

The



Kolkata Gazette

सत्यमेव जयते

*Extraordinary*  
Published by Authority

AGRAHAYANA 15]

THURSDAY, DECEMBER 6, 2012

[SAKA 1934]

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. 1792-L.—6th December, 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. 41 of 2012**

**THE KOLKATA MUNICIPAL CORPORATION  
(SECOND AMENDMENT) BILL, 2012.**

**A  
BILL**

*further to amend the Kolkata Municipal Corporation Act, 1980.*

WHEREAS it is expedient to amend the Kolkata Municipal Corporation Act, 1980, for the purposes and in the manner hereinafter appearing;

West Ben. Act  
LIX of 1980.

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

1. (1) This Act may be called the Kolkata Municipal Corporation (Second Amendment) Act, 2012.

Short title and  
commencement.

*The Kolkata Municipal Corporation  
(Second Amendment) Bill, 2012.*

(Clauses 2-5.)

(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.

Amendment of  
section 5 of the  
West Ben. Act  
LIX of 1980.

2. In section 5 of the Kolkata Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act),—

- (a) in clause (a) of sub-section (1), for the words ‘one hundred and forty-one’, the words ‘one hundred and forty-four’ shall be substituted; and
- (b) in sub-section (2), for the words ‘one hundred and forty-one’, the words ‘one hundred and forty-four’ shall be substituted.

Amendment of  
section 8.

3. In section (1) of section 8 of the principal Act, for the word “ten”, the word “twelve” shall be substituted.

Amendment of  
section 26.

4. In section 26 of the principal Act,—

- (a) for sub-section (1), the following sub-section shall be substituted:—  
“(1) The State Government shall, by notification, constitute a Municipal Service Commission consisting of—

- (a) a Chairman, and
- (b) three other members.”;

- (b) in sub-section (2), for the words “The Chairman and one of the other members shall be nominated by the Corporation on the recommendation of the Mayor-in-Council,” the words “The Chairman shall be nominated by the State Government, and one of the other members shall be nominated by the Corporation on the recommendation of the Mayor-in-Council,” shall be substituted; and

- (c) for sub-section (3), the following sub-section shall be substituted:—

“(3) The Chairman and other members shall hold office for a maximum term of five years or till attaining the age of sixty-five years, whichever is earlier:

Provided that the appointment to the posts of the Chairman and other members shall be made for a period of one year only, and thereafter, the term may be extended from time to time for a maximum period of one year on every occasion.”.

Amendment of  
section 600.

5. After sub-section (3) of section 600 of the principal Act, the following sub-section shall be inserted:—

“(4) Notwithstanding anything contained in this section, the State Government may, by general or special order, for the reasons to be recorded in writing, for interest of the public, relax any or all the provisions of a rule made under this Act.”.

*The Kolkata Municipal Corporation  
(Second Amendment) Bill, 2012.*

**STATEMENT OF OBJECTS AND REASONS.**

It is considered necessary and expedient to amend the Kolkata Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980) (hereinafter referred to as the said Act), for the purpose of making provisions, *inter alia*, for—

- (a) enhancing the number of wards of Kolkata, as stipulated in section 5 of the Kolkata Municipal Corporation Act, 1980, from 141 to 144 in view of the delimitation of the areas of erstwhile Joka I and Joka II *Gram Panchayats*, which have been included within the jurisdiction of Kolkata Municipal Corporation;
  - (b) increasing the maximum age limit of the Chairman and the members of Municipal Service Commission under Kolkata Municipal Corporation from existing 62 to 65 years, and to empower the State Government to nominate the Chairman to the said Commission;
  - (c) increasing the number of members of Mayor-in-Council of the Corporation from existing 10 to 12; and
  - (d) empowering the State Government to relax rules framed under the Kolkata Municipal Corporation Act, 1980.
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 the Bill.

KOLKATA,  
*The 6th December, 2012.*

FIRHAD HAKIM,  
*Member-in-charge.*

By order of the Governor,

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