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PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1430-L.—12th December, 2011.—The Governor having been pleased to order, under rule 66 of the Rules

of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 16 of 2011

**THE WEST BENGAL MUNICIPAL
(AMENDMENT) BILL, 2011.**

**A
BILL**

to amend the West Bengal Municipal Act, 1993.

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

West Ben. Act
XXII of 1993.

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

Short title and commencement.

1. (1) This Act may be called the West Bengal Municipal (Amendment) Act, 2011.

(2) This section shall come into force at once, and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different provisions of this Act.

*The West Bengal Municipal
(Amendment) Bill, 2011.*

(Clause 2.)

Insertion of new sections 70A, 70B and 70C after section 70 in the West Bcn. Act XXII of 1993.

2. After section 70 of the West Bengal Municipal Act, 1993, the following sections shall be inserted:—

‘Constitution of Non-lapsable Basic Services for Urban Poor Fund. 70A. The Municipality shall create a separate fund called “Basic Services for Urban Poor Fund” for delivery of basic service to the urban poor within their respective jurisdiction including the inhabitants of the slum areas.

(2) A minimum of twenty-five percent of the funds within the budget of the Municipality shall be earmarked and used for providing basic services to the urban poor, including inhabitants of slum areas on a yearly basis. The allocation to the fund shall be made from all or any of the following municipal budgetary resources:—

- (a) own source of revenue, e.g. taxes, fees, charges and rent;
- (b) assigned revenues;
- (c) allocations from the Central Finance Commission and the State Finance Commission or other inter-Governmental transfers;
- (d) contributions in cash or kind, gifts from individuals, organizations, donors for services of the poor;
- (e) grants from externally aided projects;
- (f) sale of municipal assets;
- (g) other sources as determined by the Board of Councillors.

Explanation I.—For the purposes of this section, any grant or contribution by whatever name called, received by the Municipality which is exclusively for the development of slum areas shall not be a part of the Basic Services for Urban Poor Fund.

Explanation II.—For the purposes of this section ‘basic services’ shall include expenditure on capital and revenue account directly incurred on water supply, drainage, sewerage, construction of community toilets, solid waste management, connecting roads, street lighting, public parks and playgrounds, community and livelihood centers, affordable housing for poor, and other services as determined by the Municipality but shall not include establishment expenses, including salary and wages, not directly and specifically incurred for delivery of basic services to the poor.

Budgetary process and nature of the fund created under section 70A.

70B. (1) The allocation of the funds created under section 70A and its utilization or providing basic services to the urban poor including the inhabitants of slum areas should be detailed and enclosed with annual budget of the Municipality alongwith the corresponding figures for the previous year for the purpose.

(2) The fund shall be in the nature of a non-lapsable fund. In the event of the annual allocations not fully utilized, the balance funds should not be transferred to the municipal fund but carried forward for utilization in the subsequent years. The fund allocation in the subsequent years shall be considered in addition, and shall not be reduced by the unspent funds of the previous year.

Management of fund under section 70A, and keeping accounts thereof.

70C. (1) A separate Bank Account shall be opened with a Nationalized Bank called ‘Basic Service for Urban Poor Fund’ account wherein funds earmarked under section 70A shall be periodically deposited ensuring that the yearly allocation is equal to the allocation as in the municipal budget.

*The West Bengal Municipal
(Amendment) Bill, 2011.*

(2) For keeping of accounts of the fund created under section 70A, the Municipality shall maintain separate primary books of accounts with detailed accounting heads in the line with the provisions of the rules made under this Act in line with the National Municipal Accounts Manual for operation of special fund accounts.”.

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to amend the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) for the purposes of—

- (A) making provision for constitution of Non-lapsable Basic Service for Urban Poor Fund in the Municipalities; and
- (B) making provisions for specifying the budgetary process and nature of Non-lapsable Basic Service for Urban Poor Fund in the Municipalities, and management thereof;

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

3. No expenditure is envisaged in giving effect to the provisions of the Bill.

KOLKATA,
The 12th December, 2011.

FIRHAD HAKIM,
Member-in-charge.

By order of the Governor,

B. K. SRIVASTAVA,
*Secy.-in-charge to the Govt. of West Bengal,
Law Department.*