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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. 396-L.—28th February, 2013.—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. 3 of 2013

**THE KOLKATA IMPROVEMENT
(AMENDMENT) BILL, 2013.**

**A
BILL**

to amend the Kolkata Improvement Act, 1911.

WHEREAS it is expedient to amend the Kolkata Improvement Act, 1911, for the purposes and in the manner hereinafter appearing;

Ben. Act V
of 1911.

It is hereby enacted in the Sixty-fourth 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 Kolkata Improvement (Amendment) Act, 2013.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

*The Kolkata Improvement (Amendment)
Bill, 2013.*

(Clauses 2-4.)

Substitution of
words in Ben. Act
V of 1911.

2. In the Kolkata Improvement Act, 1911 (hereinafter referred to as the principal Act),—

- (1) for the words “Commissioner of the Corporation”, wherever they occur, the words, “Municipal Commissioner of Kolkata Municipal Corporation” shall be substituted;
- (2) for the words and figures “Calcutta Municipal Act, 1951”, wherever they occur, the words and figures “Kolkata Municipal Corporation Act, 1980” shall be substituted;
- (3) for the words and figures “Bengal Municipal Act, 1932”, wherever they occur, the words and figures “West Bengal Municipal Act, 1993” shall be substituted.

West Ben. Act
XXXIII of 1951.
West Ben. Act
LIX of 1980.

Ben. Act XV of
1932.
West Ben. Act
XXII of 1993.

Amendment of
section 2.

3. In section 2 of the principal Act,—

- (1) clause (b) shall be omitted;
- (2) after clause (c), the following clause shall be inserted:—
“(cc) “Chief Executive Officer” means the Chief Executive Officer of the Trust appointed by the State Government;’;
- (3) in clause (d), for the words and figures “Corporation of Calcutta constituted under the said Calcutta Municipal Act, 1951”, the words and figures “Kolkata Municipal Corporation constituted under the said Kolkata Municipal Corporation Act, 1980” shall be substituted;
- (4) in clause (h),—
 - (a) for the words and figures “section 185 of the Calcutta Municipal Act, 1951”, the words and figures “section 191 of the Kolkata Municipal Corporation Act, 1980” shall be substituted;
 - (b) for the words and figures “section 136 of the Bengal Municipal Act, 1932”, the words and figures “the West Bengal Municipal Act, 1993” shall be substituted;
- (5) after clause (l), the following clause shall be inserted:—
“(1l) “Trust” means the Board constituted under section 4 of the Act;’;
- (6) in clause (n), for the words, figures and brackets “clauses (10), (26), (60) and (72), respectively of section 5 of the Calcutta Municipal Act, 1951”, the words and figures “Kolkata Municipal Corporation Act, 1980” shall be substituted.

Amendment of
section 4.

4. In section 4 of the principal Act,—

- (1) in sub-section (1),—
 - (a) for the word “twelve”, the words “the following” shall be substituted;
 - (b) for clause (a), the following clause shall be substituted:—
“(a) a Chief Executive Officer, appointed by the State Government by notification,;’;
 - (c) for clause (c), the following clause shall be substituted:—
“(c) an officer of the Urban Development Department of the State Government not below the rank of joint secretary appointed by the State Government by notification,;’;
 - (d) clause (d) shall be omitted;

*The Kolkata Improvement (Amendment)
Bill, 2013.*

(Clauses 5-22.)

(e) in clause (e), the following proviso shall be inserted—

“Provided that the State Government may direct any member of the Board, to act as the Chairman of the Board.”;

(2) sub-section (2) shall be omitted.

Omission of section 8.

5. Section 8 of the principal Act shall be omitted.

Omission of section 9.

6. Section 9 of the principal Act shall be omitted.

Amendment of section 10.

7. In section 10 of the principal Act, for the word “Chairman”, wherever it occurs, the words “Chief Executive Officer” shall be substituted.

Substitution of new section for section 11.

8. For section 11 of the principal Act, the following section shall be substituted:—

“Remuneration of Chief Executive Officer 11. The Chief Executive Officer shall receive such monthly salary as may be fixed by the State Government.”.

Omission of section 12.

9. Section 12 of the principal Act shall be omitted.

Omission of section 13.

10. Section 13 of the principal Act shall be omitted.

Amendment of section 14.

11. In section 14 of the principal Act, the words “other than the Chairman or the Commissioner of the Corporation” shall be omitted.

Omission of section 15.

12. Section 15 of the principal Act shall be omitted.

Omission of section 16.

13. Section 16 of the principal Act shall be omitted.

Omission of section 17.

14. Section 17 of the principal Act shall be omitted.

Omission of section 22.

15. Section 22 of the principal Act shall be omitted.

Amendment of section 23A.

16. In section 23A of the principal Act, the words “to which this Act applies” shall be omitted.

Omission of section 24A.

17. Section 24A of the principal Act shall be omitted.

Substitution of new section for section 25.

18. For section 25 of the principal Act, the following section shall be substituted:—
“Contract on behalf of Board 25. (1) Every contract shall be made on behalf of the Board by the Chief Executive Officer or any officer of the Trust as may be authorized by the Chief Executive Officer.

(2) Procedures of contract, tender and security shall be such as may be prescribed.”.

Omission of section 26.

19. Section 26 of the principal Act shall be omitted.

Omission of section 27.

20. Section 27 of the principal Act shall be omitted.

Omission of section 28.

21. Section 28 of the principal Act shall be omitted.

Amendment of section 29.

22. In section 29 of the principal Act, for the word “Chairman”, wherever it occurs, the words “Chief Executive Officer” shall be substituted.

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Bill, 2013.*

(Clauses 23-26.)

Amendment of
section 32.

23. In section 32 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) Subject to any directions contained in any statement prepared under section 30 and any rules made under section 31, and for the time being in force, the power of appointing, promoting and granting leave of the employees of the Board, and granting pension, gratuity, etc. to the retired employees and the family of the deceased employees of the Board, and imposing penalties on the employees of the Board with censure, withholding of increments or promotions, recovery from pay, reduction to a lower stage in the time-scale of pay, reduction to a lower time-scale of pay, grade, post or service, compulsory retirement, removal from service, dismissal from service etc. shall be vested in the Chief Executive Officer. The conditions of service, leave of the employees of the Board and the procedure of imposition of penalty, granting of pension, gratuity and related matters will be such as may be prescribed:

Provided that the Chief Executive Officer may place an employee under suspension where a disciplinary proceeding or a departmental enquiry against the employee is contemplated or is pending or where a case against such employee in respect of any criminal offence is under investigation or trial:

Provided further that any employee who is imposed penalty or suspended by the Chief Executive Officer may appeal to the Board, whose decision shall be final.”.

(2) in sub-section (2),—

- (a) for the words “carrying a monthly salary exceeding one thousand and five hundred rupees”, the words and letter “belonging to Group-A” shall be substituted;
- (b) for the word “Chairman”, the words “Chief Executive Officer” shall be substituted.

Amendment of
section 33.

24. In section 33 of the principal Act,—

- (1) in clause (a), for the words “carrying a salary of more than one thousand rupees *per mensem*”, the words and letter “belonging to Group-A” shall be substituted;
- (2) in clause (c), for the words “carrying a monthly salary of more than one thousand and five hundred rupees *per mensem*”, the words and letter “belonging to Group-A” shall be substituted.

Amendment of
section 35.

25. In section 35 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted:—

“(1) The Chief Executive Officer may, by general or special order in writing, delegate to any officer of the Board any of the Chief Executive Officer’s power, duties or functions under this Act or any rule made hereunder.”;

(2) in sub-section (2), for the word “Chairman”, the words “Chief Executive Officer” shall be substituted.

Amendment of
section 35A.

26. Section 35A of the principal Act shall be renumbered as sub-section (1) of that section and after sub-section (1) so renumbered, the following sub-section shall be inserted:—

“(2) The Board may, for the improvement of Kolkata, subject to the provisions of the Act, enter into Agreement with State Government or Central Government Company or Undertakings or Banks or Financial Institutions or Private Enterprises to form Joint Venture Company with the prior sanction of the State Government.”.

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Bill, 2013.*

(Clauses 27-32.)

Amendment of
section 35C.

27. In sub-section (2) of section 35C of the principal Act, for the words “of the Corporation or the Commissioners of the Municipal Corporation”, the words “of the Municipal Corporation” shall be substituted.

Amendment of
section 35D.

28. After clause (d) of section 35D of the principal Act, the following clauses shall be inserted:—

- “(e) an environmental improvement scheme,
- “(f) an revenue generating scheme,
- “(g) any other scheme as may be decided by the State Government.”.

Amendment of
section 43.

29. In section 43 of the principal Act,—

- (1) in sub-section (2),—
 - (i) in clause (i), the words “weekly for three consecutive weeks” shall be omitted;
 - (ii) in clause (ii), for the words and figures “the Commissioner of the Corporation and to the Chairman of any Municipality constituted under the Bengal Municipal Act, 1932”, the words “the Municipal Commissioner of Kolkata Municipal Corporation, to the Commissioner of any other Municipal Corporation, to the Chairman of any Municipality constituted under the West Bengal Municipal Act, 1993” shall be substituted;
- (2) in sub-section (3), for the word “Chairman”, the words “Chief Executive Officer” shall be substituted.

Amendment of
section 44.

30. In section 44 of the principal Act, for the words “Commisioner of the Corporation, the Chairman of any Municipality”, the words and figures “the Municipal Commissioner of Kolkata Municipal Corporation, the Commissioner of any other Municipal Corporation, the Chairman of any Municipality constituted under the West Bengal Municipal Act, 1993” shall be substituted.

Omission of
section 46.

31. Section 46 of the principal Act shall be omitted.

Amendment of
section 54.

32. In section 54 of the principal Act,—

- (1) in the marginal note of the section, for the words “in the Corporation or in the Commissioners of a Municipal Corporation”, the words “in the Municipal Corporation or in the Municipality” shall be substituted;
- (2) in sub-section (1),—
 - (a) in clause (b), for the words and figures “any Municipal Corporation constituted under the Bengal Municipal Act, 1932”, the words and figures “any Municipal Corporation or any Municipality constituted under the West Bengal Municipal Act, 1993” shall be substituted;
 - (b) for the words “Commissioner of the Corporation or the Chairman of such Municipal Corporation”, the words “Municipal Commissioner of Kolkata Municipal Corporation or the Commissioner of that Municipal Corporation or the Chairman of that Municipality” shall be substituted;
 - (c) for the words “to the Corporation or to such Commissioners”, the words “to the Municipal Corporation or to the Municipality” shall be substituted;
 - (d) in the priviso, for the words “the Corporation or the Commissioners”, the words “the Municipal Corporation or the Municipality” shall be substituted;

Ben. Act XV of
1932.

West Ben. Act
XXII of 1993.

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(Clauses 33-41.)

- (3) in sub-section (2), for the words “the Corporation”, wherever they occur, the words “the Municipal Corporation or the Municipality” shall be substituted;
- (4) in sub-section (3), for the words “the Corporation or to the Commissioners”, the words “the Municipal Corporation or to the Municipality” shall be substituted;
- (5) in sub-section (4), for the words “the Corporation”, wherever they occur, the words “the Municipal Corporation or the Municipality” shall be substituted.

Amendment of
section 55.

33. In sub-section (1) of section 55 of the principal Act, for the words and figures “in the Corporation or in the Commissioner of any Municipality constituted under the Bengal Municipal Act, 1932”, the words and figures “in Kolkata Municipal Corporation or in any other Municipal Corporation or in any Municipality constituted under West Bengal Municipal Act, 1993” shall be substituted.

Ben. Act XV of
1932.
West Ben. Act
XXII of 1993.

Amendment of
section 56.

34. In sub-section (1) of section 56 of the principal Act, for the words “of the Corporation of Calcutta or of the Commissioners of the Municipality constituted under the Bengal Municipal Act, 1932”, the words “Kolkata Municipal Corporation or of any other Municipal Corporation or of any Municipality constituted under West Bengal Municipal Act, 1993” shall be substituted.

Substitution of
new section for
section 57.

35. For section 57 of the principal Act, the following section shall be substituted:—

“Bar to application
of certain sections
of the Kolkata
Municipal
Corporation Act,
1980 to streets
vested in the
Board.”

57. Sections 344, 350, 351, 353, 354 of the Kolkata Municipal Corporation Act, 1980, shall not apply to any street which is vested in the Board.”.

West Ben. Act
LIX of 1980.

Omission of
section 63.

Amendment of
section 64.

Amendment of
section 72.

Amendment of
section 89.

36. Section 63 of the principal Act shall be omitted.

37. In clause (c) of sub-section (1) of section 64 of the principal Act, for the words and figures “section 61, section 62 or section 63”, the words and figures “section 61 or section 62” shall be substituted.

38. To the proviso of sub-section (3) of section 72 of the principal Act, the words and figures “or is, for any of the reasons mentioned in section 9, disqualified for appointment as a Trustee” shall be omitted.

39. In section 89 of the principal Act,—

- (1) for clause (a), the following clause shall be substituted:—
“(a) meeting expenditure for its own purposes or for the purposes of Joint Venture Company constituted under section 35A.”;
- (2) for clause (b), the following clause shall be substituted:—
“(b) repaying any loan taken in the past or to be taken in future under the Act.”.

Amendment of
section 108.

40. In sub-section (3) of section 108 of the principal Act, for the words “capital and revenue funds”, the words “non-recurring and recurring income and expenditure”, shall be substituted.

Amendment of
section 115.

41. In section 115 of the principal Act,—

- (1) in the marginal note of the section, for the words “Imperial Bank of India”, the word “Bank” shall be substituted;
- (2) for the word “Chairman”, the words “Chief Executive Officer” shall be substituted;

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(Clauses 42-54.)

- (3) for the words “Imperial Bank of India”, the words “any Nationalized Bank” shall be substituted;
- (4) the word “the” after the words “paid into” shall be omitted;
- (5) for the words “the account of the Trustees for the improvement of Kolkata”, the words “Kolkata Improvement Trust.” shall be substituted.

Amendment of
section 116.

42. In section 116 of the principal Act,—

- (1) in sub-section (1),—
 - (a) in clause (a), for the words “the Imperial Bank of India”, the words “any Nationalized Bank” shall be substituted;
 - (b) after clause (b), the following clause shall be inserted:—
 - “(c) invested in the purchase of shares of Joint Venture Company constituted under section 35A”.
- (2) in sub-section (2), for the word “Chairman”, wherever it occurs the words “Chief Executive Officer” shall be substituted.

Omission of
section 117.

43. Section 117 of the principal Act shall be omitted.

44. For section 118 of the principal Act, the following section shall be substituted:—

“Order making
deposit,
investment,
withdrawal etc.
118. (1) All orders making any deposit, investment, withdrawal
or disposal under section 116, shall be signed by the Chief Executive
Officer.

(2) All cheques for payment shall be signed by two officers of the Trust, one of whom shall be the Chief Executive Officer or the Secretary and the other one shall be such officer as may be authorized by the Chief Executive Officer.”.

Amendment of
section 119.

45. In section 119 of the principal Act, for the word “Chairman”, wherever it occurs, the words “Chief Executive Officer” shall be substituted.

Amendment of
section 120.

46. In section 120 of the principal Act, for the word “Chairman”, wherever it occurs, the words “Chief Executive Officer” shall be substituted.

Substitution of
new section for
section 121.

47. For section 121 of the principal Act, the following section shall be substituted:—

“Keeping accrual
based accounts.
121. The Board shall draw up a Receipts and Payments Account
and an Income and Expenditure Account on accrual basis for the year
ended on 31st March of each financial year and a Balance Sheet as on 31st March
of each financial year, reflecting the assets and liabilities.”.

Omission of
section 122.

48. Section 122 of the principal Act shall be omitted.

Omission of
section 123.

49. Section 123 of the principal Act shall be omitted.

Omission of
section 124.

50. Section 124 of the principal Act shall be omitted.

Omission of
section 125.

51. Section 125 of the principal Act shall be omitted.

Omission of
section 126.

52. Section 126 of the principal Act shall be omitted.

Omission of
section 127.

53. Section 127 of the principal Act shall be omitted.

Omission of
section 128.

54. Section 128 of the principal Act shall be omitted.

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Bill, 2013.*

(Clauses 55-64.)

Substitution of
new section for
section 129.

55. For section 129 of the principal Act, the following section shall be substituted:—
 “Submission of abstracts of accounts to State Government. 129. The Board shall submit to the State Government at the end of each financial year, the Receipts and Payments Account and the Income and Expenditure Account for the said financial year and the Balance Sheet as on the closing date of the said financial year as per accrual based accounting.”.

Substitution of
new section for
section 137.

56. For section 137 of the principal Act, the following section shall be substituted:—
 “Power of State Government in respect of Arbitrator etc. 137. In addition to the power conferred by section 86, the State Government may make rules for determining the qualifications and disqualifications of, the conditions and mode of election, selection or appointment of, an arbitrator and for regulating the proceedings of arbitrators under section 78C.”.

Amendment of
section 151.

57. In section 151 of the principal Act, the word “Presidency” shall be omitted.

Amendment of
section 152.

58. In section 152 of the principal Act, the word “Metropolitan” shall be omitted.

Amendment of
section 156.

59. In section 156 of the principal Act, for the words “one month”, the words “eighty days” shall be substituted.

Amendment of
section 163.

60. In section 163 of the principal Act, for the word “Chairman”, wherever it occurs, the words “Chief Executive Officer” shall be substituted.

Amendment of
section 164.

61. In section 164 of the principal Act,—
 (1) for the word “two”, wherever it occurs, the word “one”, shall be substituted;
 (2) for the word “newspapers”, wherever it occurs, the word “newspaper” shall be substituted.

Amendment of
section 169.

62. In section 169 of the principal Act, the words, figures and brackets “Not being a share or interest such as, under sub-section (2) of section 9, it is permissible for a Trustee to have without being thereby disqualified for being appointed as a Trustee” shall be omitted.

Amendment of
section 170.

63. In section 170 of the principal Act, for the words “with fine which may extend to fifty rupees”, the words “with imprisonment of either description for a term which may extend to three months or with fine which may extend to five thousand rupees or with both” shall be substituted.

Amendment of
section 171.

64. In sub-section (1) of section 171 of the principal Act,—
 (1) for the word “Chairman”, the words “Chief Executive Officer” shall be substituted;
 (2) in clause (a),—
 (i) for the words “five hundred rupees”, the words “ten thousand rupees” shall be substituted;
 (ii) for the words “fifty rupees”, the words “one thousand rupees” shall be substituted;
 (3) in clause (b),—
 (i) for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted;
 (ii) for the words “ten rupees”, the words “one hundred rupees” shall be substituted.

*The Kolkata Improvement (Amendment)
Bill, 2013.*

(Clauses 65-70.)

Amendment of
section 171A.

65. In section 171A of the principal Act,—

- (1) In clause (b),—
 - (a) for the word “Chairman”, the words “Chief Executive Officer” shall be substituted;
 - (b) in sub-clause (i),—
 - (i) for the words “one hundred rupees”, the words “five thousand rupees” shall be substituted;
 - (ii) for the words “twenty rupees”, the words “one thousand rupees” shall be substituted.
 - (c) in sub-clause (ii),—
 - (i) for the words “ten rupees”, the words “one hundred rupees” shall be substituted;
 - (ii) for the words “five rupees”, the words “fifty rupees” shall be substituted.

Amendment of
section 173.

66. In clause (a) of section 173 of the principal Act, for the words “one hundred”, the words “one thousand” shall be substituted.

Amendment of
section 174.

67. In section 174 of the principal Act,—

- (1) in clause (a), for the word “Chairman”, the words “Chief Executive Officer” shall be substituted;
- (2) in clause (b),—
 - (i) for the words “two hundred”, the words “two thousand” shall be substituted;
 - (ii) for the words “two months”, the words “six months” shall be substituted.

Amendment of
section 174A.

68. In section 174A of the principal Act,—

- (1) for the word “Chairman”, the words “Chief Executive Officer”, shall be substituted;
- (2) for the words “by sale of the materials or other things removed”, the words “from the owner.” shall be substituted.

Insertion of new
section 174B.

69. After section 174A of the principal Act, the following section shall be inserted:—

“Removal of
unauthorized
construction.” 174B. If any person or persons, without the permission of the Chief Executive Officer, erect or re-erect or add to wall or building or any other construction on the land or property belonging to the Trust, the Chief Executive Officer may proceed to remove such wall or building or any other construction and the expenses incurred in effecting such removal shall be recoverable from such person or persons and such person or persons shall be liable to fine which may extend to the amount equal to the cost of such construction.”.

Amendment of
section 177A.

70. In sub-section (1) of section 177A of the principal Act,—

- (1) in clause (b).—
 - (a) the words “and the Chairman, respectively,” shall be omitted;
 - (b) in clause (d), for the words “Board, Committee or the Chairman”, the words “Board or Committee” shall be substituted.

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Bill, 2013.*

(Clause 71.)

Amendment to
Schedule.

71. In the Schedule of the principal Act, in item (bbb) of sub-paragraph (3) of paragraph 9, for the word "Chairman", the words "Chief Executive Officer" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

It has been considered necessary and expedient to amend the Kolkata Improvement Act, 1911 (Ben. Act V of 1911) (hereinafter referred to as the said Act), *inter alia*, with a view to—

- (a) restructuring the set up of the Trust and its functions and for reorganization of the functions of the Chairman, within the meaning of the said Act, to enable the Trust to carry on developmental works smoothly and efficiently;
- (b) to recast the terms and conditions of the tender and contract for the works and supply to the Trust.

2. The Bill has been framed with the above objects in view.
3. There is no financial implication involved in the Bill.

KOLKATA,
The 26th February, 2013.

FIRHAD HAKIM,
Member-in-charge.

By order of the Governor,

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