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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. 211-L.—25th February, 2016.—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 and the Financial Memorandum which accompany it, in the *Kolkata Gazette*, the Bill, the Statement of Objects and Reasons and the Financial Memorandum are accordingly hereby published for general information:—

Bill No. 1 of 2016

**THE WEST BENGAL MUNICIPAL CORPORATION
(AMENDMENT) BILL, 2016.**

**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 purpose and in the manner hereinafter appearing;

West Ben.
Act XXXIX of
2006.

It is hereby enacted in the Sixty-seventh 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, 2016.

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(Amendment) Bill, 2016.*

(Clauses 2, 3.)

(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, and different dates may be appointed for different provisions of this Act.

Amendment of
section 2 of the
West Ben. Act
XXXIX of 2006.

2. In sub-section (1) of section 2 of the West Bengal Municipal Corporation Act, 2006 (hereinafter referred to as the principal Act),—

(a) after clause (1), the following clause shall be inserted:—

‘(1A) “alteration” means the change from one occupancy to another, or the structural change, such as the addition to any area or height, or the removal of a part of a building or the change to the structure, such as the construction or cutting into or removal of any wall, partition, column, beam, joist, floor, or other support, or the change to or closing of any required means of ingress or egress, or the change to any fixture or equipment;’;

(b) for clause (7), the following clause shall be substituted:—

‘(7) “building” means a structure constructed for whatsoever purpose and of whatsoever materials and includes the foundation, plinth, walls, floors, roofs, chimneys, fixed platforms, verandas, balcony, cornice or projection or part of a building or anything affixed thereto or any wall (other than a boundary wall of less than three meters in height) enclosing or intended to enclose any land, signs and outdoor display structures but does not include a tent, samiana or tarpaulin shelter;’;

(c) after clause (B), the following clause shall be inserted:—

‘(8A) “building of the warehouse class” means a building, the whole or a substantial part of which is used, or intended to be used, as a warehouse, factory, manufactory, brewery, or distillery, or for any similar purpose, which is neither a “domestic building” nor a “public building” as defined in this section; and includes a hut used or intended to be used for any of the purposes mentioned in this clause;’;

(d) after clause (16), the following clauses shall be inserted:—

‘(16A) “connected-privy” means a privy which is directly connected with a sewer;

(16B) “connected-urinal” means a urinal which is directly connected with a sewer;’.

Amendment of
section 6.

3. In section 6 of the principal Act,—

(a) after the words “a Corporation area”, the words “with a specific nomenclature”, shall be inserted; and

(b) the following provisos shall be added:—

“Provided that the Governor may change or determine the nomenclature of a Corporation area under this section:

Provided further that for change of nomenclature of a Corporation area the provisions of section 4 and section 5 shall *mutatis mutandis* be followed.”.

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(Amendment) Bill, 2016.*

(Clauses 4-7.)

Amendment of
section 19.

4. In sub-section (1) of section 19 of the principal Act, the words and signs “,not exceeding seven,” shall be omitted.

Amendment of
section 22.

5. In sub-section (1) of section 22 of the principal Act, after the words “such number of boroughs”, the words and signs, “as may be determined by the State Government,” shall be inserted.

Amendment of
section 107.

6. In sub-section (2) of section 107 of the principal Act, after the words “The State Government”, the words and signs “,in the cases where the Act does not empower the Corporation to fix such rates of fees,” shall be inserted.

Substitution of
section 115B.

7. For section 115B of the principal Act, the following section shall be substituted:—

“Exemption of
holdings used
for Information
Technology
Industry and
Information
Technology
Enabled
Services.

115B. (1) The Mayor-in-Council may, with the prior approval of the State Government, exempt from payment of a portion of the property tax not exceeding fifty *percent* of the gross amount of property tax on any land or building, if the applicant submits a certificate to the concerned Corporation every year to the effect that,—

- (a) more than eighty *percent* area of the land and building is being used exclusively for Information Technology or Information Technology Enabled Services, if the same is allowed and is enjoying higher floor area ratio in terms of rule 111 of the West Bengal Municipal (Building) Rules, 2007; or
- (b) at least fifty *percent* of the area of the land and building is being used exclusively for Information Technology Industry or Information Technology Enabled Services, if the same is not allowed higher floor area ratio,

as the case may be, and failure or delay on the part of the applicant to submit the Certificate under this sub-section shall lead to revocation of benefit of such exemption of property tax:

Provided that such exemption shall be allowed only for the first twelve years from the quarter following the date of approval of the State Government, and in case of any new Municipal Corporation, the time, if any, for which such exemption was allowed to any holding under section 102B of the West Bengal Municipal Act, 1993 shall be taken into account for calculating the first twelve years mentioned in this proviso.

Explanation I.—For the purpose of this section Information Technology Industry means the industry exclusively engaged in software programming and software development.

Explanation II.—Information Technology Enabled Services is that sector of Information Technology Industry, which aims at providing various services, through the use of Information Technology. This sector of service includes call centres, claim processing, medical transcription, legal transcription, content development or computer animation, data processing, Computer Aided Engineering and Computer Aided Design, Geographic Information System Services, remote maintenance, revenue accounting, support centres, website services and other operations such as accounting, data

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(Clauses 8-10.)

processing, and data mining, and such other type of services that is not possible to be provided without the use of Information Technology. Apart from this, such other services, as may be determined by the Department of Information Technology, Government of West Bengal, as Information Technology Enabled Services, shall also be deemed to be Information Technology Enabled Services for the purpose of this section.

(2) For the purpose of getting exemption under sub-section (1), the applicant shall, with the application, submit a certificate to be issued by the Department of Information Technology, Government of West Bengal, to the effect that the industry or the service carried on any land or building, in respect of which the exemption under sub-section (1) has been sought for by the applicant, is an Information Technology Industry or Information Technology Enabled Services.”.

Insertion of new section 115D after section 115C.

8. After section 115C of the principal Act, the following section shall be inserted:—

“Exemption of holdings having water bodies.

115D. The Corporation may exempt from payment of a portion of the property tax not exceeding ninety *percent* 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 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 out of purview of this exemption.”.

Amendment of section 119.

9. To sub-section (1) of section 119 of the principal Act, the following proviso shall be added:—

“Provided that where such land or building or portion thereof is occupied by tenant and is used exclusively for residential purposes, the gross annual rent, may, if opted by the owner or the person liable to pay the property tax, be—

- (i) the actual rent including service or other ancillary charges, if any, or;
- (ii) the rent with a weightage factor to the extent of fifty *percent* on the prevailing reasonable rent.”.

Insertion of new sections 127A and 127B after section 127.

10. After section 127 of the principal Act, the following sections shall be inserted:—

“Fast Track Settlement Committee.

127A. In exercising the powers vested under section 127, for the cases where annual value of any land or building determined under the heading “B. Rating and valuation” of this chapter exceeds such amount as may be decided by the Corporation through regulation, the Commissioner may refer the same to a Committee, namely Fast Track Settlement Committee, to be constituted by the State Government for the purpose of examination and recommendation, if any, for carrying out the purposes of section 127.

Constitution of Fast Track Settlement Committee.

127B. The State Government may, by notification, in the *Official Gazette*, constitute a Fast Track Settlement Committee, consisting of such number of members as may be appointed by the State Government and shall function for such period as may be notified by the State Government from time to time. The Corporation shall make regulations relating to the procedures to be followed by the Fast Track Settlement Committee.”.

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(Clauses 11, 12.)

Insertion of new sections 254A and 254B after section 254.

11. After section 254 of the principal Act, the following sections shall be inserted:—

“Layout plans. 254A. (1) The provisions of this Act and the rules and the regulations made thereunder as to 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 (2) of section 254, 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.

(2) Within sixty days of receipt of any application under sub-section (2) of section 254, 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.

(3) 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 the Corporation, 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;
- (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.

(4) 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 layout 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.

Licensed Town planner. 254B. (1) The layout plan shall be prepared by a licensed Town Planner.

(2) The Commissioner may grant to any person a license to act as a Town Planner subject to the possessing of such qualifications or experience and on payment of such fee as may be prescribed:

Provided that every such license shall be renewed after every three years.”.

Amendment of section 259.

12. For sub-section (2) of section 259 of the principal Act, the following sub-section shall be substituted:—

“(2) “occupancy” or “use group” means the principal occupancy for which building or part of a building is used or intended to be used. For the purpose of classification of a building according to occupancy, an occupancy shall be deemed to include

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(Clause 12.)

subsidiary occupancies which are contingent upon it. Building with mixed occupancies shall mean those buildings in which more than one occupancy are present in different portions thereof. The occupancy classification shall unless, otherwise spelt out in any development plan under any law in force for the time being, include—

- (a) “Residential buildings”, that is to say, any buildings in which sleeping accommodation is provided for normal residential purposes with or without cooking facility or dining facility or both; such building shall include one or two or multi-family dwellings, hostels, apartment houses and flats and private garages;
- (b) “Educational buildings”, that is to say, any buildings used for school, college or day-care purposes involving assembly for instruction, education or recreation incidental to educational buildings;
- (c) “Institutional buildings”, that is to say, any buildings or part thereof ordinarily providing sleeping accommodation for occupants and used for the purposes of medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity, care of infants, convalescents or aged persons and or penal for correctional detention in which the liberty of the inmates is restricted; such buildings shall include hospitals, clinics, dispensaries, sanatoria, custodial institutions and penal institutions like jails, prisons, mental hospitals and reformatories;
- (d) “Assembly buildings”, that is to say, any buildings or part thereof where groups of people congregate or gather for amusement or recreation or for social, religious, patriotic, civil travel, sports, and similar other purposes, such buildings shall include theatres, motion picture houses, drive-in-theatres, city halls, town halls, auditoria, exhibition halls, museums, skating rinks, gymnasium, restaurants, eating houses, hotels, boarding houses, lodging or rooming houses, guest-houses, dormitories, places of worship, dance halls, club rooms, gymkhana, passenger stations and terminals of air, surface and other public transportation services, recreation piers and stadia;
- (e) “Business buildings,” that is to say, any buildings or part thereof used for transaction of business for the keeping of accounts and records or for similar purposes; such buildings shall include offices, Banks, professional establishments, court houses, and libraries for the principal function of transaction of public business and keeping of books and records, and shall also include office buildings (premises) solely or principally used as an office or for office purpose,

Explanation.—For the purposes of this clause,—

- (i) the expression “office purpose” shall include the purpose of administration and clerical work (including telephone and telegraph operating and operating computers); and
- (ii) the expression “clerical work” shall include writing, book keeping, sorting papers, typing, filing, duplicating, punching cards or tapes, machine calculating, drawing of matter for publication and editorial preparation of matter for publications;

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(Clause 13.)

- (f) “Mercantile buildings”, that is to say, any buildings or part thereof used as shops, stores or markets for display or sale of merchandise, either wholesale or retail, or for office, storage or service facilities incidental to the sale of merchandise and located in the same building; such building shall include establishments wholly or partly engaged in wholesale trade, manufacturer’s wholesale outlets (including related storage facilities), warehouses and establishments engaged in truck transport (including truck transport booking agencies);
- (g) “industrial buildings”, that is to say, any buildings or structures or part thereof in which products or materials of all kinds and properties are fabricated, assembled or processed as in assembly plants; such buildings shall include laboratories, power plants, smoke houses, refineries, gas plants, mills, dairies, factories workshops, automobile repair garages and printing presses;
- (h) “storage buildings”, that is to say, any buildings or part thereof used primarily for the storage or sheltering of goods, wares or merchandises as in warehouses such building shall include cold storages, freight depots, transit sheds, store houses, public garages, hangars, truck terminals, grain elevators, barns and stables;
- (i) “hazardous building”, that is to say, any buildings or part thereof used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity or which may produce poisonous fumes or explosions during storage, handling, manufacture or processing or which involve highly corrosive, toxic or noxious alkalies, acids or other liquids or chemicals producing flames, fumes, explosions or mixtures of dust or which result in the division of matters into fine particles subject to spontaneous ignition.’.

Amendment of
section 260.

13. In section 260 of the principal Act,—

- (a) for sub-section (2), the following sub-section shall be substituted:—

“(2) The Committee shall have, in addition to the Chairman and the Convenor, ten other members of whom—

- (a) one shall be a nominee of the Metropolitan Development Authority or the Development Authority having jurisdiction over the area.
- (b) one shall be a nominee of the Commissioner of Police or the Superintendent of Police having jurisdiction over the area.
- (c) one shall be a nominee of the Director of Fire Services.
- (d) one shall be a nominee of the State Government.
- (e) one shall be a nominee of the Chief Engineer, Municipal Engineering Directorate, Government of West Bengal.
- (f) one shall be an architect of repute to be selected in consultation with the Council of Architecture constituted under section 3 of the Architects Act, 1972.

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(Clauses 14, 15.)

- (g) one shall be a Town Planner of repute to be selected in consultation with the Institute of Town Planners of India.
 - (h) one shall be a nominee of the Department of Environment, Government of West Bengal.
 - (i) one shall be a nominee of the District Magistrate having jurisdiction over the area, and
 - (j) one shall be a nominee of the Forest Department, Government of West Bengal.”;
- (b) to sub-section (4), following proviso shall be added:—
“Provided that ordinarily at least one meeting shall be held during every calendar month.”; and
- (c) in sub-section (5) for the words and signs “scrutinize every application for erection or re-erection of a building, except for a residential building to be erected or re-erection on a plot of 500 square meters or less of land, and may forward its recommendations to the Mayor-in-Council”, the words and signs “scrutinize every application for erection or re-erection of a building for which notice has been received under section 262, except for a residential building to be erected or re-erection on a plot of 500 square metres or less of land with proposed height of building 15.5m or less and for all other categories of building other than residential building having 8.0m and less of height and shall forward its recommendation, to the Mayor-in-Council” shall be substituted.

Insertion of new sections 261A after section 261.

14. After section 261 of the principal Act, the following section shall be inserted:—

“Prohibition of building without sanction.

261A. No person shall erect or commence to erect any building or execute any of the works specified in section 259 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 on payment of such fees as may be prescribed:

Provided that in the case of allowing incremental Floor Area Ratio over and above the prescribed limit of Floor Area Ratio in the prescribed manner, the rate or fee or charge payable for the additional FAR shall be decided in terms of ‘Circle Rates’ of the State Government, and the formula for this purpose shall be finalized by the State Government; and all such additional rates or fees or charges to be collected on account of granting 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 rates or fees or charges shall be allotted or transferred thereafter to the respective Corporation for undertaking developmental schemes.”.

Substitution of new section for section 262.

15. For section 262 of the principal Act, the following section shall be substituted:—

“Erection of building.

262. 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 together with such fees and containing such information as may be prescribed:

Provided that the Corporation may also levy fees under this section with retrospective effect on case to case basis.”.

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(Amendment) Bill, 2016.*

(Clause 16.)

Insertion of new sections 262A, 262B and 262C after section 262.

16. After section 262 of the principal Act, the following sections shall be inserted:—

“Submission of online application form for sanction of building plan. 262A. (1) Notwithstanding anything contained in this Act, the Corporation may make it mandatory for submission of application for sanction of building plan through online 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 online application shall commence on and from the date as may be notified by the State Government in consultation with the Corporation.

(2) The provisions of section 262 shall not be applicable to the categories of buildings or areas of the Corporation which have been notified by the State Government under sub-section (1) for implementation of this section.

(3) For making provision of submission of online application under sub-section (1), the Corporation shall make wide publication in such manner, as may be prescribed.

(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 online application forms together with fee under this section shall be such as may be prescribed.

Application for addition to or repairs of buildings. 262B. (1) Every person who intends to execute any of the works specified in sub-clauses (b) to (m) of sub-section (1) of section 259 shall apply for sanction by giving notice in writing of his intention to the Commissioner in such form and containing such information as may be prescribed.

(2) Every such notice shall be accompanied by such documents and plans and fees as may be prescribed.

(3) For addition, alteration and repair of any building, falling under the categories of buildings which shall be notified by the State Government under sub-section (1) of section 262A, the modalities, as specified in that section shall be followed *mutatis mutandis*.

Purpose for which building to be used and conditions of validity of notice. 262C. (1) Every person giving any notice of his intention to erect a building under section 259 shall specify the purpose for which such building is intended to be used :

Provided that for any building, not more than one class of use, consistent with the occupancy or the use group within the meaning of sub-section (2) of section 259, shall be considered except in respect of the cases where, under this Act or any other law in force for the time being, mixed occupancies of specified nature may be permissible.

(2) Every person giving any notice under section 262B of his intention to execute any of the works specified in clause (b) of sub-section (1) of section 259 shall specify whether the purpose for which such work is intended to be executed is proposed, or is likely, to be changed by such execution of work :

Provided that if such change would result in mixed occupancies which are contrary to the provisions of this Act or of any other law in force for the time being, such change shall not be allowed.

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(Clause 17.)

(3) No notice shall be valid until the information required in sub-section (1) or sub-section (2) and any other information and plans which may be required by the rules made in this behalf have been furnished to the satisfaction of the Commissioner along with the notice.”.

Substitution of
new section for
section 263.

17. For section 263 of the principal Act, the following section shall be substituted:—

“Sanction or
provisional
sanction or
refusal of
sanction for
erection of
building or
work.

263. (1) The Commissioner shall sanction the erection of a building or the execution of a work unless such creation of building or work would contravene any of the provisions of sub-section (2) or sub-section (3) of this section or the provisions of section 289C or section 289D:

Provided that no such sanction shall be accorded without the prior approval of the Mayor-in-Council in case of any building, except a residential building, proposed to be erected or re-erected on a plot of 500 square meters or less of land, or a heritage building:

Provided further that the Mayor-in-Council shall consider the recommendations of the Municipal Building Committee and those of the Heritage Conservation Committee and shall finalize its decision after such consideration.

(2) The sanction of a building or a work may be refused on the following grounds:—

- (a) that the building or the work or the use of site for the building or the work of any of the particulars comprised in the site plan, ground plan, elevation, section or specification would contravene the provisions of this Act or the rules and the regulations made thereunder or of any other law in force for the time being;
- (b) that the notice for sanction does not contain the particulars or is not prepared in the manner required under the rules and the regulations made in this behalf;
- (c) that any information or document required by the Commissioner under this Act or the rules or the regulations made thereunder has not been duly furnished;
- (d) that in cases requiring a layout plan under section 254 such layout plan has not been sanctioned in accordance with the provisions of this Act;
- (e) that the building or the work would be an encroachment on Government land or land vested in the Corporation;
- (f) that the site of the building or the work does not abut on a street or projected street and that there is no access to such building or work from any such street by any passage or pathway appertaining to such site.

(3) If, for the use of a building, a licence or permission is required from any department of Government or statutory body under any law in force for the time being, and if such licence or permission is not immediately available, a provisional sanction shall be given for the erection of such building and upon the production of such licence or permission and submission of duly authenticated copies thereof, sanction under sub-section (1) shall be given:

Provided that the provisional sanction shall be subject to all other provisions of this Chapter.

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(Clauses 18, 19.)

(4) The Commissioner shall communicate the sanction or the provisional sanction to the person who has given the notice under section 262 or section 262B; and where he refuses sanction or provisional sanction either on any of the grounds specified in sub-section (2) or under section 289C or section 289D, he shall record a brief statement of his reasons for such refusal and shall communicate the refusal along with the reasons therefor to the person who has given the notice.

(5) The sanction or the provisional sanction or the refusal to the erection of a building or the execution of a work shall be communicated in such manner as may be specified in the rules and regulations made in this behalf and, in the case of sanction or provisional sanction to the erection of a building, the occupancy or use group shall be specifically stated in such sanction.

(6) Notwithstanding anything contained in the foregoing provisions of this section, sanction or refusal of sanction of building plan submitted through online under section 262A shall be communicated through online in such manner and in such form as may be prescribed.”.

Insertion of new section 263A after section 263.

18. After section 263 of the principal Act the following section shall be inserted:—

“Manner of processing the application submitted for approval of the building plan.

263A. (1) The Corporation may integrate inter sectional clearance (such as tax clearance, title and mutation clearance etc.) in the forum of Municipal Building Committee constituted under section 260, and the Municipal Building Committee shall also act as a Single Window authority for according sanction of the building plan.

(2) After receipt of online application, the same shall be sent by the Corporation to all the concerned regulatory authorities, such as Fire and Emergency Services Department, Environment Department etc., wherever necessary, for parallel processing of such application.

(3) In cases where plans have been submitted online under section 262A, 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 of sanction of building plans submitted online under section 262A shall be communicated through online in such manner as may be prescribed.”.

Insertion of new sections 264A, 264B and 264C after section 264.

19. After section 264 of the principal Act, the following sections shall be inserted:—

“Sanction accorded under misrepresentation.

264A. If, at any time after the communication of sanction or provisional sanction to the erection of any building or the execution of any work, the Commissioner is satisfied that such sanction or provisional sanction was accorded in consequence of any material misrepresentation or any fraudulent statement in the notice given or information furnished under section 262 or section 262B or section 262C, he may, by order in writing, cancel, for reasons to be recorded, such sanction or provisional sanction, and any building or any work, commenced, erected or executed shall be deemed to have been commenced, erected or executed without such sanction and shall be dealt with under the provisions of this Act:

Provided that before making any such order, the Commissioner shall give a reasonable opportunity of hearing to the person affected as to why such order should not be made.

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(Amendment) Bill, 2016.*

(Clause 20.)

When building
or work may be
proceeded with.

264B. (1) Where within a period of sixty days or, in cases falling under clause (b) to clause (m) of sub-section (1) of section 259, within a period of thirty days of the receipt of any notice under section 262 or section 262B or of any information under section 262C, Commissioner does not refuse the sanction to the erection of any building or the execution of any work or, upon refusal, does not communicate the refusal to the person who has given the notice, such person may make a representation in writing to the Mayor:

Provided that if it appears to the Commissioner that the site of the proposed building or work is likely to be affected by any scheme of acquisition of land for any public purpose or by any proposed regular line of a public street or extension, improvement, widening or alteration of any street, the Commissioner may withhold sanction to the erection of the building or the execution of the work for such period, not exceeding six months, as he may deem fit, and the period of sixty days or, as the case may be, the period of thirty days, specified in this sub-section, shall be deemed to commence from the date of the expiry of the period for which the sanction has been withheld.

(2) Where the erection of a building or the execution of a work is sanctioned, the person who has given the notice shall erect the building or execute the work in accordance with such sanction and shall not contravene any of the provisions of this Act or the rules or the regulations made thereunder or of any other law in force for the time being.

(3) If the person as aforesaid or anyone lawfully claiming under him does not commence the erection of the building or the execution of the work within two years of the date on which the erection of the building or the execution of the work is sanctioned, he shall give notice under section 262, or, as the case may be, under section 262B for fresh sanction and the provisions of this section shall apply in relation to such notice as they apply in relation to the original notice.

(4) Such person shall, before commencing the erection of the building or the execution of the work within the period specified in sub-section (3), give notice to the Commissioner of the proposed date of commencement of such erection or such execution:

Provided that if the commencement does not take place within fifteen days of the date so notified, the notice shall be deemed not to have been given and fresh notice shall be necessary in this behalf.

Power to stop
excavation.

264C. If, during excavation or any other operation for the purpose of construction of any building or execution of any work, any of the underground utilities (such as, electric or telephone cables, water-supply, sewerage and drainage mains, and gas pipes) is touched or is likely to be touched, or if the Commissioner is of opinion that such excavation may cause danger to public, the Commissioner may, by a written order, stop forthwith any such excavation or other work till the matter is investigated and decided to his satisfaction.”.

Substitution of
new section for
section 265.

20. For section 265 of the principal Act, the following section shall be substituted:—

“Period of
completion of
building work.

265. The Commissioner shall, when sanctioning the erection of a building or the execution of a work specify a reasonable period within which the building or the work is to be completed, and if the building or the work is not completed within the period so specified, it shall not be continued thereafter without fresh sanction obtained in the manner hereinbefore provided, unless the Commissioner, on an application made in this behalf, allows an extension of such period.”.

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(Amendment) Bill, 2016.*

(Clause 21.)

Substitution of
new section for
section 266.

21. For section 266 of the principal Act, the following section shall be substituted:—

“Order of
demolition of
building or
stoppage of
erection of
buildings in
certain cases and
appeal.

266. (1) Where the erection of any building or the execution of any work has been commenced, or is being carried on, or has been completed without or contrary to the sanction referred to in section 263 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 demolished by the person at whose instance the erection or the work has been commenced or is being carried on or has been completed within such period, not being less than five days and more than fifteen days from the date on which a copy of the order of demolition with a brief statement of the reasons therefor has been delivered to such person, as may be specified in the order:

Provided that no order of demolition shall be made unless such person has been given, by means of a notice served in such manner as the Commissioner may think fit, a reasonable opportunity of showing cause why such order shall not be made :

Provided further that where the erection or the execution has not been completed, the Commissioner may by the same order or by a separate order, whether made at the time of the issue of the notice under the first proviso or at any other time, direct such person to stop the erection or the execution until the expiry of the period within which an appeal against the order of demolition if made may be preferred under sub-section (3).

Explanation.—In this chapter, “the person at whose instance” shall mean the owner, occupier or any other person who causes the erection of any building or execution of any work to be done, including alterations or additions if any, or does it by himself.

Provided also that the Commissioner, 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 from the Municipal Fund.

(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 property tax 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 section 295A.

(4) Where an appeal is preferred under sub-section (3) against an order made under sub-section (1), the Municipal Building Tribunal may stay the enforcement of the order on such terms, if any, and for such period, as it may think fit:

Provided that where the erection of any building or the execution of any work has not been completed at the time of the order made under sub-section (1), no order staying the enforcement of the order made under that sub-section shall be made by the Municipal Building Tribunal unless a surety, sufficient in the opinion of the said Tribunal, has been given by the appellant for not proceeding with such erection or work pending the disposal of the appeal.

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(Amendment) Bill, 2016.*

(Clauses 22, 23.)

(5) Save as provided in this section, 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.

(6) Every order made by the Municipal Building Tribunal on appeal and, subject to such order, the order made by the Municipal Commissioner under sub-section (1) shall be final and conclusive.

(7) Where no appeal has been preferred against an order made by the Commissioner under sub-section (1) or where an order under that sub-section has been confirmed on appeal, whether with or without modification, the person against whom the order has been made shall comply with the order within the period specified therein, or as the case may be, within the period, if any, fixed by the Municipal Building Tribunal on appeal, and on the failure of such person to comply with the order within such period, the Commissioner may himself cause the building or the work to which the order relates to be demolished and the expenses of such demolition shall be recoverable from such person as an arrear of tax under this Act.

(8) 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 a work being carried on in contravention of the provisions of this Act, it may, for reasons to be recorded in writing, cause such building or work to be demolished forthwith.”.

Substitution of new section for section 269.

22. For section 269 of the principal Act, the following section shall be substituted:—

“Engagement of Technical persons. 269. (1) Every person, who intends to erect, add to, or alter, any building, shall, subject to the provisions of this Act, engage such technical person and in such manner as may be prescribed.

(2) The categories, the qualifications, competence, duties and responsibilities and the manner of enrolment, of the technical persons shall be such as may be prescribed.

(3) If, in any case, any loss of life or property is caused, or is likely to be caused, by reason of any misconduct on the part of a technical person engaged under sub-section (1), such technical person shall be subject to the provisions of section 295.

Explanation.— For the purposes of this section, the expression “technical person” shall mean a technical consultant.”.

Substitution of new section for section 272.

23. For section 272 of the principal Act, the following section shall be substituted:—

“Prohibition on change of use of building. 272. (1) No person shall, without any written permission of the Commissioner or otherwise than in conformity with the conditions, if any, of such permission—

- (a) use or permit to be used for the purpose of human habitation any part of a building not originally erected or authorized to be used for such purpose;
- (b) change or allow the change of the use of any building for any purpose other than that specified in the sanction under section 263;
- (c) change or allow the change of the use of any building erected before the commencement of this Act contrary to the use for which such erection was originally sanctioned;
- (d) convert or allow the conversion of a tenement under a particular occupancy or use group to a tenement under another occupancy or use group:

*The West Bengal Municipal Corporation
(Amendment) Bill, 2016.*

(Clause 23.)

Provided that no such permission shall be given if the new occupancy or use group is otherwise than in conformity with the provisions of this Act or the rules and the regulations, made thereunder or of any other law in force for the time being.

(2) If, in any case, such permission is given, no change of occupancy or use group shall be allowed before any necessary alterations or provisions have been made to the satisfaction of the Commissioner and in accordance with the provisions of this Act or the rules and the regulations made thereunder or of any other law in force for the time being.

(3) Notwithstanding any other action that may be taken against any person whether owner or occupier or both, contravening any provision of this section, the Commissioner may levy on such person in accordance with such scale as may be determined by regulations, a fine not exceeding in each case rupees one hundred per square metre per month for the area under unauthorized use throughout the period during which such contravention continues.

(4) The Commissioner may, if he deems fit, order that the unauthorized use be stopped forthwith :

Provided that before making any such order, the Commissioner shall give a reasonable opportunity to the person affected to show cause why such order should not be made.

(5) Any person aggrieved by an order of the Commissioner under sub-section (4) may, within thirty days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal appointed under section 295A.

(6) Where an appeal is preferred under sub-section (5), the Municipal Building Tribunal may stay the enforcement of the order on such terms, if any, and for such periods, as it may think fit:

Provided that the fine levied under sub-section (3) shall not be waived under this sub-section.

(7) Save as otherwise provided in this section, no Court shall entertain any suit, application or other proceeding for injunction or other relief against Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of this section.

(8) Every order made by the Municipal Building Tribunal on appeal and subject to such order, the order of the Commissioner under sub-section (4) shall be final and conclusive.

(9) Where no appeal has been preferred against an order made under sub-section (4) or where an order under that sub-section has been confirmed on appeal, whether with or without modification, the person against whom such orders has been made shall comply with the same within the period specified therein, or, as the case may be, within the period, if any, fixed by Municipal Building Tribunal on appeal, and on the failure of such person to comply with such order within such period, the Commissioner may require any police officer or any employee of the Corporation to seal up such area after evicting all persons therefrom to prevent its unauthorized use.”.

*The West Bengal Municipal Corporation
(Amendment) Bill, 2016.*

(Clauses 24, 25.)

Insertion of new
section 273A
after section 273.

24. After section 273 of the principal Act, the following section shall be inserted:—

“Allowing
Trade/Business
along major
roads.

273A. (1) In residential buildings alongside major roads commercial or trade activities, which are non-hazardous in nature, as specified in Schedule IVA of the Act, wherein Wine and Liquor Shops are not included, may be allowed and legalized by issuance of Certificate of Enlistment against receipt of appropriate fees, subject to condition that the residential buildings may be allowed to use a maximum of 45% of the total floor area for such non-hazardous office or commercial purposes. No hazardous activity involving use of explosives, gas, etc. will be permitted in the residential neighbourhoods.

(2) Any extension of the list, mentioned in Schedule IVA would require approval of the Standing Committee of the Cabinet on Industries, Infrastructure and Employment.

(3) The fees shall be decided upon by Finance Department in consultation with Department of Municipal Affairs and Urban Development Department.

(4) The Corporation shall be the authority to issue permission to the owner or licensee to carry out non-hazardous trade or office in a part of the residential building, directly, or through sub-lease or letting. On the basis of self declaration of the owner or lessee of the residential building, and submission of requisite fees, permission will be granted by the Corporation to the owner or original lessee or original sub-lessee as the case may be, immediately, as per law.

(5) The application fee for seeking such permission will be Rs. 500/- and the permission fee for allowing such non-hazardous trade will be Rs. 80/- per sq. ft. which may be paid by the owner or lease holder, as the case may be, on a yearly basis, at the time of property tax deposit.

(6) Requisite enlistment certificate from the Corporation has to be obtained by the trader concerned from the Corporation.

(7) The trader will obtain requisite permission, if necessary, from any other concerned authority for the specific enlisted category of business activities.”.

Insertion of new
section 280A
after section 280.

25. After section 280 of the principal Act, the following section shall be inserted:—

“Power of the
Commissioner to
require alteration
of work.

280A. (1) The Commissioner may, at anytime during the erection of any building or the execution of any work or at any time within three months after the completion thereof, by a written notice, specify any matter in respect of which such erection or execution is without or contrary to the sanction referred to in section 263 or is in contravention of any condition of such sanction or of any of the provisions of this Act or the rules or the regulations made thereunder and require the person who gave the notice under section 262 or section 262A or the owner of such building or work either—

(a) to make such alterations as may be specified by the Commissioner in the notice with the object of bringing the building or the work in conformity with such sanction or such condition of such sanction or such provisions of this Act or the rules or the regulations made thereunder, or

(b) to show cause, within such period as may be stated in the notice, why such alterations should not be made.

(2) If such person or such owner does not show any cause as aforesaid, he shall be bound to make the alterations specified in the notice.

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(Amendment) Bill, 2016.*

(Clauses 26-28.)

(3) If such person or such owner shows the cause as aforesaid, the Commissioner shall, by an order, either cancel the notice issued under sub-section (1) or confirm the same subject to such modifications as he thinks fit.”.

Substitution of new section for section 282.

26. For section 282 of the principal Act, the following section shall be substituted:—

“Completion Certificates.

282. (1) Every person giving notice under section 262 or section 262A or every owner of a building or a work to which notice relates shall, within one month after the completion of erection of such building or execution of such work, deliver or send or cause to be delivered or sent to the Commissioner a notice, in writing, of such completion accompanied by a certificate in the form specified in the rules made in this behalf and shall give to the Commissioner all necessary facilities for inspection of such building or work.

(2) No person shall occupy or permit to be occupied any such building or use or permit to be used any building or a part thereof affected by any such work until permission has been granted by the Commissioner in this behalf in accordance with the rules and the regulations made under this Act:

Provided that if the Commissioner fails, within a period of thirty days of receipt of the notice of completion, to communicate his refusal to grant such permission, such person may make a representation in writing to the Mayor.”.

Substitution of new section for section 284.

27. For section 284 of the principal Act, the following section shall be substituted:—

“Provisions against use of inflammable materials for buildings, etc. without permission.

284. (1) No roof, verandah, pandal or wall of a building or no shed or fence shall be constructed or reconstructed of cloth, grass, leaves, mats or other inflammable materials except with the written permission of the Commissioner, nor shall any such roof, verandah, pandal, wall, shed or fence constructed or reconstructed in any year, be retained in a subsequent year except with the fresh permission obtained in this behalf.

(2) Every permission granted under sub-section (1) shall expire at the end of the year for which it is granted.

(3) The Commissioner may regulate the use of materials, design or construction, or other practices for interior decoration in accordance with the rules and the regulations made in this behalf.”.

Insertion of new sections 289A, 289B, 289C and 289D after section 289.

28. After section 289 of the principal Act, the following sections shall be inserted:—

“Power to order building to be vacated in certain circumstances.

289A. (1) The Commissioner may, by order in writing, direct that any building, which in his opinion is in a dangerous condition or is not provided with sufficient means of egress in case of fire or is occupied in contravention of section 263 or section 282, be vacated forthwith or within such period as may be specified in the order:

Provided that at the time of making such order, the Commissioner shall record a brief statement of the reasons therefor.

(2) If any person fails to vacate the building in pursuance of such order, the Commissioner may direct any police officer to remove such person from the building and the police officer shall comply with such direction.

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(Clause 28.)

(3) The Commissioner shall, on the application of any person who has vacated or has been removed from any building in pursuance of any order or any direction, as the case may be, under this section, reinstate such person in the building as soon as the circumstances permit.

Inspection of buildings. 289B. (1) The Commissioner may, at any time during the erection or re-erection of a building or the execution of any work under this Act, make an inspection thereof without giving any previous notice of his intention so to do.

(2) The Commissioner may inspect any existing building at any time by giving seven days' notice in advance.

Buildings at corners of streets. 289C. (1) Notwithstanding the provisions of this Act or the rules and the regulations made thereunder or of any other law in force for the time being, the Commissioner may, in the case of any building which is intended to be erected at the corner of two streets—

- (a) refuse sanction for such reasons as may be recorded in writing, or
- (b) impose restrictions on its use, or
- (c) place special conditions concerning exit to or entry from any street, or
- (d) require it to be rounded off or splayed or cut off to such height and to such extent as he may determine, or
- (e) acquire such portion of the site at the corner as he may consider necessary for public convenience or amenity :

Provided that no such action shall be taken without any scrutiny of such case by the Municipal Building Committee and without prior approval of the Mayor-in-Council in accordance with the provisions of this Chapter.

(2) The Commissioner may, by a written order, require any alteration corresponding to any of the conditions in clauses (b) to (e) of sub-section (1) to be made to any building completed before the commencement of this Act.

Provisions as to buildings and works on either side of new streets or near flyovers or transportation terminals. 289D. (1) The sanction to the erection of any building or the execution of any work on either side of a new street may be refused by the Commissioner unless and until such new street has been levelled, and, in the opinion of the Commissioner, where practicable, metalled or paved, drained, lighted and laid with a water main, to his satisfaction.

(2) The sanction to the erection of any such building or the execution of any such work may be refused by the Commissioner if such building or any portion thereof or such work comes within the regular line of any street, the position and direction of which has been laid down by the Commissioner but which has not been actually erected or executed, or if such building or any portion thereof or such work is in contravention of any building plan or any other scheme or plan prepared under this Act or any other law in force for the time being in force.

(3) The Commissioner may refuse permission for the erection or re-erection of any building, which when completed, will be within such distance from a flyover or over-bridge or transportation terminal or other construction as may be prescribed under the rules and the regulations made in this behalf.”

*The West Bengal Municipal Corporation
(Amendment) Bill, 2016.*

(Clause 29.)

Insertion of new sections 295A and 295B after section 295.

29. After section 295 of the principal Act, the following sections shall be inserted:—

“Municipal Building Tribunal for Corporation. 295A. (1) The State Government shall, by notification in the *Official Gazette*, appoint a Municipal Building Tribunal (hereinafter referred to as “the Tribunal”) for each of the Corporations under this Act to hear and decide appeals under this Chapter as and when required, upon obtaining formal proposal for this purpose.

(2) The Tribunal shall consist of a Chairman and such other members not exceeding fourteen as the State Government may determine.

(3) The Chairman shall be a person who is or has been a member of the West Bengal Judicial Service having such experience as may be prescribed.

(4) A Technical Member shall be a person who shall have knowledge or experience in town planning, civil engineering or architecture as may be prescribed.

(5) The Chairman and the other members of the Tribunal shall be appointed by the State Government for such period and on such terms and conditions as the State Government may determine, and shall be paid out of the Municipal fund:

Provided that a Councillor or a person who is, or has been, an officer or employee of the Corporation shall not be eligible for appointment as a member of the Tribunal.

(6) The State Government may, if it thinks fit, remove for incompetence or misconduct or any other good or sufficient reasons the Chairman or a member appointed under this section.

(7) The Tribunal shall have an establishment consisting of such officers and other employees appointed on such terms and conditions as may be prescribed. The expenses of the Tribunal shall be paid out of the municipal fund of the respective Corporation.

(8) The provisions of Part II and Part III of the Limitation Act, 1963, relating to appeal shall apply to every appeal preferred under this section. 36 of 1963.

(9) No court shall have jurisdiction in any matter for which provisions is made in this Chapter for appeal to the Tribunal.

(10) Notwithstanding anything contained in the Chapter, the State Government may appoint for any or all the Corporations under this Act, any other Municipal Building Tribunal under any other law for the time being in force and such Tribunal shall exercise powers of the Tribunal under this Act.

Municipal Building Code. 295B. (1) The State Government may make rules—

- (a) for the regulation or restriction of the use of sites for building, and
- (b) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred under sub-section (1), the rules made thereunder may provide for all or any of the following matters:—

- (a) information and plans to be submitted together with application under any of the provisions of this Chapter,
- (b) requirements of sites,
- (c) means of access,
- (d) development of land into land subdivision and layout,

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(Clause 30.)

- (e) land use classification and uses,
- (f) open spaces, area and height limitations,
- (g) parking spaces,
- (h) requirements of parts of buildings including plinth, habitable room, kitchen, pantry, bathroom and water closet, loft, ledge, mezzanine floor, store room, garage, roof, basement, chimney, lighting and ventilation of room, parapet, wells, septic tanks and boundary wall,
- (i) provision of lifts,
- (j) exit requirements including doorway, corridor, passageways, staircases, ramps and lobbies,
- (k) fire protection requirements including materials and designs for interior decoration,
- (l) special requirements of occupancies for residential building, educational building, institutional building, assembly building, business building, mercantile building, industrial building, storage building and hazardous building (including those for assembly, movement, parking, loading, unloading, public conveniences, water-supply and vendors plazas),
- (m) structural design,
- (n) quality of materials and workmanship,
- (o) alternative materials, methods of design, and construction and tests,
- (p) building services including electric supply, air-conditioning or heating and telephones and telex,
- (q) plumbing services,
- (r) signs and outdoor display structures, and
- (s) any features to be included in building plans under Chapter XI or Chapter XVI of this Act.”.

Insertion of new section 373A after section 373.

30. After section 373 of the principal Act, the following section shall be inserted:—

“Application of the provisions of the Kolkata Municipal Corporation Act, 1980.

373A. (1) Notwithstanding anything contained in this Act, if the Corporation feels that the provisions of the Kolkata Municipal Corporation Act, 1980 is more befitting than the provisions of this Act in any of the cases, the Corporation may, with the prior approval of the State Government, by a reasoned order make such provision of the Kolkata Municipal Corporation Act, 1980 applicable in the Corporation for the case or cases for which approval of the State Government has been obtained:

West Ben. Act
LIX of 1980.

Provided that the State Government, if it feels necessary, may, by reasoned order, make any of the provisions of the Kolkata Municipal Corporation Act, 1980 applicable in any or all of the Corporations.

(2) After issuance of any order under sub-section (1), the provisions of the Kolkata Municipal Corporation Act, 1980 be made applicable by such order shall prevail over the similar provisions of this Act in the case or cases of the Corporation mentioned in such order.”.

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(Clause 31.)

Insertion of new
schedule IVA
after Schedule
IV.

31. After Schedule IV of the principal Act, the following Schedule shall be inserted:—

“Schedule IVA

[see section 273A (1)]

Permissible category of business activities of non residential in nature in residential buildings shall be as follows:—

- (i) Art School;
- (ii) Books/Magazines/ Cards/ Newspaper/Office Stationary Shop;
- (iii) Boutique Shop;
- (iv) Consultancy Centre;
- (v) Coaching Centre;
- (vi) Digital Offset Printing Centre;
- (vii) Doctors Consultation Chamber;
- (viii) Florist (floral) Shop;
- (ix) Gift Shop;
- (x) Hobby Centre;
- (xi) Kids Shop (garments/books/toys);
- (xii) Library Books, CDs, VCEs, DVDs Shop;
- (xiii) Mobile Shop;
- (xiv) Multi-gym and fitness centre;
- (xv) Photocopying Centre;
- (xvi) Soft drinks Shop;
- (xvii) STD/ISD Centre;
- (xviii) Studio Photography;
- (xix) Snack Bar (without manufacturing unit);
- (xx) Tea/ Coffee Shop;
- (xxi) Office of Travel Agent;
- (xxii) Yoga Centre;
- (xxiii) ITes & Software;
- (xxiv) Financial Service;
- (xxv) Architecture firms;
- (xxvi) Sales Counter for Self Help Groups;
- (xxvii) Sales Counter for Handicrafts Products,
- (xxviii) Grocery Shop;
- (xxix) Bank/ATMs;

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- (xxx) Medicine Shops;
- (xxxii) Saloon;
- (xxxiii) Diagnostic Centre,
- (xxxiiii) Sweetmeat Shops;
- (xxxv) Tailoring Shops;
- (xxxvi) Cottage Industry Products;
- (xxxvii) Hardware Shops;
- (xxxviii) Garment Shops;
- (xxxix) Meat and Fish Shops;
- (xl) Dry Food Shops;
- (xli) Lawyer's Chambers;
- (xlii) Ice-Cream Shops."

STATEMENT OF OBJECTS AND REASONS.

It is observed that during last couple of years nature of urbanization has changed manifold and in tune with the increasing urbanization, growth in construction works which are taking place in all Municipal Corporations are quite similar in nature to Kolkata Municipal Corporation. So, it is felt that introduction of same set of laws and rules particularly in the context of construction work and building related activity in all corporations could address the necessity in right manner. It is also observed that the existing sets of laws and rules for the same which are in force in Kolkata Municipal Corporation and Howrah Municipal Corporation will be able to deal with the issues since these rules are more effective and meticulous to handle the present growth.

2. Apart from that, due to reorganisation of Municipal Corporations in the State, it has become necessary to make some provisions so as to run day to day functioning of the Corporations more effective.

3. In view of this, it is considered necessary and expedient to amend the West Bengal Municipal Corporation Act, 2006 (West Ben. Act XXXIX of 2006) to make it more effective. The Bill, *inter alia*, provides provision for—

- (a) a Corporation area for having a specific nomenclature;
- (b) determination of number of Mayor-in-Councils and Borough Committee by the State Government;
- (c) determining the time period and modalities of exemption from payment of the property tax on any land or building, which is exclusively used for Information Technology Industry or Information Technology Enabled Services and enjoying higher Floor Area Ratio or otherwise as provided in the law;
- (d) exemption from property tax on pond, tank and water body in nature, either whole or a part thereof, subject to that the actual pond/tank/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;

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- (e) constitution of Fast Track Settlement Committee for disposal for the purposes of the said Act;
 - (f) submission of on-line application form for sanction of a building plan;
 - (g) processing the application submitted for approval of the building plan;
 - (h) allowing trade/businesses along major roads;
 - (i) determining the rate/fees/charge payable for allowing additional Floor Area Ratio in respect of buildings, in terms of the "Circle Rate" of the State Government of West Bengal and proceeds thereof;
 - (j) empowering the State Government to constitute Municipal Building Tribunal for each Municipal Corporation to deal with issues which are in contravention to the building construction;
 - (k) introduction of provision for Municipal Building Code to restrict the use of sight for building construction;
 - (l) inclusion of a new schedule indicating list of permissible category of business activities of non-residential in nature in residential building.
4. The Bill has been framed with the above objects in view.

KOLKATA,
The 24th February, 2016.

FIRHAD HAKIM,
Member-in-Charge.

FINANCIAL MEMORANDUM.

There is financial implication involved in the Bill. Necessary budgetary provision to this effect shall be made by the administrative Department in consultation with the Finance Department.

KOLKATA,
The 24th February, 2016.

FIRHAD HAKIM,
Member-in-Charge.

By order of the Governor,

MADHUMATI MITRA,
*Secy. to the Govt. of West Bengal,
Law Department.*