be inserted:—

“(3) (a) The Commissioner or any officer authorised by him in this behalf may—

- (i) inspect and examine any house-drain, ventilation shaft or pipe, cesspool, house-gully, privy, urinal, or bathing or washing place existing in, or any pipe, tap fitting or meter for supply of water to, any premises; and
- (ii) if necessary for the purpose of such inspection and examination, cause the ground or any portion of any house-drain or other work exterior to a building or any portion of a building to be opened, broken up or removed:

Provided that in the course of any such inspection and examination as little damage as possible shall be done.

(b) Any ground or any portion of any house-drain or other work exterior to a building or any portion of a building opened under sub-clause (ii) of clause (a) shall be filled in, reinstated and made good by—

- (i) the owner of the premises at his own cost, where the works or things mentioned in sub-clause (i) of clause (a) are found on inspection and examination to be not in good order or condition or constructed in contravention of any of the provisions of this Act or any rules or regulations made there under or of any other law for the time being in force, and
- (ii) the Commissioner, in other cases.

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(Clause 5.)

(c) Where the owner of any premises raises any dispute as to the existence of any of the circumstances referred to in sub-clause (i) of clause (b), he may, within thirty days from the date of inspection and examination, make a written representation to—

- (i) the Commissioner, in cases where the inspection and examination is done by any officer of the Corporation other than the Commissioner,
- (ii) the Mayor, in other cases,

and the decision of the Commissioner or the Mayor, as the case may be, shall be final.

(4) When the result of inspection and examination is described in clause (b) of sub-section (3), the Commissioner may,—

- (a) by written notice, require the owner of the premises or the several owners of the respective premises in which the drain, ventilation shaft or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situated or for the benefit of which the same has been constructed, erected or set up,
 - (i) to close or remove the same or any encroachment thereupon; or
 - (ii) to renew, repair, cover, recover, trap, ventilate, pave and pitch, flush, cleanse or take such other action as the Commissioner may think fit to direct and to fill in, reinstate and make good ground, building or thing opened, broken up or removed for the purpose of such inspection and examination; and
- (b) without notice, close, fill up or demolish any drain by which sewage, offensive matter or polluted water is carried through, from, into or upon any premises in contravention of any of the provisions of this Act, and may also, forthwith and without notice, clear, cleanse or open out any drain which is choked, blocked or in any way obstructed; and the expenses incurred by the Commissioner in so doing shall be paid by such owners or occupiers and shall be recoverable as an arrears of tax under this Act.”.

5. After section 171 of the principal Act, the following sections shall be inserted:—

Insertion of new sections after section 171.

“Classification of public street. 171A. (1) The Mayor-in-Council shall classify all public streets in Howrah in one or other of the following categories:—

- (a) category I — arterial roads,
- (b) category II — sub-arterial roads,
- (c) category III — collector roads,
- (d) category IV — local roads,
- (e) category V — pedestrian pathways, and
- (f) category VI — footpaths.

(2) The classification shall be done with due regard to the traffic rules of the particular public street and the nature and volume of traffic on it, its existing width, and abutting land uses:

Provided that the different names of public streets which essentially constitute parts of a continuous traffic corridor shall not come in the way of their placement in any particular category.

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(Amendment) Bill, 2024.*

(Clause 5.)

(3) The Mayor-in-Council shall, specify the minimum widths of different categories of public streets without regard to the existing widths of such streets as may be included in such categories:

Provided that the minimum width of any public street falling under category I or category II or category III or category IV shall not be less than ten metres including any public street falling under category VI and that of a public street falling under category V, not less than six metres:

Provided further that such minimum widths may be revised by the Mayor-in-Council at an interval of not less than five years.

(4) The classification of the public streets in different categories may be revised from time to time.

Owner's obligation to make provision of street when land as building site.

171B. If the owner of any land utilises, sells, leases out or otherwise disposes of such land or any portion or portions thereof as plots for the construction of buildings thereon, he shall lay down and make street or streets giving access to the plots into which the land may be divided and connecting such street or streets with any existing public or private street.

Lay out plan.

171C. (1) Before utilizing, selling or otherwise disposing of any land under section 171B, the owner thereof shall send to the Commissioner a written application with a layout plan of the land showing the following particulars:—

- (a) the plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;
- (b) the reservation or allotment of any site for any street, open space, park, recreation ground, school, market or any other public purpose;
- (c) the intended level, direction and width of street or streets, including footpaths;
- (d) the regular line of street or streets;
- (e) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting street or streets.

(2) The provisions of this Act and the rules and the regulations made thereunder as to the widths of public streets, including footpaths and the height of buildings abutting thereon shall apply in the case of streets referred to in sub-section (1), and all the particulars of a layout plan, referred to in that sub-section, shall be subject to the approval of the Mayor-in-Council.

(3) Within sixty days of receipt of any application under sub-section (1), the Mayor-in-Council shall either accord approval to the layout plan on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(4) Such approval shall be refused—

- (a) if the particulars shown in the layout plan are in conflict with any arrangements which have been made or which are, in the opinion of the Mayor-in-Council, likely to be made for carrying out any general scheme of development of Howrah, whether or not such scheme is contained in the development plan or the development scheme of any authority under any law in force for the time being;

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(Clauses 6– 8.)

- (b) if the layout plan does not conform to the provisions of this Act and the rules and the regulations made thereunder; or
- (c) if any street proposed in the layout plan is not so designed as to connect it at one end with a street which is already open.

(5) No person shall utilize, sell or otherwise deal with any land or layout or make any new street without or otherwise than in conformity with the orders of the Mayor-in-Council and, if further information is asked for, no step shall be taken to utilize, sell or otherwise deal with the land or to lay out or make the street until an order has been passed by the Mayor-in-Council upon receipt of such information:

Provided that the passing of such order shall not, in any case, be delayed for more than sixty days after the Mayor-in-Council has received such information as it considers necessary to enable it to deal with the application.”.

Insertion of new section after section 173.

6. After section 173 of the principal Act, the following section shall be inserted:—

“Prohibition of building without sanction plan. 173A. No person shall erect or commence to erect any building or execute any of the works specified under this Chapter except with the previous sanction of the Commissioner and in accordance with the provisions of this Chapter and of the rules and the regulations made under this Act in relation to such erection of building or execution of work and on payment of such fee as may be determined by the Corporation:

Provided that in case of allowing incremental Floor Area Ratio over and above the prescribed limit of Floor Area Ratio in the prescribed manner, rate or fee or charge payable for additional Floor Area Ratio shall be decided in terms of “Circle Rates” of the State Government, and the formula for this purpose shall be finalised by the State Government, and all such additional rate or fees or charges to be collected on account of granting of additional Floor Area Ratio will be payable to the State Exchequer directly, and as may be decided by the State Government, a portion of the collected rate or fees or charges shall be allotted or transferred to the Corporation for undertaking developmental schemes.”.

Amendment of section 174.

7. To section 174 of the principal Act, the following proviso shall be added:—

“Provided that the Corporation may also levy fees under this section with retrospective effect.”.

Insertion of new section after section 174B.

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

“Submission of on-line building sanction plan. 174BA. (1) Notwithstanding anything contained in this Act, the Corporation may make it mandatory for submission of application for sanction of building plan through on-line either for all or any of the categories of buildings, or for construction of building in any specific area or the entire area within its jurisdiction, and the process of submission of on-line application shall commence on and from the date as may be notified by the State Government in consultation with the Corporation.

(2) Upon issuance of notification by the State Government under sub-section (1), the provision of section 174 shall not be applicable to the categories of buildings or areas of the Corporation which have been notified by the State Government for implementation of this section.

(3) For making provision of submission of on-line application under sub-section (1), the Corporation shall make wide publication in such manner, as may be prescribed.

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(Clauses 9, 10.)

(4) All the applications in this section shall be submitted to the Commissioner in soft form along with soft copies of such documents and plans as may be prescribed, and the modalities for submission of on-line application forms together with fee under this section shall be such as may be prescribed.”.

Insertion of new section after section 175D.

9. After section 175D of the principal Act, the following section shall be inserted:—

“Manner of processing the application submitted for approval of the building plan.

175E. (1) Corporation may integrate inter-sectional clearance (such as tax clearance, title and mutation clearance) in the forum of Municipal Building Committee constituted under section 174A and the Municipal Building Committee shall also act as a Single Window Authority for according sanction of the building plans.

(2) After receipt of on-line application, the same shall be sent by the Corporation to all the concerned regulatory authorities, such as Fire and Emergency Services Department, Environment Department, wherever necessary, for parallel processing of such application.

(3) In cases where plans have been submitted on-line under section 174BA, the plan shall not be deemed as sanctioned unless it is certified by the competent authority, as may be determined by the Corporation, that the said plan is duly uploaded.

(4) Sanction or refusal to sanction the building plans submitted on-line under section 174BA shall be communicated on-line in such manner as may be prescribed.”.

Amendment of section 177.

10. After sub-section (8) of section 177 of the principal Act, the following sub-section shall be inserted:—

“(9) (a) Where the demolition of any heritage building or the erection of any building or the execution of any work has been commenced or is being carried on without or contrary to the sanction referred to in section 174 or section 174B or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or the rules or the regulations made thereunder, the Commissioner may, in addition to any other action that may be taken under this Act, by order, require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

(b) (i) Notwithstanding anything contained elsewhere in this Act or in any rules or regulations made thereunder, no owner of any building, and no person engaged in the construction of any building on behalf of the owner thereof shall allow storage or stagnation of water in the site for the construction of such building. Every such owner or every such person, as the case may be, shall completely empty all collections of such water at least once in a week.

(ii) Where the construction of a building is carried on in contravention of the provisions of clause (i), the Commissioner may, in addition to any other action that may be taken under this Act, by a written order, require the person at whose instance such storage or stagnation of water in the site for the construction of the building is made to stop forthwith any further construction of the building, and such order shall remain in force till the person as aforesaid complies with the requirements of the order as aforesaid to the satisfaction of the Commissioner.

(c) If an order made by the Commissioner under sub-clause (ii) of clause (b) directing any person to stop the construction of any building is not complied with, the

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(Clause 11.)

Commissioner may take such measures as he deems fit or may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified by the Commissioner and such police officer shall comply with such requirement.

(d) No Court shall entertain any suit, application or other proceeding for injunction or other relief against the Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(e) If an order, made by the Commissioner under sub-section (1) or under clause (a) of this sub-section directing any person to stop the erection of any building or the execution of any work, is not complied with, the Commissioner may take such measures as he deems fit or may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified by the Commissioner and such police officer shall comply with such requirement.

(f) After the requirement under clause (e) has been complied with, the Commissioner may, if he thinks fit, depute, by a written order, a police officer or an officer or other employees of the Corporation to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued.

(g) Where a police officer or an officer or other employee of the Corporation has been deputed under clause (f) to watch the premises, the cost of such deputation to be determined by the Corporation by regulations shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under clause (a) has been given and shall be recoverable from such person as an arrear of tax under this Act.”.

Amendment of
section 179.

11. After sub-section (9) of section 179 of the principal Act, the following sub-sections shall be inserted:—

“(10) (a) No person shall, without the previous permission in writing of the Commissioner or otherwise than in conformity with the conditions, if any, of such permission, use any premises in Howrah for the purpose of a hospital, nursing home, clinic, polyclinic, diagnostic laboratory or such other institutional medical facility as may be specified by the Mayor-in-Council from time to time.

(b) The Commissioner may refuse to give such permission if he is of the opinion that the proposed premises is not suitable for the purpose as aforesaid in view of criteria of hygiene and environmental sanitation.

(11) (a) No person shall, without the previous permission in writing of the Commissioner or otherwise than in conformity with the conditions, if any, of such permission, establish in any premises, or materially alter, enlarge or extend, any factory, workshop or trade premises in which it is intended to employ steam, electricity, water or other mechanical power:

Provided that no such permission shall be granted in contravention of the provisions of sub-section (17) of this section.

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(Clause 11.)

(b) The Commissioner may refuse to give such permission if he is of the opinion that the establishment, alteration, enlargement or extension of such factory, workshop or trade premises in the proposed position—

- (i) would be objectionable by reason of density of population in the neighbourhood thereof, or
- (ii) would be a nuisance to the inhabitants of the neighbourhood, or
- (iii) would be in contravention of any land use control under this Act or any other law for the time being in force.

(12) (a) No person shall, without the previous permission in writing of the Commissioner or otherwise than in conformity with the condition, if any, of such permission, use, or materially alter, enlarge, or extend the use of any premises as a warehouse or a godown or for running a goods transport business either by his own carriers or by arrangement with the owners of such carriers:

Provided that no such permission shall be granted in contravention of the provisions of sub-section (17) of this section.

(b) The Commissioner may refuse to give such permission if he is of the opinion that the use, or the alteration, enlargement or extension of the use, of any premises as a warehouse or a godown or for running a goods transport business—

- (i) would be objectionable due to the traffic constraints in the vicinity of such premises, or
- (ii) would be undesirable due to inadequate space for parking of vehicles or loading or unloading of goods, or
- (iii) would constitute a fire hazard, or
- (iv) would be a nuisance to the inhabitants of the neighbourhood.

(c) In a case where such permission is granted, the Commissioner may specify such conditions for parking of vehicles or loading or unloading of goods as he may deem fit.

(13) (a) No permission shall, without the written permission of the Commissioner or otherwise than in conformity with the conditions, if any, of such permission, use, or permit to be used, or materially alter, enlarge, or extend the use of, any premises for the purpose of establishing or keeping open an eating house, hotel, boarding houses, tea shop, coffee house, cafe, restaurant, refreshment room, snack shop, snack bar, sweet meat shop, liquor house, tavern, wine shop, beer shop, spirit shop, arrack shop, toddy shop, ganja shop, bhang shop, opium shop, tobacco shop, bidi shop, cigarette shop, zarda shop, betel shop or betel leaf masala shop or for the purpose of sale of *dab* or *dab* water or any place, where the public are admitted for repose or consumption of any food or drink or where food is sold or is prepared for sale for any such purpose, or any premises let out to any person for performance of any sacred thread, marriage, *annaprasan* or *sradh* ceremony or marriage or death anniversary or similar other ceremony:

Provided that no such permission shall be granted in contravention of the provision of sub-section (17) of this section.

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(Clause 11.)

(b) The Commissioner may at any time cancel or suspend any permission under sub-section (1), if he is of the opinion that the premises covered by such permission are not kept in conformity with the conditions of such permission or the provisions of any rules or regulations made in this behalf, whether the person is prosecuted under this Act or not.

(14) (a) No person shall, without the written permission of the Commissioner or otherwise than in conformity with the conditions, if any, of such permission, which shall be granted subject to the provisions under sub-section (17) of this section, use, or permit to be used, or materially alter, enlarge or extend the use of any premises for the purpose of establishing or keeping open any theatre, cinema house, drive-in theatre or cinema house, circus, fair, fete, exhibition or dancing hall, or any other place of similar public resort, recreation or amusement for any such purpose:

Provided that nothing in this section shall apply to private performances in any place.

(b) The Commissioner may specify any conditions for providing, within the premises, space for the vendors catering to the public needs in connection with such purposes.

(15) (a) The Commissioner may, from time to time and with the prior approval of the Mayor-in-Council, notify that no new market or shop or trading premises shall be established or kept open to abut on a category I or category II or category III street or portion thereof, without his prior permission, which shall be subject to the provisions of sub-section (17) of this section.

(b) The Commissioner may refuse to give such permission with due regard to the traffic constraints in the vicinity.

(c) Notwithstanding the existence of any markets or shops on any such street, such refusal of the Commissioner shall be final.

(16) (a) The Commissioner may, from time to time and with the prior approval of the Mayor-in-Council, notify such other non-residential uses of premises (including the one for an educational building or an institutional building or an assembly building or a business building or a mercantile building or an industrial building or a storage building or a hazardous building) as are not provided for in this Chapter and in the case of which prior permission of the Commissioner shall be necessary, subject to the provisions of sub-section (17) of this section, for establishing, or materially altering, or enlarging, or extending the use of, any such premises.

(b) The Commissioner may refuse to give such permission in any case on the ground that such use,—

- (i) would be objectionable by reason of the density of population in the neighbourhood, or
- (ii) would add to the traffic constraints in the vicinity including parking spaces, for vehicles, or
- (iii) would not conform to other predominant uses in the neighbourhood, or
- (iv) would constitute a fire hazard, or
- (v) would be a nuisance to the inhabitants of the neighbourhood, or

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(Clause 12.)

- (vi) in the case of hospital or clinic would be harmful to the patients due to noise or an environment which poses a health hazard, or
- (vii) in the case of an educational building would deprive the students of playground facilities, or
- (viii) on any other similar ground.

(c) Subject to any land use control under this Act or any other law for the time being in force, the Commissioner's decision in refusing permission under this section shall be final.

(17) (a) In the case of any premises for the use of which a licence or permission is required from Government or any statutory body under any law for the time being in force, the Commissioner shall not grant any permission under this Act to any person until such person produces before the Commissioner the licence or the permission from Government or statutory body, as the case may be, and submits duly authenticated copies thereof to him:

Provided that in the case where production of a municipal permission is a precondition for the grant of a licence or permission under any other law for the time being in force, the Commissioner may grant a provisional permission which shall become final upon production of a licence or permission under the said law:

Provided further that such provisional permission shall have validity only for the purpose of fulfilling any precondition for the licence or the permission under any other law as aforesaid.

(b) Notwithstanding anything contained in this Act, the Commissioner may, while granting permission under this Chapter, specify such special conditions, relevant to each case, regarding disposal of solid, liquid or gaseous wastes or for parking of vehicles or for loading or unloading of goods or for abatement of nuisance of any kind whatsoever as he deems fit."

12. After sub-section (2) of section 180C of the principal Act, the following sub-sections shall be inserted:—

“(3) The Commissioner or any other officer or employee of the Corporation or any person or persons or agents of the Corporation authorised by the Commissioner or empowered by or under this Act in this behalf may enter into or upon any land or building with or without assistants or workmen—

- (a) for the purpose of ascertaining whether there is or has been in connection with the land or the building any contravention of the provisions of this Act or the rules or the regulations made thereunder;
- (b) for the purpose of ascertaining whether or not circumstances exist which render it necessary for or require the Commissioner or any other officer or employee of the Corporation or any person or persons or agents the Corporation authorised or empowered in this behalf to take any action or execute any work under this Act or the rules or the regulations made thereunder;
- (c) for the purpose of taking any action or executing any work authorised or required by this Act or the rules or the regulations made thereunder;
- (d) to make such inquiry, inspection, examination, measurement, valuation or survey as may be authorised or required by or under this Act or necessary for the proper administration of this Act;

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(e) generally for the purpose of efficient discharge of the functions by any of the authorities under this Act or the rules or the regulations made thereunder.

(4) (a) The Commissioner or any person authorised by him or empowered by or under this Act, in this behalf may enter upon any land within one hundred metres of any work authorised by or under this Act with or without assistants or workmen for the purpose of depositing thereon any soil, gravel, stone or other materials or for obtaining access to such work or for any other purpose connected with the execution of the same.

(b) Every person so authorised shall, before entering upon any such land state the purpose thereof, and shall if so required by the owner or the occupier thereof, fence off so much of the land as may be required for such purpose.

(c) Every person as aforesaid shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Corporation in accordance with the rules or the regulations made under this Act in this behalf to the owner or the occupier of such land and or to both for any such damage, whether permanent or temporary.

(5) (a) It shall be lawful for the Commissioner, or any person authorised by him or empowered by or under this Act, in this behalf to make any entry into, and to cause to be vacated, any place and to open or cause to be opened any door, gate or other barrier,—

(i) if he considers the opening thereof necessary for the purpose of such entry; and

(ii) if the owner or the occupier is absent or being present refuses to open such door, gate or barrier or to vacate such place.

(b) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Commissioner or the person authorised or empowered in this behalf shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situated to witness the entry or the opening and may issue an order in writing to them or any of them so to do.

(c) A report shall be made to the Mayor-in-Council as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

(6) Save as otherwise provided in this Act or the rules or the regulations made thereunder, no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset:

Provided that if the Commissioner is satisfied that the erection of any building or the execution of any work has been commenced or is being carried on in contravention of the provisions of this Act in any premises between the period of sunset and sunrise, he may, if he considers it necessary so to do, enter such premises during such period accompanied by police officer to make an inspection thereof and take such action as may be necessary under this Act.

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(Clause 13.)

(7) Save as otherwise provided in this Act or the rules or the regulations made thereunder, no land or building shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving such owner or occupier, as the case may be, not less than twenty-four hours' written notice of the intention to make such entry:

Provided that no such notice shall be necessary, if the land or the building to be entered is a factory or workshop or trade premises or place used for any of the purpose specified or stable for horses or shed for cattle or latrine or urinal or work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered on such land or in such building in contravention of this Act or the rules or the regulations made thereunder.”

13. After section 180G of the principal Act, the following sections shall be inserted:—

“Power to declare building or any part thereof condemned and to order demolition of such building. 180H. Notwithstanding anything contrary contained in this Act, or in any other law for the time being in force or in any agreement, custom or usage or in any decree, judgement, decision or award of any court, tribunal or authority, where it appears to the Commissioner that demolition of a dangerous building under section 180 will cause hardship to the persons in occupation of such building and may not be conducive to public interest in the urban area suffering from acute shortage of accommodation, it will be open to the Commissioner to proceed in the manner, and take the steps, as set out, hereunder:—

- (i) issue a notice to the owner and also occupier recorded as such in the records of the Corporation calling upon them to show cause, within such period as may be prescribed, why the building in question or any portion thereof shall not be declared to be condemned for the purpose of this section and after hearing the causes shown within the said period or such further period as may be granted, if it is found necessary in public interest to declare the building or any portion thereof condemned and should be demolished immediately for public safety, the declaration may be made to that effect requiring the building or the specified portion thereof to be demolished;
- (ii) a copy of the declaration under clause (i) shall be served upon the owner and occupants who are recorded in the records of the Corporation as also pasted on the outdoor of the building requiring the owner and the occupants to vacate the premises within a month from the date of service and pasting of such declaration or within such extended period as may be granted;
- (iii) simultaneously with the making of the declaration under clause (ii), the Corporation will serve a notice upon the owner or owners, as the case may be, and paste it on the outdoor of the building providing an option to the owner or owners, as the case may be, of the building to reconstruct the building according to the plan to be sanctioned by the Corporation with such expedition as possible and providing for maximum floor area necessary for accommodating the erstwhile occupier or occupiers, as the case may be, and additional floors as may be required for recovery of the expenses for construction after relaxation of the applicable building rules. In the event, the owner or owners, as the case may be, so agreeing and applying, the Corporation shall allow a building plan submitted for the purpose to be sanctioned with additional floors and floor areas so as to provide for the recovery of the expenses to be incurred;

Insertion of new section after section 180G.

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(Clause 14.)

- (iv) in the event of disagreement or disinclination on the part of owner or owners, as the case may be, to avail of the opportunity contemplated under clause (iii), the owner or owners, as the case may be, keeping the building in dilapidated condition which may likely cause the environment pollution, fire hazards, unsafe to public safety, health hazards, nuisance etc. shall be subject to such action as provided in the law for the time being in force;
- (v) subject to the provisions of this section, the Corporation may cause development work in respect of the dilapidated building in such transparent manner, and on such conditions, as may be prescribed by Scheme, by the Corporation.

Power to prevent use of premises in particular areas. 180I. (1) The Commissioner may, subject to the prior approval of the Mayor-in-Council, give public notice of his intention to declare that in any area specified in the notice, no person shall use any premises for any purpose specified in such notice and for reasons stated therein.

(2) Objections to any such notice shall be received within a period of one month from the publication of the notice.

(3) The Commissioner shall consider all objections received within the period as aforesaid, giving any person affected by the notice an opportunity of being heard during such consideration, and may thereupon make a declaration in accordance with the notice published under sub-section (1), with such modifications, if any, as he may think fit in terms of the Act.

(4) Every such declaration shall be published in the *Official Gazette* and in such other manner as the Commissioner may determine, and shall take effect from the date of its publication in the *Official Gazette*.

(5) No person shall, in any area specified in the declaration published under sub-section (4), use any premises for any purpose specified in the declaration, and the Commissioner shall have the power to stop the use of any such premises by such means as he considers necessary.”.

14. After section 188O of the principal Act, the following section shall be inserted:—

Insertion of new section after section 188O.

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

188P. (1) 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.

(2) The Corporation may by regulations determine the types, materials of construction or designs on the basis of which such receptacles, trailers or other means for removal of solid wastes may be constructed and where these may be located in any premises, and the person applying for sanction of building plan shall be bound to construct the same accordingly.

(3) Without prejudice to the generality of the foregoing provision, the Corporation shall by regulations specify the requirements for receptacles, trailers or other means for removal or for temporary deposit of solid wastes in premises used as—

- (a) markets, or
- (b) hotels or restaurants, or

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(Clause 15.)

- (c) hospitals or nursing homes, or
- (d) factories registered under the Factories Act, 1948, or
- (e) buildings with a height of 18 metres or more.”.

63 of 1948.

Insertion of new section after 231.

15. After section 231 of the principal Act, the following section shall be inserted:—

“Signature, conditions, duration, suspension, revocation etc., of licences and written permissions. 231A. (1) Whenever it is provided in this Act or the rules or the regulations made thereunder that a licence or a written permission shall be signed by the Municipal Commissioner or by any other officer empowered to grant the same under this Act or the rules or the regulations made thereunder or by any other officer of the Corporation authorised by the Municipal Commissioner or officer empowered as aforesaid in this behalf shall specify in addition to any other matter required to be specified under any other provision of this Act or the rules or the regulations made thereunder—

- (a) the date of the grant thereof;
- (b) the purpose and the period, if any, for which it is granted;
- (c) restrictions or conditions, if any, subject to which it is granted;
- (d) the name and address of the person to whom it is granted; and
- (e) the fee, if any, paid for the licence or written permission.

(2) Except as otherwise provided in the Act or the rules or the regulations made thereunder, for every such licence or written permission a fee may be charged at such rate as may from time to time be fixed by the Municipal Commissioner with the sanction of the Mayor-in-Council, and such fee shall be payable by the person to whom the licence or the written permission is granted.

(3) Save as otherwise provided in this Act or the rules or the regulations made thereunder, any licence or written permission granted under this Act or any rules or regulations made thereunder may at any time be suspended or revoked by the Municipal Commissioner or the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud, or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or the rules or the regulations made thereunder relating to any matter for which the licence or permission was granted:

Provided that before making any order of suspension or revocation, reasonable opportunity shall be accorded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked:

Provided further that every such order shall contain a brief statement of the reasons for the suspension or the revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for the purposes of this Act or the rules or the regulations made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or the written permission is rescinded or until the licence or the written permission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall, at all reasonable times while such licence or written permission remains in force, if so required by the Municipal Commissioner or by the other officers by whom it was granted, produce such licence or written permission.”.

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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 provisions keeping parity with relevant provisions of the Kolkata Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980) in connection with buildings as the provisions of Kolkata Municipal Corporation Building Rules, 2009, has been made applicable, *mutatis mutandis*, to Howrah Municipal Corporation.

2. The Bill has been framed with the above objects in view.

KOLKATA,
The 1st February, 2024.

FIRHAD HAKIM,
Member-in-charge.

FINANCIAL MEMORANDUM.

There is financial implication involved in giving effect to the provisions of this Bill. Necessary budgetary provision shall be made in consultation with the Finance Department to this effect.

KOLKATA,
The 1st February, 2024.

FIRHAD HAKIM,
Member-in-charge.

By order of the Governor,

PRADIP KUMAR PANJA,
*Pr. Secy. to the Govt. of West Bengal,
Law Department.*