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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. 1442-L.—19th September, 2012.—The Governor having been pleased to order, under rule 66 of the

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

Bill No. 32 of 2012

**THE WEST BENGAL MUNICIPAL CORPORATION
(AMENDMENT) BILL, 2012.**

**A
BILL**

to amend the West Bengal Municipal Corporation Act, 2006.

WHEREAS it is expedient to amend the West Bengal Municipal Corporation Act, 2006, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXXIX of 2006.

It is hereby enacted in the Sixty-third 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 Corporation (Amendment) Act, 2012.

*The West Bengal Municipal Corporation
(Amendment) Bill, 2012.*

(Clause 2.)

(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.

Insertion of new sections 62A, 62B and 62C after section 62 in the West Ben. Act XXXIX of 2006.

2. After section 62 of the West Bengal Municipal Corporation Act, 2006 (hereinafter referred to as the principal Act), the following sections shall be inserted:—

‘Constitution of Non-lapsable Basic Services for Urban Poor Fund. 62A. (1) The Corporation shall create a separate fund called “Basic Services for Urban Poor Fund” for delivery of basic services to the urban poor within its jurisdiction including the inhabitants of slum areas.

(2) A minimum of twenty-five *percent* of the funds within the budget of the Corporation 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 budgetary resources of the Corporation:—

- (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 Corporation.

Explanation I.—For the purposes of this section, any grant or contribution by whatever name called, received by the Corporation 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 affordable housing for poor, and other services as determined by the Corporation 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 62A. 62B. (1) The allocation of the funds created under section 62A 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 Corporation along with the corresponding figures for the previous years 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 general 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 years.

Management of fund under section 62A, and keeping accounts thereof. 62C. (1) A separate bank account shall be opened with a nationalized bank called “Basic Service to Urban Poor Fund” account wherein funds earmarked under section 62A shall be periodically deposited ensuring that the yearly allocation is equal to the allocation as in the budget of the corporation.

*The West Bengal Municipal Corporation
(Amendment) Bill, 2012.*

(Clause 3.)

(2) For keeping of accounts of the fund created under section 62A the Corporation 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.’

Insertion of new section 91A after section 91.

3. After section 91 of the principal Act, the following section shall be inserted:—

“Laying of audit reports before the State Legislature.

91A. The audit reports of the municipal corporations, along with the action taken reports for every year, the report of the Comptroller and Auditor General in respect of the Corporation, shall, as soon as may be after they are received by the State Government, be laid before the State Legislature.”.

STATEMENT OF OBJECTS AND REASONS.

It is considered necessary and expedient to amend the West Bengal Municipal Corporation Act, 2006 (West Ben. Act XXXIX of 2006) for the purposes of,—

- (A) making provision for constitution of Non-lapsable Basic Services for Urban Poor Fund in the Municipal Corporations;
- (B) making provisions for specifying the budgetary process and nature of Non-lapsable Basic Services for Urban Poor Fund in the Municipal Corporations, and management thereof;
- (C) making provisions for laying the audit report as well as the report of Comptroller and Auditor General of the Municipal Corporations before the State Legislature by the State Government as soon as the same is received by it.

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

3. There is no financial implication involved in giving effect to the provisions of this Bill.

KOLKATA,
The 18th September, 2012.

FIRHAD HAKIM,
Member-in-charge.

By order of the Governor,

MALAY MARUT BANERJEE,
*Secy. to the Govt. of West Bengal,
Law Department.*