



## **The Howrah Municipal Corporation Act, 1980**

Act 58 of 1980

### **Keyword(s):**

Adulterated, Building Line, Bustee, By-Law, Carriage, Property Tax, Corporation, Corrupt Practice, Dangerous Disease, Drain, Drug, Elected Member, Erection of a Building, Food, Howrah, Hut, Land or Building, Market, Misbranded, New Building, Occupier, Private Street, Public Street, Slaughter-House, Street Alignment

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**West Bengal Act LVIII of 1980**  
**THE HOWRAH MUNICIPAL CORPORATION**  
**ACT, 1980.**

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# West Bengal Act LVIII of 1980<sup>1</sup>

## THE HOWRAH MUNICIPAL CORPORATION ACT, 1980.

AMENDED . . . . .

West Ben. Act XXIX of 1983.  
West Ben. Act VIII of 1989.  
West Ben. Act II of 1990.  
West Ben. Act XXIX of 1990.  
West Ben. Act X of 1992.  
West Ben. Act XXXVI of 1994.  
West Ben. Act XL of 1994.  
West Ben. Act LII of 1994.  
West Ben. Act XVII of 1995.  
West Ben. Act XI of 1999.  
West Ben. Act V of 2000.  
West Ben. Act VI of 2001.  
West Ben. Act XVIII of 2001.

[30th November, 1981.]

*An Act to provide for better administration of the municipal affairs of Howrah by the establishment of a Municipal Corporation.*

WHEREAS it is expedient to provide for better administration of the municipal affairs of Howrah by the establishment of a Municipal Corporation;

It is hereby enacted in the Thirty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

### PART I

#### CHAPTER I

#### Preliminary

1. (1) This Act may be called the Howrah Municipal Corporation Act, 1980.

(2) It shall apply to Howrah as defined in this Act.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Short title,  
application  
and  
commence-  
ment.

<sup>1</sup>For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV of the 30th April, 1980, pages 1153, 1154; for the report of the Select Committee, see the report of that Committee presented before the Assembly on the 3rd September, 1980; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 6th May, 1980, 3rd September, 1980 and 4th September, 1980.

*(Part I.—Chapter I.—Preliminary.—Section 2.)*

## Definitions.

## 2. In this Act, unless the context otherwise requires,—

<sup>1</sup>(1) an article shall be deemed to be “adulterated”—

- (a) in the case of drugs, if its strength, quality or purity falls below the professed standard under which it is sold or exposed for sale;
- (b) in the case of confectionery, if it contains any mineral substance or poisonous colouring or flavouring matter or other ingredients deleterious or detrimental to health; and
- (c) in the case of food,—
  - (i) if any substance has been mixed or packed with it so as to reduce or lower or harmfully affect its quality or strength, or
  - (ii) if any substance has been substituted wholly or in part for the article, or
  - (iii) if any normal constituent of the article has been wholly or in part abstracted, or
  - (iv) if it is mixed, coloured, powdered, coated or stained in a manner whereby deterioration or inferiority is concealed, or
  - (v) if it does not comply with the standard prescribed therefor by or under this Act or under any other law for the time being in force, or
  - (vi) if it contains or is mixed or diluted with any substance in any quantity to the prejudice of the purchaser or consumer or in any proportion which diminishes in any manner its food value or nutritive properties as compared with the same in a pure or normal state and in an undeteriorated and sound condition, or
  - (vii) if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health, or
  - (viii) if it is not of the nature, substance or quality which it purports or is represented to be;

<sup>1</sup>(1A) “Annual Development Plan” means the Annual Development Plan prepared under section 231;

<sup>1</sup>Original clause (1) was renumbered as clause (1A) and before clause (1A) as so renumbered, clause (1) was inserted by s. 2(2)(a) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995). Thereafter, clause (1A) was renumbered as clause (1B) and before clause (1B) as so renumbered, clause (1A) was inserted by s. 2(1) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

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- <sup>1</sup>(1B) "building" includes a house, outhouse, stable, privy, urinals, shed, hut, walls (other than a boundary wall not exceeding three metres in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever, but does not include a *hogla* or other similar kind of temporary shed erected on ceremonial or festive occasions;
- (2) "building line" means the line which is in rear of the street alignment and up to which the main wall of a building of a land abutting on a street or projected public street may lawfully extend;
- (3) "bustee" means an area containing land not less than seven hundred square metres in area occupied by or for the purposes of any collection of huts or other structures used or intended to be used for human habitation;

*Explanation.*—If any question arises as to whether particular area is or is not a *bustee*, the Corporation shall decide the question and its decision shall be final;

- (4) "by-law" means a by-law made by the Corporation under this Act;
- <sup>1</sup>(4A) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings, and includes a jinrickshaw, cycle-rickshaw, bicycle or tricycle, but does not include a perambulator or other form of vehicle designed for the conveyance of children;
- <sup>2</sup>(4B) "cart" means any cart, hackney or wheeled vehicle with or without spring, which is not a carriage as defined in this section, and includes a hand-cart, but does not include any wheeled vehicle which is propelled by mechanical power or its trailer;
- (5) <sup>3</sup>[property tax] includes the surcharge levied on the <sup>3</sup>[property tax] under this Act;
- <sup>4</sup>(5A) "corporate sector" means a financial institution.

*Explanation.*—"Financial institution" shall mean—

- (a) a bank to which the provisions of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, do not apply,

<sup>1</sup>See foot-note 1 on page 394, *ante*.

<sup>2</sup>Clauses (4A) and (4B) were inserted by s. 2(1) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

<sup>3</sup>The words within the square brackets were substituted for the words "consolidated rate" by s. 2(1) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>4</sup>Clause (5A) was inserted by s. 2(2) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

*(Part I.—Chapter I.—Preliminary.—Section 2.)*

- (b) a financial institution which is not maintained or managed by the Central Government or the State Government,
  - (c) a private company, or a limited company (being a public company), as defined in the Companies Act, 1956, not being a public financial institution within the meaning of section 4A of that Act, or
  - (d) a co-operative society, by whatever name called, registered or deemed to have been registered under the West Bengal Co-operative Societies Act, 1983;
- (6) "Corporation" means the Howrah Municipal Corporation established under this Act;
- (7) "corrupt practice" means any act deemed to be a corrupt practice under rules to be made by the State Government in this behalf;
- <sup>1</sup>(7A) "dairy" includes any farm, cattle-shed, cow-house, milk-store, milk-shop or other place—
- (a) from which milk is supplied on or for sale, or
  - (b) in which milk is kept for purposes of sale or used for manufacture or preparation for sale of—
    - (i) butter, or
    - (ii) *ghee*, or
    - (iii) cheese, or
    - (iv) curd, or
    - (v) dried, sterilized, condensed or toned milk, but does not include—
      - (a) a shop or other place in which milk is sold for consumption on the premises only, or
      - (b) a shop or other place from which milk is sold or supplied in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or other place;
- <sup>1</sup>(7B) "dairyman" includes any occupier of a dairy, any cow-keeper who trades in milk, or any wholesale or retail seller of milk.
- (8) "dangerous disease" means—
- (a) cholera, plague, small-pox, cerebrospinal meningitis, diphtheria, tuberculosis, leprosy and syphilis, and

<sup>1</sup>Clauses (7A) and (7B) were inserted by s. 2(2) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

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(b) any other epidemic, endemic, or infectious disease which the State Government may, by notification, declare to be a dangerous disease for the purposes of this Act;

<sup>1</sup>(8A) “depot” means a place where articles are stored, whether for sale or for any other purpose, but not for domestic consumption or use, in quantities exceeding two thousand kilogrammes;

<sup>2</sup>(8AA) “District Planning Committee” means the District Planning Committee constituted under sub-section (1) of section 3 of the West Bengal District Planning Committee Act, 1994, and includes the Siliguri Sub-Division Planning Committee;

<sup>2</sup>(8AAA) “Draft Development Plan” means the Draft Development Plan prepared under section 228;

<sup>1</sup>(8B) “domestic building” includes a dwelling house and any other masonry building which is neither a building of the warehouse class nor a public building as defined in this section nor a place exclusively used for private worship;

(9) “drain” includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or sub-soil water;

(10) “drug” means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use, but does not include a drug within the meaning of clause (b) of section 3 of the Drugs and Cosmetics Act, 1940;

<sup>3</sup>(10A) “dwelling house” means a masonry building constructed, used or adapted to be used wholly or principally for human habitation;

<sup>4</sup>(10B) “edible fat” means *ghee* or vegetable fat like *vanaspatti*, and includes beef fat or suet, mutton fat, goat fat, lard, cocoa butter <sup>5</sup>[refined salsced fat, kukum fat, mango kernel fat, dhupa fat, phulwara fat, or any other fat which the Central Government may, by notification, declare to be an edible fat under the provisions of the Prevention of Food Adulteration Act, 1954, or the rules made thereunder;]

West Ben.  
Act XX of  
1994.

23 of 1940.

34 of 1954.

<sup>1</sup>Clauses (8A) and (8B) were inserted by s. 2(3) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

<sup>2</sup>Clauses (8AA) and (8AAA) were inserted by s. 2(3) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>3</sup>Clauses (10A), (10B) and (10C) were inserted by s. 2(4) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

<sup>4</sup>Clause (10B) was substituted for the original by s. 2(1) of the Howrah Municipal Corporation (Second Amendment) Act, 1994 (West Ben. Act LII of 1994).

<sup>5</sup>The words and figures within the square brackets were substituted for the words “or refined salsced fat” by s. 2(4) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

*(Part I.—Chapter I.—Preliminary.—Section 2.)*

<sup>1</sup>(10C) “edible oil” means coconut oil, cottonseed oil, groundnut oil, linseed oil, mahua oil, rapeseed oil, olive oil, poppyseed oil, safflower seed oil, taramira oil, *til* oil, niger seed oil, sayabean oil, maize (corn) oil, refined vegetable oil, almond oil, watermelon seed oil, imported rapeseed oil, palm oil, palmolein, palm kernel oil, sun-flower seed oil, rice bran oil, or mustard oil, in pure state, imported sealed oil labelled as such, any vegetable oil, prepared by hardening process such as hydrogenation and labelled as such and bearing in the label in English and Bengali the names of the oils entering into its composition, <sup>2</sup>[blended edible oil, partially hydrogenated and winterized soyabean oil, or any other oil which the Central Government may, by notification, declare to be an edible oil under the provisions of the Prevention of Food Adulteration Act, 1954, or the rules made thereunder;]

34 of 1954.

<sup>3</sup>(11) “elected member” means an elected Councillor;

\* \* \* \* \*

(13) “erection of a building” or “to erect a building” means—

(a) to erect a new building on any site, whether previously built upon or not,

(b) to re-erect—

(i) any building of which more than one-half of the cubical contents above the level of plinth and within the external surface of its walls and roofs have been pulled down, burnt or destroyed, or

(ii) any building of which more than one-half of the superficial area of the external walls above the level of plinth has been pulled down, or

(iii) any frame-building of which more than half of the number of posts or beams in the external walls have been pulled down; or

(c) to make any addition to a building including roofing or covering an open space between walls or buildings,

<sup>1</sup>Clause (10C) was substituted for the original by s. 2(2) of the Howrah Municipal Corporation (Second Amendment) Act, 1994 (West Ben. Act LII of 1994).

<sup>2</sup>The words and figures within the square brackets were substituted for the words “or any other oil which the State Government may, by notification, declare to be an edible oil for the purposes of this Act;” by s. 2(5) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>3</sup>Clause (11) was substituted for the original by s. 3(1)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

<sup>4</sup>Clause (12) was omitted by s. 2(6) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

LVIII of 1980.]

(Part I.—Chapter I.—Preliminary.—Section 2.)

or closing permanently any door or window in any external wall, or removing or reconstructing the principal stair-case, or

- (d) to make such conversion, including conversion from one occupancy or use group to another, as may be determined by the Corporation by regulation;
- (14) "food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionary, flavouring and colouring matters, spices and condiments;
- <sup>1</sup>(14A) "habitable room" means a room constructed or adapted for human habitation;
- <sup>2</sup>(14B) "heritage building" means any building of one or more premisses, or any part thereof, which requires preservation and conservation for historical, architectural, environmental or ecological purpose, and includes such portion of the land adjoining such building or any part thereof as may be required for fencing or covering or otherwise preserving such building, and also includes the areas and buildings requiring preservation and conservation for the purpose as aforesaid under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979;
- <sup>3</sup>(14C) "Heritage Conservation Committee" means the Heritage Conservation Committee constituted under sub-section (1) of section 183D;
- <sup>3</sup>(14D) "holding" means land held under one title or agreement and surrounded by one set of boundaries:

Provided that where two or more adjoining holdings form part and parcel of the site or premises of a dwelling

West Ben.  
Act XIII of  
1979.

<sup>1</sup>Clauses (14A), (14B) and (14C) were inserted by s. 2(5) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990). Thereafter clauses (14B) and (14C) were renumbered as clauses (14E) and (14F) respectively and after clauses (14E) and (14F) as so renumbered, clause (14G) was inserted by s. 2(8) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>2</sup>Clause (14A) which was inserted by s. 2(2)(b) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995) was renumbered as clause (14D) and before clause (14D) as so numbered clauses (14B) and (14C) were inserted by s. 2(7) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999)

## (Part I.—Chapter I.—Preliminary.—Section 2.)

house, manufactory, warehouse or place of trade or business, such holdings shall be deemed to be one holding for the purposes of this Act.

*Explanation.*—Holdings separated by a street or other means of communication shall be deemed to be adjoining holdings within the meaning of this clause;

- '(14E) "house drain" means any drain of one or more premises used for the drainage of such premises;
- '(14F) "house-gully" means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter to municipal employees or to persons employed in the cleaning thereof or in the removal of such matter therefrom, and includes the air-space above such passage or land;
- '(14G) "household sector" includes—
- (a) a rural household or urban household.

*Explanation I.*—"Rural household" shall mean a household within a rural area as defined in the West Bengal District Planning Committee Act, 1994.

West Ben.  
Act XX of  
1994.

*Explanation II.*—"Urban household" shall mean a household within an urban area as defined in the West Bengal District Planning Committee Act, 1994,

- (b) a business undertaking, whether proprietorship or partnership, not being a body corporate as defined in the Companies Act, 1956, or
- (c) a trust for a public purpose of a charitable nature within the meaning of the Charitable and Religious Trusts Act, 1920;
- (15) "Howrah" means the area described in Schedule I;
- (16) "hut" means any building, no substantial part of which excluding the walls up to a height of fifty centimetres above the floor or floor level is constructed of masonry, reinforced concrete, steel, iron or other metal;

1 of 1956.

14 of 1920.



LVIII of 1980.]

(Part I.—Chapter I.—Preliminary.—Section 2.)

- <sup>1</sup>(16A) "infectious disease" or "communicable disease" means an illness due to a specific infectious agent or its toxic products capable of being directly or indirectly transmitted from man to man or from animal to animal or from environment (through air, dust, soil, water, or food) to man or animal, and declared as such by the State Government by notification;
- <sup>1</sup>(16B) "inhabited room" means a room in which some person passes the night or which is used as a living room, and includes a room with respect to which there is a reasonable presumption (until the contrary is shown) that some person passes the night therein or that it is used as a living room;
- (17) "land or building" includes a *bustee*;
- <sup>2</sup>(17A) "Leader of the Opposition" means that Councillor who is, for the time being, the Leader in the Corporation of—
- (i) any recognised political party, or
  - (ii) any group of recognised political parties or Councillors elected as independent candidates,
- in opposition to the recognised political party, or group of recognised political parties or Councillors elected as independent candidates, having the greatest numerical strength, and recognised as such by the Mayor;
- (18) "market" shall be deemed to be synonymous with the expression "*bazar*" and shall mean—
- (a) a place where persons assemble for the sale of meat, fish, fruit, vegetables, livestock, or any other article of food of a perishable nature, whether or not there is any collection of shops or warehouses or stalls for the sale of other articles in such place, or
  - (b) any place of trade, other than a place referred to in sub-clause (a), where there is a collection of shops or warehouses or stalls exceeding such number as the Corporation may determine.
- declared and licensed by the Corporation as a market;

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<sup>1</sup>Clauses (16A) and (16B) were inserted by s.2(6) of the Howrah Municipal Corporation (Amendment) Act, 1990 (West Ben. Act XXIX of 1990). Thereafter, clause (16A) was substituted by s. 2(3) of the Howrah Municipal Corporation (Second Amendment) Act, 1994 (West Ben. Act LII of 1994).

<sup>2</sup>Clause (17A) was inserted by s. 2(9) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

*(Part I.—Chapter I.—Preliminary.—Section 2.)*

- <sup>1</sup>(18A) "masonry building" means any building other than a hut, and includes any structure, a substantial part of which is made of masonry, reinforced concrete, steel or iron or other metal;
- <sup>2</sup>(18B) "member" means an elected Councillor, and includes a person nominated by the State Government under clause (b) of sub-section (1) of section 5;
- <sup>1</sup>(18C) "Metropolitan Planning Committee" means the Metropolitan Planning Committee constituted under sub-section (1) of section 3 of the West Bengal Metropolitan Planning Committee Act, 1994;
- <sup>1</sup>(18D) "milk" means the secretion derived from complete milking of healthy milch animals, free from colostrum, and includes buffalo milk, cow milk, goat or sheep milk, mixed milk, standardized milk, recombined milk, toned milk, double-toned milk, or skimmed milk—raw, pasteurized, boiled, flavoured, or sterilized;
- (19) "misbranded" includes all drugs or articles of food which enter into the composition of food, the package or mark or label of which bears any statement, design or device regarding such drugs or articles of food or the ingredients or substances contained therein as may be false or may mislead in any particular, and a drug or an articles of food shall also be deemed to be misbranded if it is offered for sale under the name of another drug article of food;
- <sup>3</sup>(19A) "Municipal Assessment Book" means the municipal assessment book for entering the annual value of lands and buildings as determined under this Act, and includes any book subsidiary thereto;
- <sup>3</sup>(19B) "municipal drain" means a drain vested in the Corporation;
- <sup>3</sup>(19C) "municipal market" means a market belonging to or maintained by the Corporation;

West Ben.  
Act XXV of  
1994.

<sup>1</sup>Clauses (18A) and (18B) were inserted by s. 2(7) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990). Thereafter, clause (18B) was substituted by s. 2(4) of the Howrah Municipal Corporation (Second Amendment) Act, 1994 (West Ben. Act LII of 1994). Finally, the same clause was renumbered as clause (18D) and before clause (18D) as so renumbered, clause (18C) was inserted by s. 2(11) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>2</sup>Clause (18A) which was inserted by s. 3(1)(b) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994) was renumbered as clause (18B) by s. 2(10) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>3</sup>Clauses (19A), (19B) and (19C) were inserted by s. 2(8) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

LVIII of 1980.]

(Part I.—Chapter I.—Preliminary.—Section 2.)

- (20) “new building” means and includes—
- (a) any building constructed or in the process of construction after the commencement of this Act,
  - (b) any building which, having collapsed or having been demolished or burnt down for more than one-half of its cubical extent of the space contained within the external surface of its walls and roof and the upper surface of the floor of its lowest or only storey, is reconstructed wholly or partially after the commencement of this Act, whether the dimensions of the reconstructed building are the same as those of the original building or not,
  - (c) any building not originally constructed for human habitation which is converted into a place for human habitation after the commencement of this Act.

*Explanation.*—Sub-clause (b) applies whether more than one-half of the cubical extent of any building has collapsed or been demolished or burnt down at the same time or at different times;

- (21) “notification” means a notification published in the *Official Gazette*:

<sup>1</sup>(21A) “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

- (22) “occupier” includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used or for damages on account of the occupation of such land or building, and also a rent-free tenant:

Provided that an owner living in or otherwise using his own land or building shall be deemed to be the occupier thereof;

- <sup>2</sup>(22A) “office-bearer” means the Mayor, the Deputy Mayor, the Chairman, or a member of the Mayor-in-Council;

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<sup>1</sup>Clause (21A) was inserted by s. 2(9) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

<sup>2</sup>Clause (22A) was first inserted by s. 2(10), *ibid.* Then, clause (22A) was renumbered as clause (22B) and before clause (22B) as so renumbered, clause (22A) was inserted by s. 2 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

*(Part I.—Chapter I.—Preliminary.—Section 2.)*

- <sup>1</sup>(22B) "owner" includes the person for the time being receiving any rent of any land or building or part of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or as a receiver who would receive such rent if the land or building or any part of the land or building were let to a tenant;
- (23) "prescribed" with its grammatical variations means prescribed by rules made under this Act;
- (24) "private street" means any street, road, lane, gully, alley, passage or square which is not a public street, and includes any passage securing access to four or more premises belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint owners where such passage is less than two metres and fifty centimetres wide;
- <sup>2</sup>(24A) "public building" means a masonry building constructed, used or adapted to be used—
- (a) as a place of public worship or as a school, college or other place of instruction (not being a dwelling house so used) or as a hospital, workhouse, public theatre, public cinema, public hall, public concert-room, public ball-room, public lecture room, public library or public exhibition room or as a public place of assembly, or
  - (b) for any other public purpose, or
  - (c) as a hotel, lodging-house, home, refuge or shelter, where the building exceeds, in cubical extent, seven thousand cubic metres or has sleeping accommodation for more than one hundred persons;
- (25) "public street" means any street, road, lane, gully, alley, passage, pathway, square or court, whether a thoroughfare or not, over which the public have a right of way and includes—
- (a) the roadway over any public bridge or causeway,
  - (b) the footway attached to any such street, public bridge or causeway, and

<sup>1</sup> See foot-note 2 on page 403. *ante*.

<sup>2</sup> Clause (24A) was inserted by s. 2(11) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

LVIII of 1980.]

(Part I.—Chapter I.—Preliminary.—Section 2.)

(e) the drains attached to any such street, public bridge or causeway,

and, where there is no drain attached to any such street, shall, unless the contrary is shown, be deemed to include all lands up to the outer wall of the premises abutting on the street, or, where a street alignment has been fixed and the area within such alignment has been acquired by the Corporation and the alignment has been demarcated or is capable of being demarcated, up to such alignment;

<sup>1</sup>(25A) "rate-payer" means a person liable to pay any rate, tax or licence-fee under this Act;

<sup>2</sup>(25AA) "recognised political party" means a National party or a State party recognised as such by the Election Commission of India by notification for the time being in force;

(26) "regulation" means a regulation made by the Corporation under this Act;

<sup>3</sup>(26A) "rubbish" means any dust, ashes, broken bricks, mortar, broken glass or refuse of any kind which is not an offensive matter;

(27) "rules" means rules made by the State Government under this Act;

<sup>4</sup>(27A) "service privy" means a fixed privy which is cleansed by hand, but does not include a movable commode;

<sup>4</sup>(27B) "service urinal" means a fixed urinal which is cleansed by hand;

(28) "slaughter-house" means any place used for the slaughter of cattle, sheep, goats, kids or pigs for the purpose of selling the flesh thereof as meat;

<sup>5</sup>(28A) "State Election Commission" means the West Bengal State Election Commission referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;

<sup>1</sup>Clause (25A) was inserted by s. 2(12) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

<sup>2</sup>Clause (25AA) was inserted by s. 2(12) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>3</sup>Clause (26A) was inserted by s. 2(13) of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

<sup>4</sup>Clauses (27A) and (27B) were inserted by s. 2(14), *ibid.*

<sup>5</sup>Clause (28A) was inserted by s. 3(1)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

*(Part II.—Constitution and Government.—Chapter II.—The Municipal Authorities.—Sections 3, 4.)*

- (29) "street alignment" means the line dividing the land comprised in and forming part of a street from the adjoining land;
- <sup>1</sup>(29A) "Urban Development Sub-Committee" means the Urban Development Sub-Committee constituted under sub-section (4) of section 10 of the West Bengal District Planning Committee Act, 1994;
- (30) "year" means a financial year beginning on the first day of April.

West Ben.  
Act XX of  
1994.

## PART II

### Constitution and Government

#### CHAPTER II

#### The Municipal Authorities

The  
municipal  
authorities.

3. The following shall be the municipal authorities for the purposes of carrying out the provisions of the Act, namely:—

- (a) the Corporation,
- (b) the Mayor-in-Council, and
- (c) the Mayor.

The  
Corporation.

4. (1) With effect from such date as the State Government may, by notification, appoint, there shall be a Corporation charged with the municipal government of Howrah, to be known as the Howrah Municipal Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal, and may by its name sue and be sued.

(3) All properties, along with all rights therein of whatever nature, used, enjoyed or possessed by the Commissioners of the Howrah Municipality constituted under the Bengal Municipal Act, 1932, or by any Gram Panchayat or Panchayat Samiti constituted under the West Bengal *Panchayat* Act, 1973, as the case may be, included within Howrah immediately before the date of constitution of the Corporation, shall, on and from that date vest in the Corporation.

Ben. Act XV  
of 1932.  
West Ben.  
Act XLI of  
1973.

<sup>1</sup>Clause (29A) was inserted by s. 2(13) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

LVIII of 1980.]

(Part II.—Constitution and Government.—Chapter II.—The Municipal Authorities.—Sections 5, 5A.)

(4) All rights, liabilities and obligations of the Commissioners and the Gram Panchayats or Panchayat Samitis referred to in sub-section (3) subsisting immediately before the date of constitution of the Corporation, in relation to any matter provided for in this Act, shall be enforceable by or against the Corporation.

(5) Subject to the provisions of this Act, the Corporation shall be entitled to acquire, hold and dispose of property.

5. <sup>1</sup>(1) The Corporation shall consist of the following members, namely:—

Constitution of the Corporation.

- (a) fifty elected Councillors, and
- (b) such persons having special knowledge or experience in municipal administration as the State Government may nominate from time to time:

Provided that such persons shall not have the right to vote in the meetings of the Corporation.

(2) The fifty Councillors referred to in clause (a) of sub-section (1) shall be elected by the constituencies, each constituency electing one Councillor, and for this purpose each ward of the Corporation described in Schedule II shall constitute a constituency.

\* \* \* \* \*

10 of 1873.

<sup>2</sup>5A. (1) Notwithstanding anything contained in the Indian Oaths Act, 1873, every person who is elected to be a Councillor shall, before taking his seat, make and subscribe before an officer appointed by the State Government an oath or affirmation of his allegiance to the Constitution of India in the following form:—

Oath of allegiance to be taken by Councillors.

"I, A.B., having been elected a Councillor of the Corporation, do swear in the name of God (or solemnly affirm) that I will bear true faith and allegiance to the Constitution of India as by law established and that I will faithfully discharge the duties upon which I am about to enter."

(2) Any person who, having been elected a Councillor fails to make and subscribe, within three months of the date on which his term of office commences, the oath or affirmation under sub-section (1), shall cease to hold his office and his seat shall be deemed to have become vacant:

<sup>1</sup>Sub-section (1) was substituted for the original by s. 3(2)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994). Prior to this substitution sub-clause (ii) of clause (b) of original sub-section (1) was substituted by s. 2 of the Howrah Municipal Corporation (Amendment) Act, 1992 (West Ben. Act X of 1992).

<sup>2</sup>Sub-section (3) was omitted by s. 3(2)(b) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

<sup>3</sup>Section 5A was inserted by s. 3 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999)

(Part II.—Constitution and Government.—Chapter II.—The  
Municipal Authorities.—Section 6.)

Provided that the State Government may, for reasons to be recorded in writing, extend in each case or class of cases the above period of three months by such period as it thinks fit.

(3) Any Councillor nominated by the Mayor as the Deputy Mayor or a member of the Mayor-in-Council under sub-section (2) of section 6, shall assume office forthwith after taking the oath of secrecy before the Mayor in the following form:—

"I, A.B., do swear in the name of God/solemnly affirm that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as Deputy Mayor/a Member of the Mayor-in-Council except as may be required for the due discharge of my duties as such Deputy Mayor/Member of the Mayor-in-Council."

Constitution  
of Mayor-in-  
Council.

6. (1) There shall be a Mayor-in-Council consisting of the Mayor, the Deputy Mayor and such number of other elected members of the Corporation, not exceeding five, as the State Government may from time to time determine.

(2) The Deputy Mayor and other elected members referred to in sub-section (1) shall be nominated by the Mayor <sup>1</sup>[within a period of thirty days from the date of his entering into office:]

<sup>2</sup>Provided that the State Government may, on an application by the Mayor and for reasons to be recorded in writing, extend the period as aforesaid not exceeding thirty days, as the State Government may think fit.

(3) Any causal vacancy in the office of the Deputy Mayor or other member referred to in sub-section (1) by reason of death, resignation, removal or otherwise shall be filled up by the Mayor:

Provided that no act or proceedings of the Mayor-in-Council shall be called in question or shall become invalid merely by reason of any vacancy in the office of the Deputy Mayor or other members referred to in sub-section (1).

(4) The manner of transaction of business of the Mayor-in-Council shall be such as may be determined by the Corporation by regulation.

(5) The Mayor-in-Council shall be collectively responsible to the Corporation.

<sup>1</sup>The words within the square brackets were substituted for the words "as soon as possible after he assumes office," by s. 3(1) of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

<sup>2</sup>Proviso was added by s. 3(2), *ibid.*



LVIII of 1980.]

(Part II.—Constitution and Government.—Chapter II.—The  
Municipal Authorities.—Sections 7-9.)

7. A member of the Mayor-in-Council other than the Mayor shall hold office from the date of his nomination to the Mayor-in-Council until—

Term of office of the member of the Mayor-in-Council.

- (a) he ceases to be a member of the Corporation, or
- (b) he resigns his office by writing under his hand addressed to the Mayor in which case the resignation shall take effect from the date of its acceptance, or
- (c) he is removed from office by a written order of the Mayor, or
- <sup>1</sup>(d) a newly elected Mayor enters upon his office in the case of any casual vacancy in the office of the Mayor caused by death, resignation, removal or otherwise.

2\* \* \* \* \*

8. The elected members of the Corporation shall elect from amongst themselves,—

Election of Mayor and Chairman.

- (a) at the first meeting of the Corporation after a general election,—(i) one member to be the Mayor, and (ii) one member to be the Chairman, and
- (b) so often as a vacancy in the office of the Mayor or the Chairman, as the case may be, occurs by reason of death, resignation, removal or otherwise and within one month of the occurrence of such vacancy, one member to be the Mayor or the Chairman, as the case may be,

who shall assume office forthwith after taking such oath of secrecy as may be prescribed.

9. (1) A Mayor or a Chairman, as the case may be,—

Term of office of Mayor or Chairman.

- (a) shall cease to hold office as such forthwith if he ceases to be a member of the Corporation;
- (b) may, at any time, by giving notice in writing to the Corporation, resign his office and such resignation shall take effect from such date as may be specified in the notice or, if no such date is specified, from the date of its receipt by the Corporation;
- (c) may be removed from office by a resolution carried by a majority of the total number of elected members of the Corporation at a special meeting of the Corporation called for this purpose upon a requisition made in writing by not less than one-third of the elected members of the Corporation:

<sup>1</sup>Clause (d) was substituted for the original by s. 4(1) of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

<sup>2</sup>Clause (c) was omitted by s. 4(2), *ibid.*

*(Part II.—Constitution and Government.—Chapter II.—The  
Municipal Authorities.—Section 10.)*

Provided that no such resolution shall be moved before the expiry of six months from the date of assumption of office by a Mayor or a Chairman, as the case may be:

Provided further that if such resolution is not carried by a majority of the total number of elected members of the Corporation, no further resolution for the removal of the Mayor or the Chairman, as the case may be, shall be moved before the expiry of a period of six months from the date on which the former resolution was moved.

\* \* \* \* \*

Municipal  
Accounts  
Committee.

10. (1) The Corporation shall, at its first meeting in each year or <sup>2</sup>[in its next meeting which shall be held within a period of thirty days from the date of its first meeting in that year,] constitute a Municipal Accounts Committee:

<sup>3</sup>Provided that the State Government may, on an application by the Mayor and for reasons to be recorded in writing, extend the period as aforesaid by such period not exceeding thirty days as the State Government may think fit.

(2) The Municipal Accounts Committee shall consist of—

- (a) such number of persons, not being less than three and more than five, as the Corporation may determine, to be elected by the members of the Corporation from amongst themselves in accordance with the system of proportional representation by means of the single transferable vote by secret ballot, the members of the Mayor-in-Council not being eligible for election; and
- (b) such number of persons, not being more than two and not being members or officers or other employees of the Corporation, having knowledge and experience in financial matters, as may be nominated by the Mayor-in-Council.

(3) The members of the Municipal Accounts Committee shall elect from amongst themselves one member to be its Chairman.

(4) Subject to the other provisions of this Act, the members of the Municipal Accounts Committee shall hold office till a new committee is constituted.

<sup>1</sup>Sub-section (2) was omitted by s. 5 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

<sup>2</sup>The words within the square brackets were substituted for the words "as soon as may be at any meeting subsequent thereto," by s. 6(1). *ibid.*

<sup>3</sup>Proviso was added by s. 6(2), *ibid.*

LVIII of 1980.]

*(Part II.—Constitution and Government.—Chapter II.—The  
Municipal Authorities.—Section 11.)*

(5) Subject to the provisions of this Act and the rules and the regulations made thereunder, it shall be the duty of the Municipal Accounts Committee—

- (a) to examine the accounts of the Corporation showing the appropriation of sums granted by the Corporation for its expenditure and the annual financial accounts of the Corporation;
- (b) to examine and scrutinise the report on the accounts of the Corporation by the auditors appointed under section 77 and to satisfy itself that the monies shown in the accounts as having been disbursed were available for, and applicable to, the services or purposes to which they have been applied and that the expenditure was incurred in accordance with the authority governing the same;
- (c) to submit a report to the Corporation every year and from time to time on such examination and scrutiny;
- (d) to consider the report of the auditor in cases where the Corporation requires him to conduct a special audit of any receipt or expenditure of the Corporation or to examine the accounts of stores and stocks of the Corporation; and
- (e) to discharge such other functions as may be prescribed.

(6) The Municipal Accounts Committee may call for any book or document relating to the accounts of the Corporation under examination and may send for such officers of the Corporation as it may consider necessary for explaining any matter in connection with such examination.

(7) The manner of transaction of business of the Municipal Accounts Committee shall be such as may be determined by the Corporation by regulations:

Provided that the persons nominated under clause (b) of sub-section (2) shall have no right of voting at the meeting of the Municipal Accounts Committee.

11. (1) The Corporation shall, at its first meeting after the election of members thereto or as soon as may be thereafter, group the wards of the Corporation mentioned in Schedule II into five boroughs so that each borough consists of ten contiguous wards, and constitute a Borough Committee for each borough.

(2) Each Borough Committee shall consist of the Councillors \* \* \* \* \*  
\* \* \* \* \* elected from the wards constituting the borough.

Borough  
Committee.

<sup>1</sup>The words “, other than the members of the Mayor-in-Council,” were omitted by s. 3(4)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

*(Part II.—Constitution and Government.—Chapter II.—The Municipal Authorities.—Sections 11A, 12.)*

(3) A member of the Borough Committee representing a constituent ward shall hold office till he ceases to be the Councillor representing such ward.

(4) The members of each Borough Committee shall elect from amongst themselves one member to be its Chairman <sup>1</sup>[who shall not be a member of the Mayor-in-Council or the Chairman of the Corporation].

(5) The Chairman may at any time resign his office by giving notice in writing to the Mayor and the resignation shall take effect from the date of its acceptance by the Mayor.

(6) A Borough Committee shall, subject to the general supervision and control of the Mayor-in-Council, discharge, within the local limits of the borough, the functions of the Corporation relating to collection and removal of garbage, house connections for water supply and sewerage, removal of accumulated water on streets and public places due to rain or any other causes, health immunization services, improvement of *bustee* and such other functions as the Corporation may require it to discharge or as may be specified by regulations, and the officers and employees of the Corporation working within the local limits of the borough shall carry out the directions of the Borough Committee given in this behalf.

(7) The manner of transaction of business of the Borough Committee shall be such as may be determined by the Corporation by regulations.

Ward  
Committee.

<sup>2</sup>11A. (1) Each ward of the Corporation shall have a Ward Committee.

(2) The composition and functions of the Wards Committee shall be such as <sup>3</sup>[may be prescribed.]

(3) The Councillor elected from a ward shall be the Chairperson of the Ward Committee for that ward.

Remunera-  
tion and  
facilities of  
Mayor,  
Chairman,  
Deputy  
Mayor,  
members of  
the Mayor-  
in-Council  
(, Leader  
of the  
Opposition)  
and  
members of  
Committees.

12. The Mayor, the Chairman, the Deputy Mayor, the members of the Mayor-in-Council <sup>4</sup>[, the Leader of the Opposition] and the members of the Committee constituted in accordance with the provisions of this Chapter <sup>5</sup>[, except the Ward Committee constituted under section 11A,] shall be given such remuneration and facilities as may be prescribed.

<sup>1</sup>The words within the square brackets were inserted by s. 3(4)(b) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

<sup>2</sup>Section 11A was inserted by s. 3(5), *ibid.*

<sup>3</sup>The words within the square brackets were substituted for the words "the State Government may by notification determine." by s. 7 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

<sup>4</sup>The words within the square brackets were inserted by s. 4(1) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>5</sup>The words within the square brackets were inserted by s. 4(2), *ibid.*

<sup>6</sup>The words, figures and letter within the square brackets were inserted by s. 4(3), *ibid.*

LVIII of 1980.]

(Part II.—Constitution and Government.—Chapter III.—A. Officers and other employees of the Corporation.—Section 13.)

### CHAPTER III

#### A. Officers and other employees of the Corporation

13. (1) The Corporation shall have the following officers, namely:—
- (a) the Commissioner,
  - (b) the Controller of Finances,
  - (c) the Chief Auditor,
  - (d) the Chief Engineer,
  - (e) the Chief Architect,
  - (f) the Health Officer, and
  - (g) the Secretary.

Officers of  
the  
Corporation.

(2) The Commissioner, the Controller of Finances and the Chief Auditor shall be appointed—

- (a) by the State Government in consultation with the Mayor-in-Council, by notification, from amongst persons who are or have been in the service of the Government, or
- (b) if so directed by the State Government, by the Mayor-in-Council in consultation with the State Public Service Commission:

Provided that the appointment of officers under clause (a) shall be on such terms and conditions and for such period, not exceeding five years in the first instance, as the State Government may determine:

Provided further that the State Government may, in consultation with the Mayor-in-Council, extend the period from time to time, so, however, that the total period of extension does not exceed five years.

(3) The other officers referred to in clauses (d), (e), (f) and (g) of sub-section (1) shall be appointed by the Mayor-in-Council in consultation with the State Public Service Commission.

(4) The method of, and the qualifications required for, recruitment, and the terms and conditions of service including discipline, control and conduct, of the officers appointed by the Mayor-in-Council shall be such as may be prescribed.

(5) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, at any time in the case of any officer appointed under clause (a) of sub-section (2) as the Commissioner or as the Controller of Finances or as the Chief Auditor, terminate his appointment as such:

*(Part II.—Constitution and Government.—Chapter III.—A. Officers and other employees of the Corporation.—Section 14.)*

Provided that if, in the case of any such officer, the Mayor-in-Council so decides, the State Government shall terminate the appointment of such officer.

Salary and other conditions of service of Commissioner and other officers appointed by the State Government.

14. (1) The Commissioner, the Controller of Finances and the Chief Auditor shall be paid out of the Municipal Fund such salaries and allowances as may, from time to time, be determined by the State Government:

<sup>1</sup>Provided that if any officer referred to in this sub-section is an officer in the service of the State Government, the Corporation shall make such contribution towards his salaries and allowances as may be required by or under the conditions of his service under the State Government:

<sup>1</sup>Provided further that the Mayor-in-Council may, with the prior approval of the State Government, sanction remuneration to any officer referred to in this sub-section in addition to the salaries and allowances referred to in this sub-section.

(2) If any of the officers referred to in sub-section (1) is in the service of Government, the Corporation shall make such contribution towards his passages, leave allowances, pension and provident fund as may be required by or under the conditions of his service under Government or the terms and conditions of his service under the Corporation, as the case may be, to be paid by or for him.

(3) If any of the officers referred to in sub-section (1) is not an officer in the service of Government, his leave allowances, retirement benefits and contribution to provident fund shall be such as may be prescribed:

Provided that—

- (a) the amount of leave and leave allowances or retirement benefits shall in no case, except with the special sanction of the State Government, exceed the amount admissible to Government servants of equivalent rank; and
- (b) the conditions of grant of such leave and the conditions or retirement shall in no case, except with the special sanction of the State Government, be more favourable than those for the time being applicable to such Government servants.

<sup>1</sup>Provisos were added by s. 5 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

LVIII of 1980.]

(Part II.—Constitution and Government.—Chapter III.—A. Officers and other employees of the Corporation.—Sections 15-17.)

15. If any vacancy occurs in the office of any of the officers referred to in clause (a) of sub-section (2) of section 13 by reason of death, resignation, removal or otherwise, the State Government may appoint another person to officiate in his place for a period not exceeding six months.

Casual vacancies in the office of Commissioner, Controller of Finances and Chief Auditor.

16. (1) The posts of officers and employees of the Corporation, other than those referred to in clauses (a) to (g) of sub-section (1) of section 13, shall constitute the establishment of the Corporation.

Establishment of the Corporation.

(2) The Corporation shall, by regulation, classify the posts of officers and employees constituting the establishment of the Corporation into such categories as it may consider necessary and shall maintain a schedule of posts indicating the designation, grade and number of sanctioned posts within such category.

(3) The Mayor-in-Council shall consider any proposal for revision in the schedule of posts and place the same with its recommendation, if any, before the Corporation for approval before the presentation of the budget estimate to the Corporation by the Mayor:

Provided that no upward revision of the size of the establishment of the Corporation shall be made without the prior sanction of the State Government if the number of posts to be created in a year is more than one *per cent.* of the total number of posts comprised in the establishment:

Provided further that no post carrying a monthly salary of more than one thousand rupees or a salary rising by periodical increments to more than one thousand rupees shall be created without the sanction of the State Government.

<sup>1</sup>(4) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, and subject to the provisions of sub-section (2), the Corporation may, by resolution, decide to engage, on contract basis with the prior approval of the State Government, officers and other employees of the Corporation against such posts of officers and other employees as may be created under this section:

Provided that the remuneration for, and the other terms and conditions of, such engagement shall be such as the State Government may approve.

17. (1) The method of, and the qualifications required for, recruitment to posts of different categories constituting the establishment of the Corporation shall be such as may be prescribed.

Appointment.

<sup>1</sup>Sub-section (4) was inserted by s. 8 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

*(Part II.—Constitution and Government.—Chapter III.—  
A.—Officers and other employees of the Corporation.—Sections 17A,  
18.—B.—Municipal Service Commission.—Section 19.)*

(2) Subject to provisions of this Act, appointment to all the posts of officers and employees constituting the establishment of the Corporation shall be made by the Commissioner with the approval of the Mayor-in-Council.

Compulsory retirement of officers and employees of Corporation.

**17A.** (1) Notwithstanding anything contained in this chapter or elsewhere in this Act or the rules made thereunder, an officer or other employee of the Corporation shall retire from service compulsorily with effect from the afternoon of the last day of the month in which he attains the age of sixty years.

(2) No officer or other employee of the Corporation shall be re-employed after retirement in any post of the Corporation without the prior sanction of the State Government.

Terms and conditions of service of officers and employees.

**18.** The Corporation may, by regulation, provide for the terms and conditions of service including discipline, control and conduct of officers and other employees constituting the establishment of the Corporation.

**B. Municipal Service Commission**

Constitution of Municipal Service Commission.

**19.** (1) The Corporation <sup>2</sup>[may] constitute a Municipal Service Commission to be known as the Howrah Municipal Service Commission consisting of—

- (a) a Chairman, and
- (b) two other members.

(2) The Chairman and one of the other members shall be nominated by the Mayor-in-Council and one member shall be nominated by the State Government.

(3) The Municipal Service Commission shall perform such duties and in such manner as may be prescribed.

(4) The State Government shall also prescribe—

- (a) the term of office, salaries, allowances (if any) and conditions of service, of the Chairman and other members of the Municipal Service Commission,
- (b) the number of officers and other employees of the Municipal Service Commission and their salaries and allowances, and

<sup>1</sup>Section 17A was inserted by s. 2 (3) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>2</sup>The word within the square brackets was substituted for the words "shall, as soon as may be after the commencement of this Act," by s. 2 (a) of the Howrah Municipal Corporation (Amendment) Act, 1989 (West Ben. Act VIII of 1989).



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(Part II.—Constitution and Government.—Chapter III.—

B. Municipal Service Commission.—Section 20.—

C. Powers and functions of the Municipal authorities and the Officers of the Corporation.—Sections 21-23.)

(c) the terms and conditions of service including discipline, control and conduct of officers and other employees of the Municipal Service Commission.

<sup>1</sup>(5) Notwithstanding the foregoing provisions of this section, the Municipal Service Commission constituted under sub-section (1) of section 26 of the <sup>2</sup>[Kolkata] Municipal Corporation Act, 1980, shall, by virtue of sub-section (5A) of section 26 of the said Act, select such personnel for the Corporation as may be determined by the State Government by notification under sub-section (5A) of section 26 of the said Act and it shall be binding on the Corporation to appoint the personnel selected by the said Commission.

West Ben. Act LIX of 1980.

20. The salaries and allowances, if any, of the Chairman and other members of the Municipal Service Commission and the officers, and other employees thereof shall be paid from the Municipal Fund:

Payment of salaries and allowances of the Chairman and other members, officers and employees of the Municipal Service Commission.

<sup>3</sup>Provided that any amount of contribution payable by the Corporation under sub-section (2) of section 27 of the <sup>2</sup>[Kolkata] Municipal Corporation Act, 1980, shall, in accordance with the provisions of sub-section (2) of the said section, be credited by the Corporation to the Municipal Fund of the <sup>2</sup>[Kolkata] Municipal Corporation.

C. Powers and functions of the Municipal authorities and the Officers of the Corporation

21. Subject to the provisions of this Act and the rules and the regulations made thereunder, the municipal government of Howrah shall vest in the Corporation.

Powers of the Corporation.

22. (1) Subject to the provisions of this Act and the rules and the regulations made thereunder, the executive power of the Corporation shall be exercised by the Mayor-in-Council.

Powers and functions of the Mayor-in-Council.

(2) All executive actions of the Mayor-in-Council shall be expressed to be taken in the name of the Corporation.

23. (1) The Mayor shall exercise such powers and discharge such functions as are conferred on him by or under this Act.

Powers and functions of the Mayor.

(2) The Mayor shall preside over a meeting of the Mayor-in-Council which shall meet at such place and at such time as the Mayor may direct.

<sup>1</sup>Sub-section (5) was inserted by s. 2(b) of the Howrah Municipal Corporation (Amendment) Act, 1989 (West Ben. Act VIII of 1989).

<sup>2</sup>The word within the square brackets was substituted for the word "Calcutta" by s. 5 of the West Bengal Capital City (Change of Name) Act, 2001 (West Ben. Act XVIII of 2001), w.e.f. the 1st January, 2001.

<sup>3</sup>Proviso added by s. 3 of the Howrah Municipal Corporation (Amendment) Act, 1989 (West Ben. Act VIII of 1989).

*(Part II.—Constitution and Government.—Chapter III.—C. Powers and functions of the Municipal authorities and the Officers of the Corporation.—Sections 24, 25.)*

(3) The matters to be discussed at a meeting of the Mayor-in-Council shall be prepared under the direction of the Mayor and shall be circulated to the members' of the Mayor-in-Council in such manner as the Mayor may determine.

(4) The Mayor shall allot among the members of the Mayor-in-Council such business of the Corporation and in such manner as he thinks fit.

(5) The Mayor may, if he is of opinion that immediate execution of any work (which ordinarily requires the approval of the Corporation or the Mayor-in-Council) is necessary, direct the execution of such work:

Provided that the Mayor shall report forthwith to the Corporation or the Mayor-in-Council, as the case may be, the action taken under this sub-section and the reason therefor.

<sup>1</sup>The Deputy Mayor to act as Mayor or Chairman or to discharge the functions of Mayor or Chairman during casual vacancy in the office, or during the absence, of Mayor or Chairman.

<sup>1</sup>24. (1) In the events of the occurrence of any vacancy in the office of the Mayor and/or the Chairman, as the case may be, by reason of his death, resignation, removal or otherwise, the Deputy Mayor shall act as the Mayor and/or the Chairman, as the case may be, until the date on which a new Mayor and/or a Chairman, as the case may be, elected in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Mayor and/or the Chairman, as the case may be, is unable to discharge the functions of the Mayor and/or the Chairman, as the case may be, owing to absence, illness or any other cause, the Deputy Mayor shall discharge his functions until the date on which the Mayor and/or the Chairman, as the case may be, resumes his duties.

(3) Subject to the other provisions of this Act, the Deputy Mayor shall, while acting as, or discharging the functions of, the Mayor and/or the Chairman under this section, have all the powers of the Mayor and/or the Chairman, as the case may be.

Powers and functions of the Commissioner.

25. <sup>2</sup>(1) The Commissioner shall be the principal executive officer of the Corporation and shall, subject to the supervision and control of the Mayor,—

- (a) exercise the powers and perform the functions specifically conferred or imposed on him by or under this Act or by any other law for the time being in force;

<sup>1</sup>Section 24 was substituted for the original by s. 9 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

<sup>2</sup>Section 25 was renumbered as sub-section (1) of that section by s. 2(4) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

LVIII of 1980.]

(Part II.—Constitution and Government.—Chapter III.—C. Powers and functions of the Municipal authorities and the Officers of the Corporation.—Sections 26-28.)

- (b) assign the duties, and exercise supervision and control over the acts and proceedings, of all officers and employees of the Corporation \* \* \*;
- (c) shall be responsible for the custody of all records other than papers and documents connected with the proceedings of the Corporation and the Mayor-in-Council and the Accounts Committee and shall preserve the same in such manner and for such period as may be determined by regulations;
- (d) shall be responsible for the preparation of the annual report on the working of the Corporation and such report shall be prepared as soon as may be after the first day of April each year and not later than such date as may be fixed by the State Government and shall be placed before the Corporation for consideration before the same is forwarded to the State Government.

<sup>2</sup>(2) All officers and employees of the Corporation shall be subordinate to the Commissioner.

26. (1) The Secretary shall be Secretary to the Corporation and the Accounts Committee and shall exercise such powers and discharge such functions as are conferred on him by or under this Act or as may be assigned to him by the Commissioner.

Powers and functions of the Secretary.

(2) The Secretary shall be responsible for the custody of all papers and documents connected with the proceedings of the Corporation and the Accounts Committee and shall preserve the same in such manner and for such period as may be determined by regulations.

27. The financial powers of the Corporation or the Mayor-in-Council or the Commissioner shall be such as may be prescribed.

Financial powers of the Corporation, Mayor-in-Council and Commissioner.

28. (1) The Corporation may by resolution delegate, subject to such conditions as may be specified in the resolution, any of its powers or functions to the Mayor-in-Council.

Delegation of powers and functions.

(2) The Mayor-in-Council may by order delegate, subject to such conditions as may be specified in the order, any of its powers or functions to the Mayor or to the Commissioner.

<sup>1</sup>The words "other than the Chief Auditor" was omitted by s. 2(4)(i) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>2</sup>Sub-section (2) was inserted by s. 2(4)(ii). *ibid.*

*(Part II.—Constitution and Government.—Chapter III.—C. Powers and functions of the Municipal authorities and the Officers of the Corporation.—Section 29.—Chapter IV.—Election of Councillors.—Section 30.)*

(3) Subject to such standing orders as may be made by the Mayor-in-Council in this behalf,—

- (a) the Mayor may by order delegate, subject to such conditions as may be specified in the order, any of his powers or functions to the Deputy Mayor or to the Commissioner;
- (b) the Commissioner may by order delegate, subject to such conditions as may be specified in the order, any of his powers or functions to any other officer or any employee of the Corporation; and
- (c) any officer of the Corporation other than the Commissioner may by order delegate, subject to such conditions as may be specified in the order, any of his powers or functions to any other officer subordinate to him.

(4) Notwithstanding anything contained in this section, the Mayor-in-Council, the Mayor, the Commissioner, or the other Officer referred to in clause (c) of sub-section (3) shall not delegate—

- (a) any of its or his powers or functions delegated to it or him under this section, or
- (b) such of its or his powers or functions as may be prescribed.

Doubts as to powers or functions of municipal authorities.

29. If any doubt arises as to whether any particular power or function appertains to any municipal authority or the Commissioner, the Mayor shall refer the matter to the State Government and the decision thereon of the State Government shall be final.

#### CHAPTER IV

##### Election of Councillors \* \* \*

Election to Corporation.

30. The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commission.

<sup>1</sup>The words "and Aldermen". in the heading, were omitted by s. 3(6)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

<sup>2</sup>Section 30 was substituted for the original by s. 3(6)(b), *ibid.* Prior to this substitution a proviso was added to original section 30 by s. 3 of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

LVIII of 1980.]

*(Part II.—Constitution and Government.—Chapter IV.—  
Election of Councillors.—Sections 31-39.)*

31. *[Disqualification for registration in electoral roll.—Omitted by s. 3(6)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

32. *[Bar of registration for more than once.—Omitted by s. 3(6)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

33. *[Authority for preparation and revision of electoral roll.—Omitted by s. 3(6)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

34. *[Conditions for registrations.—Omitted by s. 3(6)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

35. *[Meaning of ordinarily resident.—Omitted by s. 3(6)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

36. *[Preparation, revision and correction of electoral roll.—Omitted by s. 3(6)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

37. *[Appeal.—Omitted by s. 3(6)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

38. *[Bar to jurisdiction of civil courts.—Omitted by s. 3(6)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

39. *[General disqualifications for being elected Councillor or Alderman.—Omitted by s. 3(6)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).]*

(Part II.—Constitution and Government.—Chapter IV.  
Election of Councillors.—Section 40.)

Term of  
office of  
Councillors.

40. A Councillor shall hold office for a period of five years from the date of the first meeting of the Corporation under section 45 or for the period for which the new Board referred to in the second proviso to sub-section (2) of section 53 shall continue thereunder or for the period for which a member chosen to fill a casual vacancy shall be chosen to serve under sub-section (2) of section 83 of the West Bengal Municipal Elections Act, 1994, unless—

- (a) the Board is dissolved earlier, or
- (b) he resigns his office by writing under his hand addressed to the Chairman and the resignation is accepted by the Board at a meeting in which case the resignation shall take effect from the date of its acceptance, or
- (c) his election is void under sub-section (1) of section 31 of the West Bengal Municipal Elections Act, 1994, or
- (d) the entire area of the ward from which he has been elected is withdrawn from the operation of this Act or is included in an existing *Gram Panchayat*, or is constituted one or more *Gram Panchayats*, under sub-section (1) of section 6A of the West Bengal *Panchayat Act*, 1973, or
- (e) he is declared under section 40A to be disqualified for being a Councillor.

West Ben.  
Act XXXIV  
of 1994.

West Ben.  
Act XLI of  
1973.

Section 40 was substituted for the original by s. 10 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001). Prior to this substitution there occurred the following changes, namely:—

- (i) the words "and Alderman" were omitted by s. 3(6)(d)(i) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994),
- (ii) the words "or an Alderman" were omitted by s. 3(6)(d)(ii)(A), *ibid*,
- (iii) the words and figures "Subject to the provisions of section 83 of the West Bengal Municipal Elections Act, 1994, a Councillor shall" were substituted for the words "A Councillor shall" by s. 2(5) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995),
- (iv) the words, figures and letter "and section 40A of this Act" were inserted after the words and figures "section 83 of the West Bengal Municipal Elections Act, 1994" by s. 6 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999),
- (v) the words "from the date appointed for the first meeting of the Corporation and no longer;" were substituted for the words "from the date of his election as Councillor or Alderman, as the case may be;" by s. 3(6)(d)(ii)(B) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994),
- (vi) the words "or an Alderman" in the proviso were omitted by s. 3(6)(d)(ii)(C)(1), *ibid*,
- (vii) the words "or an Alderman, as the case may be," in the proviso were omitted by s. 3(6)(d)(ii)(C)(2), *ibid*, and
- (viii) the words "or an Alderman" in sub-section (2) were omitted by s. 3(6)(d)(iii), *ibid*.

LVIII of 1980.]

(Part II.—Constitution and Government.—Chapter IV.—  
Election of Councillors.—Section 40A.)

<sup>1</sup>40A. (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, such competent authority for the Corporation as may be appointed by the State Government by notification in this behalf (hereinafter referred to in this section as the competent authority), may, subject to the other provisions of this section, declare, for reasons to be recorded in writing, a Councillor to be disqualified for being a Councillor thereof, if—

Disqualifica-  
tion for  
being a  
Councillor  
on change of  
political  
party by the  
Councillor.

- (a) he is an elected Councillor set up by a recognised political party and has—
  - (i) voluntarily given up his membership of such recognised political party, or
  - <sup>2</sup>(iA) joined another recognised political party, or
  - (ii) exercised the voting right contrary to the manner of voting of the majority of the Councillors who are the members of such recognised political party in the Corporation, or
- (b) <sup>3</sup>[he is an elected Councillor not set up by a recognised political party] and he has joined a recognised political party on the expiry of six months from the date of election:

Provided that the competent authority shall not declare any Councillor to be disqualified under this section without giving to such Councillor a reasonable opportunity to represent his case and, to be heard in person:

Provided further that an elected Councillor <sup>4</sup>[referred to in sub-clause (iA), or sub-clause (ii), of clause (a)] shall not, on the competent authority being satisfied in this behalf, be declared to be disqualified, if—

- (a) the action of such Councillor was taken on obtaining prior permission of, or was condoned by, such recognised political party, or
- (b) such Councillor claims that he and any other Councillor, who are the members, of such recognised political party, constitute in the Corporation a group representing a faction consisting of not less than one-third of the

<sup>1</sup>Section 40A was inserted by s. 7 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>2</sup>Sub-clause (iA) was inserted by s. 11(1)(a) of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

<sup>3</sup>The words within the square brackets were substituted for the words "he is an elected Councillor set up by a recognised political party" by s. 11(1)(b)(i), *ibid.*

<sup>4</sup>The words, figures, letters and brackets within the square brackets were substituted for the words, figures, letter and brackets "referred to in sub-clause (ii) of clause (a)" by s. 11(1)(b)(ii), *ibid.*

*(Part II.—Constitution and Government.—Chapter IV.—  
Election of Councillors.—Section 40A.)*

total number of Councillors set up by such recognised political party in the Corporation and that all the Councillors constituting such group have voluntarily given up their membership of such recognised political party, or

- (c) the former recognised political party of the Councillor merges with another recognised political party, and he claims that he and the other members of his former recognised political party—
- (i) have become members of such other recognised political party of a new recognised political party formed out of merger, as the case may be, or
  - (ii) have not accepted the merger, and from the time of such merger, he and such other Councillors constituting not less than one-third of the total number of Councillors set up by the former recognised political party in the Corporation, have opted to remain members of the former recognised political party or have formed a new recognised political party.

(2) On being declared to be disqualified under sub-section (1), a Councillor shall, subject to the provisions of sub-section (12), stand removed from the Corporation from the date of such declaration.

(3) As soon as may be within one month from the date of the first meeting of the Corporation or within one month from the date on which this section comes into force, as the case may be, the elected Councillors set up by the recognised political parties shall, by adopting a resolution, select one Councillor from amongst themselves to be the Leader and such Leader shall, within fifteen days from the date of such selection, furnish to the competent authority referred to in sub-section (1)—

- (i) a copy of the resolution,
- (ii) a signed statement containing the names, addresses and constituencies of himself and other Councillors set up by such recognised political party, and
- (iii) a copy of a set of rules and regulations, if any, by whatever name called, of such recognised political party:

Provided that an office-bearer may also hold the office of the Leader:

Provided further that the competent authority shall not refuse to accept, or to rely on, the documents furnished by the Leader merely on the ground that the resolution selecting the Leader was not adopted within one month from the date of the first meeting of the Corporation or within one month



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*(Part II.—Constitution and Government.—Chapter IV.—  
Election of Councillors.—Section 40A.)*

from the date on which this section comes into force, as the case may be, or that the documents as aforesaid were not furnished to him within fifteen days from the date of such selection.

(4) Where there is only one elected Councillor set up by a recognised political party in the Corporation, he shall furnish the documents referred to in sub-section (3) in relation to himself:

Provided that in the event of any increase in the number of Councillors who are the members of such recognised political party, the provisions of sub-section (3) shall apply as if the first meeting of the Corporation was held or this section came into force, as the case may be, on the date on which such increase took place.

(5) A Councillor not belonging to any recognised political party shall furnish a statement to that effect to the competent authority within one month from the date of the first meeting of the Corporation.

(6) In the event of any change of the information furnished under sub-section (3), sub-section (4) or sub-section (5); the leader or the Councillor, as the case may be, shall, as soon as may be within fifteen days from the date of such change, furnish in writing such change of information to the competent authority.

(7) The Leader referred to in sub-section (3), who is a member of a recognised political party, may at any time file a petition endorsed by the General Secretary, or, if there is no General Secretary, the Secretary, of the district unit of such recognised political party to the competent authority, stating that—

- (a) one or more Councillors who are the members of such recognised political party have—
  - (i) voluntarily given up his or their membership of such recognised political party, or
  - (iA) joined another recognised political party, or
  - (ii) have exercised the voting right contrary to the manner of voting of the majority of the Councillors set up by such recognised political party in the Corporation, or
- (b) the Councillor referred to in sub-section (4) has voluntarily given up his membership of the recognised political party that set him up, or

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<sup>1</sup>Sub-clause (iA) was inserted by s. 11(2) of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

*(Part II.—Constitution and Government.—Chapter IV.—  
Election of Councillors.—Section 40A.)*

- (c) the Councillor referred to in sub-section (5) has joined a recognised political party on the expiry of six months from the date of election, and that such Councillor or Councillors should be declared to be disqualified under sub-section (1) and should be removed from the Corporation.

(8) Every petition referred to in sub-section (7)—

- (a) shall contain a concise statement of the material facts on which the petitioner relies, and
- (b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and, where the petitioner relies on any information furnished to him by any person or persons, a statement containing the names and addresses of such person or persons and the gist of such information as furnished by such person or each of such persons.

(9) On receipt of the petition referred to in sub-section (7), the competent authority shall, as soon as possible within six weeks from the date of the receipt of such petition, proceed to make an enquiry to satisfy himself, among others, as to—

- (a) the common decision in regard to the manner of voting to be exercised by the majority of the Councillors set up by the recognised political party, and
- (b) whether the Councillor or Councillors, against whom such petition is filed, exercised the voting right in a meeting of the Corporation contrary to such manner of voting.

(10) For the purpose of enquiry under sub-section (9), the competent authority may summon such members of the recognised political party or other persons, and may require such signed statement from, and production of such documents and records by, the members or other persons as aforesaid, as he may deem necessary.

(11) As soon as possible within eight weeks from the date of receipt of the petition referred to in sub-section (7), the competent authority shall, in consideration of the statements, documents and records before it,—

- (a) reject the petition, or
- (b) admit the petition wholly or in part and declare any member or members of such recognised political party to be disqualified under sub-section (1) for being Councillor or Councillors of the Corporation.

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*(Part II.—Constitution and Government.—Chapter IV.—  
Election of Councillors.—Sections 41, 42.—  
Chapter V.—Conduct of Business.—Section 43.)*

(12) Any Councillor declared disqualified under sub-section (1) or the Leader of the recognised political party referred to in sub-section (7), if aggrieved by the decision of the competent authority, may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the competent authority, and after giving the appellant and the opposite parties an opportunity of being heard, set aside or confirm the order or declare any Councillor or Councillors to be disqualified under, and in accordance with the provisions of, sub-section (1) and, upon such declaration, the Councillor or Councillors shall stand removed from the Corporation.

(13) The order passed by the authority referred to in sub-section (12) on the appeal shall be final.

(14) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no court shall have any jurisdiction in respect of any matter arising out of a Councillor being declared to be disqualified under sub-section (1) for being a Councillor.

*Explanation.*—For the purposes of this section, an elected Councillor shall be deemed to be set up by a recognised political party if he has contested election with the symbol reserve for such recognised political party or if he has contested election with a free symbol and joins a recognised political party and furnishes a declaration to that effect to the competent authority before the expiry of six months from the date of election.

41. [*Bar to election as Alderman.—Omitted by s. 3(6)(e) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).*]

42. [*Procedure for holding elections.—Omitted by s. 3(6)(e) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).*]

## CHAPTER V

### Conduct of Business

43. (1) The Chairman shall at the beginning of each calendar year nominate from amongst the elected members of the Corporation a panel of not more than three presiding officers and specify a sequence in which any one of them may preside over the meetings of the Corporation in the absence of the Chairman.

Nomination  
of a panel of  
presiding  
officers.

(Part II.—Constitution and Government.—Chapter V.—  
Conduct of Business.—Sections 44-46.)

(2) A member nominated under sub-section (1) shall hold office until a new panel of presiding officers is nominated.

Meetings.

44. (1) The Corporation shall meet not less than once in every month for the transaction of business.

(2) The Chairman may, whenever he thinks fit, and shall, upon a requisition in writing by not less than ten elected members of the Corporation, convene a meeting of the Corporation.

(3) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in the like manner.

First meeting of the Corporation after general election.

45. (1) The first meeting of the Corporation after a general election shall be held as early as possible after the publication of the results [thereof] and shall be convened by the Secretary.

(2) Notwithstanding anything contained in this Act the first meeting of the Corporation for the election of the Mayor and the Chairman shall be presided over by a member to be nominated by the State Government in this behalf:

Provided that such member shall not himself be a candidate for such election.

(3) In the case of equality of votes obtained by the candidates for election as Mayor or Chairman, the election shall be made by lot to be drawn in presence of the candidates in such manner as Presiding Officer may determine.

(4) The Presiding Officer shall report to the State Government the names of the persons elected as Mayor or Chairman and the State Government shall publish such names in the *Official Gazette*.

Notice of meeting and list of business.

46. A list of the business to be transacted at every meeting of the Corporation except at an adjourned meeting shall be sent by the Secretary to the registered address of each member of the Corporation at least seventy-two hours before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which notice has been so given:

<sup>1</sup>The word within the square brackets was substituted for the words "of the election of Aldermen under the rules made under this Act" by s. 3(7) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

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(Part II.—Constitution and Government.—Chapter V.—  
Conduct of Business.—Sections 47, 48.)

Provided that any member of the Corporation may send or deliver to the Secretary notice of any resolution so as to reach him at least <sup>1</sup>[forty-eight] hours before the time fixed for the meeting and the Secretary shall with all possible despatch take steps to circulate such resolution to every member of the Corporation in such manner as he may think fit.

*Explanation.*—In this section, “registered address” means the address for the time being entered in the register of addresses of members of the Corporation to be maintained by the Secretary.

47. (1) The quorum necessary for the transaction of business at a meeting of the Corporation shall be one-fourth of the total number of members of the Corporation.

Quorum.

(2) If at any time during a meeting of the Corporation there is no quorum it shall be the duty of the Chairman or the person presiding over such meeting either to adjourn the meeting or to suspend it till there is a quorum.

(3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before such meeting if there had been a quorum, shall be brought before and may be transacted at an adjourned meeting, whether there is a quorum or not.

(4) All matters required to be decided by the Corporation at a meeting shall, save as otherwise provided in this Act, be determined by a majority of the members of the Corporation present and voting at such meeting.

48. (1) The Chairman or, in his absence, a member of the panel of Presiding Officers nominated under section 43 shall preside at every meeting of the Corporation:

Presiding officer of a meeting of the Corporation.

Provided that when a meeting is held to consider a motion for the removal of the Chairman, the Chairman shall not preside at such meeting.

(2) In the absence of the Chairman and all members of the panel of the Presiding Officers as aforesaid from a meeting of the Corporation, the elected members present shall choose from amongst themselves one member to preside over the meeting.

(3) The Chairman or the person presiding over a meeting of the Corporation shall have and exercise only a casting vote in all cases of equality of votes.

<sup>1</sup>The word within the square brackets was substituted for the word “seventy-two” by s. 2(6) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

(Part II.—Constitution and Government.—Chapter V.—  
Conduct of Business.—Sections 49-52.)

Discussion  
on urgent  
public  
matters.

49. (1) Any Councillor<sup>1</sup>\* \* \* may give notice of raising discussion on a matter of urgent public importance to the Secretary specifying the matter to be raised.

(2) Such notice supported by the signature of at least two other elected members shall reach the Secretary at least <sup>2</sup>[forty-eight] hours before the date on which such discussion is sought and the Secretary shall promptly place it before the Chairman or, in his absence, any member of the panel of Presiding Officers and circulate the same among the members in such manner as he may think fit.

Questions on  
matters  
relating to  
administra-  
tion.

50. A Councillor<sup>3</sup>\* \* \* may, in such manner as may be prescribed, ask the Mayor-in-Council questions on any matter relating to the administration of the Corporation on the municipal government of Howrah and all such questions shall be answered by the Mayor or any other member of Mayor-in-Council.

Statements  
on matters  
relating to  
administra-  
tion.

51. (1) Any Councillor<sup>4</sup>\* \* \* may ask for a statement from the Mayor-in-Council on an urgent matter relating to the administration of the Corporation on the municipal government of Howrah by giving a notice to the Secretary at least one hour before the commencement of the sitting on any day.

(2) The Mayor or a member of the Mayor-in-Council may accordingly make a brief statement on the same day or fix a date for the same.

Circulation  
of minutes  
and  
inspection  
of minutes  
and reports  
of proceed-  
ings.

52. Minutes of the proceedings of each meeting of the Corporation shall be circulated to all the members of the Corporation and shall at all reasonable times be available at the office of the Corporation for inspection by any member of the Corporation, free of cost, and by any other persons on payment of such fee as the Corporation may determine.

<sup>1</sup>The words "or Alderman" were omitted by s. 3(8) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

<sup>2</sup>The word within the square brackets was substituted for the word "seventy-two" by s. 2(7) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>3</sup>The words "or an Alderman" were omitted by s. 3(9) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

<sup>4</sup>The words "or Alderman" were omitted by s. 3(10), *ibid.*

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(Part II.—Constitution and Government.—Chapter VI.—  
Control.—Section 53.)

## CHAPTER VI

### Control

53. (1) If in the opinion of the State Government, the Corporation has shown its incompetence, or has persistently made default, in the performance of the duties or in the exercise of the functions imposed on it by or under this Act or any other law, or has exceeded or abused its powers, the State Government may, by an order published, with the reasons for making it, in the *Official Gazette*, declare the Corporation to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, <sup>2</sup>[and dissolve it for such period, not exceeding six months,] as may be specified in the order:

Power of the  
State  
Government  
to  
[dissolve]  
the  
Corporation.

Provided that no such order shall be made by the State Government unless—

- (a) a notice has been given to the Corporation specifying therein a period within which the Corporation may submit representation, if any, against the proposed order; and
- (b) such representation has been considered by the State Government <sup>3</sup>[after giving the corporation a reasonable opportunity of being heard].

<sup>4</sup>(2) Where the Corporation has been dissolved under sub-section (1), an election to constitute the Corporation shall be completed before the expiry of six months from the date of its dissolution:

Provided that where the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election to constitute the Corporation for such period:

Provided further that the Corporation constituted upon the dissolution thereof before the expiration of the term of office under section 40 shall continue only for the remainder of the period for which the dissolved Corporation would have continued had it not been so dissolved.

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<sup>1</sup>The word within the square brackets was substituted for the word "supersede" by s. 3(11)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

<sup>2</sup>The words within the square brackets were substituted for the words "and supersede it, either entirely or in respect of such functions as may be specified in the order, for such period not exceeding twelve months," by s. 3(11)(b)(i), *ibid.*

<sup>3</sup>The words within the square brackets were inserted by s. 3(11)(b)(ii), *ibid.*

<sup>4</sup>Sub-section (2) was substituted for the original by s. 3(11)(c), *ibid.*

(Part II.—Constitution and Government.—Chapter VI.—  
Control.—Sections 54, 54A.)Conse-  
quences of  
[dissolu-  
tion.]

54. (1) With effect from the date of an order made under section 53,—

- (a) all members of the Corporation, the Mayor-in-Council and any Committee of the Corporation constituted under this Act shall vacate their respective offices, <sup>2</sup>\* \* \* and
- (b) all the powers and the duties, which under the provisions of this Act or any rule, regulation or by-law made thereunder may be exercised or performed by the Corporation or the Mayor-in-Council or any Committee of the Corporation or the Mayor or such other powers and duties as may be specified in the order, shall be exercised or performed, subject to the direction issued by the State Government, by such person or persons as the State Government may appoint in this behalf:

Provided that when the State Government appoint more than one person to exercise any powers and perform any duties, it may, by order, allocate such powers and duties among the persons so appointed in such manner as it thinks fit:

Provided further that the State Government shall fix the remuneration of such person or persons and may direct that such remuneration shall in each case be paid out of the Municipal Fund.

(2) For the avoidance of doubts it is hereby declared that an order of <sup>3</sup>[dissolution] made under section 53 shall not effect or imply in any way the dissolution of the Corporation as a body corporate.

Special  
provisions in  
the case of  
prohibitory  
order from  
court.

<sup>4</sup>54A. Where, by reason of any order of a court of competent jurisdiction, the Corporation is unable to exercise such powers, or to perform such duties, or to discharge such functions, as conferred or imposed on it by or under any of the provisions of this Act or the rules or regulations made thereunder, the State Government may appoint any authority, or any person or persons, to exercise the powers, or perform the duties, or discharge the functions, as the case may be, during the period of such inability, in such manner, and on such conditions, as the State Government may, by order, direct.

<sup>1</sup>The word within the square brackets was substituted for the word "supersession" by s. 3(12)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994).

<sup>2</sup>The words "except in a case where the supersession is partial," were omitted by s. 3(12)(b), *ibid.*

<sup>3</sup>The word within the square brackets was substituted for the word "supersession" by s. 3(12)(c), *ibid.*

<sup>4</sup>Sections 54A-54C were inserted by s. 12 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).



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(Part II.—Constitution and Government.—Chapter VI.—  
Control.—Sections 54B, 54C.—Part III.—Finance.—  
Chapter VII.—The Municipal Fund, Budget, Loans,  
Accounts and Audit.—Section 55.)

45 of 1860.

**54B.** All the members, officers and other employees of the Corporation shall, while acting, or purporting to act, in pursuance of, or in exercise of any power conferred by or under, any of the provisions of this Act or the rules or the regulations made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.

Member,  
officers and  
employees  
to be public  
servants.

**54C.** (1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force,—

- (a) upon the issue of any direction to the Corporation to exercise any power or to perform any function or to discharge any duty, or
- (b) upon the transfer to the Corporation of any function, or control and management of any property,

State  
Government  
to place  
officers and  
employees at  
the disposal  
of the  
Corporation.

under any of the provisions of this Act, the State Government shall, subject to such conditions as it may deem fit to impose, place at the disposal of the Corporation the services of such officers and other employees as may be necessary to enable it to exercise such power or perform such function or discharge such duty, as the case may be.

(2) The officers and other employees, whose services are so placed at the disposal of the Corporation, shall continue to be the officers and other employees of the State Government and their salary, allowances and other benefits shall be met from the Consolidated Fund of the State:

Provided that where any disciplinary or other action is required to be taken against any such officer or other employee, the Corporation shall make a reference to the State Government for appropriate action.

(3) Where any power or function or duty as conferred or imposed on the Corporation by or under any other law for the time being in force, such law shall have effect as if this section had formed a part of such law, and thereupon such law shall be deemed to have been amended accordingly.

**PART III**

**FINANCE**

**CHAPTER VII**

**The Municipal Fund, Budget, Loans, Accounts and Audit**

**55.** (1) There shall be a Municipal Fund held by the Corporation in trust for the purposes of this Act and all moneys realised or realisable under this Act and all moneys otherwise received by the Corporation shall be credited to this fund.

Municipal  
Fund.

<sup>1</sup>See foot-note 4 on page 432. *cont.*

(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 56, 56A, 57 & 57A.)

1\* \* \* \* \*

<sup>2</sup>(3) All moneys received on account of the Municipal Fund shall forthwith be paid into a Government Treasury or into the State Bank of India or any other nationalised bank or the State Co-operative Bank to the credit of one or more accounts, and each such account shall be called the account of the Corporation to which the money belongs:

Provided that the Mayor-in-Council may invest money, not required for immediate use, either in Government securities or in any other form of security which may be approved by the State Government, or in fixed deposit in the State Bank of India or in any other nationalised bank or the State Co-operative Bank or in any other form as the State Government may direct.

*Explanation.*—“State Co-operative Bank” shall mean the West Bengal State Co-operative Bank Limited, and shall include any co-operative bank affiliated to the West Bengal State Co-operative Bank Limited.

Application  
of Municipal  
Fund.

56. Subject to the provisions of section 55, the moneys credited from time to time to the Municipal Fund shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the regulations made thereunder or for payment of all sums payable out of the Municipal Fund under any other enactment for the time being in force.

Expenditure  
on physical  
assets  
outside  
Howrah.

<sup>3</sup>56A. Expenditure on physical assets outside Howrah may, for carrying out the purposes of this Act, be made if a resolution to that effect is carried out by not less than one-half of the total number of elected members of the Corporation.

Operation of  
bank  
accounts.

57. Subject to the other provisions of this Act, payment from the Municipal Fund shall be made in such manner as may be determined by regulations, and the accounts referred to in section 55 shall be operated by such officers of the Corporation as may be authorised by the Corporation by regulations.

Approval of  
State  
Government  
in respect of  
work etc.  
estimated to  
cost more  
than rupees  
twenty-five  
lakhs.

<sup>4</sup>57A. No expenditure for any work or for purchase of any material as may be necessary for the purposes of this Act shall be made without the approval of the Corporation at a meeting, if the estimated cost of such work or purchase exceeds rupees five thousand but does not exceed rupees twenty-five lakhs:

<sup>1</sup>Sub-section (2) was omitted by s. 2(8)(a) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>2</sup>Sub-section (3) was substituted for the original by s. 2(8)(b), *ibid.*

<sup>3</sup>Section 56A was inserted by s. 2(9) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>4</sup>Section 57A was inserted by s. 8 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

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(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Section 58.)

Provided that where the estimated cost of such work or purchase exceeds rupees twenty-five lakhs, approval of the State Government shall be obtained.

58. No payment of any sum out of the Municipal Fund shall be made unless the expenditure is covered by a current budget grant and a sufficient balance of such budget grant is available notwithstanding any reduction or transfer thereof under the provisions of this Act:

Payment not to be made out of the Municipal Fund unless covered by a budget grant.

<sup>1</sup>Provided that this section shall not apply to payments in the following cases:—

- (a) refund of taxes and other moneys which are authorised by this Act;
- (b) repayment of moneys belonging to contractors or other persons and held in deposit and all moneys collected or credited to the Municipal Fund by mistake;
- (c) temporary payments for works urgently required by the State Government in the public interest;
- (d) sums payable as compensation under this Act or the rules or the regulations made thereunder;
- (e) expenses incurred by the Corporation on special measures on the outbreak of dangerous diseases;
- (f) sums payable—
  - (i) under orders of the State Government on failure of the Corporation to take any action required by the State Government; or
  - (ii) under any other enactment in force for the time being; or
  - (iii) under the decree or order of a civil or criminal court against the Corporation; or
  - (iv) under a compromise of any claim, suit or other legal proceedings; or
  - (v) on account of the cost incurred in taking immediate action by any of the municipal authorities referred to in section 3 to avert a sudden threat or danger to the property of the Corporation or to human life;
- (g) such other cases as may be prescribed.

<sup>1</sup>Proviso was added by s. 2(10) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 58A, 59, 60 & 60A.)

Procedure when money not covered by a budget grant, is paid.

<sup>5</sup>58A. Whenever any sum is paid in any of the cases referred to in the proviso to section 58, the Commissioner shall forthwith communicate the circumstances of such payment to the Mayor-in-Council, and thereupon the Mayor-in-Council may take, or recommend to the Corporation to take, such action under the provisions of this Act as may appear to it to be feasible and expedient for covering the amount of such payments.

59. [Investment of surplus moneys.—Omitted by s. 2(12) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).]

Annual Budget.

60. (1) The Corporation shall, on or before the <sup>2</sup>{31st} day of March in each year, adopt for the ensuing year a budget estimate of the income and the expenditure of the Corporation to be received and incurred on account of the municipal government of Howrah.

\* \* \* \* \*

(3) The budget estimate shall state the rates at which various taxes, cesses and fees shall be levied by the Corporation in the year next following.

(4) The budget estimate shall state the amount of money to be raised by the Corporation as loan during the year next following.

(5) The Mayor shall present the budget estimate to the Corporation on the 15th day of February in each year or as soon as possible thereafter.

(6) The budget estimate shall be prepared, presented and adopted in such form and in such manner, and shall provide for such matters, as may be <sup>4</sup>[prescribed.]

<sup>5</sup>(7) The Corporation shall prepare the revised budget estimate for a year along with the budget estimate for the next year in such manner as may be prescribed.

Financial assistance by State Government.

<sup>6</sup>60A. (1) The Government may, from time to time, give grants or financial assistance to the Corporation with or without direction as to the manner of application of such grants or financial assistance.

<sup>1</sup>Section 58A was inserted by s. 2(11) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>2</sup>The figures and letters within the square brackets were substituted for the figure and letters "2nd" by s. 2(13)(a), *ibid.*

<sup>3</sup>Sub-section (2) was omitted by s. 2(13)(b), *ibid.*

<sup>4</sup>The word within the square brackets was substituted for the words "determined by regulations" by s. 2(13)(c), *ibid.*

<sup>5</sup>Sub-section (7) was substituted for the original by s. 2(13)(d), *ibid.*

<sup>6</sup>Section 60A was inserted by s. 9 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

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(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 61, 62.)

(2) The State Government may also lay down the pattern of distribution of such grants or financial assistance and the conditions of release of the grants for the purpose of such distribution.

(3) The State Government shall give grants to the Corporation for implementation in full or in part of any scheme included in the Annual Development Plan.

61. The Corporation may, by a resolution passed at a meeting, from time to time raise a loan, by the issue of debentures or otherwise on the security of the [property tax] or of all or any of the taxes, fees and dues under this Act, or on the guarantee by the State Government, of any sum of money which may be required—

Power of the Corporation to raise loan.

- (a) for the construction of works under this Act, or
- (b) for the acquisition of land or building for the purposes of this Act, or
- (c) to pay off any debt due to the State Government, or
- (d) to repay a loan raised under this Act, or
- (e) for the acquisition of a public utility concern which renders such services as the Corporation is authorised to render under this Act, or
- (f) for the purchase of vehicles, locomotive engines, boilers, plants and machineries necessary for carrying out the purposes of this Act, or
- (g) for any other purpose for which the Corporation is authorised to borrow by or under this Act or any other law in force for the time being:

Provided that no loan shall be raised without the previous sanction of the State Government and that terms and conditions (including the period) of repayment of the loan shall be subject to the approval of the State Government.

62. Notwithstanding anything hereinbefore contained, the power of the Corporation to raise a loan shall be so limited that the sums payable under this Act during any year for interest and for the maintenance of Sinking Funds established under this Act shall not exceed fifteen *per cent.* of the annual value of land and buildings as determined under this Act.

Limit to the power to raise loan.

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<sup>1</sup>See foot-note 3 on page 395, *ante*.

*(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 63-66.)*

Power of the Corporation to open a credit account with a bank.

63. Notwithstanding anything contained in section 61, whenever the raising of any loan has been sanctioned by the State Government under that section the Corporation may, instead of raising such loan or any part thereof from the public, take credit, on such terms as may be approved by the State Government, from any bank on a cash account to be kept in the name of the Howrah Municipal Corporation Cash Account to the extent of such loan or any part thereof and, with the sanction of State Government, may grant mortgages of all or any of the properties vested in the Corporation by way of securing the repayment of the amount of such credit or of the sum advanced from time to time on such cash account with interest.

Repayment of loan.

64. Every loan raised by the Corporation under section 61 shall be repaid within the period approved under that section and by such of the following methods as may be approved by the State Government, namely:—

- (a) from a Sinking Fund established under section 66 in respect of such loan, or
- (b) partly from such Sinking Fund and partly from the loan raised for the purpose under section 61.

Form and effect of debentures.

65. All debentures issued under this Chapter shall be in such form, and shall be transferable in such manner, as the Corporation may by regulation determine, and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Sinking Funds.

66. (1) The Corporation shall establish a separate Sinking Fund in respect of each loan raised under section 61 and shall pay into such fund every six months a sum so calculated that if regularly paid such sum together with the compound interest accrued thereon would be sufficient, after payment of all expenses, to pay off the loan within the period approved by the State Government under the proviso to section 61.

(2) The rate of interest at which the sum referred to in subsection (1) shall be calculated shall be such as may be prescribed.

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(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 67-69.)

67. (1) All moneys paid into a Sinking Fund shall as soon as possible be invested by the Corporation in—

Investment  
of the  
amount of  
the Sinking  
Fund.

- (a) Government securities, or
- (b) securities guaranteed by the Central or any State Government, or
- (c) debentures issued by the Corporation, or
- (d) debentures issued by the Trustees for the Improvement of Howrah, or
- (e) any public securities approved by the State Government and shall be held by the Corporation for the purpose of repaying from time to time the loans raised by it by the issue of debentures or otherwise.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible, be paid into the appropriate Sinking Fund and invested in the manner laid down in sub-section (1).

(3) Moneys paid into two or more Sinking Funds may, at the discretion of the Corporation, be invested together as a common fund and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several Sinking Funds.

(4) Any investment made under this section may from time to time, subject to the provisions of sub-section (1), be varied or transposed.

68. Until any loan is wholly repaid, the Corporation shall not apply any Sinking Fund established under this Act in respect of such loan for any purpose other than the purpose of repayment of such loan.

Application  
of the  
Sinking  
Funds.

69. (1) The Commissioner shall, at the end of each year, prepare a statement showing—

Statement of  
Investments.

- (a) the amount which has been invested during the year under section 67,
- (b) the date of the last investment made during the year,
- (c) the aggregate amount of securities then in the hands of the Corporation, and
- (d) the aggregate amount which has, up to the date of the statement, been applied for the purpose of repayment of loan under section 68.

(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the *Official Gazette*.

*(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 70, 71.)*

Annual  
examination  
of Sinking  
Funds.

70. (1) All Sinking Funds established under this Act shall be subject to annual examination by the auditors appointed under section 77, who shall ascertain whether the cash and the value of the securities belonging thereto are equal to the amount which should be at the credit of such funds had investments under section 67 been regularly made and had the interest accruing on account of such investments been regularly obtained.

(2) The amount which should be at the credit of a Sinking Fund shall be calculated on the basis of the sums credited to such fund under sub-section (1) of section 67.

(3) The value of securities belonging to a Sinking Fund shall be their current value, unless such securities become due for redemption at par with or above their face value before maturity in which case their current value shall be taken as their redemption value, except in the case of debentures issued by the Corporation which shall always be valued at par with their face value, provided that the Corporation shall make good immediately any loss owing to the sale of such debentures for repayment of the loan raised under section 61.

(4) The Corporation shall forthwith pay into any Sinking Fund such amount as the auditors appointed under section 77 may certify to be deficit unless the State Government specially sanctions a gradual readjustment of such deficit in respect of such fund.

(5) If the cash and the value of the securities at the credit of any Sinking Fund are in excess of the amount which should be at its credit, the auditors appointed under section 77 shall certify the amount of such excess sum and the Corporation may thereupon transfer the excess sum to the Municipal Fund in the General Account.

(6) If any dispute arises as to the accuracy of any deficit or excess referred to in the certificate under sub-section (4) or sub-section (5), the Corporation may, after payment of such deficit or after transfer of such excess, as the case may be, refer the matter to the State Government whose decision thereon shall be final.

Power of the  
Corporation  
to borrow  
money from  
the State  
Government.

71. (1) The Corporation may borrow money from the State Government for carrying out of the purposes of this Act, other than those referred to in section 61, on such terms and conditions as the State Government may determine.

(2) If any money borrowed by the Corporation from the State Government before the commencement of this Act or under sub-section (1) is not repaid, or any interest due in respect thereof is not paid, according to the terms and conditions of such borrowing, the State Government may attach the Municipal Fund or any portion thereof.



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(Part III.—Finance.—Chapter VII.—The Municipal Fund, Budget, Loans, Accounts and Audit.—Sections 72-75.)

(3) After such attachment no person other than an officer appointed in this behalf by the State Government shall in any way deal with the attached Fund or portion thereof. Such officer may do all acts in respect thereof which any municipal authority or an officer or employee of the Corporation might have done under this Act if such attachment had not taken place, and may apply such fund or portion thereof for payment of the arrear and the interest due in respect of such borrowing and of all expenses on account of the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged under any law in force for the time being and all such prior charges shall be paid out of the fund before any part thereof is applied for repayment of the borrowing under sub-section (1) and payment of interest accruing thereon.

72. If the Corporation fails to make any payment or to transfer any sum under sub-section (4) or sub-section (5) of section 70, the State Government may attach the Municipal Fund or any portion thereof and thereupon the provisions of section 71 shall, with all necessary modifications, apply.

Attachment of Municipal Fund for securing payment into Sinking Fund.

73. The accounts of all receipts and expenditure of the Corporation shall be kept in such manner and in such form as the State Government may from time to time prescribe.

Accounts.

74. (1) The Chief Auditor shall conduct a monthly internal audit of the accounts of the Corporation and shall report thereon to the Mayor-in-Council who shall cause an abstract of the receipts and expenditure of the month last preceding to be published.

Audit of accounts by the Chief Auditor.

(2) The Chief Auditor shall also conduct from time to time such other audit of the accounts of the Corporation as the Mayor-in-Council may direct.

(3) For the purpose of audit of the accounts of the Corporation the Chief Auditor shall have access to all accounts of the Corporation and records and correspondences relating thereto \* \* \*.

75. (1) The Chief Auditor shall—

Report by the Chief Auditor.

(a) report to the Mayor-in-Council any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the Corporation or in the accounts of the Corporation;

<sup>1</sup>The words “, and the Commissioner shall forthwith furnish to the Chief Auditor such explanation concerning any receipt or expenditure as he may call for” were omitted by s. 2(14) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995)

*(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 76, 77.)*

(b) furnish to the Mayor-in-Council such information as it may from time to time require concerning the progress of the audit.

(2) The Mayor-in-Council shall cause to be laid before the Corporation every report made to it by the Chief Auditor together with a statement of orders passed thereon by the Mayor-in-Council and thereupon the Corporation may take such action as it may deem fit.

(3) As soon as may be after the commencement of each financial year the Chief Auditor shall deliver to the Mayor-in-Council a report on the entire accounts of the Corporation for the preceding year.

(4) The Secretary shall cause such report to be printed and circulated among the Councillors \* \* \* \* \*

(5) The Commissioner shall forward to the State Government as many copies of such report as may be required by the State Government together with a brief statement of action taken or proposed to be taken thereon.

Power of the  
Chief  
Auditor to  
call for  
vouchers,  
etc.

76. The Chief Auditor shall audit the accounts of the Corporation with the assistance of officers and other employees subordinate to him and, for the purpose, may call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit, and shall be competent to frame standing orders and to give directions on all matters relating to audit and particularly in respect of the method and the extent of audit and the raising and pursuing of objections.

Appoint-  
ment of  
Auditors.

77. (1) The accounts of the Corporation shall be audited from time to time by auditors appointed in that behalf by the State Government.

(2) The Commissioner shall submit accounts to the auditors as required by them:

Provided that the Commissioner shall not be bound to submit accounts of expenditure in connection with any anti-corruption work but shall, if so required by the auditors, furnish certificate under his signature of all such expenditure.

(3) The auditors so appointed may,—

(a) by written summons, require the production before them or before any officer subordinate to them of any document which they may consider necessary for the proper conduct of audit;

<sup>1</sup>The words "and the Aldermen" were omitted by s. 2(15) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

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*(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 78, 79.)*

- (b) by written summons, require any person accountable for or having the custody or control of, any such document to appear in person before them or before any officer subordinate to them; and
- (c) require any person so appearing before them or before any officer subordinate to them to make or sign a declaration with respect to such document or to answer any question or to prepare and submit any statement.

(4) The provisions of sub-section (3) shall not apply to the accounts of expenditure incurred in connection with any anti-corruption work.

78. The auditors appointed under section 77 shall,—

- (a) report to the Mayor-in-Council any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the Corporation, or in the accounts of the Corporation;
- (b) report to the Mayor-in-Council any loss or waste of money or other property owned by or vested in the Corporation which has been caused by neglect or misconduct and may, if they think fit, report the names of the persons who in their opinion are directly or indirectly responsible for such loss or waste;
- (c) furnish to the Mayor-in-Council such information as the Mayor-in-Council may from time to time require regarding the progress of audit;
- (d) as soon as may be after the completion of audit, deliver to the Mayor-in-Council a report upon the accounts of the Corporation and submit a duplicate copy thereof to the Corporation;
- (e) conduct a special audit, when so directed by the State Government or the Corporation, on any receipt or expenditure of the Corporation or examine any accounts of stores and stocks and submit a report upon the same to the Mayor-in-Council and the Corporation;
- (f) submit to the State Government copies of all reports referred to in clauses (a), (b), (d) and (e).

Report and information to be furnished by auditors.

79. The Mayor-in-Council shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and shall report to the Corporation and the State Government the action taken by it:

Mayor-in-Council to remedy defects and report to the State

*(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 80, 81.)*

Provided that if there is a difference of opinion between the Mayor-in-Council and the auditors the Mayor-in-Council, or if the Mayor-in-Council does not remedy any defect or irregularity within a reasonable period the auditors shall refer the matter to the State Government within such time and in such manner, as may be prescribed, and it shall be within the competence of the State Government to pass such orders thereon as it thinks fit.

Reference of reports to Municipal Accounts Committee.

80. (1) The Corporation shall refer all reports received under section 78 to the Municipal Accounts Committee for their examination and report under section 10.

(2) The report of the Municipal Accounts Committee shall be discussed at a meeting of the Corporation for such decision as the Corporation may think fit:

Provided that if no report is received from the Municipal Accounts Committee, the Corporation shall be competent to discuss the auditors' reports under section 78 for such decision as it thinks fit.

(3) The Corporation shall publish the auditors' reports referred to in section 78 together with the reports of the Municipal Accounts Committee, if any, and the decision of the Corporation thereon in accordance with such rules as may be prescribed.

Powers of the auditors to disallow, surcharge and charge.

81. (1) The auditors shall, after giving the person concerned an opportunity to submit an explanation and after considering such explanation, if any, disallow every item of accounts contrary to the provisions of this Act, and surcharge the amount of any illegal payment on the person making or authorising the making of such payment, and charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of such person or any amount which ought to have been, but is not brought into account by such person, and shall in every such case certify the amount due from such person.

(2) The auditors shall record the reasons for every disallowance, surcharge or charge under sub-section (1) and shall serve in the manner prescribed a certificate of the amount due under that sub-section, and a copy of such reasons, on the person against whom the certificate is made, and shall incorporate such cases of disallowance, surcharge or charge in their report to the Mayor-in-Council, the Corporation and the State Government under section 78

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(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Sections 82-85.)

82. Any person from whom any sum has been certified by the auditors under section 81 to be due may, within one month after he has received or has been served with the certificate, either—

Rights of appeal to a Civil Court or to the State Government.

- (a) apply to a Civil Court of competent jurisdiction to set aside or modify such disallowance, surcharge or charge and upon such application the Court may, after taking such evidence as it considers necessary, confirm, set aside or modify the disallowance, surcharge or charge, and the certificate with such order as to costs as it may think proper, or
- (b) appeal to the State Government and the State Government shall pass such orders as it thinks fit. The decisions of the State Government on such appeal shall be final.

83. Where an amount is certified under sub-section (1) of section 81 to be due from any person, such amount, or where such person proceeds under section 82, such amount as the Court or the State Government, as the case may be, may decide to be due from such person, shall be paid within three months from the date of certificate under sub-section (1) of section 81, or as the case may be, within such period not less than three months from the date of such decision as the Court or the State Government, as the case may be, may allow and in the case of default of payment, the amount shall be recoverable by the Commissioner as an amount decreed by the Court of the District Judge, Howrah.

Payment of certified amount.

84. (1) Any cost allowed by the Court under clause (a) of section 82 shall be paid out of the Municipal Fund within such period as the State Government may fix in this behalf.

Costs payable out of Municipal Fund.

(2) If the Corporation fails to pay such cost within the period fixed by the State Government under sub-section (1), the State Government may attach the Municipal Fund or any portion thereof and the provisions of sub-section (2) of section 71 shall, with all necessary modifications, be deemed to apply in respect of such attachment.

85. Where a person from whom an amount is certified to be due under sub-section (1) of section 81 is a member of the Corporation or of a committee thereof or is an officer or employee of the Corporation and where such person has not paid such amount within three months from the date of such certificate, or where an amount declared to be due from such person under clause (a) or clause (b) of section 82 has not been paid by such person within such period not less than three months from the date of such declaration as may be allowed to him under section 83, such person shall be deemed to have vacated his seat or to have been

Effect of non-payment of certified amount.

(Part III.—Finance.—Chapter VII.—The Municipal Fund,  
Budget, Loans, Accounts and Audit.—Section 86.—  
Part IV.—Taxation and application fee for enlistment.—  
Chapter VIII.—A. Levy of Taxes and Fees.—Section 87.)

dismissed from the service of the Corporation, as the case may be, with effect from the date of an order to be made by the State Government in this behalf and shall not be eligible for re-election or re-appointment, as the case may be, until the amount as aforesaid has been paid by him.

Power of the  
State  
Government  
to make  
rules.

86. (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

- (a) the manner and the forms in which the accounts of the Corporation shall be kept under section 73;
- (b) the time within which, and the manner in which, the matter referred to in the proviso to section 79 shall be referred to the State Government;
- (c) the publication of the auditors' reports together with the report of the Municipal Accounts Committee under subsection (3) of section 80;
- (d) any other matter which may be or is required to be prescribed under the provisions of this Chapter.

## PART IV

[TAXATION AND APPLICATION FEE FOR ENLISTMENT]

### CHAPTER VIII

#### A. Levy of Taxes and Fees

Taxes and  
fees to be  
levied by the  
Corporation.

87. (1) The Corporation shall, for the purposes of this Act, have the power to levy the following taxes and fees:—

- (a) a <sup>2</sup>[property tax] on lands and buildings,  
\* \* \* \*
- (c) a tax on advertisements other than advertisements published in newspapers.
- (d) a tax on carriages and animals,

<sup>1</sup>The heading within the square brackets was substituted for the heading "Taxation" by s. 3(a) of the Howrah Municipal Corporation (Amendment) Act, 1992 (West Ben. Act X of 1992).

<sup>2</sup>See foot-note 3 on page 395. *ante*.

<sup>3</sup>Clause (b) was omitted by s. 3(b) of the Howrah Municipal Corporation (Amendment) Act, 1992 (West Ben. Act X of 1992).

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(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—A. Levy of Taxes and Fees.—Section 87A.—B. <sup>6</sup>[Property tax] on lands and buildings and surcharge.—Section 88.)

<sup>2</sup>(e). toll on—

(i) ferry,

(ii) bridge, and

(iii) heavy truck which shall be a heavy goods vehicle, and bus which shall be a heavy passenger motor vehicle, within the meaning of the Motor Vehicles Act, 1988, plying on a public street,

(f) a fee for grant of permission to erect a building,

(g) a fee on vessels moved within the limits of the Corporation at ghats or landing places constructed and maintained <sup>3</sup>[by the Corporation,]

<sup>4</sup>(h) a special conservancy charge on commercial and industrial establishments.

(2) The levy, assessment and collection of taxes and fees mentioned in sub-section (1) shall be in accordance with the provisions of this Act and the rules and the regulations made thereunder.

<sup>5</sup>87A. (1) The Corporation may, from time to time, levy fee for licences issued or permissions granted under the provisions of this Act and also impose charges for any specific services rendered in pursuance of the provisions of this Act.

Levy of fees, charges, etc.

(2) The State Government may, from time to time, prescribe the scale at which such fees may be levied or charges imposed.

#### B. <sup>6</sup>[Property tax] on lands and buildings and surcharge

<sup>7</sup>88. (1) For the purposes of this Act, property tax on the annual value of lands and buildings comprised in a holding, as determined under this Chapter, shall be imposed by the Corporation.

Imposition of property tax.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

<sup>2</sup>Clause (e) was substituted for the original by s. 10(1) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI) of 1999).

<sup>3</sup>The words within the square brackets were substituted for the words "by the Corporation," by s. 10(2), *ibid*.

<sup>4</sup>Clause (h) was inserted by s. 10(3), *ibid*.

<sup>5</sup>Section 87A was inserted by s. 2(16) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>6</sup>See foot-note 3 on page 395, *ante*.

<sup>7</sup>Section 88 was substituted for the original by s. 2(17) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—  
Chapter VIII.—B. <sup>2</sup>[Property tax] on lands and buildings  
and surcharge.—Section 88.)

- (2) Such property tax shall be determined as follows:—  
(a) where the annual value of lands and buildings does not exceed nine hundred and ninety-nine rupees, the property tax shall be determined in accordance with the following formula:—

$(\frac{\text{annual value}}{100} + 10)$  per cent. of the annual value, or

- (b) where the annual value of lands and buildings exceeds nine hundred and ninety-nine rupees, the property tax shall be determined in accordance with the following formula:—

$(\frac{\text{annual value}}{1000} + 22)$  per cent. of the annual value:

Provided that the property tax shall not exceed 40 per cent. of the annual value of lands and buildings:

Provided further that while calculating the percentage of property tax, the decimal figure below 0.5 shall be ignored and the decimal figure of 0.5 or above shall be rounded off to 1:

Provided also that the State Government may, from time to time, by notification, revise the formula referred to in clause (a) and clause (b) of this sub-section and upon such revision, this Act shall be deemed to have been amended accordingly:

Provided also that no such revision shall be made more than once in five years.

(3) A surcharge at such rate, not exceeding fifty per cent. of the property tax calculated under sub-section (2), as the Mayor-in-Council may, from time to time, determine at a meeting convened for the purpose, may be imposed on any land and building used wholly or partially for commercial, industrial or any other non-residential purpose.

(4) Notwithstanding anything contained in this Chapter, lands and buildings which are the properties of the Union shall be exempt from the property tax:

Provided that nothing in this sub-section shall prevent the Corporation from levying on such lands and buildings a property tax to which immediately before the commencement of this Act they were, or were treated as, liable:

Provided further that the Corporation may levy a service charge on such buildings on the basis of annual value, and at such rate, as may be determined by the Central Government from time to time.

<sup>1</sup>See foot-note 1 on page 446, ante.

<sup>2</sup>See foot-note 3 on page 395, ante.



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(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—  
Chapter VIII.—B. <sup>2</sup>[Property tax] on lands and buildings and  
surcharge.—Sections 88A, 88B.— C. Determination of  
Annual Valuation.—Section 89.)

<sup>3</sup>88A. Notwithstanding anything contained in the foregoing provisions of this chapter, the Corporation may, by a resolution, exempt 25 per cent of the property tax in respect of any holding belonging to an ex-serviceman, or family of a deceased soldier or ex-serviceman, who has no other land or building in any part of the State of West Bengal and who is residing in that holding.

Exemption of properties of ex-servicemen.

<sup>3</sup>88B. (1) The Corporation shall levy a surcharge on the transfer of immovable property situated within Howrah, in the form of additional stamp duty.

Levy of surcharge on transfer of lands.

(2) The rate of the surcharge, and the manner of—

- (a) collection of the surcharge.
- (b) payment of the surcharge to the Corporation, and
- (c) deduction of the expenses, if any, incurred by the State Government in course of collection of the surcharge.

shall be such as may be prescribed.

### C. Determination of Annual Valuation

89. For the purpose of determination of the <sup>4</sup>[property tax] on any land or building,

Determination of annual value.

- (a) the annual value of land, and the annual value of any building erected for letting purposes or ordinarily let, shall be deemed to be the gross annual rent at which the land or building might at the time of assessment be reasonably expected to be let from year to year, less, in the case of a building, an allowance of ten *per cent.* for the cost of repairs and for all other expenses necessary to maintain the building in a state to command such gross rent; and
- (b) the annual value of any building not erected for letting purposes and not ordinarily let, shall be deemed to be five *per cent.* on the sum obtained by adding the estimated present cost of erecting the building, less a reasonable amount to be deducted on account of depreciation (if any), to the estimated present value of the land valued with the building as part of the same premises:

<sup>1</sup>See foot-note 1 on page 446, *ante.*

<sup>2</sup>See foot-note 3 on page 395, *ante.*

<sup>3</sup>Sections 88A and 88B were inserted by s. 11 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—  
C. Determination of Annual Valuation.—Section 90.)

Provided that—

- (i) the annual value of a hut in *bustee* shall be the gross annual rent at which the hut may reasonably be expected to let from year to year less ten *per cent.* of such annual rent to maintain the said hut in a state to command such gross rent; and the land upon which such huts in a *bustee* are erected together with the remaining land, excluding the land used for roads and other public uses, shall be assessed separately under the provisions of this Chapter;
- (ii) in calculating the value of any land or building under this section, the value of any machinery on such land or in such building shall be excluded, but all fixtures including lifts and electric and other fittings which add to the convenience of the building shall be valued, subject in the case of a lift to such deduction from the valuation, as the Commissioner may think proper, on account of the cost of repairs to, maintenance of, and attendance on, such lift;
- (iii) if in the case of a building valued under clause (b), the annual value of which does not exceed five hundred rupees, any exceptional circumstances exists which render a valuation of five *per cent.* on the cost of erecting the building less depreciation, excessive, a lower percentage may be taken;
- (iv) when any building has been valued at a special percentage taken under clause (iii) of this proviso, it may be re-valued at any time after the exceptional circumstances referred to in that clause have ceased to exist.

Municipal  
Assessment  
Code.

90. (1) The State Government may by rules provide for the detailed procedure for determination of the annual value of lands or buildings in Howrah and for other matters connected therewith and such rules together with any regulations made under this Act shall constitute the Municipal Assessment Code.

(2) Under the rules as aforesaid—

- (i) every building together with the site and the land appurtenant thereto shall be assessed as a single unit:

Provided that where portions of any building together with the site and the land appurtenant thereto are vertically divisible and are separately owned so as to be entirely

<sup>1</sup>See foot-note 1 on page 446, *ante*.

LVIII of 1980.]

(Part IV.—<sup>1</sup>Taxation and application fee for enlistment.)—Chapter VIII.—  
C. Determination of Annual Valuation.—Section 90.)

dependent and capable of separate enjoyment notwithstanding the fact that access to such separate portions is made through common passage or a staircase, such separately owned portions may be assessed separately:

Provided further that the right of such access is protected by a registered deed of agreement;

- (ii) all lands or buildings, to the extent there are contiguous or are within the same curtilage or are on the same foundation and are owned by the same owner or co-owners as an undivided property, shall be treated as one unit for the purpose of assessment under this Act;
- (iii) each residential unit with its percentage of the undivided interest in the common areas and facilities constructed or purchased and owned by or under the control of any housing co-operative society registered under the West Bengal Co-operative Societies Act, 1973, shall be assessed separately;
- (iv) each apartment or its percentage of the undivided interest in the common areas and the facilities in a building within the meaning of the West Bengal Apartment Ownership Act, 1972, declaration in respect of which has been duly executed and registered under the provisions of this Act, shall be assessed separately;
- (v) every hut in a *bustee* shall be assessed separately.

(3) Notwithstanding the assessments made before the commencement of this Act, the Commissioner on his own motion may amalgamate or separate or continue to assess as such, as the case may be, lands or buildings or portions thereof so as to ensure conformity with the provisions of this section.

(4) If the ownership of any land or building or a portion thereof is sub-divided into separate shares or if more than one land or building or portions thereof by amalgamation come under one ownership, the Commissioner may on an application from the owners or co-owners, separate or amalgamate, as the case may be, such lands or buildings or portions thereof so as to ensure conformity with the provisions of this section.

(5) A newly constructed building shall become assessable from the date of its occupation.

(6) The Commissioner shall, upon an application made in this behalf by an owner, lessee or sub-lessee or occupier of any land or building and upon payment of such fees as may be determined by the Corporation by regulations, furnish information to such person regarding the

West Ben.  
Act  
XXXVIII of  
1973.

West Ben.  
Act XVI of  
1972.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—  
D. Assessment.—Sections 91, 92.)

apportionment of the <sup>2</sup>[property tax] of such land or building among the several occupiers within such land or building for the current period or the period immediately preceding:

Provided that nothing in this sub-section shall prevent the Corporation from recovering the dues from any such person.

#### *D. Assessment*

Periodical  
assessment.

91. (1) The annual value of any land or building situated in any ward of the Corporation which has been determined before and in force on the date of commencement of this Act shall remain in force and shall be deemed to be the annual value for the purpose of assessment of <sup>2</sup>[property tax] on such land or building under this Act, until a fresh annual valuation is enforced under this Act.

(2) The annual value and assessment under this Chapter,—

- (a) shall be made by the Commissioner or, if the State Government so directs, by the Central Valuation Board established under the West Bengal Central Valuation Board Act, 1978.
- (b) shall have effect from the beginning of the quarter of a year ending on the thirtieth June or thirtieth September or thirty-first December or thirty-first March, as the case may be, following that in which an assessment is made,
- (c) shall, subject to the other provisions of this Chapter, remain in force in respect of each ward of the Corporation for a period of six years and may be revised on the expiration of each such period.

West Ben.  
Act LVII of  
1978.

Municipal  
Assessment  
Book.

92. (1) The annual value of lands and buildings as determined under this Act shall be entered in the Municipal Assessment Book.

(2) The Municipal Assessment Book shall be maintained in such form and in such manner as may be prescribed.

(3) The Municipal Assessment Book duly authenticated in the manner prescribed shall be kept in the office of the Corporation and shall be open for inspection free of charge and extracts therefrom shall be made available on payment of such fee as may be prescribed.

(4) The Municipal Assessment Book may be printed and published for every ward of the Corporation and made available for sale to the public in such form and in such manner as may be prescribed.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

<sup>2</sup>See foot-note 3 on page 395, *ante*.

LVIII of 1980.]

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—  
D. Assessment.—Section 93.)

<sup>2</sup>93. (1) Any person who is dissatisfied with the assessment as appearing in the assessment list referred to in section 92 may prefer an application for review before the Corporation within a period of one month from the date of publication of such assessment list or service of written notice, as the case may be.

Application  
for review.

(2) No such application for review shall be entertained unless the amount of property tax on the previous valuations of any land or building has been paid or deposited in the office of the Corporation before such application is filed and every such application shall stand rejected unless such amount of tax is continued to be paid or deposited in the office of the Corporation till such application is finally disposed of.

(3) Every application under sub-section (1) shall be heard and determined by a Review Committee as may be constituted by the Corporation:

Provided that no Councillor of the ward from which the application for review is made shall be a member of the Review Committee:

Provided further that no decision of the Review Committee shall be invalid or called in question merely by reason of any vacancy in the composition of the Committee or absence of any member, other than the presiding officer, from a meeting thereof.

<sup>3</sup>Provided also that where the Review Committee reduces the valuation of any land or building, such reduction shall not be more than twenty-five per centum of the annual valuation of such land or building, except in the case of gross arithmetical or technical mistake and the Review Committee shall, in every such case, record in writing the reasons for such reduction.

(4) The Review Committee shall give notice to the applicant of the time and place at which his application will be heard and the Committee shall dispose of the application in such manner as may be prescribed:

Provided that in the case of equality of votes, the person presiding shall have a second or casting vote:

Provided further that when the Corporation is dissolved, the State Government shall, by notification, appoint the Review Committee consisting of such number of member or members including its President, if any, as may be specified in the notification for the purpose of hearing application for review under sub-section (1):

Provided also that the member or members, including the President, if any, as aforesaid shall be appointed by the State Government from among the persons residing in the wards other than the wards to which the matter relates, and the Review Committee shall pass such orders in each case as it thinks fit.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

<sup>2</sup>Section 93 was substituted for the original by s. 2(18) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>3</sup>Proviso added by s. 13 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

(Part IV.—<sup>1</sup>Taxation and application fee for enlistment.)—Chapter VIII.—  
D. Assessment.—Sections 94, 94A, 94B.)

(5) The decision of the Review Committee shall be final and no suit or proceedings shall lie in any civil court in respect of any matter which has been, or may be, referred to the Review Committee or has been decided by the Review Committee.

Revision of  
assessment.

94. Notwithstanding anything contained in this Chapter, the Mayor-in-Council may cause revaluation of lands and buildings or valuation of new buildings in any ward of the Corporation during the period the annual valuation remains in force in such ward.

District  
Registrar to  
furnish  
particulars  
regarding  
transfer of  
immovable  
properties.

<sup>2</sup>94A. On a written request by the Commissioner, the Registrar of the district of Howrah, appointed as such by the State Government under section 6 of the Registration Act, 1908, shall furnish such particulars regarding transfer of immovable properties in Howrah as the Commissioner may, from time to time, require.

16 of 1908.

Amendment  
of Municipal  
Assessment  
Book by  
Mayor-in-  
Council.

<sup>3</sup>94B. Notwithstanding anything contained in this Chapter, the Mayor-in-Council may, at any time, amend the Municipal Assessment Book in the following manner:—

- (a) by inserting therein the name of any person whose name ought to be inserted; or
- (b) by deleting the name of the person whose name has been inserted erroneously or otherwise; or
- (c) by inserting therein the particulars of any land or building previously omitted together with the details of valuation and assessment thereof; or
- (d) by striking out the name of any person not liable for the payment of <sup>3</sup>[property tax]; or
- (e) by altering the valuation and assessment of any land or building which has been erroneously valued, as may be palpably apparent, or assessed through fraud, mistake or misrepresentation, and such alteration shall take effect from the date of coming into force of such erroneous assessment or valuation.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

<sup>2</sup>Sections 94A and 94B were inserted by s. 7 of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

<sup>3</sup>See foot-note 3 on page 395, *ante*.

LVIII of 1980.]

(Part IV.—<sup>1</sup>{Taxation and application fee for enlistment.}—Chapter VIII.—  
E. Incidence and payment of <sup>2</sup>{property tax} on lands  
and buildings.—Sections 95, 96.)

E. Incidence and payment of <sup>2</sup>{property tax} on  
lands and buildings

95. (1) The <sup>2</sup>{property tax} on lands and buildings shall be primarily  
leviable,—

Incidence of  
<sup>2</sup>{property  
tax} on lands  
and  
buildings.

- (a) if the land or building is let, upon the lessor;
- (b) if the land or building is sublet, upon the superior lessor;
- (c) if the land or building is unlet, upon the person in whom  
the right to let such land or building vests;
- <sup>3</sup>(d) if the holding comes within the purview of the <sup>4</sup>{Kolkata}  
Thika Tenancy (Acquisition and Regulation) Act, 1981,  
upon the *thika* tenant or the tenant, as the case may be.

West Ben.  
Act XXXVII  
of 1981.

(2) The <sup>2</sup>{property tax} on any land or building, which is the property  
of the Corporation and the possession of which has been delivered under  
any agreement or licensing arrangement, shall be leviable upon the  
transferee or the licensee, as the case may be.

(3) The liability of the several owners of any building constituting  
a single unit of assessment, which is or purports to be severally owned  
in parts or flats or rooms, for payment of <sup>2</sup>{property tax} or any instalment  
thereof payable during the period of such ownership shall be joint and  
several:

Provided that the Commissioner may apportion the amount of  
<sup>2</sup>{property tax} on such building among the co-owners.

96. (1) If the annual value of any land or building exceeds the  
amount of rent of such land or building payable to the person upon whom  
the <sup>2</sup>{property tax} on such land or building is leviable under section 95,  
such person shall be entitled to receive from his tenant the difference  
between the amount of the <sup>2</sup>{property tax} on such land or building and  
the amount which would be leviable if the <sup>2</sup>{property tax} on such land  
or building were calculated on the basis of the rent payable to him.

Apportion-  
ment of  
liability for  
<sup>2</sup>{property  
tax}.

(2) If the annual value of any land or building which is sublet  
exceeds the amount of rent of such land or building payable to the tenant  
by his sub-tenant or to the sub-tenant by the person holding under him,  
the tenant or the sub-tenant shall be entitled to receive from his sub-  
tenant or the person holding under him, as the case may be, the difference

<sup>1</sup>See foot-note 1 on page 446, ante.

<sup>2</sup>See foot-note 3 on page 395, ante.

<sup>3</sup>Clause (d) was inserted by s. 8 of the Howrah Municipal Corporation (Second  
Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

<sup>4</sup>See foot-note 2 on page 417, ante.

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—  
E. Incidence and payment of <sup>2</sup>[property tax] on lands  
and buildings.—Sections 97-99.)

between any sum recovered under this Act from such tenant or sub-tenant and the amount of <sup>2</sup>[property tax] on such land or building which would be leviable if the annual valuation of such land or building were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent he pays.

<sup>2</sup>[Property tax] on lands and buildings from occupiers.

97. (1) On the failure to recover any sum due on account of <sup>2</sup>[property tax] on any land or building from the person primarily liable therefor under section 95, the Commissioner shall recover from the occupier of such land or building, by attachment of the rent payable by such occupier, a portion of the total sum due which bears, as nearly as may, be the same proportion to that sum as the rent annually payable by such occupier bears to the total amount of rent annually payable in respect of the whole of such land or building.

(2) An occupier, from whom any sum is recovered under sub-section (1), shall be entitled to be reimbursed by the person primarily liable for the payment of such sum, and may, in addition to having recourse to other remedies that may be open to him, deduct the amount so recovered from the amount of any rent becoming due from time to time from him to such person.

Payment of <sup>2</sup>[property tax] in quarterly instalments.

98. Save as otherwise provided in this Act, the <sup>2</sup>[property tax] on any land or building under this Chapter shall be paid by the person liable for the payment thereof in quarterly instalments.

<sup>2</sup>[Property tax] in a *bustee*.

99. (1) Notwithstanding anything contained elsewhere in this Act, the <sup>2</sup>[property tax] on lands and buildings in a *bustee* shall, after deducting therefrom a sum equal to one-eighth of such rate, be paid by the owner of the land in the *bustee*.

(2) Whenever a <sup>2</sup>[property tax] on land and building in a *bustee* is leviable, the owner of the land in such *bustee* may recover from the owner of each hut standing thereon—

- (i) half of the <sup>2</sup>[property tax] on the land on which the hut stands; and
- (ii) the <sup>2</sup>[property tax] on the hut standing on the land.

(3) The sum deducted under sub-section (1) shall be retained by the owner of the land in the *bustee*—

- (a) as a set-off against the expenses which may be incurred in collecting the portion of the <sup>2</sup>[property tax] on lands and buildings recoverable under sub-section (2), and

<sup>1</sup>See foot-note 1 on page 446, *ante*.

<sup>2</sup>See foot-note 3 on page 395, *ante*.



LVIII of 1980.]

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—  
E. Incidence and payment of<sup>2</sup>[property tax] on lands and buildings.—  
Sections 100, 101.—F. Application fee for enlistment of professions,  
trades and callings.—Section 102.)

(b) as a commutation of all refunds in respect of the huts which are vacant or which may be removed or destroyed during the period the <sup>2</sup>[property tax] on lands and buildings remains in force.

100. If any surcharge is levied on the <sup>2</sup>[property tax] on any land or building under sub-section (2) of section 88, the person liable to pay such surcharge, may recover the same from the occupier of such land or building who uses it for non-residential purpose:

Person liable to pay surcharge to recover it from the occupier.

Provided that if there is more than one such occupier, the amount for the surcharge may be rateably apportioned among them by such person for the purpose of recovery under this section.

101. When a person liable for the payment of the <sup>2</sup>[property tax] on lands and buildings or surcharge on the <sup>2</sup>[property tax] defaults to pay the sum due within the prescribed period, a sum not exceeding twenty-five per cent. of the amount of the <sup>2</sup>[property tax] or the surcharge, as may be determined by the Corporation by regulations, may be recovered from him by way of penalty, in addition to the amount of the <sup>2</sup>[property tax] or the surcharge payable by him.

Penalty in case of default in payment of <sup>2</sup>[property tax] or surcharge.

(2) The amount due as penalty under sub-section (1) shall be recoverable as an arrear of tax under this Act.

<sup>3</sup>[F. Application fee for enlistment of professions,  
trades and callings.]

<sup>4</sup>102. (1) Every person engaged or intending to be engaged in any class of profession, trade or calling in Howrah, as specified in Schedule III, either by himself or by an agent or representative, shall obtain a certificate of enlistment from, or, as the case may be, get the same renewed annually by, the Commissioner upon presentation of an application together with such application fee, not exceeding rupees five hundred, as may be determined by the Corporation <sup>5</sup>[by regulation]:

Certificate of enlistment for profession, trade and calling.

<sup>1</sup>See foot-note 1 on page 446. *ante*.

<sup>2</sup>See foot-note 3 on page 395. *ante*.

<sup>3</sup>Sub-heading F. was substituted for the sub-heading "F. Tax on professions, trades and callings" by s. 3(c) of the Howrah Municipal Corporation (Amendment) Act, 1992 (West Ben. Act X of 1992).

<sup>4</sup>Section 102 was substituted by s. 2 of the Howrah Municipal Corporation (Amendment) Act, 2000 (West Ben. Act V of 2000). Prior to this substitution firstly, the same section was substituted by s. 3(c) of the Howrah Municipal Corporation (Amendment) Act, 1992 (West Ben. Act X of 1992). Secondly, sections 102, 102A and 102B were substituted by s. 12 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>5</sup>The words within the square brackets were inserted by s. 14 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act III of 2001).

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—  
<sup>2</sup>[F. Application fee for enlistment of professions, trades and callings.]—  
 Sections 102A, 102B.—G. Tax on advertisements.—Sections 103, 104.)

Provided that such enlistment or renewal thereof shall not absolve such person from any liability to take out any licence under this Act or any other law for the time being in force.

(2) The Commissioner shall, after making such enquiry as may be necessary and within thirty days of the receipt of the application, grant him such certificate if the application is in order, or shall reject the application if it is not in order.

**102A.** [Enlistment for payment of tax on profession, trade and calling.—Omitted by s. 3 of the Howrah Municipal Corporation (Amendment) Act, 2000 (West Ben. Act V of 2000).]

**102B.** [Fine for not paying tax under section 102.—Omitted by s. 4 of the Howrah Municipal Corporation (Amendment) Act, 2000 (West Ben. Act V of 2000).]

#### *G. Tax on advertisements*

Tax on, and  
 license for,  
 advertise-  
 ments.

**103.** (1) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post, kiosk or structure on, upon, or in any vehicle any advertisement, or who displays any advertisement to public view in any manner whatsoever visible from a public street or other public place, shall pay for every advertisement which is so erected, exhibited, fixed, retained or displayed to public view, a tax at such rate not exceeding the rate mentioned in Schedule IV, as may be determined by the Corporation.

(2) When any person pays any tax for any advertisement under subsection (1), the Commissioner shall grant him a licence in respect of such advertisement specifying the period for which it is valid.

(3) The Corporation may by regulation determine the conditions for the grant of licence under this section and the time for, and the manner of, payment of the tax under this section.

Prohibition  
 of advertise-  
 ments  
 without  
 payment of  
 tax.

**104.** No advertisement for which tax is payable under section 103 shall be erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure or shall be displayed to public view in any manner whatsoever in any place unless the tax is paid.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

<sup>2</sup>See foot-note 3 on page 457, *ante*.

LVIII of 1980.]

(Part IV.—[Taxation and application fee for enlistment.]—Chapter VIII.—  
G. Tax on advertisements.—Sections 105-107.)

105. Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding or structure or within a public street or a public place in contravention of the provisions of this Act or any rules or regulations made thereunder, it shall be presumed that the contravention has been committed by the person or persons or their agents on whose behalf the advertisement purports to be so erected, exhibited, fixed or retained.

Presumption  
in case of  
contraven-  
tion.

106. If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of this Act or any rules or regulations made thereunder, the Commissioner may require the owner or the occupier of the land, building, wall, hoarding or structure upon or over which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement or may enter any building, land or property and have the advertisement dismantled, taken down or removed or spoiled, effaced or screened.

Power of  
Commis-  
sioner in  
case of  
contraven-  
tion.

107. The provisions of sections 103 to 106 shall not apply to any advertisement which—

Exceptions.

- (a) relates to a public meeting or an election to the Parliament or the State Legislature or the Corporation or any candidature in respect of such election; or
- (b) is exhibited within the window of any building if the advertisement relates to any trade, profession or business carried on in such building; or
- (c) relates to any trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein or to any sale entertainment or meeting to be held on or upon or in such land or building; or
- (d) relates to the name of any land or building upon or over which the advertisement is exhibited or to the name of the owner or the occupier of such land or building; or
- (e) relates to any railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration; or
- (f) relates to any activity of the Government or the Corporation; or
- (g) is not exhibited for the purpose of any trade and relates to any—
  - (i) public charitable institution, or
  - (ii) public educational institution, or

<sup>1</sup>See foot-note 1 on page 426. *ante*.

(Part IV.—[Taxation and application fee for enlistment.]—Chapter VIII.—  
H. Tax on carriages and animals.—Sections 108-111.)

- (iii) public hospital, or
- (iv) free dispensary, or
- (v) place of worship, or
- (vi) information or direction given to the public for their convenience or guidance.

H. Tax on carriages and animals

Tax on  
carriages  
and animals.

**108.** A tax shall be imposed by the Corporation on all carriages and animals kept in Howrah, except—

- (a) carriage kept for sale by *bona fide* dealers in such carriages and not used for any other purpose;
- (b) carriages and animals maintained by any authority for the purpose of a fire brigade;
- (c) carriages and animals belonging to Government and maintained for police or military purposes; and
- (d) such other classes of carriages and animals as may be prescribed.

*Explanation I.*—The expression, carriages includes hackney-carriage, rickshaw, cycle-rickshaw, four-wheeled or two-wheeled carriage, jin-rickshaw, bicycle or tricycle, car drawn by animals, pushcart or *thela* but does not include children's perambulators or tricycles.

*Explanation II.*—The expression "animals" includes horse, donkey, mule, pony, cow, buffalo, goat, pig, sheep and dog.

Rate of tax.

**109.** The rate of tax on carriages and animals shall be such as may be determined by regulations and different rates may be fixed for different classes of carriages or animals:

Provided that the rate of such tax shall not exceed one hundred rupees annually in the case of a carriage or an animal.

Tax on  
whom  
leviable.

**110.** The tax on carriage and animals shall be leviable upon the owners or the persons having possession or control of the carriages or the animals:

Provided that in the case of an animal generally used or employed in drawing any carriage, the tax in respect of such animal shall be leviable upon the owner or the person having possession or control of such carriage, whether or not such animal is owned by such owner or such person.

Licence.

**111.** (1) When the owner or the person having possession or control of any carriage or animal pays to the Corporation the tax payable by him under this Act, the Commissioner shall grant him a licence.

LVIII of 1980.]

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment.]—Chapter VIII.—  
H. Tax on carriages and animals.—Sections 112, 113.—I. Toll.—  
Section 114.)

(2) The Commissioner may require the owner or the person having possession or control of any carriage or animal or the occupier of any land or building on or in which any animal is kept to furnish such statement in relation to such carriage or animal as may be prescribed.

(3) The Commissioner may, by a written notice, require any person who carries on trade or business of a livery stable-keeper to produce for inspection all books and accounts relating to such trade or business.

112. The Mayor-in-Council may compound, for any period not exceeding one year at a time, with any livery stable-keeper or other person keeping vehicles for hire or animals for sale or hire, for a lump sum to be paid by such livery stable-keeper or other person in respect of the vehicles or animals so kept in lieu of the taxes which such livery stable-keeper or other person would otherwise be liable to pay under this Act.

Power of Mayor-in-Council to compound for tax.

113. The Corporation may by regulations determine the manner of imposition, payment, refund and remission of tax on carriages and animals, the time for payment of such tax and the conditions under which a licence may be granted.

Power of Corporation to make regulations providing for manner of imposition, etc. of tax.

### I. Toll

114. The Corporation may, with the sanction of the State Government—

Toll on roads.

- (i) establish a toll-bar on any public street (except a *kutchra* road), whether situated in or without Howrah, vested in the Corporation and constructed or reconstructed by or on behalf of the Corporation; and
- (ii) levy tolls at such toll-bar on persons, vehicles and animals passing over such street:

Provided that no toll-bar shall be established or tolls levied otherwise than for the purpose of recovering—

- (a) the expenses incurred by the Corporation in constructing or reconstructing such street,
- (b) interest on such expenses,
  - (i) at the rate of four *per cent. per annum*; or

<sup>1</sup>See foot-note 1 on page 446, *ante*.

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment].—Chapter VIII.—  
 J. Special Conservancy Charge.—Section 114A.—Chapter IX.—  
 A. Payment and recovery of taxes.—Sections 115, 116.)

(ii) when such expenses are defrayed wholly or in part from a loan, one and a half *per cent. per annum* above the rate of interest chargeable on such loan; and

(c) the capitalised value of the estimated cost of the Corporation for maintaining such street.

### *<sup>2</sup>J. Special Conservancy Charge*

Levy of special conservancy charge.

<sup>3</sup>114A. (1) The Corporation may levy a special conservancy charge on the commercial and industrial establishments for providing municipal services in connection with removal of solid wastes.

(2) The charge for the purpose of sub-section (1) shall be such as may be determined by the Corporation from time to time.

(3) The Corporation may make regulations specifying the occasions on which such charge may be imposed as well as the rate of charge, the mode of collection and other matters incidental thereto.

## CHAPTER IX

### *A. Payment and recovery of taxes*

Manner of recovery of taxes under this Act.

115. Save as otherwise provided in this Act, any tax levied under this Act may be recovered in accordance with the following procedure and in such manner as may be prescribed—

- (a) by presenting a bill, or
- (b) by serving a notice of demand, or
- (c) by distraint and sale of a defaulter's movable property, or
- (d) by the attachment and sale of a defaulter's immovable property, or
- (e) in the case of <sup>3</sup>[property tax] on lands and buildings, by the attachment of rent due in respect of the land or the building, or
- (f) by a certificate under the Bengal Public Demands Recovery Act, 1913.

Ben. Act III of 1913.

Time and manner of payment of taxes.

116. (1) Save as otherwise provided in this Act, any tax levied under this Act shall be payable on such dates, in such number of instalments and in such manner as may be prescribed.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

<sup>2</sup>Heading and section 114A were inserted by s. 13 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>3</sup>See foot-note 3 on page 395, *ante*.

LVIII of 1980.]

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment].—Chapter IX.—  
A. Payment and recovery of taxes.—Sections 117-119.)

(2) If any amount due is paid on or before the date determined under sub-section (1), a rebate of five per cent. of such amount shall be allowed.

117. (1) When any tax has become due, the Commissioner shall cause to be presented to the person liable for the payment thereof a bill for the amount due:

Presentation of bill.

Provided that no such bill shall be necessary in the case of—

\* \* \* \* \*

- (b) a tax on advertisements;
- (c) a toll.

*Explanation.*—A bill shall be deemed to be presented under this section if it is sent by post under certificate of posting to the person liable for payment of the amount included in the bill, and in such case, the date borne on such certificate of posting shall be deemed to be the date of presentation of the bill to such person.

(2) Every such bill shall specify the particulars of the tax and the period for which charge is made.

118. (1) Save as otherwise provided in this Act, if the amount of the tax for which a bill has been presented under section 117, is not paid within thirty days from the presentation thereof or if the tax on professions, trades and callings or the tax on advertisements is not paid after it has become due, the Commissioner may cause to be served upon the person liable for the payment of the same notice of demand in such form as may be specified by the Corporation by regulations.

Notice of demand and notice fee.

(2) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee of such amount, not exceeding twenty-five rupees, as the Corporation may determine by regulations shall be payable by the said person and shall be included in the cost of recovery.

119. (1) If the person liable for the payment of any tax does not, within thirty days of the service of the notice of demand under section 118, pay the sum due and if no appeal is preferred against such tax, he shall be deemed to be in default.

Penalty in case of default of payment of taxes.

(2) When the person liable for the payment of any tax is deemed to be in default under sub-section (1), such sum, not exceeding fifteen per cent. of the amount of tax, as may be determined by the Corporation by regulations, may be recovered from him by way of penalty, in addition to the amount of the tax, the notice fee payable under sub-section (2) of section 118, and simple interest in accordance with sub-section (3).

<sup>1</sup>See foot-note 1 on page 446, ante.

<sup>2</sup>Clause (a) was omitted by s. 5 of the Howrah Municipal Corporation (Amendment) Act, 1997 (West Bengal Act X of 1997)

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment].—Chapter IX.—  
A. Payment and recovery of taxes.—Sections 120, 121.)

(3) Simple interest at such rate as may be determined by the State Government from time to time shall be payable on any amount of tax remaining unpaid with effect from the date from which the person referred to in sub-section (1) becomes a defaulter under that sub-section.

(4) The amount due as penalty or interest under this section shall be recoverable as an arrear of tax under this Act.

Recovery of  
tax.

**120.** (1) If any person liable for payment of tax does not, within thirty days after the expiry of thirty days referred to in sub-section (1) of section 119, pay the amount due, such sum together with all costs, interest due and penalty may be recovered under a warrant, issued in such form as may be specified by the Corporation by regulations, by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter:

Provided that the Commissioner shall not recover any sum the liability of which has been remitted on appeal under the provisions of this Act.

(2) Every warrant issued under this section shall be signed by the Commissioner or any other officer authorised by him in this behalf.

Distress.

**121.** (1) It shall be lawful for any officer or other employee of the Corporation to whom a warrant issued under this Chapter is addressed to distrain, wherever it may be found in any place in Howrah, any movable property belonging to the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely:—

(a) the following property shall not be distrained:—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children and their cooking and eating utensils;

(ii) tools of artisans;

(iii) books of accounts;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under warrant, and if any property has been distrained which, in the opinion of the Commissioner, should not have been distrained, it shall forthwith be released.

(2) The person charged with the execution of a warrant shall in the presence of two witnesses forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in such form as may be specified by the Corporation by regulations to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

<sup>1</sup>See foot-note 1 on page 446 *ante*.



LVIII of 1980.]

(Part IV.—[Taxation and application fee for enlistment].—Chapter IX.—  
A. Payment and recovery of taxes.—Section 122.)

(3) If there is reason to believe that any property seized under a warrant of distress issued under section 118, if left in the place where it is found is likely to be removed by force, the officer executing the warrant may take it to the office of the Corporation or to any place appointed by the Commissioner.

122. (1) When the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Commissioner shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and he shall sell it accordingly by public auction unless the amount mentioned in the warrant is forthwith paid.

Disposal of  
distrained  
property and  
attachment  
and sale of  
immovable  
property.

(2) If the warrant is not in the meantime suspended by the Commissioner or discharged, the property seized shall, after the expiry of the period mentioned in the notice served under sub-section (2) of section 121, be sold by public auction by order of the Commissioner.

(3) When a warrant is issued for the attachment and sale of immovable property, the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge and declaring that such property will be sold unless the amount of tax due with all costs of recovery is paid into the Corporation office within fifteen days from the date of attachment.

(4) A copy of the order under sub-section (3) shall be affixed on a conspicuous part of the property and upon a conspicuous part of the Corporation office.

(5) Any transfer of or charge on the property attached or any interest therein made without written permission of the Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

(6) The surplus of the sale proceeds, if any, shall, immediately after the sale of the property, be credited to the General Account of the Municipal Fund, and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative, and if the same is claimed by written application to the Commissioner within one year from the date of the notice, a refund thereof shall be made to such person or representative.

(7) All sales of property under this section shall, so far as may be practicable, be regulated by the procedure in force for the time being in the Court of the District Judge, Howrah with respect to a sale after distress.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

(Part IV.—<sup>1</sup>Taxation and application fee for enlistment].—Chapter IX.—  
A. Payment and recovery of taxes.—Sections 123 -125.)

(8) No officer or employee of the Corporation shall directly or indirectly purchase any property at any such sale.

(9) Any surplus not claimed within one year as aforesaid shall be the property of the Corporation.

(10) For every distraint and attachment made in accordance with the foregoing provisions, a fee of such amount not exceeding two and a half *per cent.* of the amount of the tax due as shall in each case be fixed by the Commissioner shall be charged and included in the costs of recovery.

Recovery  
from a  
person about  
to leave  
Howrah.

123. (1) If the Commissioner has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to move from Howrah, he may direct the immediate payment by such person of the sum so due or about to become due and to cause a notice of demand for the same to be served on such person.

(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress or attachment and sale in the manner hereinbefore provided, and the warrant of distress or attachment and sale may be issued and executed without any delay.

Recovery  
under Ben.  
Act III of  
1913.

124. After a defaulter has been proceeded against unsuccessfully under the foregoing provisions of this Chapter or with partial success, any sum due or the balance of any sum due may be recovered by the Commissioner by certificate under the Bengal Public Demands Recovery Act, 1913, together with interest and cost of recovery.

Ben. Act III  
of 1913.

Distraint not  
unlawful for  
want of  
form.

125. No distraint under this Act shall be deemed to be unlawful nor shall any person making the same be deemed to be a trespasser on account of—

- (a) any defect or want of form in the notice, summons, notice of demand, warrant of distress, inventory or other proceeding relating thereto, or
- (b) any irregularity committed by such person:

Provided that any person aggrieved by such defect or irregularity may, by order of a court of competent jurisdiction, recover the full satisfaction of any special damage sustained by him.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

LVIII of 1980.]

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment].—Chapter IX.—  
A. Payment and recovery of taxes.—Sections 126, 127.)

126. (1) For the purposes of recovery of any [property tax] from any occupier under section 97, the Commissioner shall cause to be served on such occupier a notice requiring him to pay to the Corporation any rent due or falling due from him in respect of the land or building to the extent necessary to satisfy the portion of the sum due for which he is liable under the said section.

Occupiers may be required to pay rent towards satisfaction of <sup>1</sup>[property taxes].

(2) Such notice shall operate as an attachment of such rent unless the portion of the sum due shall have been paid and satisfied, and the occupier shall be entitled to credit in account with the person to whom such rent is due for any sum paid by him to the Corporation in pursuance of such notice:

Provided that if the person to whom such rent is due is not the person primarily liable for payment of the <sup>1</sup>[property tax], he shall be entitled to recover from the person primarily liable for the payment of such tax any amount for which credit is paid as aforesaid.

(3) If any occupier fails to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, the amount of such rent may be recovered from him by the Corporation as an arrear of tax under this Act.

127. (1) If any money is due under this Act from the owner of any land or premises on account of <sup>1</sup>[property tax] on lands and buildings or any other tax, expenses or charges recoverable under this Act and if the owner of such land or premises is unknown or the ownership thereof is disputed, the Commissioner may publish twice, at an interval of not less than two months, a notification of such dues and of sale of such land or premises for realisation thereof and after the expiry of not less than one month from the date of last publication of such notification, unless the amount recoverable is paid, may sell such land or premises by public auction to the highest bidder, who shall deposit, at the time of sale, twenty-five *per cent.* of the purchase money, and the balance thereof within thirty days of the date of sale. Such notification shall be published in the *Official Gazette* and in local newspapers and by displaying on the land or the premises concerned.

Recovery of <sup>1</sup>[property tax] on lands and buildings or any other tax or charges when owner of land or premises is unknown or ownership is disputed.

(2) After deducting the amount due to the Corporation as aforesaid, the surplus sale proceeds, if any, shall be credited to the General Account of the Municipal Fund and may be paid, on demand, to any person who establishes his right thereto to the satisfaction of the Commissioner or a court of competent jurisdiction.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

<sup>2</sup>See foot-note 3 on page 395, *ante*.

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment].—Chapter IX.—

A. Payment and recovery of taxes.—Sections 128, 129.—

B. Recovery of <sup>2</sup>[property tax] by person primarily liable to pay to the Corporation.—Section 130.)

(3) Any person may pay the amount due at any time before the completion of the sale, whereupon the sale shall be abandoned. Such person may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such land or premises.

Taxes not  
invalid for  
defect of  
form.

**128.** (1) No assessment and no charge or demand of the <sup>2</sup>[property tax] on lands and buildings or of any other tax made under this Act shall be called in question or shall in any way be affected by reason of—

- (a) any clerical or arithmetical mistake arising from any accidental slip or omission—
  - (i) in the name, residence, place of business or occupation of any person liable to pay such tax, or
  - (ii) in the description of any property or thing liable to such tax, or
  - (iii) in the amount of assessment of such tax, or
- (b) (i) any clerical error, or
- (ii) any defect of form, not being of a substantial nature:

Provided that the Commissioner may, either of his own motion or on the application of any aggrieved person, correct any clerical or arithmetical mistake or clerical error or defect of form as aforesaid.

(2) It shall suffice for the purpose of levying any tax under this Act or of any assessment of value of any property under this Act, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or the occupier thereof.

Cancellation  
of  
irrecover-  
able dues.

**129.** The Corporation may by order strike off the books of the Corporation any sum due on account of the <sup>2</sup>[property-tax] on lands and buildings or any other tax or on any other account, which may appear to it to be irrecoverable.

*B. Recovery of <sup>2</sup>[property tax] by person primarily liable to pay to the Corporation*

Apportion-  
ment of  
<sup>2</sup>[property  
tax] by the  
person  
primarily  
liable to pay.

**130.** Save as otherwise provided in this Act, the person primarily liable to pay the <sup>2</sup>[property tax] in respect of any land or building may recover—

<sup>1</sup>See foot-note 1 on page 446, ante.

<sup>2</sup>See foot-note 3 on page 395, ante.

LVIII of 1980.]

(Part IV.—<sup>1</sup>[Taxation and application fee for enlistment].—Chapter IX.—  
B. Recovery of <sup>2</sup>[property-tax] by person primarily liable  
to pay to the Corporation.—Sections 131, 132.)

- (a) if there be but one occupier of the land or building, from such occupier half of the rate so paid, and may, if there be more than one occupier, recover from each occupier half of such sum as bears to the entire amount of rate so paid by the owner the same proportion as the value of the portion of the land or building in the occupation of such occupier bears to the entire value of such land or building;

Provided that if there be more than one occupier, such half of the amount may be apportioned and recovered from each occupier, in such proportion as the annual value of the portion occupied by him bears to the total annual value of such land or building;

- (b) the entire amount of the surcharge on the <sup>2</sup>[property tax] on any land or building from the occupier of such land or building who uses it for commercial or non-residential purposes:

Provided that if there is more than one such occupier, the amount of surcharge on the <sup>2</sup>[property tax] may be apportioned and recovered from each such occupier in such proportion as the annual value of the portion occupied by him bears to the total annual value of such land or building.

131. If any person is primarily liable to pay any <sup>2</sup>[property tax] on any land or building and is entitled to recover any sum from an occupier of such land or building, he shall have, for recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to recover such sum.

Made of recovery.

132. The <sup>2</sup>[property tax] on lands and buildings due from any person shall, subject to the prior payment of land revenue (if any) due to the Government thereupon, be a first charge upon the land or the building belonging to such person and upon the movable property (if any) found within or upon such land or building.

The <sup>2</sup>[property tax] on lands and buildings to be first charge on premises.

<sup>1</sup>See foot-note 1 on page 446, *ante*.

<sup>2</sup>See foot-note 3 on page 395, *ante*.

*(Part V.—Civic Services.—Chapter X.—Water Supply and Drainage.—A. Proprietary rights of the Corporation.—Sections 133-135.)*

## PART V

### CIVIC SERVICES

#### CHAPTER X

#### Water Supply and Drainage

##### *A. Proprietary rights of the Corporation*

Public water-works etc. to vest in the Corporation.

133. All public tanks, reservoirs, cisterns, wells, tubewells, aqueducts, conduits, tunnels, pipes, taps and other water-works, whether made, laid or erected at the cost of the Municipal Fund or otherwise, and all bridges, buildings, engines, works, materials and things, connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, which is situated in Howrah, shall vest in the Corporation:

Provided that the Corporation may, with the approval of the State Government, make over the water-works for development and maintenance to a separate and independent agency and it shall be lawful for such agency to construct or acquire new water-works.

Rights over sub-soil water resources.

134. (1) All rights over the sub-soil water resources in Howrah shall vest in the Corporation.

(2) No person shall sink a tubewell in Howrah except with the prior permission of the Commissioner.

(3) The Commissioner may grant such permission on such terms and conditions as may be determined by regulation.

Supply of filtered and unfiltered water.

135. (1) The Corporation shall, within the limits of its capacity, provide for the supply of—

- (a) filtered water in all parts of Howrah for domestic purposes, and
- (b) unfiltered water for the purpose of street-watering, flushing of municipal drains, public privies and urinals, gully pits and extinguishing fire.

(2) Notwithstanding the provisions of sub-section (1), the Corporation, may supply filtered water and unfiltered water for any other purpose on such terms and conditions as may be provided by regulation made by it in this behalf.

LVIII of 1980.]

(Part V.—Civic Services.—Chapter X.—Water Supply and  
Drainage.—A. Proprietary rights of the Corporation.—  
Sections 136-139, 139A.)

- 136.** Subject to such conditions as the Corporation may from time to time impose, the Commissioner may allow any person owning or occupying any premises to lay down service-pipes from the mains of the Corporation for the purpose of bringing into the premises a supply of filtered and unfiltered water for use therein under the provisions of this Act or the regulations made thereunder.
- 137.** All private connections to premises from the mains of the Corporation for the supply of water therein and all pipes, taps and other fittings used for such supply shall be made, maintained and regulated in accordance with such regulations as may be made in this behalf.
- 138.** No owner or occupier of any premises shall suffer water to be wasted. The Corporation may establish block meter for any area or cause meters to be attached to premises for recording the supply of filtered water for regulation of consumption of water and prevention of wastage of water in such manner and may impose fees at such rates for consumption beyond such limit, as may be determined by regulations.
- 139.** The Corporation may erect bathing platforms, urinals, latrines and public stand posts to be maintained in such manner as may be determined, and may levy such user fees for realisation of cost of maintenance thereof as may be specified, by regulations.
- 139A.** (1) Notwithstanding anything contained in this Chapter or elsewhere in this Act, the Mayor-in-Council may cut off the connection of water supply to any premises, or may turn off such supply, if—
- (a) the premises is unoccupied or prohibited for human habitation; or
  - (b) any taxes or rates or fees or charges in respect of the premises, are in arrear for payment for more than one year; or
  - (c) after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or the occupier of the premises continues to use the water, or permits the water to be used, in contravention of the provisions of this Act or the rules or the regulations made thereunder; or

Power of Commissioner to allow owner or occupier of premises to lay down service-pipes.

Private connections to premises.

Regulation of consumption of water and provision for meters.

Bathing platforms and public, urinals, latrines, stand post.

Power to cut off or turn off supply of water to premises.

<sup>1</sup>Section 139A was inserted by s. 14 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

*(Part V.—Civic Services.—Chapter X.—Water Supply and Drainage.—B. Drainage Sewerage.—Section 140.)*

- (d) any pipe, tap, works or fittings connected with the supply of water to the premises be found, on examination by any officer of the Corporation duly authorised in this behalf, to be out of repairs to such extent as may cause so serious a waste or contamination of water that, in the opinion of the Commissioner, immediate prevention is necessary; or
- (e) there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached; or
- (f) by reason of a leak in the service-pipe or the fittings, damage is caused to any public street, and immediate prevention is necessary:

Provided that no action under clause (a) or clause (b) shall be taken without giving a notice of not less than three days to the owner or the occupier, as the case may be, of the premises.

(2) The expenses of cutting off the connection, or turning off the water, under sub-section (1) and of restoring the same, as determined by the Mayor-in-Council, shall be paid by the owner or the occupier, as the case may be, of the premises.

(3) Nothing in this section shall exempt any person from any penalty or liability which he may otherwise have incurred under any other provision of this Act.

**B. Drainage Sewerage**

Public drains and drains in, alongside or under public streets, to vest in Corporation.

**140.** (1) All public drains, and all drains in, alongside or under any public street, whether made at the charge of the Municipal Fund or otherwise, and all work, materials and things appertaining thereto, which are situate at Howrah, shall vest in the Corporation:

Provided that the Corporation may, with the approval of the State Government, make over the trunk-sewers, sewage treatment plants, pumping stations and other utilities to a separate and independent agency for maintenance and development and it shall be lawful for such agency to construct new trunksewers, sewage treatment plants, pumping stations or other utilities.

(2) For the purposes of enlarging, deepening or otherwise repairing or maintaining any such drain so much of the sub-soil appertaining to the drain as may be necessary for the said purpose shall also be deemed to vest in the Corporation.



LVIII of 1980.]

(Part V.—Civic Services.—Chapter X.—Water Supply and Drainage.—B. Drainage Sewerage.—Sections 141, 142.—  
C. Drainage of premises.—Section 143.)

141. All drains and ventilation-shaft, pipes and other appliances and fittings connected with drainage works constructed, erected or set up at the charge of the Municipal Fund in or upon premises not belonging to the Corporation whether for the use of the owner or the occupier of such premises or not shall, unless the Corporation otherwise determines, vest and be deemed always to have vested in the Corporation.

Drains, etc. constructed etc. at charge of Municipal Fund on private premises to vest in Corporation.

142. (1) Without the written permission of the Commissioner granted in accordance with such regulations as may be made by the Corporation in this behalf—

Private streets, etc. not to be constructed over municipal drain without permission.

- (a) no private street shall be constructed over any municipal drain, or
- (b) no wall or other structure shall be newly erected, over any municipal drain, or
- (c) no wall, fence or structure shall be erected on the bed, bank or embankment or any municipal sewage or storm-water channel, nor any portion thereof shall be interfered with, encroached upon, altered or occupied for fishery, agriculture or any other purpose.

(2) If any private street is constructed, or any wall or other structure is erected over any municipal drain, or if any wall, fence or structure is erected on the bed, bank or embankment of any municipal sewage or storm-water channel or if any portion thereof is interfered with, encroached upon, altered or occupied without the written permission of the Commissioner, the Commissioner may remove or otherwise deal with the same in such manner as he may think fit and the expenses incurred by the Corporation in so doing shall be paid by the owner of such private street, wall or other structure or by the person who interferes with or encroaches upon or alters or occupies, as the case may be.

C. Drainage of premises

143. The owner or the occupier of any premises shall be entitled to cause his house-drain to empty into a municipal drain, provided that, before so doing, he obtains the written permission of the Commissioner and complies with such conditions as the Commissioner may determine as to the mode in which, and the superintendence under which, communications between house-drains and municipal drains are to be made.

Right of owner or occupier of premises to empty his house-drain into municipal drain.

(Part V.—Civic Services.—Chapter X.—Water Supply and Drainage.—C. Drainage of premises.—Sections 144-148.)

Connection with municipal drain not to be made except in conformity with section 143.

144. (1) No person shall, without complying with the provisions of section 143, make or cause to be made, any connection of a house-drain with a municipal drain.

(2) The Commissioner may in accordance with such regulations as may be made by the Corporation in this behalf close, demolish, alter or remake any connection made in contravention of sub-section (1); and the expenses incurred in so doing shall be paid by the owner or the occupier of the premises for the benefit of which such connection was made or by the person who made or caused to be made such connection.

House-drain, closed cesspool, etc.

145. Where any premises is in the opinion of the Commissioner without sufficient means of effective drainage, the Commissioner may by written notice require the owner of the premises to construct a house-drain up to a point to be specified in the notice or to construct a closed cesspool and drains emptying into such cesspool in such manner as may be determined by regulation.

Grouping or combination of house-drains and enforcement of drainage to undrained premises.

146. The Corporation may, if it considers necessary, make regulations for grouping or combination of house-drains for economic or operational advantages and for enforcement of drainage of undrained premises and for any other matters in connection with drainage.

Municipal drains may communicate with public drains, etc.

147. Subject to the approval of the State Government, the Corporation may, if necessary, make the municipal drains communicate with, or empty into, any public drain, lake, canal or water course outside Howrah and may, in doing so, exercise throughout the line outside Howrah along which the municipal drains are to run all the powers exercisable by it under this Act if the said municipal drains were to run entirely in Howrah.

Certain matters not to be passed into municipal drains.

148. (1) No person shall throw, empty or otherwise discharge into any water source, channel or municipal drain within or outside Howrah any matter, refuse, trade effluent or waste so as to cause pollution, health hazard or nuisance prejudicial to environment.

(2) Subject to the provisions of any other law for the time being in force, the Corporation may by regulation provide for treatment standard to be maintained before discharge of any industrial waste or foul water or refuse into any river, water source, channel or municipal drainage and sewerage system.

LVIII of 1980.]

(Part V.—Civic Services.—Chapter X.—Water Supply and Drainage.—C. Drainage of premises.—Sections 149-151.—  
D. Privies, urinals and bathing and washing places.—  
Sections 152, 153.)

149. If it appears to the Mayor-in-Council that it is necessary to place or carry any pipe or drain over, under or across the immovable property of any person to maintain the only or the most convenient municipal water-supply to, and drainage of, any premises, the Mayor-in-Council may, after giving the owner of the immovable property an opportunity of being heard, authorise the owner or occupier of the premises to place or carry such pipe or drain over, under or across such immovable property in such manner as it may think fit to allow.

Placing or carrying any pipe, etc. over, under or across any immovable property.

150. The Corporation may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under or across any immovable property within or without the local limits of the Corporation without acquiring such property and may enter on any property for such purposes:

Placing and maintenance of aqueducts, etc. over, under or across any immovable property.

Provided that the Corporation shall not acquire any right other than the right of user in the property over, under or across which any aqueducts, conduits, lines of mains, pipes or drains are placed.

151. The Commissioner shall cause to be maintained complete survey maps, drawings and descriptions of all underground utilities in Howrah including water-supply mains, supply pipes, sewers and connections thereto in such form and in such manner as may be prescribed and shall ensure the secrecy of the same in conformity with the provisions of the Official Secrets Act, 1923.

Maps of underground utilities.

19 of 1923.

*D. Privies, urinals and bathing and washing places*

152. The Corporation shall—

- (a) provide and maintain, in proper and convenient situations, water closets and urinals for the use of the public, and
- (b) cause such water closets and urinals to be constructed and kept so as not to be a public nuisance or injurious to public health.

Power of Corporation to provide and maintain public privies and urinals.

153. (1) The Corporation may grant license to a private individual or organisation for maintenance and regulation of use of public toilets and urinals constructed by it and no such terms and conditions as may be determined by regulations.

Licence for public toilets and urinals.

(2) Such licensee shall be entitled to recover from the users such fee for the use of the public toilets and urinals as may be determined by regulations.

(Part V.—Civic Services.—Chapter X.—Water Supply and Drainage.—D. Privies, urinals and bathing and washing places.—Sections 154-156.)

(3) No person shall keep or maintain a toilet or urinal for public use without the specific permission of the Corporation and the Corporation may impose such conditions therefor as it may consider necessary.

Conversion of service privy into sanitary toilet etc.

<sup>1</sup>154. (1) No person, either owner or occupier of any premises, shall be allowed to maintain service privy within the area of the Corporation.

(2) The Commissioner shall issue notice to the owner or the occupier of every premises having service privy, directing him to convert the service privy by connecting either with the sewerage system or into a sanitary toilet, as the case may be.

(3) The owner or the occupier of the premises, as the case may be, shall, on receipt of the notice, convert the service privy by connecting either with the sewerage system or into a sanitary toilet, as the case may be, within 90 days from the date of receipt of the notice under subsection (2).

(4) No person shall be allowed to discharge night-soil directly in the municipal drain.

Privy, urinal and other accommodation at premises for twenty or more labourers or workmen.

155. (1) There shall be provided in every new building at or in which not less than twenty labourers or workmen are likely to be employed such privy and urinal accommodation and such accommodation for bathing or washing of clothes and domestic utensils as the Corporation may decide.

(2) Where any premises at or in which not less than twenty labourers or workmen are employed are without privy, urinal, bathing or washing place accommodation or with inadequate accommodation, the Mayor-in-Council may by written notice require the owner of such premises to provide such privy, urinal or bathing or washing place accommodation as it may determine.

Provision for privy and urinal accommodation in premises intended for human habitation.

<sup>2</sup>156. (1) If any premises, intended for human habitation, is without privy or urinal accommodation, or the existing accommodation is, in the opinion of the Mayor-in-Council, insufficient, inefficient or objectionable for sanitary reasons, the Mayor-in-Council may, by a written notice, direct the owner or the occupier, as the case may be, of such premises to make such structural or other alteration of the existing privy or urinal accommodation as may be specified in the notice within 90 days from the date of issue of the notice.

<sup>1</sup>Section 154 was substituted for the original by s. 15 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

<sup>2</sup>Section 156 was substituted for the original by s. 16, *ibid*.

LVIII of 1980.]

(Part V.—Civic Services.—Chapter X.—Water Supply and Drainage.—E. Cesspools and other filth receptacles.— Sections 157-159, 159A.)

(2) If the owner or the occupier of the premises, as the case may be, fails to comply with the directions of the Mayor-in-Council within the time specified in sub-section (1), he shall be punished with fine in accordance with the provisions of section 220.

E. Cesspools and other filth receptacles

- 157. (1) No person shall construct a cesspool—
  - (a) beneath any part of any building or within fifteen metres of any tank, reservoir, water source or well; or
  - (b) upon any site or in any position in Howrah which has not been approved in writing by the Commissioner; or
  - (c) upon any site or in any position outside Howrah which has not been so approved and is situated within ninety metres of any reservoir used for storage of filtered water to be supplied to Howrah.

Position of cesspools.

(2) The Commissioner may at any time by a written notice require the owner of the premises in which any cesspool has been constructed in contravention of the provisions of sub-section (1) to remove such cesspool and to fill up the cesspool with such materials as may be approved by him.

158. All house-drains, within as well as without the premises to which they belong, and all cesspools, privies and urinals shall, as respects their site, construction, materials and dimension and arrangements for flushing the same, be under the survey and the control of the Corporation and subject to such regulations as the Corporation may make in this behalf.

House-drains, etc. to be subject to survey and control of the Corporation.

159. (1) The Corporation may, from time to time, grant to any person it thinks fit, a licence to act as a plumber for the purposes of this Act.

Power of Corporation to grant Licence to plumbers.

(2) Every such licence shall be granted in such manner and in such form and on such terms and conditions as may be determined by the Corporation by regulations.

159A. (1) If, in the opinion of the Mayor-in-Council, any pool, ditch, tank, well, pond, swamp, quarry, hole, drain, cesspool, watercourse, pit, cistern, desert or air-cooler, ground, or underground, or overhead tank or any collection of water, or any land on which water may, at any time, accumulate, is or likely to become a breeding place of mosquitoes or, in any other respect, becomes a nuisance, the Mayor-in-Council may by notice require the owner or the person having control thereof to take all or any of the following actions:—

Prevention of mosquito breeding.

- (a) to clean, or drain-off or remove water therefrom, or to provide cover thereto; or

<sup>1</sup>Section 159A was inserted by s. 15 of the Howrah Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VI of 2001).

*(Part V.—Civic Services.—Chapter X.—Water Supply and  
Drainage.—E. Cesspools and other filth receptacles.—  
Section 159A.)*

- (b) to have any courtyard, lane, passage or open space paved with such material, and in such manner, as may be directed by the Mayor-in-Council, to keep such paving in proper repair, or to raise the level of such courtyard, lane, passage, open space, etc; or
- (c) to fill up such unwholesome waterbody:

Provided that any wholesome waterbody can be filled up only after compliance of the provisions of section 4C of the West Bengal Land Reforms Act, 1955, by the owner or the person having control thereof.

West Ben.  
Act X of  
1956.

(2) No person shall keep, or permitted to be kept or maintained, within any premises or land any collection of stagnant or flowing water which, in the opinion of the Mayor-in-Council, is, or is likely to be, breeding place for mosquitoes, unless such collection of water is treated in such manner as may effectively prevent the breeding of mosquitoes.

(3) All borrow pits dug in the course of construction and repairs of buildings, roads, or embankments, shall be deep and connected with each other in the formation of a drain directed towards the lowest level and properly sloped for discharge into a river, stream, channel, or drain, and no person shall create any isolated borrow pit which, is likely to cause accumulation of water which may again, in turn, may breed mosquito.

(4) The owner or occupier of any premises shall not keep therein any bottle, tyre (old or new), vessel, can, container or receptacle in such manner as may allow it to collect, and/or to retain, water which may breed mosquito, and shall clean and dry such bottle, tyre (old or new), vessel, can, container or receptacle at the interval of seven days.

(5) The owner or occupier of any premises shall wrap the openings of the ventpipes and the outlets of septic tanks with proper mosquito-proof nets and shall maintain covering slabs of septic tanks to prevent entry and exit of mosquitoes.

(6) The owner or occupier of any premises shall seal the overhead tanks, cisterns or water receptacles to prevent mosquito breeding, and shall provide safe ladder for making the overhead tanks or cisterns or water receptacles approachable in order to facilitate inspection of the water in the container by the authorities of the Corporation.

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XI.—Streets and public places.—  
Section 160.)

(7) For construction of permanent water collections such as swimming pools, artificial fountains, or water reservoirs, constructed for beautification,—

- (a) an application shall be submitted to the Corporation, stating therein the anti-larval measures, which shall be taken by the applicant to keep the water free of mosquito larvae;
- (b) the Corporation, after considering the application, shall issue a license to the applicant;
- (c) the applicant shall receive the said license on payment of such fee as may be determined by the Corporation, and the license shall be renewed annually.

(8) The owner or occupier of any private pond or water reservoir shall keep such pond or water reservoir free from water hyacinth or allied weeds to prevent mosquito breeding.

(9) If any person contravenes any of the provisions of this section or fails to comply with any requirement under this section, he shall be punished with fine which may extend to one thousand rupees, and a daily fine of fifty rupees in the case of continuance of such contravention commences from the day on which such contravention is brought to the notice of such person by the Corporation.

## CHAPTER XI

### Streets and public places

160. (1) All public streets, squares, parks and gardens (not being the property of, and kept under the control of, Government or the Board of Trustees for the Improvement of Howrah) including the soil, sub-soil and the side-drains, footways, pavements, trees, stones and other materials, implements and other things provided for such streets and other public places, which are situated in Howrah, shall vest in the Corporation.

Vesting of public streets in the Corporation.

(2) Whenever the Corporation proposes to determine the name by which any public street or public place is to be known or to change the name of any public street or public place, it shall refer the proposal to an Advisory Committee constituted under sub-section (3) for its consideration.

(3) The State Government shall, by notification, constitute an Advisory Committee for naming, or changing the name of, any public street or square in Howrah. The Advisory Committee shall consist of such number of persons, not exceeding eight but not less than five, as the State Government may think fit.

*(Part V.—Civic Services.—Chapter XI.—Streets and public places.—  
Sections 161-164.)*

Functions of the Commissioner in respect of public streets.

**161.** The Corporation shall cause all public streets vested in it under section 160 to be maintained by the Commissioner who shall for this purpose do all things necessary for the public safety and convenience including the construction and maintenance of the bridges, causeways and culverts.

Power to make new public streets, etc.

**162.** The Corporation may lay out and make new public streets, construct bridges and sub-ways, classify public streets into different categories, turn or divert any existing public street, prescribe a regular line for streets or buildings on one or both sides of any public street and take steps in pursuance of a plan for improvement of streets and street alignments and may, by regulation, make provisions in this regard.

Power of Corporation to remove or alter verandah, etc. or fixtures attached to buildings which project, etc., over public street.

**163.** (1) No person shall except with the permission of the Commissioner [and on payment of such fees as may be determined by regulations,] cause any obstruction to or encroachment upon or projection over or otherwise occupy any portion of any public street or other public place.

(2) When any verandah, platform, building or other structure or any fixture attached to a building so as to form part of the building (whether erected before or after the commencement of this Act) causes a projection, encroachment or obstruction over or on any public street or other public place vested in the Corporation, the Commissioner, in accordance with such regulations as may be made by the Corporation, may, by a written notice, require the owner or the occupier of the building to remove or alter such verandah, platform, building or other structure of fixture.

Power to move anything erected, deposited or hawked in contravention of this Act.

**164.** The Commissioner may, without notice, cause to be removed—

- (a) any wall, fence, rail, post, step, booth or other structure or fixture which may be erected or set up in or upon any street, footpath or upon or over any open channel, drain, well or tank contrary to the provisions of this Act;
- (b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatsoever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of the provisions of this Act;
- (c) any article whatsoever hawked or exposed for sale in any public place or in any public street or footpath in contravention of the provisions of this Act and any vehicle, package, box, board, shelf or any other thing in or on which such article is placed or kept for the purpose of sale, display, or otherwise.

<sup>1</sup>The words within the square brackets were inserted by s. 9 of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).



LVIII of 1980.]

(Part V.—Civic Services.—Chapter XI.—Streets and public places.—  
Sections 165-167.)

165. (1) No person shall tether any animal or cause or permit any animal to be tethered or strayed in any public street or other public place.

Prohibition of tethering of animals and milking of cattle.

(2) No person shall milk or cause or permit to be milked any cow or buffalo or other animal in any street or other public place.

(3) Notwithstanding anything contained in any other law for the time being in force, the Commissioner may cause to be removed or impounded any animal tethered or being milked or found straying in any street or other public place.

166. (1) If the Corporation considers it expedient to prescribe a regular line for streets or buildings on one or both sides of any public street or portion thereof, it shall give a public notice of its intention to do so.

Power of Corporation to specify building-line and street-alignment.

(2) Every such notice shall specify the period within which objections will be received by the Corporation and a copy of the notice shall be sent by post to every owner of the premises abutting on such public street who is registered in respect of such premises in the books of the Corporation.

(3) The Corporation shall consider all objections received by it within the specified period and make an order specifying a building-line or a street-alignment or both for such public street. Every such order shall be published in the *Official Gazette* and shall take effect from the date of such publication.

(4) A register or book with plans attached shall be kept by the Corporation showing all public streets in respect of which a building-line or a street-alignment has been specified and such register shall contain such particulars as may appear to the Commissioner to be necessary and shall be open to inspection by the public on payment of prescribed fee.

(5) Whenever it is proposed to repair, re-build, remove, construct or re-construct any building or portion thereof abutting on a public street in respect of which a building-line or street-alignment has been specified by an order, the Commissioner may give direction for setting back or setting forward all such buildings or portions thereof in such manner as may be determined by regulation.

167. The Commissioner may authorise temporary construction on, or temporary closure of, any part of a public street on such occasions and on such conditions and for such period as the Corporation may provide by regulation made in this behalf.

Power of the Commissioner to authorise temporary construction or temporary closure of parts of public streets

*(Part V.—Civic Services.—Chapter XI.—Streets and public places.—  
Sections 168-170.)*

Rights of  
way for  
under-  
ground  
utilities.

**168.** Subject to the provisions of any other law for the time being in force, the State Government may, by rules, provide for—

- (a) sanction by the Corporation of specific rights of way in the sub-soil of public and private streets in Howrah for different public utilities including electric supply, telephone and other tele-communication facilities, gas pipes, water-supply, sewerage and drainage, pedestrian sub-ways, shopping plazas, warehousing facilities and the apparatus and appurtenances related thereto provided by the State Government, any statutory body or any licensee under any law;
- (b) levy of any fee or charges permissible under law;
- (c) furnishing to the Corporation of maps, drawings and statements which shall enable it to compile and maintain the precise records of the placements of the underground utilities in Howrah.

Closure of  
public street  
for parking  
purposes.

**169.** The Commissioner may, with the prior approval of the Mayor-in-Council, close any portion of a public street and declare it as a parking area and charge parking fees at different rates for different vehicles for different areas and for different periods in accordance with such regulation as may be made in this behalf.

Owner's  
obligation to  
make a  
street where  
dealing with  
land as  
building site.

**170.** (1) If the owner of any land utilizes, sells, leases or otherwise disposes of such land or any portion 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 street or private street.

(2) Before utilising, selling or otherwise disposing of any land under sub-section (1), the owner thereof shall send to the Commissioner a written application with a lay-out 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 and drains;
- (d) the regular line of street or streets;

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XI.—Streets and public places.—  
Section 171.—Lighting.—Section 172.)

- (e) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting street or streets.

(3) No deed of transfer shall be registered under any law for the time being in force for any land governed by this section until the layout plans have been approved by the Commissioner and all infrastructural constructions completed up to a stage to the satisfaction of the Commissioner in accordance with such regulation as may be made in this behalf.

171. No person shall make any new street without the prior approval of the Mayor-in-Council.

Prohibition of making new streets.

### Lighting

172. (1) The Corporation shall—

- (a) take measures for lighting, in a suitable manner, the public streets, squares and gardens, municipal markets and all buildings vested in the Corporation;
- (b) procure, erect and maintain such number of lamps, lamp-posts, other appurtenances as may be necessary for such lighting; and
- (c) cause such lamps to be lighted by means of oil, gas, electricity or such other means as the Corporation may from time to time determine.

Provision for lighting of public streets, squares, gardens, markets, and buildings.

(2) The Corporation may itself or in conjunction with any firm or company and in accordance with such regulations as may be made by the Corporation, erect plants and machineries for the generation of power and production of gas for the purpose of lighting.

(3) The Corporation may place and maintain—

- (i) electric wires or gas-pipes for the purpose of lighting such lamps under, over, along or across any immovable property, and
- (ii) posts, poles, standards, stays, struts, brackets, tunnels, culverts or any other contrivance for carrying, suspending or supporting such lamps, gas-pipes or electric wires in or upon any immovable property:

Provided that such pipes, wires, posts, poles, standards, stays, struts, brackets, tunnels, culverts or other contrivance shall be so placed as to occasion as little damage, detriment, inconvenience or nuisance to any person as the circumstances permit.

(Part V.—Civic Services.—<sup>1</sup>[Chapter XIA.]—Fire prevention and fire safety.—Section 172A.—Chapter XII.—Buildings.—Sections 173-175.)

### CHAPTER XIA

#### Fire prevention and fire safety

Arrange-  
ment for fire  
prevention  
and fire  
safety.

**172A.** On the coming into force of the West Bengal Fire Services Act, 1950, in any area within the jurisdiction of the Corporation, the Corporation shall, in consultation with the Director of Fire Services or any officer authorised by him in this behalf by general or special order, require the owner or the occupier of all or any of the premises in such area to make, or to carry, such arrangements as may be necessary for fire prevention and fire safety in such area, and issue a fire safety certificate on such conditions as the State Government may prescribe from time to time.

West Ben.  
Act XVIII of  
1950.

*Explanation.*—“Director of Fire Services” shall mean the Director of Fire Services referred to in clause (e) of section 2 of the West Bengal Fire Services Act, 1950.

### CHAPTER XII

#### Buildings

Use of land  
for erection  
of new  
building.

**173.** No person shall use any piece of land as a site for erection of a new building except in accordance with the provisions of this Act and of the rules and the regulations made under this Act in relation to such erection of building.

Application  
for sanction  
for erection  
of building.

**174.** Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information or document as may be prescribed.

Sanction or  
provisional  
sanction or  
refusal of  
erection of  
building.

**175.** The Commissioner shall sanction the erection of building ordinarily within a period of sixty days unless any further information or document be called for or sanction be refused in the meantime on such grounds as may be prescribed:

Provided that a provisional sanction may be given for the erection of a building for the use of which a licence or permission is required from any department of Government or statutory body under any law for the time being in force in accordance with such procedure as may be prescribed:

<sup>1</sup>Chapter XIA was inserted by s. 2(19) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XII.—Buildings.—  
Section 175A.)

Provided further that if it appears to the Commissioner that the site of the proposed building is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of public street or extension, improvement, widening or alteration of any street, the Commissioner may withhold sanction to the erection of the building for a period not exceeding eight months.

**175A.** (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of coming into force of the Howrah Municipal Corporation (Amendment) Act, 1990 (hereinafter referred to in this section as the said Act) and for a period of one year from such date (hereinafter referred to in this section as the said period), no person shall apply for sanction of any plan to erect a building exceeding thirteen and a half metres in height.

Bar to construction of building in certain cases for a limited period.

(2) Any application for sanction of any plan to erect a building exceeding thirteen and a half metres in height, submitted by any person—

- (a) before the coming into force of the said Act and lying pending for such sanction on the date of coming into force of the said Act, or
- (b) at any time during the said period, shall stand rejected forthwith.

(3) Any person, whose application for sanction of any plan to erect a building exceeding thirteen and a half metres in height stands rejected under sub-section (2), may apply afresh for such sanction in accordance with the provisions of this Act and the rules made thereunder on the expiry of the said period.

(4) Any fee paid by any person for sanction of any plan to erect a building exceeding thirteen and a half metres in height, the application for which stands rejected under sub-section (2), shall, at his option, be refunded to him or adjusted towards the fee payable by him for fresh application for such sanction under sub-section (3).

(5) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, if it considers necessary or expedient so to do in the public interest, by notification, exempt any application for sanction of any plan from the operation of the provisions of this section.

*Explanation.*—For the purposes of this section, the expression "to erect a building" shall have the same meaning as in sub-section (1) of section 390 of the [Kolkata] Municipal Corporation Act, 1980.

West Ben.  
Act LIX of  
1980.

<sup>1</sup>Section 175A was inserted by s. 2 of the Howrah Municipal Corporation (Amendment) Act, 1990 (West Ben. Act II of 1990).

<sup>2</sup>See foot-note 2 on page 417. *ante*.

*(Part V.—Civic Services.—Chapter XII.—Buildings.—  
Sections 176, 177 and 177A.)*

Period for completion of building.

**176.** After a building plan is sanctioned the person who has given the notice shall commence work and complete the same within such period or extended period as may be prescribed.

Order of demolition or stoppage of buildings and works.

**177.** (1) Where the erection of any building or the execution of any work in pursuance thereof has been commenced, or is being carried on, or has been completed without or contrary to the sanction or in contravention of any of the provisions of this Act or the rules and the regulations made thereunder, the Commissioner may in addition to any other action that may be taken under this Act, make an order directing that such erection or work shall be stopped or demolished or such addition or alteration thereto be made as the Commissioner considers necessary, by the person at whose instance the erection or the work has been commenced, or is being carried on, or has been completed:

Provided that no order under this provision shall be made unless such person has been given a reasonable opportunity of being heard in accordance with such procedure as may be prescribed.

(2) The Commissioner may make an order under sub-section (1), notwithstanding the fact that the assessment of such building has been made for the levy of the <sup>1</sup>[property tax] rate on lands and buildings.

(3) Any person aggrieved by an order of the Commissioner made under sub-section (1) may, within thirty days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal appointed under this Chapter.

(4) No court shall have jurisdiction in any matter for which provision is made under this Chapter for appeal to the Municipal Building Tribunal.

Construction of building in contravention of the provisions of the Act or the rules made thereunder.

**<sup>2</sup>177A.** (1) Notwithstanding anything contained in this Act or the rules made thereunder or in any other law for the time being in force, any person, who, being responsible by himself or by any other person on his behalf, so constructs or attempts to so construct or conspires to so construct any building or additional floor or floors of any building in contravention of the provisions of this Act or the rules made thereunder as endangers or is likely to endanger human life, or any property of the Corporation whereupon the water-supply, drainage or sewerage or the road traffic is disrupted or is likely to be disrupted, or is likely to cause a fire hazard, shall be punishable with imprisonment of either description for a term which may extend to five years and also with fine which may extend to fifty thousand rupees.

<sup>1</sup>See foot-note 3 on page 395, *ante*.

<sup>2</sup>Section 177A was inserted by s. 2 of the Howrah Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XL of 1994).

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XII.—Buildings.—  
Section 178.)

*Explanation.*—“Person” shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier, or a servant or agent of an owner, occupier, lessee, mortgagee, consultant, promoter or financier, who supervises or causes the construction of any building or additional floor or floors of any building as aforesaid.

2 of 1974.

(2) The offence under sub-section (1) shall be cognizable and non-bailable within the meaning of the Code of Criminal Procedure, 1973.

(3) Where an offence under sub-section (1) has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

*Explanation.*—(a) “Company” means a body corporate, and includes a firm or other association of individuals; and

(b) “Director”, in relation to a firm, means a partner in the firm.

(4) If a person fails to comply with a conclusive order of the Commissioner or the Tribunal, as the case may be, under this section, the Commissioner may himself cause the order to be carried out and recover the expenses thereof from such person as an arrear of tax under this Act.

(5) Notwithstanding anything contained in this Chapter, if the Mayor-in-Council is of the opinion that immediate action is called for in relation to a building or any work being carried on in contravention of the provisions of this Chapter, it may, for reasons to be recorded in writing, cause such building or work to be demolished forthwith.

178. No new building or a part of a new building shall be occupied for use until and unless a certificate of completion of the building or a part of it has been submitted to the Corporation.

Completion  
certificate.

(Part V.—Civic Services.—Chapter XII.—Buildings.—  
Sections 179-181.)

Prohibition  
on change of  
use of  
building.

**179.** (1) No person shall without any written permission of the Commissioner change or allow the change of the use of any building for any purpose other than that specified in the sanction or convert or allow the conversion of a tenement under a particular occupancy or use group to be a tenement under another occupancy or use group.

(2) In case the Commissioner refuses to give such permission he shall give a reasonable opportunity of being heard to the person seeking permission.

(3) Any person aggrieved by an order of the Commissioner under sub-section (2) may, within thirty days from the date of the order, prefer an appeal before the Municipal Building Tribunal.

Power to  
order  
removal of  
dangerous  
buildings.

**180.** (1) If it appears to the Commissioner at any time that any building is in a ruinous condition or is in any way dangerous, the Commissioner may by an order require the owner or the occupier of such building to demolish, secure or repair such building.

(2) If it appears to the Commissioner that the danger from such building is imminent, he may, before making the order as aforesaid, take such steps as may be necessary to prevent the danger.

(3) If the owner or the occupier of the building does not comply with the order under this section, the Commissioner shall take such step in relation to the building as may be necessary to prevent any cause of danger therefrom.

(4) All expenses incurred by the Commissioner, in relation to any building, under this section shall be recoverable from the owner or the occupier thereof, as the case may be, as an arrear of tax under this Act.

Municipal  
Building  
Tribunal for  
Howrah.

**181.** (1) The State Government shall appoint a Municipal Building Tribunal for Howrah to hear and decide appeals under this Chapter.

(2) The Tribunal shall consist of a Chairman and two Assessors.

(3) The Chairman shall be an officer of the West Bengal Higher Judicial Service having such experience as may be prescribed,

(4) One of the Assessors shall be appointed by the State Government and the other shall be appointed by the Corporation:

Provided that no Councillor, \* \* \* \* or officer or employee of the Corporation shall be appointed as an Assessor.

(5) The Chairman and the Assessors shall be appointed for such period and on such terms and conditions as the State Government may, by notification, specify.

\*The word "Alderman" was omitted by s. 2(20) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).



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(Part V.—Civic Services.—Chapter XII.—Buildings.—  
Sections 182, 183.—<sup>1</sup>[Chapter XIII.A.]—Preservation and  
Conservation of Heritage Buildings.—Section. 183A.)

(6) The Chairman of the Tribunal shall appoint and maintain such officers and employees in his establishment and on such terms and conditions of service as may be prescribed.

(7) The business of the Tribunal shall be conducted in such manner as the President of the Tribunal may, from time to time, with the previous approval of the State Government, determine.

(8) All expenses of the Tribunal shall be paid out of the Municipal Fund.

(9) Notwithstanding anything contained in this Chapter, the State Government may appoint for Howrah any other Municipal Building Tribunal under any other law in force for the time being and such Tribunal shall exercise powers of the Tribunal under this Chapter.

182. The Commissioner may, from time to time and in such manner as may be prescribed, grant licence to a person to act as a Licensed Building Architect or a Licensed Building Surveyor for the purpose of this Chapter.

Licensed  
Building  
Architect  
and  
Licensed  
Building  
Surveyor.

183. The State Government may make rules for—

- (a) regulation or restriction of the use of site of the building,
- (b) regulation of fire protection measures and structural and other safeties of the building,
- (c) regulation of conveniences and amenities in the building including quality of materials, plumbing services, workmanship and the like,
- (d) regulation of architectural designs of buildings, and
- (e) regulation of building uses for the purpose of residence, hospitals, nursing homes, factories, ware-houses, eating houses, theatres, cinemas, commercial institutions, educational buildings and the like.

Municipal  
Building  
Code.

#### CHAPTER XIII.A

#### Preservation and Conservation of Heritage Buildings

<sup>1</sup>183A. Every owner or occupier of any heritage building declared as such by the Corporation shall maintain, preserve and conserve it and shall not change its use in contravention of the provisions of this Act or the rules or the regulations made thereunder for its maintenance, preservation or conservation.

Owner to  
maintain,  
preserve and  
conserve  
heritage  
building.

<sup>1</sup>Chapter XIII.A containing sections 183A to 183P was inserted by s. 17 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

(Part V.—Civic Services.—[Chapter XIII.]—Preservation and Conservation of Heritage Buildings.—Sections 183B-183D.)

*Explanation I.*—The word "maintain", with its grammatical variations and cognate expressions, shall include fencing, covering, repairing, restoring or cleansing, or doing of any act which may be necessary for the purpose of preserving or conserving, of, or securing convenient access to, a heritage building.

*Explanation II.*—"Owner" shall, notwithstanding anything contained elsewhere in this Act, include, for the purposes of this chapter,—

- (a) a joint owner of a heritage building vested with the power of management thereof on behalf of himself and any other joint owner, or successor-in title of any such joint owner, or
- (b) a manager, or trustee, vested with the power of management of a heritage building, or successor-in-office of such manager or trustee.

Power of Corporation to declare a building as a heritage building.

**183B.** Where the Corporation, on the recommendation of the Heritage Conservation Committee and also of the Mayor-in-Council, is of the opinion that any building in Howrah should be preserved and conserved for historical, architectural, environmental or ecological purpose, it may declare such building as a heritage building:

Provided that during the period when any proposal for declaring a building as a heritage building is under consideration of the Heritage Conservation Committee or the Mayor-in-Council, no owner of such building, or no lessee or sub-lessee to whom such building has been leased out, shall transfer such building by way of sale, lease or mortgage without the prior approval of the Commissioner.

Gradation of heritage building.

**183C.** The gradation of a heritage building according to its historical, architectural, environmental or ecological purpose shall be such as may be prescribed.

Heritage Conservation Committee.

**183D.** (1) The Mayor-in-Council shall constitute a Committee to be called the Heritage Conservation Committee with the Commissioner as its Chairman and an officer of the Corporation as its Convenor.

(2) The Committee shall have, in addition to the Chairman and the Convenor, seven other members of whom—

- (a) one shall be a nominee of the <sup>1</sup>[Kolkata] Metropolitan Development Authority,
- (b) one shall be the Director of the Department of Archaeology, Government of West Bengal, or his nominee,
- (c) one shall be an eminent architect,

<sup>1</sup>See foot-note 1 on page 489, *ante*.

<sup>2</sup>See foot-note 1 on page 489, *ante*.

<sup>3</sup>See foot-note 2 on page 417, *ante*.

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(Part V.—Civic Services.—<sup>1</sup>[Chapter XIII.]—Preservation and Conservation of Heritage Buildings.—Sections 183E, 183F.)

- (d) one shall be an artist,
- (e) one shall be an environmentalist,
- (f) one shall be a historian, and
- (g) one shall be the Chief Valuer and Surveyor of the Corporation.

(3) The Committee may co-opt one person to be nominated by the concerned department of the State Government while dealing with any land or building under the management of the said department.

(4) The Committee shall, in accordance with the provisions of this Act and the rules and the regulations made thereunder, scrutinize every application or proposal for declaration of a building as a heritage building, and recommend to, and also advise, the Mayor-in-Council in respect of the preservation and conservation of such building as a heritage building.

(5) The Committee shall meet at such periodical interval as may be determined by the Mayor-in-Council.

(6) The Commissioner shall, in the case of emergency, take such measures as may be necessary for the preservation and conservation of a heritage building, provided that such measures shall be required to be approved by the Heritage Conservation Committee at its meeting.

**183E.** The Heritage Conservation Committee shall have the power to function independently for the purpose of preservation, conservation and maintenance of heritage buildings in so far as such power does not offend any other provisions of this Act or the rules made thereunder relating to construction or use of building:

Powers and functions of Heritage Conservation Committee.

Provided that for erection or re-erection in a heritage building or part thereof, or for restoration of any heritage building to its old shape, design or beauty in the case of unlawful demolition, or for making any change of internal or external wall, structural pattern, floor, roof, interior or exterior architectural floor, facade or skyline, or for any other change, of a heritage building, the provisions of Chapter XII of this Act and the rules made thereunder shall apply *mutatis mutandis*.

**183F.** Subject to the other provisions of this Act, the Corporation may acquire, purchase or take on lease any heritage building for the purpose of preservation and conservation thereof:

Power of Corporation to acquire, purchase or take on lease heritage building.

Provided that in the case of a heritage building declared as such for the purpose of preservation and conservation as required under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979, the approval of the concerned department of the State Government shall be taken.

West Ben. Act XIII of 1979.

<sup>1</sup>See foot-note 1 on page 489, *ante*.

(Part V.—Civic Services.—[Chapter XIII.]—Preservation and Conservation of Heritage Buildings.—Sections 183G-183K.)

Transfer of right of development for the purpose of acquisition by agreement.

**183G.** When the owner of any heritage building is not willing to preserve or conserve any heritage building, the Commissioner may, for the purpose of acquisition of such heritage building by agreement and on the recommendation of the Heritage Conservation Committee and with the approval of the Mayor-in-Council, allow the transfer of right of development of such heritage building, which shall be heritable and transferable, to the owner of such heritage building in such manner, and subject to such conditions, as may be prescribed.

*Explanation I.*—“Development” shall have the same meaning as in clause (7) of section 2 of the West Bengal Town and Country (Planning and Development) Act, 1979.

*Explanation II.*—“Right of development of such heritage building” shall mean the right of development, in the prescribed manner, of such potentials as may be available in respect of such heritage building on a plot of land different from the land and building comprising the heritage building but in the same ward of the Corporation.

Right of access to heritage building acquired by Corporation.

**183H.** Subject to such rules or regulations as may be made under this Act, every person shall have the right of access to any heritage building acquired by the Corporation.

Sub-lease of heritage building.

**183I.** The Corporation shall have the right to allow the transfer of right of development to the lessee of a heritage building where the unexpired period of the term of lease is for 90 years, and to take the heritage building on sub-lease by agreement, if there is provision for such sub-lease in the deed executed between the owner and the lessee, provided that the question of payment of premium or rent in such case to the owner shall not, notwithstanding any agreement in this behalf, arise, and if the owner as confirming party to the agreement waives the right to receive any further payment of such premium or rent.

Permission of concerned department of State Government before acquisition of heritage building.

**183J.** If the Corporation considers that it is necessary to acquire any building declared as a heritage building for the purpose of preservation and conservation as required under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979, by agreement or under the Land Acquisition Act, 1894, permission of the concerned department of the State Government shall be taken before such acquisition.

Power to exempt rates and taxes, etc. on heritage building.

**183K.** If the owner of a heritage building enters into an agreement with the Corporation to maintain, preserve and conserve such heritage building properly at his own expenses, the Corporation may, in such case, exempt wholly or partly the owner of such heritage building from payment of rates or taxes or fees for supply of water or any other charge in respect of such heritage building.

West Ben. Act XIII of 1979.

1 of 1894.

<sup>1</sup>See foot-note 1 on page 489, *ante*.

LVIII of 1980.]

(Part V.—Civic Services.—[Chapter XIII.A.]—Preservation and Conservation of Heritage Buildings.—Sections 183L-183N.)

**183L.** (1) The Commissioner may, pending acquisition of a heritage building by the Corporation under this Act and with the approval of the Mayor-in-Council, propose to the owner of such heritage building to enter into an agreement with the Corporation for a specified period for the maintenance of such heritage building.

Agreement with owner of heritage building pending acquisition.

(2) The agreement as aforesaid may provide for all or any of the following matters:—

- (a) maintenance of the heritage building by the owner or by any other person willing to maintain the said heritage building;
- (b) custody of the heritage building and the duties of the person who may be employed to watch it;
- (c) the restrictions on the owner's right—
  - (i) to use the heritage building for any other purpose detrimental to its conservation,
  - (ii) to charge any fee for entry into, or inspection of, the heritage building, and
  - (iii) to build on or near the site of the heritage building.

**183M.** (1) The Commissioner may receive voluntary contributions towards the cost of maintaining any heritage building and may give order as to the management and application of such contributions for the purpose of preservation and conservation of such heritage building.

Voluntary contribution and agreement with any voluntary organisation, person or company.

(2) Subject to the approval of the Mayor-in-Council, the Commissioner may enter into any agreement with any person or voluntary organisation or company, whether incorporated or not, willing to preserve and conserve any heritage building on such terms and conditions as the Commissioner may determine.

**183N.** (1) If the Commissioner, on receipt of any information, is satisfied that the owner of a heritage building fails to preserve or conserve the heritage building, the Commissioner may, when the heritage building is vacant and after hearing the owner, by order in writing, take over the management and control of such heritage building for the purpose of preservation and conservation thereof, suspending the right of the owner to transfer such heritage building for a maximum period of five years, subject to acquisition either by agreement or under the provisions of the Land Acquisition Act, 1894.

Taking over management and control of heritage building.

1 of 1894.

(2) The Commissioner shall thereafter notify the heritage building for letting it out by agreement to any person as tenant for the purpose as aforesaid, and the owner shall be entitled to an amount equal to the reasonable letting value of the heritage building as rent less the cost on account of preservation and conservation of the heritage building.

<sup>1</sup>See foot-note 1 on page 489. *unic.*

(Part V.—Civic Services.—[Chapter XIII.]—Preservation and Conservation of Heritage Buildings.—Sections 183O, 183P.—Chapter XIII.—Bustees.—Sections 184, 185.)

When<sup>2</sup> heritage building ceases to be heritage building.

**183O.** If the Corporation decides that any heritage building has ceased to be of public interest or has lost its importance for any reason whatsoever, it may, with the approval of the State Government, declare that such heritage building has ceased to be a heritage building for the purposes of this Act.

Penalty.

**183P.** (1) Any person who destroys, removes, alters, defaces or misuses any heritage building or does any act, or abets in the commission thereof, in contravention of any provision of this chapter or the rules or the regulations made thereunder, shall be punishable with rigorous imprisonment for a term which may extend to three years and also with fine which may extend to fifty thousand rupees and, in default, with further rigorous imprisonment for six months.

(2) Any court convicting any person under this section shall, by order, direct such person to restore the heritage building to its former shape and beauty at his cost, and any failure to comply with such order shall be deemed to be a continuing offence and such person shall be punishable with an additional fine of rupees two hundred and fifty for every day during which such contravention or failure continues after conviction for the first such contravention.

*Explanation.*—For the purposes of this section, “person” shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier who supervises or causes erection, destruction, removal, defacement or misuse of any heritage building.

## CHAPTER XIII

### *Bustees*

Power of Corporation to define and alter limit of bustees.

**184.** The Corporation may define the external limits of any *bustee* and may from time to time alter such limits.

Power of Corporation to prepare and execute improvement schemes of bustees.

**185.** (1) The Corporation may, with the approval of the State Government, prepare and execute improvement scheme for the purpose of effecting environmental or general improvement of *bustees*. Such scheme may provide for water-supply, sanitation, pathways, lighting and the like.

(2) Notwithstanding anything contained hereinbefore the Commissioner may, for reasons of environmental sanitation, cause the following works to be executed in any *bustee*:—

- (a) Sinking of tubewells inside a *bustee* including laying of water-pipe lines, installation of overhead reservoirs and other appurtenances necessary to maintain flushing for privies and sewers.

<sup>1</sup>See foot-note 1 on page 489, *ante*.

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(Part V.—Civic Services.—Chapter XIII.—Bustees.—Sections 186, 187.—  
Chapter XIV.—Solid Wastes.—Section 188.)

- (b) Laying of drains and diversion of existing drains.
- (c) Conversion of service privies into connected privies or septic tank privies.
- (d) Removal of solid or liquid wastes from the *bustees* including removal of silt from sewers, sludge from septic tanks or cleansing of squatting platforms.
- (e) Repair work relating to any of the above activities.

**186.** If, at any time, it becomes necessary to acquire the right of user in any land in or around any *bustee* for the purpose of effecting improvement, the Corporation shall follow such procedure as may be prescribed:

Power of Corporation to acquire the right of user in land in or around a *bustee*.

Provided that the compensation payable to any person whose right of enjoyment in such land has been prejudicially effected by such acquisition shall be calculated at ten *per cent.* of the market value of such land on the date the Corporation declares its intention to acquire such right.

West Ben. Act II of 1949.

**187.** Subject to the provisions of the '[Kolkata] *Thika* Tenancy Act, 1949, the Corporation may sanction building plans submitted by a *thika* tenant for the purpose of permanent construction in the nature of renovations, additions and alterations to and conversion of the existing huts into pucca structures and also for construction of new structures under such building regulation and upon payment of such fees as may be determined by the Corporation by regulation:

Sanction of building plans submitted by *thika* tenants.

Provided that a lay-out plan of a *bustee* or such substantial unfragmented portion thereof as is in actual occupation of the *thika* tenant or a group of *thika* tenants occupying contiguous parcels of lands in terms of leave and licence granted by the landlord has been prepared and submitted to the Corporation to indicate the existing arrangements of huts, streets, pathways, drains and other common facilities along with the proposed alterations and modifications thereto.

CHAPTER XIV

Solid Wastes

**188.** (1) For the purpose of securing efficient scavenging and cleansing of all streets, public places and premises in Howrah, the Corporation shall undertake the function of collection, removal and disposal of solid wastes.

Collection, removal and disposal of solid wastes.

(2) All matters deposited in public receptacles, depots and places provided or appointed by the Corporation for collection of solid wastes shall be the property of the Corporation.

<sup>1</sup>See foot-note 2 on page 417, *ante*.

*(Part V.—Civic Services.—Chapter XV.—Inspection and regulation of premises and of factories, work-shops and places of public resort.—Section 189.)*

(3) The Corporation may, by regulation, specify the duties of the owners or occupiers of the premises in the matter of collection of solid wastes and different provisions may be made for premises in different types of occupational uses.

(4) The Corporation shall provide vehicles or other suitable means for removal of solid wastes.

(5) The Corporation shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit of solid wastes including rubbish, carcasses and other offensive matters.

(6) The Corporation may dispose of the solid wastes in such manner as may be approved by the State Government and at such place within or outside Howrah as it considers suitable:

Provided that no place which has not been used before the commencement of this Act for the purpose of disposal of solid wastes shall be so 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.

(7) Notwithstanding anything to the contrary contained in any other law in force for the time being, no mether or other employee of the Corporation who is employed to remove or otherwise to deal with different kinds of solid wastes shall, without giving the Commissioner any notice of his intention so to do or without the permission of the Commissioner, withdraw from his duties.

## CHAPTER XV

### Inspection and regulation of premises and of factories, work-shops and places of public resort.

Procedure in cases of buildings deemed unfit for human habitation.

189. If, for any reason, any building or portion of a building, intended for, or used as, a dwelling place appears to the Commissioner to be unfit for human habitation, he may, if he considers that the building or the portion thereof can be altered to make it fit for human habitation, by an order in writing require the owner of such building to make such alterations in the building or the portion thereof as he thinks necessary within a period specified in the order, where the Commissioner considers that the building or the portion thereof cannot be so altered as to make it fit for human habitation or where the building or the portion thereof is not so altered as required by the Commissioner, the Commissioner shall take such steps as may be necessary to enforce such order.



LVIII of 1980.]

(Part V.—Civic Services.—Chapter XV.—Inspection and regulation of premises and of factories, work-shops and places of public resort.— Sections 190-192.)

190. (1) No person shall, without the previous permission of the Commissioner, <sup>1</sup>[and subject to the payment of such fees as may be determined by regulations, establish] or materially alter, enlarge or extend the use of any premises as a warehouse or godown or for running a goods transport business either by his own carriers or by arrangement with the owners of such carriers.

Warehouse godowns, etc. not to be established without permission.

(2) The Commissioner may refuse to give such permission or impose such condition as it thinks fit, if in his opinion such use would be objectionable due to traffic constraints in the vicinity of such premises or inadequacy of space for parking of vehicles or loading or unloading of goods; or would constitute a fire hazard or other nuisance.

191. (1) No person shall, without the previous written permission of the Commissioner <sup>2</sup>[and subject to the payment of such fees as may be determined by regulations] establish in any premises, or materially alter, enlarge or extend, any factory or work-shop or work-place in which it is intended to employ steam, electricity, water or other mechanical power.

Factory, etc., not to be established, etc., without permission of the Commissioner.

(2) The Commissioner may, in accordance with such regulations as may be made by the Corporation, refuse to give permission under sub-section (1) if he is of opinion that the establishment, alteration, enlargement or extension of such factory, work-shop or work-place in the proposed position would be objectionable by reason of the density of the population in the neighbourhood thereof or would be nuisance to the inhabitants of the neighbourhood.

192. (1) No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep any eating-house, tea-shop, hotel, boarding house, bakery, aerated water factory, ice factory or other place where food is sold or prepared for sale.

Eating-houses, etc., not to be used without licence from Commissioner.

(2) The Commissioner may at any time cancel or suspend any licence granted under sub-section (1) if he is of opinion that the premises covered by it are not kept in conformity with the terms of such licence or the provisions of any rules and regulations, relating to such premises, whether the licence is prosecuted under this Act or not.

<sup>1</sup>The words within the square brackets were substituted for the word "use" by s. 10 of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

<sup>2</sup>The words within the square brackets were inserted by s. 11. *ibid.*

(Part V.—Civic Services.—Chapter XV.—Inspection and regulation of premises and of factories, work-shops and places of public resort.—Sections 193, 194, 194A and 194B.)

Licensing and control of theatres, circuses and places of public amusement.

**193.** No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep open any theatre, circus, cinema-house, dancing hall or other similar place of public resort, recreation or amusement:

Provided that this section shall not apply to private performances in any such place.

Power of Commissioner to stop use of premises when used without or otherwise than in conformity with terms of licence.

**194.** If the Commissioner is of opinion that any eating house, tea-shop, hotel, boarding house, bakery, aerated water factory, ice factory or other place where food is sold or prepared for sale or any theatre, circus, cinema-house, dancing hall or similar other place of public resort, recreation or amusement as the case may be, is kept open without or otherwise than in conformity with the terms of a licence granted under section 193 he may by an order in writing stop the use of any such premises for any such purpose for such period as may be specified in the order after recording reasons or such opinion:

Provided that no such order shall be made until the licensee or other person keeping the premises so open has been given an opportunity of being heard.

Premises not to be used for keeping animals, birds, etc. without licence.

**194A.** No person shall use any land or premises for keeping horse, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof without or otherwise than in conformity with the terms of a licence granted by the Commissioner on payment of such fees as may be determined by the Corporation by regulations:

Provided that the fees shall not exceed,—

- (a) in the case of any race horse, four hundred rupees annually;
- (b) in the case of any animal, other than a race horse, or bird, one hundred rupees annually.

Seizure of certain animals or birds.

**194B.** (1) If any horse, cattle or other four-footed animal or bird is kept on any land or premises in contravention of the provision of section 194A or is found roaming or tethered on any street or public place or on any land belonging to the Corporation, the Commissioner or any employee of the Corporation authorised by him in this behalf may seize such horse, cattle or four-footed animal or bird and cause it to be impounded or removed to, or maintained in, such place as may be

<sup>1</sup>Sections 194A to 194E were inserted by s. 12 of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XV.—Inspection and regulation of premises and of factories, work-shops and places of public resort.— Sections 194C, 194D.)

appointed by the State Government or the Corporation for this purpose; and the cost of such seizure and impounding or removing and maintenance as aforesaid shall be recoverable by sale of such horse, cattle or four-footed animal or bird by auction:

Provided that any person claiming such horse, cattle or four-footed animal or bird may within seven days of such seizure get it released on his paying all the expenses incurred by the Corporation in seizing, impounding or removing or maintaining such horse, cattle or four-footed animal or bird and on his producing such evidence in support of his claims as the Commissioner may think sufficient.

(2) The proceeds of sale of any horse, cattle or four-footed animal or bird by auction under sub-section (1) shall be applied in meeting the expenses incurred on account of seizure, impounding or removal, and maintenance of such horse, cattle or four-footed animal or bird and of holding such sale; and the surplus, if any, shall be held in deposit by the Commissioner and shall, if not claimed by the owner of such horse, cattle or four-footed animal or bird within a period of ninety days from the date of sale, be credited to the Municipal Fund.

**194C.** The Corporation may, by regulations made in this behalf,—

- (a) require the registration to be done of all dogs kept within Howrah;
- (b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the Commissioner, and fix the fee payable for the issue thereof;
- (c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and
- (d) fix the fee which shall be charged for such detention, and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week from the date of such claim.

Registration and control of dogs.

**194D.** The Commissioner may—

- (a) cause to be destroyed, or confined for such period as he may direct, any dog or other animal which is, or is suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

Power to destroy dog and other animals.

<sup>1</sup>See foot-note 1 on page 498. *ante*.

(Part V.—Civic Services.—Chapter XV.—Inspection and regulation of premises and of factories, work-shops and places of public resort.—  
Section 194E.—Chapter XVI.—Markets and Slaughter-houses.—  
Section 195.)

- (b) by public notice direct that after such date as may be specified in the notice, any dog which is without a collar or without any mark distinguishing it as a private property and is found straying on the street or beyond the enclosure of the house of its own, if any, may be destroyed or caused to be destroyed accordingly.

Power to stop nuisance from animals.

194E. (1) Whenever the Commissioner is of opinion that the user of any premises for keeping any animal or bird therein is causing a nuisance and that such nuisance should immediately be stopped, the Commissioner may, by order, require the owner or the occupier of such premises to stop such nuisance within such period as may be specified in the order.

(2) If, at the end of such period, the nuisance is not stopped, the Commissioner or any other officer authorised by him in this behalf may cause such use of such premises to be stopped forthwith by posting police pickets or by such other means as he thinks fit at the cost of such owner or occupier.

(3) If such owner or occupier does not deposit the cost as aforesaid within such time as may be specified by the Commissioner or any officer authorised by him in this behalf or, if the nuisance is not abated, the nuisance shall be stopped by the Commissioner or by the officer authorised by him in this behalf and the cost may be realised by seizure and auction of the articles or the properties found in the premises.

## CHAPTER XVI

### Markets and Slaughter-houses

Power of Corporation to provide and maintain municipal markets, slaughter-houses and stock-yards.

195. (1) The Corporation may own, purchase or take on lease any land or building for the purpose of establishing municipal market or slaughter-house or stock-yard or improving any existing municipal market, slaughter-house or stock-yard and make provision for their maintenance.

(2) The Corporation may after giving general notice close any municipal market or slaughter-house or stock-yard or any portion thereof and the premises occupied for any municipal market, slaughter-house or stock-yard or any portion thereof so closed shall be vacated by the occupants in accordance with such notice.

<sup>1</sup>See foot-note 1 on page 498, *ante*.

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XVI.—Markets and Slaughter-houses.—Sections 196-200.)

196. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf, keep open any private market or wilfully or negligently permit any place to be used as a private market or use any place as a slaughter-house or stock-yard or for the slaughtering of any animal intended for human consumption.

Power of Commissioner to license private markets, etc.

197. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf,—

Licensing of butchers and of sale of meat, etc. outside market.

- (a) carry on within Howrah or at any municipal slaughter-house without Howrah the trade or business of a butcher, or
- (b) sell or expose or hawk about for sale any animal or any meat or fish intended for human consumption in any place other than a municipal market or a private market.

198. The Commissioner may, subject to the other terms and conditions as may be fixed,—

Levy of stallage, rent and fee.

- (a) charge such stallage, rent or fee as may, from time to time, be fixed by the Corporation in this behalf for the occupation or use of any stall, shop, stand, shed, pen or space in a municipal market or municipal slaughter-house;
- (b) farm the stallage, rent or fee chargeable as aforesaid or any portion thereof for such period as he may think fit, and
- (c) put up to public auction, or dispose of by private sale, the privilege of occupying or using any shop, stall, stand, shed, pen or space in a municipal market or municipal slaughter-house on such terms and conditions as he may think fit.

199. The Commissioner may, from time to time, subject to such directions as he may receive from the Mayor-in-Council on the advice of the State Government, open depots or shops for trading any essential commodities.

Depots for sale of essential commodities.

200. No person shall, without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf,—

Licence for hawking, etc.

- (a) hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not; or
- (b) use in any place his skill in any handicraft or render services to the public for their convenience for the purpose of gain or making a living.

(Part V.—Civic Services.—Chapter XVI.—Markets and Slaughter-houses.—Section 201.—Food and drugs.—Sections 202-206.)

Licence for sale of fish, poultry or flesh.

201. No person shall, otherwise than in conformity with a licence from the Commissioner and other provisions as may be made by regulation by the Corporation in this behalf, carry on a trade of a butcher, fish monger, poulturer or importer of flesh intended for human food or use of any place for the sale of flesh, fish or poultry intended for human food.

*Food and drugs*

Prohibition of sale, etc. of adulterated or misbranded food or drug.

202. No person shall directly or indirectly, himself or by any other person on his behalf, sell, expose or hawk about for sale or manufacture or store for the preparation of any food or drug or for sale any food or drug which is adulterated or misbranded.

Registration of manufactory.

203. Every manufactory of mustard oil, edible oil or edible fat or *ghee* or butter within Howrah shall be registered by the owner or the person in charge thereof in the office of the Corporation in such manner as the Corporation may from time to time direct.

Prohibition of adulterants in place where butter, *ghee*, etc. are manufactured or stored.

204. No person shall keep in any shop or place in which milk is stored or in any manufactory, shop or place, in which butter, *ghee* or any other milk product or wheat, flour, mustard oil, tea, edible oil, edible fat, sugar or *gurr* is manufactured or stored, any substance intended to be used for the purpose of adulteration.

Place of manufacture, preparation, etc. for sale of any drug or food to be open to inspection.

205. (1) Every place used for the manufacture, preparation, storage or packing for sale of any article of food or drug shall be open at all time for inspection by the officers of the Corporation authorised in this behalf by the Commissioner and such officers shall have the right to enter into such places for such inspection at all time.

(2) In every place used for manufacture, preparation, storage or packing for sale of any article of food or drug, such article of food or drug or any receptacle and material used for such manufacture, preparation, storage or packing shall be protected from dust, flies and other insects by such measures as may be specified by the Corporation in this behalf.

Licensing of shops and places for retail sale of drugs.

206. (1) No person shall keep any shop or place for retail sale of drugs not being articles of ordinary domestic consumption without or otherwise than in conformity with the terms of a licence granted by the Commissioner.

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XVI.—Markets and Slaughterhouses.—Food and drugs.—Sections 207-209.—Chapter XVII.—Restraint of Infection.—Sections 210, 211.)

(2) Every person to whom a licence is granted under sub-section (1) in respect of any shop or place shall display it in some conspicuous part of such shop or place.

207. If any manufactory or place of storage or sale of any article of food is kept in contravention of the provisions of this Chapter the Commissioner may cause the same to be closed.

Manufactory or place of storage or sale of food kept in contravention of provisions of this Chapter may be closed.

208. It shall be the duty of the Corporation to take such measures as are necessary for preventing or checking the spread of any dangerous disease in Howrah or of any epidemic disease among any animals therein.

Corporation to take measures for prevention and checking of dangerous diseases.

209. Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon, any person whom he knows or has reasons to believe to be suffering from a dangerous disease, shall forthwith give information respecting the existence of such disease to the Commissioner.

Obligation to give information of dangerous diseases.

CHAPTER XVII  
Restraint of Infection

210. The Commissioner or any person authorised by him in this behalf may, at any time by day or by night without notice or after giving such notice as may in the circumstances appear to him to be reasonable, inspect any place in which any dangerous disease is reported or suspected to exist and take such measures as he may think fit to prevent the spread of such disease beyond such place and shall forthwith submit a report to the State Government.

Power of Commissioner to inspect places and take measures to prevent spread of dangerous diseases.

211. If the Commissioner or any person authorised by him in this behalf is of opinion that the cleaning or disinfecting of any building or any part of a building or any article therein which is likely to retain infection or of any tank, pool or well adjacent to a building is likely to prevent or check the spread of any dangerous disease, he may cleanse or disinfect such building or any part thereof, article, tank, pool or well and may by a written notice require the occupier of such building or any part thereof to vacate the same for such period as may be specified in

Power of Commissioner to disinfect building, tank, pool or well.

*(Part V.—Civic Services.—Chapter XVII.—Restraint of Infection.—  
Section 212.—Chapter XVIII.—Registration of Births and Deaths  
and disposal of the dead.—Sections 212A, 212B.)*

Measures to  
prevent  
spread of  
dangerous  
disease.

**212.** (1) If the Commissioner is of the opinion that the water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any disease, he may, by public notice, prohibit the removal of such water for drinking and by notice in writing require the owner or person having control of such well, tank or place to take such steps as he may consider expedient to prevent the public from having access to or from using such water.

(2) If Howrah or any part of it is visited or threatened by an outbreak of any dangerous disease, the Commissioner may, by public notice, restrict or prohibit the sale or preparation of any article of food or drink for human consumption.

#### CHAPTER XVIII

##### Registration of births and deaths and disposal of the dead

Registration  
of births and  
deaths.

**212A.** Subject to the provisions of the Registration of Births and Deaths Act, 1969, the Corporation shall cause registration of births and deaths taking place within the area of the Corporation, and extracts of information therefrom shall be supplied, on application, in such form of a certificate, and on payment of such fee, as may be determined by regulations.

18 of 1969.

Information  
about birth.

**212B.** It shall be the duty of the father or the mother of every child born within the area of the Corporation or, in default of the father or the mother, of any relation of the child living in the same premises or, in default of such relation, of the person having charge of the child to give, to the best of his or her knowledge and belief, to the officer empowered in the area of the Corporation in this behalf, within twenty-one days from the date of birth of the child, information containing such particulars as are required under the Registration of Births and Deaths Act, 1969, or the rules made thereunder:

Provided that—

- (a) in the case of an illegitimate child, no person shall, as father of such child, be required to give any information under this Act containing the particulars of birth of such child, and the officer empowered under this section shall not enter in the register the name of any person as father of such child except at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall, in such case, sign the register together with the mother;

<sup>1</sup>Sections 212A to 212G were inserted by s. 18 of the Howrah Municipal Corporation Act, 1980.



LVIII of 1980.]

(Part V.—Civic Services.—Chapter XVIII.—Registration of Births and Deaths and disposal of the dead.—Sections 212C, 212D.)

- (b) a person required to give information only in default of some other person shall not be bound to give such information if he believed and had reasonable grounds for believing that such information had been given;
- (c) when a child is born in a hospital or a nursing home or a maternity home, none but the officer-in-charge thereof shall be bound to forward forthwith to the officer empowered under this section a report of such birth in such time and in such form as may, from time to time, be specified by the State Government.

<sup>1</sup>212C. In case any new-born child is found exposed, it shall be the duty of any person finding such child or of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the officer empowered under section 212B, within twenty-one days from the date of finding of such child, such information containing the particulars of birth of such child as such person possesses.

Information respecting finding of new-born child.

<sup>1</sup>212D. It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying within the area of the Corporation and, in default of such relation, of any person present or in attendance at the time of the death and of the occupier of the premises in which, to his knowledge, the death took place and, in default of the person hereinbefore mentioned, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of to give, to the best of his knowledge and belief, to the officer specially empowered in this behalf for the area within which the death took place, information containing such particulars as are required under the Registration of Births and Deaths Act, 1969, and the rules made thereunder, within twenty-one days from the date of its occurrence:

Information regarding death.

18 of 1969.

Provided that—

- (a) if the case of death is known to be a dangerous disease, the information as aforesaid shall be given within twelve hours of its occurrence;
- (b) if the death of any person occurs in a hospital or a nursing home or a maternity home, it shall be the duty of none but the medical officer or other officer-in-charge thereof to forward forthwith a report of such death in such form as may, from time to time, be specified by the State Government.

<sup>1</sup>See foot-note 1 on page 504, *ante*.

(Part V.—Civic Services.—Chapter XVIII.—Registration of Births and Deaths and disposal of the dead.—Sections 212E-212G, 214.—Chapter XIX.—Rules, regulations and by-laws.—Section 215.)

Medical practitioner to certify cause of death.

**212E.** In the case of a person who had been attended in his last illness by a duly qualified medical practitioner, such practitioner shall, within three days of his becoming cognizant of the death of such person, sign and forward to the officer specially empowered in this behalf a certificate of the cause of death of such person in such form as may, from time to time, be specified by the State Government, and the cause of death as stated in such certificate shall be entered in the register together with the name of the certifying medical practitioner.

Duties of police in regard to unclaimed corpses.

**212F.** It shall be the duty of the police to convey every unclaimed corpse to a registered burial or burning ground or other place for disposal of the dead or to a duly appointed mortuary and to inform thereafter the officer specially empowered in this behalf within whose jurisdiction such corpse was found.

Sextons etc. not to bury etc. corpse.

**212G.** No sexton or keeper of a registered burial or burning ground or other place for disposal of the dead, whether situated within the area of the Corporation or not, shall bury, burn or otherwise dispose of or allow to be buried, burnt or otherwise disposed of any corpse, unless such corpse is accompanied by a certificate in such form as may be prescribed and signed by an officer specially empowered in this behalf or by a registered medical practitioner or any other medical practitioner authorised by the State Government in this behalf.

**213.** [Appointment of Registrars and Sub-Registrars of Births and Deaths.—Omitted by s. 13 of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990)].

**214.** [Registration of places for disposal of the dead.—Omitted by s. 14 of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990)].

## CHAPTER XIX

### Rules, regulations and by-laws

Power to make rules.

**215.** (1) The State Government may, after previous publication in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which under any provision of this Act are required to be prescribed or to be provided for by rules.

<sup>1</sup>See foot-note 1 on page 504, ante.

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XIX.—Rules, regulations and by-laws.—Sections 216-218.)

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid. Any modification of the said rules made by the State Legislature shall be published in the *Official Gazette*, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.

216. (1) The Corporation may <sup>1\*</sup> \* \* \* make regulations not inconsistent with the provisions of this Act or the rules made thereunder for discharging its functions under this Act.

Power to make regulations.

(2) Such regulations may provide that any breach thereof shall be punishable with such fine as may be specified therein.

(3) Such regulations shall be published in the *Official Gazette*.

217. (1) The Corporation may <sup>2\*</sup> \* \* \* make by-laws not inconsistent with the provisions of this Act or the rules or the regulations made thereunder for discharging its functions under this Act.

Power to make by-laws.

(2) Such by-laws may provide that any breach thereof shall be punishable with such fine as may be specified therein.

(3) Such by-laws shall be published in the *Official Gazette* and in such local newspapers as the Corporation may determine.

218. (1) If the State Government is at any time of opinion that any regulation or by-law made by the Corporation should be cancelled or modified either wholly or in part, it shall cause the reasons for such opinion to be communicated to the Corporation, and shall appoint a reasonable period within which the Corporation may make any representation with regard thereto.

Power of State Government to cancel or modify regulations and by-laws.

(2) After expiry of such period and on consideration of the representation of the Corporation, if any, the State Government may at any time by notification cancel or modify such regulation or by-law either wholly or in part.

(3) Any notification under sub-section (2) shall be published in local newspapers.

<sup>1</sup>The words "", with the previous sanction of the State Government," were omitted by s. 2(21) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995).

<sup>2</sup>The words "", with the previous sanction of the State Government," were omitted by s. 2(22), *ibid.*

*(Part V.—Civic Services.—Chapter XIX.—Rules, regulations and by-laws.—Section 219.—Chapter XX.—Miscellaneous Provisions.—Sections 220, 221.)*

Schedules.

**219.** The State Government may, on the recommendation of the Corporation, by notification add to, amend or alter any Schedule, to this Act except Schedule I:

<sup>1</sup>Provided that when the Corporation has not been constituted under this Act, the State Government may, if it considers necessary or expedient so to do, by notification, add to, amend or alter any Schedule to this Act except Schedule I.

## CHAPTER XX

## Miscellaneous Provisions

Punishment for offences as given in Schedule V.

**220.** <sup>1</sup>(1) Whoever contravenes any provision of any of the sections, sub-sections, clauses, or provisos or any other provision of this Act mentioned in column 1 of Schedule V shall be punishable with fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in that behalf in column 3 of the said Schedule or with both, and in the case of a continuing contravention or failure, with an additional fine which may extend to the amount specified in column 4 of the said Schedule for every day of such contravention or failure after conviction for the first such contravention or failure.

<sup>2</sup>(2) Notwithstanding anything contained in sub-section (1) of this section or in section 102 or elsewhere in this Act, within a period of six months from the date of coming into force of section 4 of the Howrah Municipal Corporation (Amendment) Act, 1992 (hereinafter in this sub-section referred to as the said date), every person engaged on the said date in any profession, trade or calling in Howrah as mentioned in Schedule III, either by himself or by an agent or representative, shall obtain the certificate of enlistment referred to in sub-section (1) of section 102 in respect of the period from the 1st April, 1990 till the date immediately before the said date in accordance with the provisions of section 102 and the rules, if any, made under section 215.

<sup>3</sup>(3) Whoever commits any offence by contravening the provisions of sub-section (2) shall be punished with fine in accordance with the provisions of this section.

Acquisition of property.

**221.** The Corporation shall, for the purpose of this Act, have the power to acquire and hold movable or immovable property or any interest therein, whether within or outside the limits of Howrah.

<sup>1</sup>Proviso added by s. 2 of the Howrah Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXIX of 1983).

<sup>2</sup>Section 220 was renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, sub-sections (2) and (3) were inserted by s. 4 of the Howrah Municipal Corporation (Amendment) Act, 1992 (West Ben. Act X of 1992).

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XX.—Miscellaneous Provisions.—Sections 222-226, 226A.)

222. The Commissioner shall maintain an inventory of the movable and immovable preoperties of the Corporation in such form and manner as may be determined by the Corporation by regulation.

Inventory of property.

223. The Corporation may dispose of, by sale or otherwise, any movable or immovable property belonging to the Corporation in such manner as may be prescribed.

Disposal of property.

224. (1) The Commissioner or any other officer or employee of the Corporation, authorised by the Commissioner or empowered under this Act in this behalf, may enter into or upon any land or building with or without assistance for the purpose of enquiry, inspection, execution of any work or discharge of any function authorised under this Act or the rules or the regulations made thereunder.

Entry and inspection.

(2) It shall be lawful for the Commissioner or any person authorised by him in this behalf to make forcible entry into any land or building or break open any door, gate or other barrier, if the same is considered necessary for carrying out the purposes of this Act, after calling upon two or more respectable inhabitants of the locality to witness such entry or opening.

225. It shall be the duty of every police officer in or outside Howrah to assist the Corporation, the Mayor-in-Council, the Commissioner or any other officer or employee of the Corporation in the discharge of any of the powers, duties and functions under this Act or any rule or regulation made thereunder as and when such assistance is called for.

Police Officers to assist the Corporation, Mayor-in-Council, Commissioner, etc.

226. Any suit or legal proceeding instituted or which, but for the passing of this Act, would have been instituted, by or against the Howrah Municipality may be continued or instituted by the Corporation or the Commissioner, as the case may be, constituted or appointed under this Act.

Saving as to certain suits and proceedings.

226A. Subject to the provisions of the Constitution of India, the Corporation may, in its discretion, provide for—

Responsibilities of Corporation.

(a) the preparation of plans for economic development and social justice;

(b) the performance of functions and the implementation of schemes as may be entrusted to it including those in relation to the matters specified below:—

(i) urban planning including town planning;

<sup>1</sup>Sections 226A and 226B were inserted by s. 3(13) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXV) of 1994).

(Part V.—Civic Services.—Chapter XX.—Miscellaneous Provisions.—Sections 226B.)

- (ii) regulation of land-use and construction of buildings;
- (iii) planning for economic and social development;
- (iv) roads and bridges;
- (v) water supply for domestic, industrial and commercial purposes;
- (vi) public health, sanitation, conservancy and solid waste management;
- (vii) urban forestry, protection of the environment and promotion of ecological aspects;
- (viii) safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded;
- (ix) slum improvement and upgradation;
- (x) urban poverty alleviation;
- (xi) provision of urban amenities and facilities such as parks, gardens and playgrounds;
- (xii) promotion of cultural, educational and aesthetic aspects;
- (xiii) burials and burial grounds; cremations, cremation grounds and electric crematoriums;
- (xiv) cattle pounds; prevention of cruelty to animals;
- (xv) vital statistics including registration of births and deaths;
- (xvi) public amenities including street lighting, parking lots, bus stops and public conveniences;
- (xvii) regulation of slaughter-houses and tanneries.

Saving as to holding of certain office.

**226B.** Notwithstanding anything contained in this Act or in any other law for the time being in force, any person elected to the Corporation as Alderman and holding office as such immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994, shall continue to hold such office till the expiration of his term of office in accordance with the provisions of this Act in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.

*Explanation.*—“Alderman” shall mean a person elected to the Corporation as Alderman by the Councillors referred to in clause (3) of sub-section (1) of section 5 in accordance with the provisions of this Act, and the rules made thereunder, in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.

<sup>1</sup>See foot-note 1 on page 509, ante.

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(Part V.—Civic Services.—Chapter XX.—Miscellaneous Provisions.—Sections 227-231.)

227. If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, as occasion may require, by order, do or cause to be done anything which may be necessary for removing the difficulty.

Removal of difficulty.

228. Where any notice, bill, order or requisition issued or made under this Act or the rules or the regulations made thereunder, requires anything to be done, for the doing of which no time is fixed in this Act or the rules or the regulations made thereunder, such notice, bill, order or requisition shall specify a reasonable time for doing the same.

Notices etc. to fix reasonable time.

229. (1) Every licence, written permission, notice, bill, summons or other document, which is required by this Act or the rules or the regulations made thereunder to bear the signature of the Commissioner or any other officer of the Corporation, shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or such officer, as the case may be, stamped thereupon.

Signature on notices etc. to be stamped.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 57.

230. Every notice, bill, summons or other document required by this Act or the rules or the regulations made thereunder to be served upon, or issued to, any person shall be served or issued by an officer or other employee of the Corporation or by any person authorised by the Commissioner in that behalf.

Notices etc. by whom to be served or issued.

231. (1) Every notice, bill, summons, requisition or other document required or authorised by this Act or the rules or the regulations made thereunder to be served or issued by or on behalf of the Corporation or by any of the municipal authorities referred to in section 3 or any officer or employee of the Corporation shall, save as otherwise provided in this Act or the rules or the regulations made thereunder, be deemed to be duly served,—

Service of notices etc.

- (a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered or principal office or at its place of business and is either—
  - (i) sent by registered post, or
  - (ii) delivered at the registered principal office or at the place of business of the company;

<sup>1</sup>Sections 228 to 238 were inserted by s. 15 of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).

*(Part V.—Civic Services.—Chapter XX.—Miscellaneous Provisions.—Section 231.)*

- (b) where the person to be served is a partnership firm, if the document is addressed to the partnership at its principal place of business identifying it by the name or the style under which its business is carried on, and is either—
  - (i) sent by registered post, or
  - (ii) delivered at the place of business;
- (c) where the person to be served is a public body, corporation, society or any other body, if the document is addressed to the secretary, treasurer or other officer of such body, corporation or society at its principal office, and is either—
  - (i) sent by registered post, or
  - (ii) delivered at that office;
- (d) in any other case, if the document is addressed to the person to be served and—
  - (i) is given or tendered to him, or
  - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of resident or business, if within Howrah or [Kolkata], or is given or tendered to any adult member of his family or is affixed to some conspicuous part of the land or the building, if any, to which it relates, or
  - (iii) is sent by registered post to such person.

(2) Any document required or authorised to be served on the owner or the occupier of any land or building may be addressed to the owner or the occupier, as the case may be, of such land or building (naming such land or building) without further name or description and shall be deemed to be duly served,—

- (a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or
- (b) if the document or a copy thereof so addressed is delivered to some person on the land or the building or, where there is no such person to whom it can be delivered, is affixed to some conspicuous part of such land or building.

(3) Where a document is served on a partnership firm under this section, the document shall be deemed to have been duly served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises, the Commissioner may, by notice in writing, require the occupier of such premises to state the name and address of the owner thereof.

<sup>1</sup>See foot-note 2 on page 417. *ante*.



LVIII of 1980.)

(Part V.—Civic Services.—Chapter XX.—Miscellaneous Provisions.—Sections 232-234.)

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) Nothing in section 229 and 230 and in this section shall apply to any summons issued under this Act by any court.

(7) A servant shall not be deemed to be a member of a family for the purposes of this section.

232. All offences under this Act or the rules or the regulations made thereunder, whether committed within or outside Howrah, shall be cognizable by any <sup>2</sup>[Judicial Magistrate of the first class] having jurisdiction and such magistrate shall not be deemed to be incapable of taking cognizance of any such offence or any offence under any enactment repealed by this Act.

Cognizance of offences.

233. (1) No person shall be liable to any punishment for an offence under this Act or the rules or the regulations made thereunder unless a complaint of such offence is made before a <sup>3</sup>[Judicial Magistrate of the first class] within six months from—

Limitation of time for prosecution.

- (a) the date of commission of such offence, or
- (b) the date on which the commission or the continuance of such offence is first brought to the notice of the Corporation or the Commissioner.

(2) For the avoidance of doubts, it is hereby declared that any failure to take out a licence under this Act or to pay tax under section 102 shall, for the purposes of sub-section (1), be deemed to be a continuing offence until the expiration of the period for which such licence is required to be taken.

234. A copy of any receipt, application, plan, notice, order or other document or any entry in a register in the possession of any municipal authority shall, if duly certified by the legal keeper thereof or other person authorised by the Commissioner in this behalf, be admissible in evidence of the existence of such document or entry.

Admissibility of documents or entry as evidence.

<sup>1</sup>See foot-note 1 on page 511, *ante*.

<sup>2</sup>The words within the square brackets were substituted for the words "municipal magistrate" by s. 3 of the Howrah Municipal Corporation (Second Amendment) Act, 1994 (West Ben. Act LI) of 1994).

<sup>3</sup>The words within the square brackets were substituted for the words "municipal magistrate" by s. 4 *ibid*

(Part V.—Civic Services.—Chapter XX.—Miscellaneous Provisions.—Sections 235-238.)

Councillors and officers and other employees of the Corporation to be public servants.

235. Every Councillor, every Alderman, the Commissioner and every other officer or employee of the Corporation shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code and, in the definition of legal remuneration in section 161 of that Code, the word "Government" shall, for the purpose of this section, be deemed to include the Corporation as well.

45 of 1860.

Execution of work by occupier on failure of owner.

236. When the Commissioner requires the owner of any premises to carry out any work, he may, if he considers it desirable so to do, require the occupier of the said premises to carry out such work and the occupier shall be bound to comply with such requisition:

Provided that except in the case of any special arrangement to the contrary, such occupier may deduct the amount of the expenses incurred or paid by him in respect of such work from the rent payable to the owner or may recover the same from him in any court of competent jurisdiction.

Prohibition of nuisances.

237. No person shall,—

- (1) save with the written permission of the Commissioner and in such manner as he may authorise, store or use night-soil, cow-dung, manure, rubbish or any other substance emitting an offensive smell; or
- (2) use or permit to be used any premises for any purpose which is, in the opinion of the Commissioner, dangerous to life, health or property or is likely to create a nuisance on any land or building or workshop or workplace; the Commissioner or any officer empowered by him may, by notice in writing, require the person or persons by whose act, default or sufferance the nuisance arises or continues or the owner, lessee or occupier of the land, building, workshop or workplace to remove or abate the nuisance by taking such measure, in such manner and within such period as may be specified in the notice and, in default of compliance with the requisition or the notice, the offender may be prosecuted and may be imprisoned or fined to the extent of five hundred rupees, and a daily fine of fifty rupees for so long as the offence continues.

Power to require buildings, walls, etc. to be rendered safe.

238. Where any building or wall or anything affixed thereto or any well, tank, reservoir, pool, depression or excavation or any bank or tree is, in the opinion of the Commissioner, dangerous to persons passing by or dwelling or working in the neighbourhood, the Commissioner may,

<sup>1</sup>See foot-note 1 on page 511 ante

LVIII of 1980.]

(Part V.—Civic Services.—Chapter XXI.—Planning and Development.—Section 239.)

by notice in writing, require the owner or the occupier thereof to remove the same or may require him to repair, protect, or enclose the same in such manner as he thinks necessary, and if the danger is, in the opinion of the Commissioner, imminent, he shall forthwith take such steps as he thinks necessary to avert the same, and on the failure of compliance with the notice for removal or abatement of such nuisance or danger, the offender may be prosecuted and sentenced to imprisonment or to pay a fine to the extent of five hundred rupees, and a daily fine of fifty rupees for so long as the offence continues.

**CHAPTER XXI**

**Planning and Development**

**239.** (1) The Corporation shall prepare a Draft Development Plan for Howrah in consultation with the District Planning Committee or the Metropolitan Planning Committee, as the case may be, for a period of five years, and shall submit to the Urban Development Sub-Committee or the Metropolitan Planning Committee, as the case may be, at least one year before completion of the term of the preceding Draft Development Plan:

Preparation of Draft Development Plan.

Provided that the Corporation shall prepare the first Draft Development Plan in accordance with the directions of the District Planning Committee or the Metropolitan Planning Committee, as the case may be.

(2) The Draft Development Plan for Howrah shall be a written statement, and shall include—

- (a) the schemes of the Corporation for the development and other use of land or for any description of development or other use of such land including, in either case, such measures as the Corporation thinks fit for the improvement of the physical environment;
- (b) detailed and specific scheme of the Corporation for conducting development programmes on such point or points as the Corporation thinks fit;
- (c) such maps and diagrams as the Corporation thinks appropriate;
- (d) existing land use pattern in maps or documents;
- (e) the scheme for future land use control by way of—
  - (i) identification and preservation of open spaces;
  - (ii) prohibition of filling up of tanks or water courses;
  - (iii) filling up of insanitary water courses;

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<sup>1</sup>Chapter XXI containing sections 239 to 242 was inserted by s. 19 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

*(Part V.—Civic Services.—Chapter XXI.—Planning and Development.—Section 240.)*

- (iv) protection of land surface through which sub-soil water sources are re-charged;
- (v) provision for drainage network and outfalls;
- (vi) provision of dumping grounds for solid wastes disposal;
- (vii) street alignment;
- (viii) provision for burning and burial grounds;
- (ix) reclamation of waste lands; or
- (x) providing activities of similar nature;
- (f) regulation and restriction of sites for construction of buildings, huts or structures for the purposes of safety, disinfection, density control or pollution control;
- (g) scheme for environmental improvement by way of restriction on felling of trees, planting of new trees and flowering of plants in public places and adding of house greenery and the like;
- (h) scheme for control of pollution relating to water, soil, air, noise and odour;
- (i) scheme for acquisition of land for the purpose of ensuring that the benefits of development activities are reaped by public institutions for community—welfare and not for speculative gains by private individuals.

(3) If the preceding Draft Development Plan has not been fully implemented, a statement shall be annexed with the Draft Development Plan, showing the due quantum of work and the reasons for such non-completion.

Financial statement in regard to Draft Development Plan.

**240.** A financial statement shall be submitted with the Draft Development Plan containing—

- (a) detailed particulars about the quantum of finance available for conducting the development programme under the said Draft Development Plan from—
  - (i) own resources of the Corporation with sourcewise break-ups; and
  - (ii) corporate sector or household sector;
- (b) the following particulars in detail:—
  - (i) credit plan or the terms and conditions for availing of the finance from corporate sector or household sector;
  - (ii) sources of fund for repayment of credit, if taken from corporate sector or household sector and the manner of repayment.

<sup>1</sup>See foot-note 1 on page 515, *ante*.

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(Part V.—Civic Services.—Chapter XXI.—Planning and  
Development.—Sections 241, 242.—Schedule I.)

<sup>1</sup>241. The Corporation may, at any time but not more than once in every three years, propose to the District Planning Committee any revision or modification of the Draft Development Plan.

Modification  
of Draft  
Develop-  
ment Plan.

<sup>1</sup>242. (1) The Corporation shall prepare an Annual Development Plan for a period of one financial year, covering only the relevant portion of the Draft Development Plan for the concerned period, in consultation with the District Planning Committee, and submit the same to the State Government within the last week of the month of October of the year preceding the period for which the Annual Development Plan shall be prepared.

Annual  
Develop-  
ment Plan.

(2) The Annual Development Plan shall be prepared in accordance with the provisions of sub-section (2) of section 239 and section 240, which shall apply *mutatis mutandis*.

(3) The State Government shall, on receipt of the Annual Development Plan, consider it on the basis of the availability of fund for the purpose and shall, thereafter, approve the Annual Development Plan with necessary modification, if any.

(4) The Corporation shall, within six months from the date of receipt of plan grant under sub-section (3) of section 60A, submit a report, stating the progress of work towards implementing the Annual Development Plan, either in full or in part, for which the said grant was sanctioned.

(5) The Corporation may, at any time but not more than once, revise or modify the Annual Development Plan with the approval of the State Government:

Provided that any modification or revision of the Annual Development Plan shall not contain anything which is not included in the Draft Development Plan for the period to which the Annual Development Plan relates.

#### SCHEDULE I

[See section 2(4).]

#### Boundaries of the Corporation

Starting from Mouza Baltikuri where it meets Howrah Municipal boundary, thence along eastward all along the southern boundary of Bally Municipality (up to river Hooghly) in the East from the water edge at lowest tide of river Hooghly and westward along its water edge at lowest tide of northern bank to the point where it meets the eastern boundary of Mouza Podda in Sankrail police station; thence northward along the western boundary of Mouza Goabaria and Mouza Thana

<sup>1</sup>See foot-note 1 on page 515. *ante*.

*(Schedule II.)*

Makua; thence along the western boundary of Mouza Sultanpur and westward along the southern boundary of Unsani and Pulya; thence along the western and northern boundary of Pulya up to its meeting point with the western boundary of Mouza Unsani; thence northward along the western boundary of Mouza Unsani; thence eastward along the northern boundary of Mouza Unsani up to the Howrah Drainage Canal; thence crossing the canal along the northern boundary of Mouza Unsani up to its meeting point with Mouza Jagacha; thence northward along the western boundary of Mouza Jagacha and Mouza Dharsa up to its meeting point with Mouza Baltikuri; thence along the western boundary of Mouza Baltikuri and eastward along the northern boundary of Mouza Baltikuri up to the point where it meets Mouza Kona; thence towards the western boundary of Mouza Kona up to its meeting point with Chakpara; thence eastward along the northern boundary of Mouza Kona; thence southward along the eastern boundary of Mouza Kona to the point where it meets Mouza Baltikuri; thence eastward along the northern boundary of Mouza Baltikuri to the points where it meets Howrah Municipal boundary.

## SCHEDULE II

## Wards of the Corporation

[See section 5(2).]

*Boundaries*

## Ward No. 1

Along northern boundary of Girish Ghosh Bye Lane, Joya Bibi Road, then towards north through Joya Bibi Lane and to the east along imaginary line through New Central Jute Mill in the north up to the river side, then on the east along the river side up to Banerjee Ghat Road, thence on the south along Banerjee Ghat Road up to J. N. Mukherjee Road, thence on the west along J. N. Mukherjee Road and along Girish Ghosh Lane up to Girish Ghosh Bye Lane.

## Ward No. 2

Starting from the junction of G. T. Road (North) and Thakurdas Surekha Road (Guha Road), along northern boundary Thakurdas Surekha Road up to Girish Ghosh Lane, thence along the western side of Girish Ghosh Lane and J. N. Mukherjee Road up to the junction of Naskarpara Road, thence along Naskarpara Road up to G. T. Road (North), thence towards north along western boundary of G. T. Road (North) up to Thakurdas Surekha Road.

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**Ward No. 3**

Starting from G. T. Road (North) and Naskarpara Road along the southern side of Naskarpara Road up to the junction of Nabin Ghosh Lane, thence along the western side of Nabin Ghosh Lane and Moti Chand Road up to its junction with Shiba Gopal Banerjee Lane; thence along the western side of Shiba Gopal Banerjee Lane up to its junction with Sreeram Dhang Road; thence along the northern side of Sreeram Dhang Road up to the junction of Rash Behari Ghosal Lane, thence along the eastern side of Rash Behari Ghosal Lane and Lal Behari Bose Lane up to the junction of G. T. Road (North), and thence along the eastern side of G. T. Road (North) up to the junction of Naskarpara Road.

**Ward No. 4**

Starting from the junction of Nabin Ghosh Lane and Naskarpara Road along the southern side of Naskarpara Road to its junction with J. N. Mukherjee Road; thence along the western side of J. N. Mukherjee Road up to its junction with Banerjee Ghat Road, thence along the southern side of Banerjee Ghat Road, up to river thence along the river in the east up to Kissenlal Burman Road; thence along the northern side of Kissenlal Burman Road and Sri Aurobindo Road up to its junction with Sambhu Halder Lane; thence along Sambhu Halder Lane to its junction with Bhairab Ghatak Lane; thence along the east side of Bhairab Ghatak Lane up to its junction with Sreeram Dhang Road; thence along Sreeram Dhang Road up to Shiba Gopal Banerjee Lane, thence along Shiba Gopal Banerjee Lane up to Moti Chand Road, thence along Moti Chand Road and Nabin Ghosh Lane up to its junction with Naskarpara Road.

**Ward No. 5**

Starting from the junction of Sri Aurobindo Road and G. T. Road (North), along eastern side of G. T. Road (North) up to its junction with Lal Behari Bose Lane; thence along the southern side of Lal Behari Bose Lane up to Rash Behari Ghosal Lane, thence along the eastern side of Rash Behari Ghosal Lane up to its junction with Sreeram Dhang Road, thence along southern side of Sreeram Dhang Road up to the junction of Bhairab Ghatak Lane; thence along the western side of Bhairab Ghatak Lane up to Sri Aurobindo Road, thence along Sri Aurobindo Road up to G. T. Road (North).

*(Schedule II.)***Ward No. 6**

Starting from the junction of G. T. Road (North) and Kali Mazumdar Road along Kali Mazumdar Road up to the Eastern Railway lines; thence along the Railway lines up to its meeting point with Municipal Drain; thence along the northern side of Municipal Drain up to its junction of Kaibartapara Lane and Mohinath Porel Lane; thence along the eastern side of Mohinath Porel Lane up to its junction with Ghosepara Lane; thence along the eastern side of Ghosepara Lane up to its junction with Beneras Road; thence along the northern side of Beneras Road up to the junction with G. T. Road (North); thence along the western side of G. T. Road up to its junction with Kali Mazumdar Road.

**Ward No. 7**

Starting from Eastern Railway lines at the north towards west along the Municipal boundary up to the Municipal Drain (Khal); thence along the eastern side of the drain up to its crossing with Beneras Road; thence along the northern side of Beneras Road up to Ghosepara Lane; thence along the western side of Ghosepara Lane up to its junction with Mohinath Porel Lane; thence along the western side of Mohinath Porel Lane up to its junction with Kaibartapara Lane and Municipal Drain; thence along the southern side of Municipal Drain up to its meeting point with Eastern Railway lines; thence along the Railway lines up to its meeting point with the Howrah Municipal boundary from where it starts.

**Ward No. 8**

Starting from the junction of Beneras Road and F. Road along the western side of F. Road up to the Howrah Municipal boundary at the north; thence along the Howrah Municipal boundary at the north and west up to its meeting point with T. Road and thence along the northern side of T. Road up to its junction with Q. Road along the eastern side of Q. Road up to its junction with S. Road; thence along the northern side of S. Road up to the junction of Natabar Paul Road; thence along the western side of Natabar Paul Road up to its junction with Beneras Road.

**Ward No. 9**

Starting from the junction of F. Road and Beneras Road along the eastern side of F. Road up to the Howrah Municipal boundary at the north; thence eastward along the northern boundary of the Corporation up to the Municipal Drain (Khal); thence along the western side of



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Municipal Drain (Khal) up to its crossing with Beneras Road; thence along the southern side of Beneras Road up to Eastern Railway lines; thence southward along the Eastern Railway lines to its meeting points with South-Eastern Railway lines; thence along the South-Eastern Railway lines up to the Howrah Municipal boundary; thence northward along the Howrah Municipal boundary to its meeting point with T. Road; thence along the southern side of T. Road up to its junction with Q. Road; thence along the western side of Q. Road up to its junction with S. Road; thence along the southern side of S. Road up to its junction with Natabar Paul Road; thence along the eastern side of Natabar Paul road up to the junction of Beneras Road.

**Ward No. 10**

Starting from the eastern side of Eastern Railway lines towards east along southern side of Beneras Road up to the junction of G. T. Road (North); thence along the western side of G. T. Road up to its junction with Bhairab Dutta Lane; thence along the northern side of Bhairab Dutta Lane up to its meeting points with Eastern Railway lines; thence northward along the Eastern Railway lines to Beneras Road.

**Ward No. 11**

From the river Hooghly and its meeting point with Chhatu Babu's Ghat Lane along northern side of Chhatu Babu's Ghat Lane to its junction with Kshetra Mitra Lane; thence along the northern side of Kshetra Mitra Lane to its junction with Madan Biswas Lane; thence the northern side of Madan Biswas Lane up to the junction of Sree Aurobindo Road; thence along the southern side of Sree Aurobindo Road to the southern side of Kishen Lal Burman road up to the river Hooghly.

**Ward No. 12**

Starting from the river Hooghly along the northern side of Dr. Abani Dutta Road up to its junction with Ramlal Mukherjee Lane, thence along eastern side of Ramlal Mukherjee Lane up to Jeliapara Lane, thence along the southern side of Jeliapara Lane up to its junction with Sailendra Nath Bose Road, thence along the western side of Sailendra Nath Bose Road up to G. T. Road (North), thence along eastern side of G. T. Road (North) up to Sri Aurobindo Road, thence along southern side of Sri Aurobindo Road, up to Madan Biswas Lane, thence along western side of Madan Biswas Lane up to Kshetra Mitra Lane, thence along southern side of Kshetra Mitra Lane and Chhatu Babu's Ghat Lane up to the river Hooghly, thence along the river Hooghly up to Dr. Abani Dutta Road.

*(Schedule II.)***Ward No. 13**

Starting from the junction of G. T. Road (North) and Dr. Abani Dutta Road along the southern side of Dr. Abani Dutta Road up to the junction to Banshi Dhar Jalan Road; thence along the western side of Banshi Dhar Jalan Road up to junction of Kings Road; thence along the northern side of Kings Road up to its junction with G. T. Road (North); thence along the eastern side of G. T. Road (North) up to the junction of Dr. Abani Dutta Road.

**Ward No. 14**

Starting from the junction of G. T. Road (North) and Hari Mohan Bose Road along the southern side of Hari Mohan Bose Road up to the junction of Abul Kalam Azad Road, thence along the eastern side of Abul Kalam Azad Road up to the junction of Kings Road; thence along the southern side of Kings Road up to its junction with Banshi Dhar Jalan Road; thence along the eastern side of Banshi Dhar Jalan Road up to its junction with Golabari Ghat Road; thence along the southern side of Golabari Ghat Road up to the river Hooghly; thence along the river Hooghly to its meeting point with Nityadhan Mukherjee Road; thence along the northern side of Nityadhan Mukherjee Road to its junction with Rishi Bankim Chandra Road; thence along the eastern side of Rishi Bankim Chandra Road up to its junction with Mahatma Gandhi Road; thence along the northern side of Mahatma Gandhi Road up to the junction of Church Road; thence along the eastern side of Church Road up to its junction with G. T. Road; thence along the eastern side of G. T. Road (South); thence to the eastern side of G. T. Road (North) up to the junction of Hari Mohan Bose Road.

**Ward No. 15**

Starting from the junction of Ramlal Mukherjee Lane and Dr. Abani Dutta Road, along the northern side of Dr. Abani Dutta Road up to its junction with G. T. Road (North); thence southwards along the western side of G. T. Road (North) up to its junction with Pilkhana 3rd Bye Lane; thence along northern side of Pilkhana 3rd Bye Lane up to its junction with Banwari Lal Roy Road; thence straight through Banwari Lal Roy Road and Fakir Bagan Lane up to Eastern Railway lines; thence northward along the Railway lines up to its meeting points with Bhairab Dutta Lane; thence along southern side and eastern side of Bhairab Dutta Lane up to G. T. Road (North), thence crossing G. T. Road (North) along Sailendra Nath Bose Road up to Jeliapara Lane, thence along Jeliapara Lane up to the junction with Ramlal Mukherjee Lane, thence along Ramlal Mukherjee Lane up to Dr. Abani Dutta Road.

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**Ward No. 16**

Starting from the junction of G. T. Road (North), and Pilkhana Third Lane along the southern side of Pilkhana Third Lane up to Banwari Lal Roy Road; thence along the southern side of Banwari Lal Roy Road up to its junction with Fakir Bagan Lane; thence along the southern side of Fakir Bagan Lane up to Eastern Railway Lines; thence southward along the Eastern Railway Lines to its crossing with G. T. Road (South); thence along the western side of G. T. Road (North) up to its junction with Hari Mohan Bose Road; thence along the northern side of Hari Mohan Bose Road up to its junction with Abul Kalam Azad Road; thence along the western side of Abul Kalam Azad Road up to its junction with King's Road; thence along the southern side of King's Road up to the junction of G. T. Road (North); thence northward along the western side of G. T. Road (North) up to its junction with Pilkhana Third Lane.

**Ward No. 17**

Starting from the junction of G. T. Road (South) along the northern side of Nityadhan Mukherjee Road up to Rishi Bankim Chandra Road; thence along the western side of Rishi Bankim Chandra Road up to its junction with Mahatma Gandhi Road; thence along the southern side of Mahatma Gandhi Road up to its junction with Biplabi Harendra Nath Ghosh Sarani (Church Road); thence along eastern and northern side of Biplabi Harendra Nath Ghosh Sarani up to the junction of G. T. Road (South), thence along western side of G. T. Road (South) to the Eastern Railway Lines; thence along a direct line parallel to Eastern Railway Lines up to the point from where Belilious Road proceeding westward from northward (just in front of the northern gate of the old Howrah Maidan Station); thence along the northern side of Belilious Road up to its junction with M. C. Ghosh Lane; thence along with the eastern side of M. C. Ghosh Lane up to the junction of Panchanantala Road; thence crossing the road along the eastern side of Sadar Buxi Lane up to Joynarayan Santra Lane; thence along Joynarayan Santra Lane to Ainuddin Ghat Majhi Lane; thence along the eastern side of Ainuddin Ghat Majhi Lane up to the junction of Chintamoni Dey Road; thence along the northern side of Chintamoni Dey Road up to its junction with G. T. Road (South).

**Ward No. 18**

Starting from the junction of Deshpran Sasmal Road and Kali Kundu Lane along the eastern side of Kali Kundu Lane up to its junction with Kali Banerjee Lane; thence along the northern side of Kali Banerjee Lane

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up to its junction with Girish Banerjee Lane, up to its junction with Krishna Kamal Bhattacharjee Lane; thence along the northern side of Krishna Kamal Bhattacharjee Lane up to its junction with Chintamani Dey Road; thence along the northern side of Chintamani Dey Road up to its junction with Ainuddin Ghat Majhi Lane; thence along the western side of Ainuddin Ghat Majhi Lane up to its junction with Joynarayan Santra Lane; thence along Joynarayan Santra Lane up to Sadar Buxi Lane; thence along eastern side of Sadar Buxi Lane up to Panchanantala Road; thence along southern side of Panchanantala Road and Deshpran Sasmal Road up to Kali Kundu Lane.

**Ward No. 19**

Starting from the junction of Belilious Road and I. R. Belilious Lane along the eastern side of I. R. Belilious Lane up to its junction with Panchanantala Road; thence along the northern side of Panchanantala Road up to its junction with M. C. Ghosh Lane; thence along the western side of M. C. Ghosh Lane up to its junction with Belilious Road; thence along the southern side of Belilious Road up to its junction with Basiruddin Munshi Lane; thence along the eastern and southern side of Basiruddin Munshi Lane up to Municipal Drain; thence crossing the culvert along the southern side of Jola Para Masjid Lane; thence along the western side of Jola Para Masjid Lane up to its junction with Belilious Road; thence along the southern side of Belilious Road up to its junction with I. R. Belilious Lane.

**Ward No. 20**

Starting from the junction of South-Eastern Railway Lines and Ashu Bose Lane along the southern side of South-Eastern Railway Lines up to its meeting point from where Belilious Road proceeding westward from northward (just in front of the gate of the old Howrah Maidan Martin Station); thence along the northern side of Belilious Road up to its junction with Basiruddin Munshi Lane; thence along the western and northern side of Basiruddin Munshi Lane up to the Municipal Drain; thence crossing the culverts along the northern side of Jola Para Masjid Lane; thence along the eastern side of Jola Para Masjid Lane up to its junction with Belilious Road; thence along the northern side of Belilious Road up to its junction with Ashu Bose Lane; thence along the eastern side of Ashu Bose Lane up to its junction with South-Eastern Railway Lines.

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**Ward No. 21**

Starting from the junction of Mahadeb Banerjee Lane and Deshpran Sasmal Road along the northern side of Deshpran Sasmal Road up to its junction with I. R. Belilious Lane; thence along the western side of I. R. Belilious Lane up to its junction with Belilious Road; thence along the southern side of Belilious Road up to its junction with Badan Roy Lane; thence along the eastern side of Badan Roy Lane up to its junction with Kaliprasad Banerjee Lane, thence along the eastern side of Kaliprasad Banerjee Lane up to its junction with Bisweswar Banerjee Lane, thence along the southern side of Bisweswar Banerjee Lane up to Mahadeb Banerjee Lane; thence along the eastern side of Mahadeb Banerjee Lane up to its junction with Deshpran Sasmal Road.

**Ward No. 22**

Starting from the junction of Belilious road and Ashu Bose Lane along the western side of Ashu Bose Lane up to the South-Eastern Railway Lines; thence westward along the South-Eastern Railway Lines up to the Howrah Municipal Boundary; thence along the southward and eastward along Howrah Municipal Boundary up to its meeting point with Howrah Drainage Canal; thence southward along the canal up to its meeting points with Makardah Road; thence along the northern side of Makardah Road up to its junction with Belilious Road; thence along the northern side of Belilious Road up to its junction with Ashu Bose Lane.

**Ward No. 23**

Starting from junction of Kalachand Nandy Lane and Brindaban Mullick Lane along the eastern side of Brindaban Mullick Lane up to its junction with Kantapukur Lane; thence along the eastern side of Kantapukur Lane up to its junction with Ichapur Road; thence along the northern side of Ichapur Road up to Drainage Canal (New H.I.T. Road); thence northwards along the H.I.T. Road up to its junction with Makardah Road; thence along the southern side of Makardah Road up to its junction with Belilious Road; and thence along Belilious Road up to Badan Roy Lane; thence along the western side of Badan Roy Lane up to the junction of Kaliprasad Banerjee Lane; thence along the western side of Kaliprasad Banerjee Lane up to its junction with Bisweswar Banerjee Lane; thence westward along the northern side of Bisweswar Banerjee Lane up to its junction with Mahadeb Banerjee Lane; thence southward along the western side of Mahadeb Banerjee Lane up to the junction of Deshpran Sasmal Road; thence along the northern side of Deshpran Sasmal Road up to its junction with Narasingha Dutta Road; thence

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along the western side of Narasingha Dutta Road up to its junction with Kalachand Nandy Lane; thence along the southern side of Kalachand Nandy Lane up to its junction with Brindaban Mullick Lane.

**Ward No. 24**

Starting from the junction of Netaji Subhas Road and Brindaban Mullick Lane along the eastern side of Brindaban Mullick Lane up to its junction with Kalachand Nandy Lane; thence along both the sides of Kalachand Nandy Lane up to its junction with Narasingha Dutta Road; thence along the eastern side of Narasingha Dutta Road up to the junction of Deshpran Sasmal Road; thence along the southern side of Deshpran Sasmal Road up to its junction with Kali Kundu Lane; thence along the western side of Kali Kundu Lane up to its junction with Netaji Subhas Road; thence along the northern side of Netaji Subhas Road up to its junction with Brindaban Mullick Lane.

**Ward No. 25**

Starting from the junction of Netaji Subhas Road and Priya Nath Ghosh Lane along the eastern side of Priya Nath Ghosh Lane up to its junction with Gadadhar Mistry Lane; thence along the eastern side of Gadadhar Mistry Lane up to its junction with Kasundia Road; thence along the eastern side of Kasundia Road up to its junction with Olabibitala Lane; thence along the eastern side of Olabibitala Lane up to its junction with Kaipukur First Lane; thence along the northern side of Kaipukur First Lane up to its junction with Kaipukur Lane; thence along the northern side of Kaipukur Lane up to its junction with Chandra Kumar Banerjee Lane; thence along the western side of Chandra Kumar Banerjee Lane up to its junction with Nabin Senapati Lane; thence along the western side of Nabin Senapati Lane up to its junction with Kasundia Road; thence along the northern side of Kasundia Road up to its junction with Bepin Behari Mukherjee Lane; thence along the western side of Bepin Behari Mukherjee Lane up to its junction with Netaji Subhas Road; thence along the southern side of Netaji Subhas Road up to its junction with Priya Nath Ghose Lane.

**Ward No. 26**

Starting from the junction of Raj Ballav Das Lane and Netaji Subhas Road along the Southern side of Netaji Subhas Road up to its junction with Nidhi Ram Majhi Lane; thence along the western side of Nidhi Ram Majhi Lane; thence along the western side of Gopal Banerjee Lane up to its junction with Ram Krishnapur Lane; thence along the western side

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of Ram Krishnapur Lane up to the junction of Nilratan Mukherjee Lane, thence along the northern side of Nilratan Mukherjee Lane up to its junction with Chandra Kumar Banerjee Lane; thence along the eastern side of Chandra Kumar Banerjee Lane up to its junction with Nabin Senapati Lane; thence along the eastern side of Nabin Senapati Lane up to its junction with Kasundia Road; thence along the southern side of Kasundia Road up to its junction with Raj Ballav Das Lane; thence along the eastern side of Raj Ballav Das Lane up to its junction with Netaji Subhas Road.

**Ward No. 27**

Starting from the junction of Kali Kundu Lane and Kali Banerjee Lane along the southern side of Kali Banerjee Lane up to its junction with Girish Banerjee Lane; thence along the southern side of Girish Banerjee Lane up to its junction with Krishnakamal Bhattacharjee Lane; thence along the southern side of Krishnakamal Bhattacharjee Lane up to its junction with Chintamani Dey Road; thence along the southern side of Chintamani Dey Road up to its junction with G.T. Road (South); thence along the western side of G.T. Road (South) up to its junction with Raj Ballav Saha Lane; thence along the northern side of Raj Ballav Saha Lane up to its junction with Sidheswaritola Lane; thence along the eastern side of Sidheswaritola Lane up to its junction with Netaji Subhas Road; thence along the northern side of Netaji Subhas Road up to its junction with Kali Kundu Lane; thence along the eastern side of Kali Kundu Lane up to its junction with Kali Banerjee Lane.

**Ward No. 28**

Starting from the junction of Raj Ballav Saha Lane and Gopal Banerjee Lane along the eastern side of Gopal Banerjee Lane up to its junction with Ramkrishnapur Lane; thence along the northern side of Ramkrishnapur Lane up to its junction with Charu Singha Lane; thence along the northern side of Charu Singha Lane up to its junction with G.T. Road (South); thence along the western side of G.T. Road (South) up to its junction with Raj Ballav Saha Lane; thence along the southern side of Raj Ballav Saha Lane up to its junction with Sidheswaritola Lane; thence along the western side of Sidheswaritola Lane up to its junction with Netaji Subhas Road; thence along the southern side of Netaji Subhas Road up to its junction with Nidhiram Majhi Lane; thence along the eastern side of Nidhiram Majhi Lane up to its junction with Gopal Banerjee Lane.

*(Schedule II.)***Ward No. 29**

Starting from the river Hooghly along the southern side of Nityadhan Mukherjee Road up to its junction with G.T. Road (South); thence along the eastern side of G.T. Road up to its junction with Bonbehari Bose Road; thence along the northern side of Bonbehari Bose Road up to the Foreshore Road (Upper); thence along a direct line up to the river Hooghly.

**Ward No. 30**

Starting from the junction of G.T. Road (South) and Charu Singha Lane along the southern side of Charu Singha Lane up to its junction with Ramkrishnapur Lane; thence along the southern and eastern side of Ramkrishnapur Lane up to its junction with Atindra Mukherjee Lane; thence along the northern side of Atindra Mukherjee Lane up to its junction with G.T. Road; thence along with western side of G.T. Road up to its junction with Dr. Gangadhar Mukherjee Road; thence along the northern side of Dr. Gangadhar Mukherjee Road up to the river Hooghly; thence along the river Hooghly towards north up to the boundary of Ward No. 29; thence along the southern boundary of Ward No. 29 up to Bonbehari Bose Road; thence along the southern side of Bonbehari Bose Road up to its junction with G.T. Road (South).

**Ward No. 31**

Starting from the junction of G.T. Road (South) and Baje Shibpur Road along the northern side of Baje Shibpur Road up to its junction with Ramkrishnapur Lane; thence along the eastern side of Ramkrishnapur Lane up to its junction with Atindra Mukherjee Lane; thence along the southern side of Atindra Mukherjee Lane up to its junction with G.T. Road (South); thence along the western side of G.T. Road up to the junction of Baje Shibpur Road.

**Ward No. 32**

Starting from the junction of Nilratan Mukherjee Road and Ram Krishnapur Lane along the western side of Ramkrishnapur Lane up to its junction with Baje Shibpur Road; thence along the southern side of Baje Shibpur Road up to its junction with Dharmatala Lane; thence along the western side of Dharmatala Lane up to its junction with Rammohan Mukherjee Lane; thence along the northern side of Rammohan Mukherjee Lane up to its junction with Shibpur Road; thence along the northern side of Shibpur Road up to its junction with Anrakash Mukherjee Lane;



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thence along the eastern side of Aprakash Mukherjee Lane up to its junction with Kaipukur Lane; thence along the southern and eastern side of Kaipukur Lane up to its junction with Chandra Kumar Banerjee Lane; thence along the eastern side of Chandra Kumar Banerjee Lane up to its junction with Nilratan Mukherjee Road; thence along the southern side of Nilratan Mukherjee Road up to its junction with Ramkrishnapur Lane.

**Ward No. 33**

Starting from the junction of Aprakash Mukherjee Lane and Kaipukur Lane along the western side of Aprakash Mukherjee Lane up to its junction with Sibpur Road; thence along southern side of Sibpur Road up to its junction with Kashinath Chatterjee Lane; thence along western and northern side of Kashinath Chatterjee Lane up to its junction with Madhab Dey Lane; thence along the western side of Madhab Dey Lane and Kshetra Banerjee Lane; thence eastward along southern side of Kshetra Banerjee Lane up to Dinoo Master Lane; thence along the western side of Dinoo Master Lane up to its junction of Dr. Sarat Chatterjee Road; thence along the northern side of Dr. Sarat Chatterjee Road up to its junction with Abinash Banerjee Lane; thence along the southern side of Abinash Banerjee Lane up to its junction with Musalman Para Lane; thence along the eastern side of Musalman Para Lane up to its junction with Olabibitala Lane; thence along southern side of Olabibitala Lane and Aprakash Mukherjee Lane up to the junction of Kaipukur Lane.

**Ward No. 34**

Starting from the junction of Baje Shibpur Road and G.T. Road (South) along the western side of G.T. Road (South) up to its junction with Shibpur Road; thence along the northern side of Shibpur Road up to its junction with Rammohan Mukherjee Lane; thence along the eastern side of Rammohan Mukherjee Lane up to its junction with Dharmatala Lane; thence along the eastern side of Dharmatala Lane up to its junction of Baje Shibpur Road; thence along the southern side of Baje Shibpur Road up to its junction with G.T. Road (South).

**Ward No. 35**

Starting from the river Hooghly along the southern side of the Road leading to Rajnarayan Roy Chowdhury Ghat Road and then along Rajnarayan Roy Chowdhury Ghat Road up to its junction with G.T. Road (South); thence along the eastern side of G.T. Road (South) up to its junction with Bharpara Road; thence along the eastern side of Bharpara Road up to its junction with Debendra Nath Ganguly Road (Duke Road).

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thence along the northern and western side of Debendra Nath Ganguly Road up to Jagat Banerjee Ghat Road, thence eastward through Jagat Banerjee Ghat Road and the Road leading to the river Hooghly; thence along the river Hooghly northwards up to the road leading to Rajnarayan Roy Chowdhury Ghat Road.

**Ward No. 36**

Starting from the river Hooghly along southern side of Grand Foreshore Road up to Dr. Gangadhar Mukherjee Road, then along Gangadhar Mukherjee Road up to its junction with G.T. Road (South), thence along the eastern side of G.T. Road (South) up to its junction with Rajnarayan Roy Chowdhury Ghat Road, thence along Rajnarayan Roy Chowdhury Ghat Road to the river Hooghly through Port Commissioners Road; thence towards north along the river Hooghly up to Grand Foreshore Road.

**Ward No. 37**

Starting from the junction of Shibpur Road and G.T. Road (South) along the western side of G.T. Road (South) up to its junction with Mollapara Lane; thence along the northern side of Mollapara Lane up to its junction with Dinoo Master Lane; thence along the eastern side of Dinoo Master Lane up to its junction with Kshetra Banerjee Lane; thence along the northern and eastern side of Kshetra Banerjee Lane up to its junction with Madhab Dey Lane; thence along the eastern side of Madhab Dey Lane up to its junction with Kashinath Chatterjee Lane; thence along the southern and eastern side of Kashinath Chatterjee Lane, up to Shibpur Road; thence along the southern side of Shibpur Road up to its junction with G.T. Road (South).

**Ward No. 38**

Starting from the junction of G.T. Road (South) and Onkarmall Jetia Road along the western side of Onkarmall Jetia Road up to its junction with Dr. Sarat Chatterjee Road; thence along the southern side of Dr. Sarat Chatterjee Road up to its junction with Gurrie Road; thence along the eastern side of Gurrie Road up to its junction with Andul Road; thence along the northern side of Andul Road up to its junction with College Ghat Road; thence along the western side of the College Ghat Road up to its junction with Botanical Garden Road; thence along the southern side of Botanical Garden Road up to its junction with College Road; thence along the northern side of College Road up to its junction with G.T. Road (South) and Onkarmall Jetia Road.

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**Ward No. 39**

Starting from South Eastern Railway Lines and College Road, eastward along southern portion of Railway Lines up to the River Hooghly, thence along the river Hooghly up to its meeting point with the boundary of Botanical Garden; thence northward along the boundary of Botanical Garden up to the junction of Botanical Garden Road; thence along Botanical Garden Road up to the junction of Botanical Garden Lane; then towards west along the southern side of Botanical Garden Lane up to the Howrah municipal limit; thence northward along the boundary limits of Howrah Municipality up to Andul Road; thence along the northern side of Andul Road up to the junction with College Ghat Road (Laxmi Narayantala Road) up to its junction with Botanical Garden Road; thence along southern side of Botanical Garden Road up to College Road; thence along the eastern side of College Road up to the South Eastern Railway Lines.

**Ward No. 40**

Starting from the junction of G.T. Road (South) and Mollapara Lane along the eastern side of G.T. Road (South) up to its junction with Bharpara Road, thence along the eastern side of Bharpara Road up to its junction with Debendra Nath Ganguly Road (Duke Road); thence along the southern and eastern side of Debendra Nath Ganguly Road up to its junction with Jagat Banerjee Ghat Road; thence eastward along Jagat Banerjee Ghat Road and Port Commissioners Road straight to the river Hooghly; then along the river Hooghly towards west up to the western portion of the South Eastern Railway Lines; then along the Railway Lines up to College Road; thence along College Road up to the junction of G.T. Road (South); thence along G.T. Road (South) to Onkarmall Jetia Road; thence along Onkarmall Jetia Road up to Dr. Sarat Chatterjee Road; thence along Dr. Sarat Chatterjee Road up to Dinoo Master Lane; thence along Dinoo Master Lane up to the junction of Mollapara Lane; thence along Mollapara Lane up to G.T. Road (South).

**Ward No. 41**

Starting from the junction of Dr. Sarat Chatterjee Road and Curry Road along the southern side of Dr. Sarat Chatterjee Road up to its junction with Kankrapara Lane; thence along the eastern side of Kankrapara Lane up to its junction with South Eastern Railway Lines; thence along the South Eastern Railway Lines up to Howrah Municipal boundary in the west; thence along the eastern side of Braja Nath Lahiri Lane; thence along the eastern side of Buzarah Village Road up to its junction with Andul Road; thence along the northern side of Andul Road up to its junction with Curry Road; thence along the western side of Curry Road up to its junction with Dr. Sarat Chatterjee Road

*(Schedule II.)***Ward No. 42**

From the junction of Mahendra Bhattacharjee Road and New H.I.T. Road along the western side of H.I.T. Road up to its junction with Puratan Shire Lane; thence along the northern side of Puratan Shire Lane up to its crossing with Nandalal Chatterjee Lane; thence along the northern side of Nandalal Chatterjee Lane up to its junction with Kazi Bagan Lane; thence along the northern side of Kazi Bagan Lane up to its junction with Nandalal Mukherjee Lane; thence along the eastern side of Nandalal Mukherjee Lane up to its junction with Abinash Banerjee Lane; thence along the northern side of Abinash Banerjee Lane up to its junction with Musalmanpara Lane; thence along the western side of Musalmanpara Lane up to its junction with Olabibitala Lane; thence along the western side of Olabibitala Lane up to its junction with Kasundia Road; thence along the northern side of Kasundia Road up to its junction with Gadadhar Mistry Lane; thence along the western side of Gadadhar Mistry Lane up to its junction with Tantipara Lane; thence along the western side of Tantipara Lane up to its junction with Priya Nath Ghosh Lane; thence along the western side of Priya Nath Ghosh Lane up to its junction with Mahendra Bhattacharjee Road; thence along the southern side of Mahendra Bhattacharjee Road up to its junction with H.I.T.

**Ward No. 43**

From the junction of Ichapur Road and municipal limits along the direct line demarcated by boundary marks westward to the junction of Ram Charan Sett Road; thence along the eastern side of Ram Charan Sett Road southwards to the crossing of Ram Charan Sett Road and Mahendra Bhattacharjee Road; thence along the northern side of Netaji Subhas Road up to its crossing with Brindabon Mullick Lane; thence along the western side of Brindabon Mullick Lane to its junction with Kantapukur Lane; thence along the western side of Kantapukur Lane up to its junction with Ichapur Road; thence along the southern side of Ichapur road up to its junction with western municipal limits.

**Ward No. 44**

Starting from the junction of H.I.T. Road and Mahendra Bhattacharjee Road along the northern side of Mahendra Bhattacharjee Road up to the junction of Ram Chandra Sett Road, thence along the eastern and northern side of Ram Chandra Sett Road up to the junction of Ambika Kundu Lane; thence along the western side of Ambika Kundu Lane and Brajanath Lahiri Lane along the limits of Howrah Municipal area up to South

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Eastern Railway Lines, thence along the South Eastern Railway Lines up to the southern meeting point with Howrah Drainage Canal; thence along the Drainage Canal up to the meeting point with Kankra Para Lane; thence along Kankra Para Lane up to the junction of Dr. Sarat Chatterjee Road (near the junction of Nandalal Chatterjee Lane); thence along Dr. Sarat Chatterjee Road up to the junction of Abinash Banerjee Lane; thence along Abinash Banerjee Lane up to Nandalal Mukherjee Lane; thence along Nandalal Mukherjee Lane up to its junction with Kazi Bagan Lane; thence along the southern side of Kazi Bagan Lane up to its meeting point with Nandalal Chatterjee Lane; thence along the northern side of Nandalal Chatterjee Lane up to its junction with Puratan Shire Lane; thence along the northern side of Puratan Shire Lane up to New H.I.T. Road; thence northward along the western side of H.I.T. Road up to Mahendra Battacharjee Road.

**Ward No. 45**

Along Botanical Garden Road from its meeting point with the river Hooghly northward up to its junction with Botanical Garden Lane; thence along northern and eastern boundary of Botanical Garden up to the point where it meets Andul Road; thence along the southern side of Andul Road up to the point where it meets the eastern boundary of Mouza Thana Makua; thence westward along the southern side of Andul Road up to its junction with Burah Village Road; thence northward all along the western side of Buxarah Village Road up to its junction with Brojanath Lahiri Lane; thence along the western side of Brojanath Lahiri Lane up to its meeting point with Purba Buxarah Gram Sava; thence along the northern boundary of Purba Buxarah Gram Sava the South Eastern Railway Lines; up to thence westward along the South Eastern Railway Lines up to its meeting point with Railway line connecting Raymond Engineering Works; thence southward along the Railway lines connecting Raymond Engineering Works up to its meeting point with C.M.D.A. pucca road; thence westward along the southern side of C.M.D.A.pucca road up to its junction with a pucca road between Dag No. 87 and No. 88 under Mouza Uttar Buxarah; thence southward along the eastern side of that pucca road up to its meeting point with Mouza Sultanpur; thence eastward along the southern boundary of Uttar Buxarah; thence along the western boundary of Northern Buxarah up to the Howrah Drainage Canal; thence crossing the canal westward along the northern boundary of Mouza Thana Makua and Gobaria up to the water edge at the lowest tide of the river Hooghly; thence along the water edge at lowest tide of the northern bank of the river Hooghly eastward up to the point where it meets the Botanical Garden Road.

*(Schedule II.)***Ward No. 46**

Starting from the point where meets the western boundary of Mouza Thana Makua with the southern boundary of Mouza Sultanpur; thence northward along the western boundary of Mouza Sultanpur up to the point where it meets the southern boundary of Mouza Unsani; thence westward along the southern boundary of Mouza Unsani up to the point where it meets Mouza Pulya; thence along the south-western and northern boundary of Mouza Pulya up to the point where it meets the western boundary of Mouza Unsani; thence northward along the western boundary of Mouza Unsani; thence eastward along the northern boundary of Mouza Unsani up to the point where it meets the western boundary of Mouza Jagacha; thence southward along the eastern boundary of Mouza Unsani up to its meeting point with South Eastern Railway lines; thence eastward along the South Eastern Railway lines up to its meeting point with the Railway lines connecting Raymond Engineering Works; thence southward along the Railway lines connecting Raymond Engineering Works up to its meeting point with the C.M.D.A. pucca road; thence westward along the northern side of the pucca road up to its meeting point with a pucca road proceeding southward between Dag No. 87 and No. 88 under Mouza Uttar Buxarah; thence southward along the western side of that pucca road up to its meeting point with the northern boundary of Mouza Sultanpur; thence along the north-eastern and southern boundary of Mouza Sultanpur up to the point where it meets the point from where it starts.

**Ward No. 47**

Starting from the northern boundary of Mouza Unsani and western boundary of Mouza Jagacha northward along the western boundary of Mouza Jagacha and Mouza Dharsa up to the point where it meets the northern boundary of Mallickpara Gram Sava; thence along the northern boundary of Mallickpara Gram Sava; thence eastern and southern boundary of Mallickpara Gram Sava up to the eastern boundary of Brahmanpara Gram Sava; thence southward along the eastern boundary of Brahmanpara Gram Sava up to its meeting point with the eastern boundary of Uttar Jagacha Gram Sava; thence along the eastern boundary of Uttar Jagacha Gram Sava up to its meeting point with the northern boundary of Jagacha Gram Sava; thence along the northern and eastern boundary of Jagacha Gram Sava up to its meeting point with the eastern boundary of Purba Jagacha Gram Sava; thence along the eastern and southern boundary of Purba Jagacha Gram Sava up to its meeting point with the South eastern Railway lines; thence along the northern side of South Eastern Railway lines up to its meeting point with the eastern boundary of Mouza Unsani; thence northward along the eastern boundary of Mouza Unsani up to the point from where its starts.

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**Ward No. 48**

Starting from Ram Charan Sett Road along the western boundary of Ward No. 49 up to its junction with Howrah Amta Road; thence along the southern side of Howrah Amta Road up to its meeting point with the western boundary of Mouza Balitikuri; thence southward along the eastern side of Mouza Balitikuri up to its meeting point with north-eastern boundary of Ward No. 47 up to its meeting point with the northern boundary of Ward No. 45; thence eastward along the northern boundary of Ward No. 45 up to its meeting point with Ward No 44; thence northward along the boundary of Ward No. 44 up to the point from where it starts.

**Ward No. 49**

Along the northern boundary of Uttar Sahanpur Gram Sabha from its junction with the western boundary of Uttar Sahanpur Gram Sabha up to its meeting point with the northern boundary of Sibtala Gram Sabha; thence along the northern and eastern boundary of Sibtala Gram Sabha up to its meeting point with the eastern boundary of Dakshin Sahanpur Gram Sabha; thence along the eastern boundary of Dakshin Sahanpur Gram Sabha up to its meeting point with eastern boundary of Purba Ichapur Gram Sabha; thence along the eastern boundary of Purba Ichapur Gram Sabha up to its meeting point with southern boundary of Majherpara Gram Sabha; thence along the southern boundary of Majherpara Gram Sabha up to its meeting point with the eastern boundary of Dakshin Ichapur Gram Sabha; thence along the eastern, southern and western boundary of Dakshin Ichapur Gram Sabha up to its meeting point with the southern boundary of Ichapur Uttar-Paschimpara Gram Sabha; thence along southern and western boundary of Ichapur Uttar-Paschimpara Gram Sabha where it meets the northern boundary of Ichapur Uttar-Paschimpara Gram Sabha; thence along the northern boundary of Ichapur Uttar-Paschimpara Gram Sabha eastward up to its meeting point with the eastern boundary of Sealdanga Gram Sabha; thence along the western, southern and again western boundary of Sealdanga Gram Sabha up to its meeting point with the western boundary of Paschim Dasnagar Gram Sabha; thence along the western boundary of Paschim Dasnagar and Uttar Sahanpur Gram Sabhas up to its meeting point with the northern boundary of Uttar Sahanpur Gram Sabha.

**Ward No. 50**

Starting from the junction of Howrah Amta Road and the western boundary of Mouza Balitikuri northward along the western boundary of Mouza Balitikuri; thence eastward along the northern boundary of Mouza

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Balitikuri up to its meeting point with the western boundary of Mouza Kona; thence northward along the western boundary of Mouza Kona; thence eastward along the northern boundary and southward along the eastern boundary of Mouza Kona up to its meeting point with the northern boundary of Mouza Balitikuri at Belading; thence eastward along the northern boundary of Mouza Balitikuri up to the western boundary of Ward No. 8; thence southward along the western boundary of Ward No. 8 up to its meeting point with Ward No. 49; thence westward along the northern side of the boundary of Ward No. 49 up to its junction with Howrah Amta Road; thence westward along the northern side of Howrah Amta Road up to the point from where it starts.

**SCHEDULE III****Class of profession, trade and calling**

[See section 102(1).]

Serial No.	Class of profession, trade and calling
(1)	(2)
1.	Company or association or body of individuals, engaged in any profession, trade or calling whatsoever for profit or as a benefit society, not being a registered co-operative society.
2.	Statutory corporation set up by the Government, or trading concern sponsored by the Government, and carrying on business for profit.
3.	Company, club, association or body of individuals, having no paid-up capital, engaged in any profession, trade or calling whatsoever for profit or as a benefit society (not being a registered co-operative society), merchant, banker (not being a registered co-operative society), money-lender, wholesale trader, owner or occupier of a market, bazar or theatre or place of public entertainment, broker or dalal in jute, cotton, precious stones, landed property, country produce, silk or other merchandise, retail trader or shop-keeper, boarding-house-keeper, hotel-keeper, lodging-house-keeper, tea-stall-keeper and eating-house-keeper.

<sup>1</sup>Schedule III was substituted by s. 5 of the Howrah Municipal Corporation (Amendment) Act, 2000 (West Ben. Act V of 2000). Prior to this substitution, firstly, the original schedule was substituted by s. 2(23) of the West Bengal Municipal Corporation Laws (Amendment) Act, 1995 (West Ben. Act XVII of 1995). Secondly, the same schedule was further substituted by s. 20 of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).



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(1)	(2)
4.	Commission agent, broker not included in serial number 3, architect, engineer, contractor, medical practitioner, dentist, barrister, and legal practitioner.
5.	Itinerant vendors hawking goods for sale.
6.	Any other trade, profession or calling not enumerated in serial numbers 1 to 5.

SCHEDULE IV

Tax on Advertisements

[See section 3.]

	Per month		Per year	
	Rs.	P.	Rs.	P.
1. Advertisements on hoardings, walls or posts or in the form of non-illuminated sky-signs—				
(a) for a space up to 1 square metre				12.00
(b) for a space over 1 square metre and up to 2.5 square metres				25.00
(c) for every additional 2.5 square metres or less				20.00
2. Advertisements on cloth hung across streets of footpaths—				
(a) in a street up to 6 metres wide	1.00			
			(per running 30 centimetres)*	
(b) in a street over 6 metres wide	1.50			
			(per running 30 centimetres)*	
3. (i) Advertisements which are fixed to or against the wall or outer face of a building and				
(1) no part of which projection on or over a street:				
(a) for a space up to 1 square metre				12.00
(b) for a space over 1 square metre and up to 2.5 square metres				25.00
(c) for every additional 2.5 square metres or less				20.00

\*In addition to the usual amount on the basis of the surface area of the cloth, calculated at the rates as in item 1, reduced in terms of a month.

N.B.—If the advertisement board projects more than sixty centimetres over or across streets—Rs. 4 for every additional 30 centimetres in addition to the tax prescribed above.

N.B!—If the board exceeds 15 centimetres in thickness 2 per 30 centimetres of the thickness in addition to the tax above.

(West Ben. Act

## (Schedule IV.)

	Per month		Per year	
	Rs.	P.	Rs.	P.
(2) which are placed in a position inclined to the vertical or otherwise project on or over a street:				
(a) for a space up to 1 square metre				12.00
(b) for a space over 1 square metre and up to 2.5 square metres				25.00
(c) for every additional 2.5 square metres or less				20.00
(ii) Advertisement suspended over or across street—				
(a) for a space up to 1 square metre				12.00
(b) for a space over 1 square metre and up to 2.5 square metres				25.00
(c) for every additional 2.5 square metres or less				20.00
4. Advertisement hoarding standing blank but bearing the name of the advertiser or with the announcement 'To be let' displayed thereon:				
(a) for a space up to 1 square metre		0.50		
(b) for a space over 1 square metre and up to 5 square metres		1.00		
(c) for every additional 2.5 square metres or less		1.00		
5. Advertisement board carried on vehicles (or advertisements displayed on the body of vehicles)—				
(a) for a space up to 1 square metre				20.00
(b) for a space over 1 square metre and up to 2.5 square metres				41.00
(c) for space over 2.5 square metres and up to 5 square metres				75.00
(d) for every additional 5 square metres or less				75.00
Provided that in the case of a person advertising in more than one vehicle at a time the total space advertised in all the vehicles taken together shall be taken into account for the purpose of determination of the tax.				
6. Illuminated advertisement boards carried on vehicles (or illuminated advertisements displayed on the body of vehicles)—				
(a) for a space up to 2.5 square metres				75.00
(b) for a space over 2.5 square metres and up to 5 square metres				150.00
(c) for every additional 5 square metres or less				150.00

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	Per month		Per year	
	Rs.	P.	Rs.	P.
7. Advertisement boards carried by sandwich boardmen—				
(a) for each board up to 1 square metre	..	1.25	..	
(b) for each board over 1 square metre and up to 2.5 square metres	..	2.50	..	
(c) for every additional 1 square metre or less	..	1.25	..	
8. Illuminated advertisement boards carried by sandwich boardmen—				
(a) for each board up to 1 square metre	..	2.50	..	
(b) for each board over 1 square metre and up to 2.5 square metres	..	5.00	..	
(c) for every additional 1 square metre or less	..	2.50	..	
9. Illuminated sky-signs and advertisements other than those referred to in items 6 and 8—				
(a) for a space over 2,000 square centimetres	..		16.00	
(b) for a space over 2,000 square centimetres and up to 5,000 square centimetres	..		32.00	
(c) for a space over 5,000 square centimetres and up to 2.5 square metres	..		40.00	
(d) for every additional 2.5 square metres or less	..		40.00	
<i>N.B.</i> —In the case of projected advertisements in addition to the tax prescribed above, the same rate will apply regarding projection and thickness, as given in item 3 above.				
10. Advertisements exhibited on screens by means of lantern slides or similar devices—				
(a) for a space up to 5,000 square centimetres	..		64.00	
(b) for a space over 5,000 square centimetres and up to 2.5 square metres	..		80.00	
(c) for every additional 2.5 square metres or less	..		80.00	
11. Posters on walls, boardings, frames, posts, kiosks, upon or in vehicles—				
(a) for a space not exceeding a single royal	..	0.25	..	
(b) for a space not exceeding double royal	..	0.50	..	
(c) for every additional 1 square metre	..	0.37	..	

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Per month	Per year
Rs. P.	Rs. P.

If a poster for which tax has already been paid has to be replaced due to damage or otherwise before the expiry of the period for which the tax has been paid, a stamp may be affixed to the new poster to the effect that it is covered by the original receipt for payment, the number and date whereof should be specified on the body of the poster:

Provided that the previous approval of the Commissioner shall be taken before erecting such new posters.

## 12. Fly-posters or hand-posters—

(a) of a size up to 96 square centimetres	..	1 paise each.
(b) of a size over 96 square centimetres and up to 192 square centimetres	..	2 paise each.
(c) of a size over 192 square centimetres and up to 320 square centimetres	..	3 paise each.
(d) of a size over 320 square centimetres and up to 480 square centimetres	..	5 paise each.
(e) of every additional 96 square centimetres or less	..	1 paise each.

## EXPLANATION

1. In calculating the space or area referred to above all the faces of the advertisement hoardings, boards, etc., utilised for purposes of display shall be taken into account:

Provided that in the case of a sky-sign, in addition to the above, the face surface of the supporting pillars or raised platforms, if any, below the actual displaying area shall also be taken into account.

2. An advertisement shall not be deemed to be an illuminated advertisement within the meaning of this Schedule if such advertisement is illuminated merely by light which, in the opinion of the Commissioner, is not more than what is necessary to make the same visible at night.

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SCCHEDULE V

Penalties

[See section 220.]

Section and sub-section, clause or proviso	Subject	Maximum fine or imprisonment that may be imposed	Maximum daily fine that may be imposed
(1)	(2)	(3)	(4)
Section 77, sub-section (3)	Requisition by auditors to produce documents, to appear in person or to make and sign declaration to answer question or to submit statement.	Two hundred rupees.	Fifty rupees.
[Section 102, sub-section (1)	Failure to take out certificate of enlistment.	One thousand rupees.]	
2* * * * *			
Section 104	Advertisement made without payment of taxes.	One thousand rupees.	One hundred rupees.
Section 111, sub-section (2) and (3)	Default in furnishing statement and production of books and accounts.	One hundred rupees.	Ten rupees.
Section 142	Construction of private streets, walls, fence, etc. on municipal drain, channel, etc. without permission.	One thousand rupees.	One hundred rupees.
Section 144, sub-section (1)	Unlawful connection of house drain with municipal drain.	One thousand rupees.	One hundred rupees.
Section 145	Requisition to owner to arrange for sufficient means of effectual drainage.	One thousand rupees.	One hundred rupees.
Section 148	Throwing, emptying or turning certain matters not to be passed through municipal drains.	One thousand rupees.	Fifty rupees.
Section 153, sub-section (3)	Keeping or maintaining toilet or urinal for public use without permission.	Five hundred rupees.	Fifty rupees.

<sup>1</sup>The entries within the square brackets were inserted by s. 7 of the Howrah Municipal Corporation (Amendment) Act, 1992 (West Ben. Act X of 1992).

<sup>2</sup>The following entries in columns 1, 2 and 3—

“Section 102A, sub-section (5). Failure to apply for certificate of enlistment. Two hundred and fifty rupees.”

were first inserted by s. 21(1) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999). Then the same entries were omitted by s. 6 of the Howrah Municipal Corporation (Amendment) Act, 2000 (West Ben. Act V of 2000).

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(1)	(2)	(3)	(4)
<sup>1</sup> [Section 154	Failure to convert service privy into sanitary toilet.	Five thousand rupees.	Five hundred rupees.]
Section 155, sub-section (2)	Failure to provide privy, urinal, bathing or washing place.	Five hundred rupees.	Fifty rupees.
Section 156	Failure to provide privy or make alteration or substitution of service privy by other system.	Five hundred rupees.	Fifty rupees.
Section 157, sub-section (1)	Construction of cesspool in violation of provision.	Five hundred rupees.	Twenty-five rupees.
Section 157, sub-section (2)	Requisition on owner to fill up or remove unlawful cesspool.	Five hundred rupees.	Twenty-five rupees.
Section 163	Failure to comply with a notice for removal or alteration of verandah, platform, building etc.	One thousand rupees.	Fifty rupees.
Section 164	Failure to remove wall, fence, rail, platform, etc.	Five thousand rupees.	Fifty rupees.
Section 165	Prohibition of tethering of animals and milking of cattle.	Two hundred rupees.	Ten rupees.
Section 166, sub-section (5)	Construction or reconstruction in violation of the regular line of a street or building line without proper permission.	One hundred rupees.	...
Section 170, sub-section (1)	Utilisation or sale of land for construction of buildings without provision for streets giving access to the site.	One thousand rupees.	...
Section 170, sub-section (2)	Utilisation or disposal of land without sending a written application with a lay out plan.	One thousand rupees.	...
Section 171	Prohibition of making new streets.	One thousand rupees.	...
Section 173	Unauthorised use of land as building site.	Two thousand and five hundred rupees or imprisonment for six months or both.	One hundred rupees per square metre.
Section 177, sub-section (1)	Unauthorised erection of a building.	Two thousand and five hundred rupees or imprisonment for six months or both.	Two hundred rupees.

<sup>1</sup>The entries within the square brackets were inserted by s. 21(2) of the Howrah Municipal Corporation (Amendment) Act, 1999 (West Ben. Act XI of 1999).

LVIII of 1980.]

(Schedule V.)

(1)	(2)	(3)	(4)
Section 178	Occupation of a building without a completion certificate.	Five hundred rupees.	Twenty-five rupees.
Section 179, sub-section (1)	Change of the use of premises sanctioned for specified purposes.	Two thousand and five hundred rupees or imprisonment for six months or both.	Two hundred rupees.
Section 188, sub-section (3)	Failure to perform duties in the matter of collection of solid wastes.	Three hundred rupees.	Twenty-five rupees.
Section 190, sub-section (1)	Use, alteration, etc. of premises as godowns, warehouses, etc. without permission.	Two thousand and five hundred rupees or imprisonment for six months or both.	Two hundred rupees.
Section 191, sub-section (1)	Establishing a factory without permission or altering or extending the same otherwise than in conformity with the conditions.	Two thousand and five hundred rupees or imprisonment for six months or both.	Two hundred rupees.
Section 192, sub-section (1)	Keeping eating house, etc. without permission or otherwise than in conformity with a licence.	Two thousand and five hundred rupees or imprisonment for six months or both.	Two hundred rupees.
Section 193	Keeping open theatres, circuses, etc. without permission or otherwise than in conformity with a licence.	One thousand rupees.	One hundred rupees.
Section 196	Keeping open any private market, etc. otherwise than in conformity with a licence.	Two thousand and five hundred rupees or imprisonment for six months or both.	Two hundred rupees.
Section clause (a)	197, Carrying on the trade of a butcher otherwise than in conformity with a licence.	Two thousand and five hundred rupees or imprisonment for six months or both.	Two hundred and fifty rupees.
Section clause (b)	197, Prohibition of selling of flesh, fish or animal without licence.	Five hundred rupees.	Twenty-five rupees.
Section 200	Prohibition of hawking, etc. otherwise than in terms of a licence.	Five hundred rupees.	Twenty-five rupees.
Section 201	Prohibition of carrying on trade of a butcher, fish monger, etc. otherwise than in conformity with a licence.	Five hundred rupees.	Twenty-five rupees.

[West Ben. Act LVIII of 1980.]

(Schedule V.)

(1)	(2)	(3)	(4)
Section 202	Prohibition of sale, etc. of adulterated or misbranded food or drug.	Two thousand and five hundred rupees or imprisonment for six months or both.	Two hundred rupees.
Section 203	Failure to register manufactory.	Two thousand and five hundred rupees or imprisonment for six months or both.	Two hundred rupees.
Section 204	Prohibition of keeping adulterants in a place where butter, ghee, etc. are manufactured or stored.	One thousand rupees.	Two hundred rupees.
Section 205, sub-section (2)	Failure to provide protection to articles of food drug, receptacle, etc.	Two hundred rupees.	Fifty rupees.
Section 206	Keeping of shops, etc. otherwise than in conformity with a licence or failure to display the licence.	One thousand rupees.	One hundred rupees.
Section 209	Failure to give information of dangerous diseases.	One hundred rupees.	
Section 212	Failure to take measures to prevent spread of dangerous diseases.	One hundred rupees.	

\* \* \* \* \*

The following entries in columns 1, 2 and 3—

"Section 214, sub-section (1).	Non-registration of place for disposal of the dead and failure to deposit plan in municipal office.	One hundred rupees."
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were omitted by s. 16 of the Howrah Municipal Corporation (Second Amendment) Act, 1990 (West Ben. Act XXIX of 1990).



©

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act V of 2000

THE HOWRAH MUNICIPAL CORPORATION  
(AMENDMENT) ACT, 2000.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 31st March, 2000.]

[31st March, 2000.]

*An Act to amend the Howrah Municipal Corporation Act, 1980.*

West Ben.  
Act LVIII of  
1980.

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

It is hereby enacted in the Fifty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the Howrah Municipal Corporation (Amendment) Act, 2000.

Short title  
and  
commence-  
ment.

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

2. For section 102 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act), the following section shall be substituted:—

Substitution  
of new  
section for  
section 102  
of West Ben.  
Act LVIII of  
1980.

102. (1) Every person engaged or intending to be engaged in any class of profession, trade or calling in Howrah, as specified in Schedule III, either by himself or by an agent or representative, shall obtain a certificate of enlistment from, or, as the case may be, get the same renewed annually by, the Commissioner upon presentation of an application together with such application fee, not exceeding rupees five hundred, as may be determined by the Corporation:

Provided that such enlistment or renewal thereof shall not absolve such person from any liability to take out any licence under this Act or any other law for the time being in force.

*The Howrah Municipal Corporation (Amendment) Act, 2000.*

[West Ben. Act

(Sections 3-5.)

(2) The Commissioner shall, after making such enquiry as may be necessary and within thirty days of the receipt of the application, grant him such certificate if the application is in order, or shall reject the application if it is not in order.”

Omission of section 102A.

3. Section 102A of the principal Act shall be omitted.

Omission of section 102B.

4. Section 102B of the principal Act shall be omitted.

Substitution of new Schedule for Schedule III.

5. For Schedule III of the principal Act, the following Schedule shall be substituted:—

“SCHEDULE III

**Class of profession, trade and calling**

[See section 102(1).]

Serial No.	Class of profession, trade and calling.
(1)	(2)
1.	Company or association or body of individuals, engaged in any profession, trade or calling whatsoever for profit or as a benefit society, not being a registered co-operative society.
2.	Statutory corporation set up by the Government, or trading concern sponsored by the Government, and carrying on business for profit.
3.	Company, club, association or body of individuals, having no paid-up capital, engaged in any profession, trade or calling whatsoever for profit or as a benefit society (not being a registered co-operative society), merchant, banker (not being a registered co-operative society), money-lender, wholesale trader, owner or occupier of a market, bazar or theatre or place of public entertainment, broker or dalal in jute, cotton, precious stones, landed property, country produce, silk or other merchandise, retail trader or shop-keeper, boarding-house-keeper, hotel-keeper, lodging-house-keeper, tea-stall-keeper and eating-house-keeper.

*The Hawrah Municipal Corporation (Amendment) Act, 2000.*

V of 2000.]

*(Section 6.)*

(1)	(2)
4. Commission agent, broker not included in serial number 3, architect, engineer, contractor, medical practitioner, dentist, barrister, and legal practitioner.	
5. Itinerant vendors hawking goods for sale.	
6. Any other trade, profession or calling not enumerated in serial numbers 1 to 5."	

6. In Schedule V of the principal Act, the entry "section 102A, sub-section (5)." in column 1 headed "Section and sub-section, clause or proviso", and the corresponding entries "Failure to apply for certificate of enlistment." in column 2 headed "Subject", and "Two hundred and fifty rupees." in column 3 headed "Maximum fine or imprisonment that may be imposed" shall be omitted.

Amendment  
of Schedule  
V.

**The**



**Kolkata** **Gazette**

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FRIDAY, SEPTEMBER 15, 2017

[SAKA 1939

PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 1104-L.—15th September, 2017.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act XXXIII of 2017**

**THE HOWRAH MUNICIPAL CORPORATION  
(AMENDMENT) ACT, 2017.**

*[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Kolkata Gazette,  
Extraordinary, of the 15th September, 2017.]*

*An Act to amend the Howrah Municipal Corporation Act, 1980.*

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

West Ben. Act  
LVIII of 1980.

It is hereby enacted in the Sixty-eighth 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, 2017.

(2) This section shall come into force at once; and the remaining sections shall

*The Howrah Municipal Corporation  
(Amendment) Act, 2017.*

(Sections 2-5.)

come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint.

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

2. In section 2 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act), for clause (28AA), the following clause shall be substituted:—

‘(28AA) “State Government” means the Government of the State of West Bengal in the Department of Urban Development and Municipal Affairs;’.

Amendment of section 13.

3. In sub-section (2) of section 13 of the principal Act,—

- (1) in clause (a), the words “in consultation with the Mayor-in-Council” shall be omitted;
- (2) in the second proviso to clause (b), the words “, in consultation with the Mayor-in-Council,” shall be omitted.

Amendment of section 57A.

4. In section 57A of the principal Act,—

- (1) in the marginal note for the words “twenty-five lakhs”, the words “one crore” shall be substituted;
- (2) for the words “twenty-five lakhs”, wherever they occur, the words “one crore” shall be substituted.

Amendment of section 177.

5. In sub-section (1) of section 177 of the principal Act,—

- (1) after the second proviso, the following proviso shall be added:—

“Provided also that the Commissioner may by order, on such terms and conditions and on payment of such fees as may be prescribed by regulations, regularize the minor unauthorized erection, or execution of any minor work without sanction under this Act, or minor deviation from the sanctioned plan or execution of any minor erection or work in contravention of any sanctioned plan under this Act or the rules or the regulations made thereunder, as the case may be:

Provided also that the Commissioner may, by order, delegate his powers and functions under the first and the second proviso of this sub-section to the Special Officers, appointed by the Commissioner with the approval of the State Government on such terms and conditions as may be determined by the Corporation, and the expenses for payment of such officers shall be borne on from the Municipal Fund.”;

- (2) the ‘Explanation’ shall be renumbered as ‘Explanation-II’ and before the ‘Explanation’ so renumbered, the following ‘Explanation’ shall be inserted:—

“Explanation I—For the purpose of this section ‘minor unauthorised erection, minor work, or minor deviation’ shall be such as may be determined by regulations.”.

*The Howrah Municipal Corporation  
(Amendment) Act, 2017.*

(Section 6.)

Insertion of new  
Chapter XXII  
after Chapter  
XXI.

6. After Chapter XXI of the principal Act, the following chapter shall be inserted:—

**“CHAPTER XXII**

**Special provisions as to land and building in area or  
areas notified as Security zone**

Security zone  
around  
Government land  
and buildings. 243. Notwithstanding anything contained in this Act, the State Government in the Home and Hill Affairs Department, for the purpose of security and safety of the strategic installations on land and buildings belonging to the Government or Semi-Government agency or institution within specific area or areas of the Corporation, may notify that area or areas as ‘Security zone’ and that shall be subject to the control of the Commissioner of Police of the concerned areas:

Provided that this section shall in no way derogate from the powers vested in the Corporation or any other municipal authority under this Act enabling the Corporation or such authority, as the case may be, in the interests of the public health to require the owner or occupier of any land or building in such area or areas of the Corporation to remedy or abate any sanitary defect on, or in such, land or building.

Sanction of State  
Government  
required for  
erection of  
masonry building. 244. Notwithstanding anything contained in the forgoing provisions of this chapter or any other law for the time being in force, the State Government may, if it deems fit and necessary, prohibit or restrict, as the case may be, sanction of building exceeding fifteen and half metres of height from ground level within five hundred metres radius of strategic installations or buildings considering the point of view of security.

Demolition or  
alteration of  
buildings erected  
without such  
sanction. 245. (1) If the erection of any masonry new building within such area or areas of the Corporation as declared security zone under section 243 is, after the commencement of this section, commenced, carried on or completed without obtaining sanction of the State Government, the Commissioner of the Corporation shall, if requested by the Commissioner of Police to do so,—

- (a) by written notice direct the owner to demolish or alter the building, or
- (b) himself cause the building to be demolished or altered at the expense of the owner.

(2) No person shall be entitled to any compensation on account of such demolition or alteration.

Such sanction not  
to bar other  
provision of this  
Act. 246. Notwithstanding anything contained in section 244, permission to erect a masonry building in such area or areas of the Corporation as declared security zone under section 243 shall not be given so as to contravene, by rendering less strict, any of the provisions of this Act regulating the construction of buildings; and the provisions of section 245 shall be in addition to, and not in derogation of, any other powers of the Corporation or any other municipal authority under this Act to take proceedings for the demolition of any masonry new building erected in such area or areas of the Corporation after the commencement of this Act.”.

By order of the Governor,

MADHUMATI MITRA,  
Secy. to the Govt. of West Bengal,  
Law Department.

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THURSDAY, APRIL 5, 2018

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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 573-L.—5th April, 2018.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act VII of 2018**

**THE HOWRAH MUNICIPAL CORPORATION  
(AMENDMENT) ACT, 2018.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 5th April, 2018.]

*An Act to amend the Howrah Municipal Corporation Act, 1980.*

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

West Ben.  
Act LVIII 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 Howrah Municipal Corporation (Amendment) Act, 2018.

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

*The Howrah Municipal Corporation  
(Amendment) Act, 2018.*

*(Section 2.)*

Amendment of  
section 159A of  
West Ben.  
Act LVIII of  
1980.

2. In section 159A of the Howrah Municipal Corporation Act, 1980,—

(1) in sub-section (1),—

(a) for the words “the Mayor-in-Council”, wherever they occur, the words “the Commissioner or any other officer duly authorised by the Commissioner” shall be substituted;

(b) for clause (b), the following clause shall be substituted:—

“(b) to treat the same in such physical, chemical or biological method as may consider suitable in the circumstances, or”;

(2) in sub-section (2), for the words ‘the Mayor-in-Council’, the words ‘the Commissioner or any other officer duly authorised by the Commissioner’ shall be substituted;

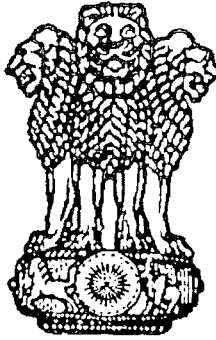
(3) for sub-section (9), the following sub-section shall be substituted:—

“(9) If any person on whom the notice under sub-section (1) is served on fails or refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein or contravenes the foregoing provisions under this section, the Municipal Commissioner himself or any officer duly authorised by him may take such measures or adopt such treatment, specified in such notice within the time specified therein, and recover the cost of doing so from the owner or the occupier of the premises, as the case may be, by way of levying special conservancy charges, at such rate as may be determined by the Mayor-in-Council, and shall also be liable to a penalty which shall not be less than rupees one thousand but which may extend to rupees one lakh only.”.

By order of the Governor,

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



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THURSDAY, DECEMBER 6, 2018

[SAKA 1940

PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 2146-L.—6th December, 2018.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act XXII of 2018**

**THE HOWRAH MUNICIPAL CORPORATION  
(SECOND AMENDMENT) ACT, 2018.**

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 6th December, 2018.]

*An Act to amend the Howrah Municipal Corporation Act, 1980.*

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

West Ben. Act  
LVIII 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 Howrah Municipal Corporation (Second Amendment) Act, 2018.

(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.

*The Howrah Municipal Corporation  
(Second Amendment) Act, 2018.*

(Sections 2-7.)

Amendment of section 5 of the West Ben. Act LVIII of 1980.

2. After sub-section (2) of section 5 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act), the following sub-sections shall be inserted:—

“(3) The Board of Councillors, unless dissolved earlier, shall hold office for a period of five years from the date appointed for its first meeting after the general election and no longer.

(4) If for any reason, it is not possible to hold the general election of the Corporation before the expiry of the period of five years, specified in sub-section (3), the Board of Councillors shall stand dissolved on the expiration of the said period and all the powers or functions vested with the Corporation authorities under this Act or under any other law for the time being in force, shall be exercised or performed, as the case may be, by such person or persons to be designated as the Administrator or the Board of Administrators as the State Government, by notification, appoint.”.

Amendment of Chapter III.

3. In Chapter III of 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.

Substitution of new section for section 19.

4. For section 19 of the principal Act, the following section shall be substituted:—

“Selection of personnel. 19. 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 20.

5. Section 20 of the principal Act shall be omitted.

Amendment of section 55.

6. In section 55 of the principal Act, in sub-section (3),—

(i) for the words “the State Bank of India or any other nationalized bank or the State Co-operative Bank”, the words “any Scheduled Bank” shall be substituted;

(ii) the ‘*Explanation.—*’ shall be omitted.

Insertion of new sections 88I, 88J and 88K after section 88H.

7. After section 88H of the principal Act, the following sections shall be inserted:—

“Exemption of holdings having water bodies. 88I. The Corporation may exempt from payment of a portion of the property tax not exceeding ninety *per cent* of the actual gross amount of property tax on any land which is not built upon and water body in nature, either whole or a part thereof, subject to that the water body shall exist and be kept and preserved by the owner in a good manner so as to maintain ecological balance of the locality:

Provided that water body in the nature of swimming pool of any type shall be put out of purview of this exemption.

Exemption of certain amount of property tax to the senior citizen and others.

88J. The Corporation may exempt from property tax to the tune of ten percentage of the property tax on land and building owned singly or jointly by citizen who attained the age of sixty years or more, or owned by widow or deserted women irrespective of age, or a certified physically challenged person, as may be determined by the Corporation, irrespective of age, or jointly owned by any of these categories of persons in case such land and building is self-occupied and used for residential purpose.

*The Howrah Municipal Corporation  
(Second Amendment) Act, 2018.*

(Sections 8, 9.)

Exemption of holding used for Government owned Hospitals, clinics etc.      88K. The Corporation may exempt from property tax on land and building belonging to the Health Care Organizations, either primary, or secondary or clinics, owned or sponsored by the Government:

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.”.

Substitution of new section for section 188.

8. For section 188 of the principal Act, the following section be substituted:—

“Collection, removal and disposal of solid wastes.

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

Insertion of new sections 188A, 188B, 188C, 188D, 188E, 188F, 188G, 188H, 188I, 188J, 188K, 188L, 188M, 188N and 188O after section 188.

9. After section 188 of the principal Act, the following sections shall be inserted:—

“Provision for receptacles, depots and places for temporary deposit.

188A. (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).

Duties of owners and occupiers to collect and deposit rubbish, etc.

188B. (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 Howrah Municipal Corporation  
(Second Amendment) Act, 2018.*

(Section 9.)

Commissioner to provide for cleansing of streets and removal solid wastes.

188C. (1) The Commissioner shall take measures for securing—

- (a) the daily surface-cleaning of all streets in Howrah and removal and 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.

188D. 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.

188E. (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.

188F. 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
  - (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

*The Howrah Municipal Corporation  
(Second Amendment) Act, 2018.*

(Section 9.)

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.

188G. 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 Howrah as it considers suitable:

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.

188H. (1) The Corporation may, for the purpose of receiving, storing, treating, processing and disposing solid wastes or converting such solid wastes into compost or other matters, construct, acquire, operate, maintain, develop, and manage any work within or outside Howrah and run it on a commercial basis.

(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 Howrah.

Prohibition against deposit of solid wastes.

188I. (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:

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

Presumption as to offender.

188J. 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.

*The Howrah Municipal Corporation  
(Second Amendment) Act, 2018.*

*(Section 9.)*

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

188K. 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.

188L. 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.

188M. 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.

188N. 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.

188O. (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.”.

By order of the Governor,

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

**The**  
  
**Kolkata** **Gazette**  
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TUESDAY, JULY 30, 2019

[SAKA 1941

PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 803-L.—30th July, 2019.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act VI of 2019**

**THE HOWRAH MUNICIPAL CORPORATION  
(AMENDMENT) ACT, 2019.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,  
*Extraordinary*, of the 30th July, 2019.]

*An Act to amend the Howrah Municipal Corporation Act, 1980.*

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

West Ben. Act  
LVIII of 1980.

It is hereby enacted in the Seventieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

**1.** (1) This Act may be called the Howrah Municipal Corporation (Amendment) Act, 2019.

*The Howrah Municipal Corporation  
(Amendment) Act, 2019.*

(Sections 2-7.)

(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 8 of the West Ben. Act LVIII of 1980.

2. To section 8 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act), the following provisos 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 such election, failing which, he shall cease to be the Mayor of the Corporation:

Provided further that no elected member of the Corporation or individual shall be eligible for election to the post of the Mayor unless he declares in writing under his hand that on being elected, he shall be the whole-time functionary of his office and that during the period for which he holds, or is due to hold, such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment, or he shall not carry on or be associated with any business, profession or calling, in such manner as shall interfere or likely to interfere with due exercise of his powers or due performance of his functions or due discharge of his duties.”.

Amendment of section 53.

3. After second proviso to sub-section (2) of section 53 of the principal Act, the following proviso shall be inserted:—

“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 to be designated as the Administrator or the Board of Administrators, as the case may be, appointed under clause (b) of sub-section (1) of section 54, for such further period not exceeding twelve months.”.

Amendment of Chapter VIII of Part IV.

4. In Part IV of Chapter VIII of the principal Act, for the words in the Heading “G. Tax on advertisements”, the words “G. Provisions regulating advertisement other than advertisements in newspapers” shall be substituted.

Amendment of section 87.

5. In section 87 of the principal Act, clause (c) of sub-section (1) shall be omitted.

Amendment of section 102C.

6. In section 102C of the principal Act,—

(1) in the first proviso to sub-section (1), after the words “owner”, the words “or the lessee, sub-lessee or the occupier” shall be inserted;

(2) in sub-section (2),—

(i) in clause (a), the words “use of the particular site for” shall be omitted;

(ii) in clause (c), for the word ‘tax’, the word ‘fees’ shall be substituted.

Amendment of section 102D.

7. In section 102D of the principal Act,—

(1) for the marginal heading “License for use of site for purpose of advertisement.”, the marginal heading “License for the purpose of advertisement.” shall be substituted;

(2) after sub-section (6), the following sub-sections shall be inserted:—

“(7) If any person erects, exhibits, fixes or retains any advertisement referred to



*The Howrah Municipal Corporation  
(Amendment) Act, 2019.*

(Sections 8-10.)

in this Chapter, by any means, without paying the fees under this Chapter, he shall be punished with fine which may extend to three times the amount payable as such fees, and shall not ordinarily be less than one-and-a-half times the amount of such fees.

(8) No license fee shall be levied under this section for any advertisement or upon a person where—

- (a) such advertisement relates to “non-Commercial advertisement” or “advertisement related to public interest” as defined in the Explanation to sub-section (4) of section 102C; or
- (b) such person holding Certificate of Enlistment under section 102 of the Act for displaying his trade name at his place of business recorded in such certificate:

Provided that exemption under this item shall apply only to one board displayed within the meaning of this Clause:

Provided further that license fee would be chargeable upon any person for commercial display for advertisement of its business if such advertisement is displayed in the place of business of any other person holding a Certificate of Enlistment under section 102 whether or not the latter acts to further his business; or

- (c) such advertisement is exhibited within the window of any building if the advertisement relates to the trade, profession, or business carried on in that building; or
- (d) such advertisement is exhibited within any land or building that relates to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on or upon in the same; or
- (e) such advertisement relates to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building; or
- (f) such advertisement relates to the business of a railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration; or
- (g) such advertisement relates to any activity of the Government or the local authorities.”.

Amendment of section 103.

**8.** In section 103 of the principal Act,—

- (i) in the marginal heading, for the word “Tax”, the word “Fee” shall be substituted;
- (ii) in sub-section (1), for the word “tax”, the word “fee” shall be substituted;
- (iii) in sub-section (2), for the word “tax”, the word “fee” shall be substituted;
- (iv) in sub-section (3), for the word “tax”, the word “fee” shall be substituted.

Amendment of section 104.

**9.** In section 104 of the principal Act, for the word “tax”, wherever it occurs, the word “fee” shall be substituted.

Amendment of section 106.

**10.** In section 106 of the principal Act,—

- (1) the following provisos shall be added:—

“Provided that the Commissioner may cancel or revoke the certificate of enlistment for profession, trade and calling issued under provision of section 102

*The Howrah Municipal Corporation  
(Amendment) Act, 2019.*

*(Section 11.)*

if the licensee acts in contravention of any of the provisions contained in this chapter or under the licence:

Provided further that no order shall be made under the proviso without affording a reasonable opportunity of being heard.”;

- (2) the following Explanation shall be added:—

*“Explanation I.—*The word “structure” in this Chapter includes any movable board on wheels used as an advertisement or advertisement medium.

*Explanation II.—*The word “advertisement” in relation to advertisement under this Act shall mean any word, letter model, sign, sky-sign, placard, notice, device or representation, whether illuminated or not in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.”.


Amendment of  
Schedule IV.

- 11.** In the Schedule IV of the principal Act,—

- (i) in the heading, for the word “Tax”, the word “Fee” shall be substituted;  
(ii) for the word “tax”, wherever it occurs, the word “fee” shall be substituted.

By order of the Governor,

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

**The**  
**Kolkata**  
  
**Gazette**

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WEDNESDAY, MARCH 20, 2024

[SAKA 1945

PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 338-L.—20th March, 2024.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act III of 2024**

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

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Kolkata Gazette*,  
*Extraordinary*, of the 20th March, 2024.]

*An Act 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:—

1. (1) This Act may be called the Howrah Municipal Corporation (Amendment)  
Act, 2024.

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

(Sections 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.

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

(Section 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.

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

*(Section 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;

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

*(Sections 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.”.

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

Insertion of new section after section 173.

“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.”.

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

Insertion of new section after section 174B.

“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.

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

(Sections 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



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

*(Section 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.

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

*(Section 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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(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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- (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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(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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- (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
- (c) hospitals or nursing homes, or

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(d) factories registered under the Factories Act, 1948, or

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(e) buildings with a height of 18 metres or more.”.

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.”.

By order of the Governor,

DR. MD. SALIM ANSARI,  
Pr. Secy.-in-charge to the Govt. of West Bengal,  
Law Department.