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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. 269-L,—8th March, 2017.—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. 20 of 2017

**THE KOLKATA MUNICIPAL CORPORATION
(AMENDMENT) BILL, 2017.**

**A
BILL**

to amend the Kolkata Municipal Corporation Act, 1980.

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

West Ben. Act
LIX of 1980.

It is hereby enacted in the Sixty-eighth 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 Municipal Corporation (Amendment) Act, 2017.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

*The Kolkata Municipal Corporation
(Amendment) Bill, 2017.*

(Clause 2.)

Insertion of new section after section 412 of the West Ben. Act LIX of 1980.

2. After section 412 of the Kolkata Municipal Corporation Act, 1980, the following section shall be inserted:—

"Power to declare building or any part thereof condemned and to order demolition of such building.

412A. Notwithstanding anything contrary contained in this Act, or in any other law for the time being in force or in any agreement, custom or usage or in any decree, judgement, decision or award of any court, tribunal or authority, where it appears to the Municipal Commissioner that demolition of a dangerous building under section 411 will cause hardship to the persons in occupation of such building and may not be conducive to public interest in the urban area suffering from acute shortage of accommodation, it will be open to the Municipal Commissioner to proceed in the manner, and take the steps, as set out, hereunder:—

- (i) issue a notice to the owner and also occupier recorded as such in the records of the Corporation calling upon them to show cause, within such period as may be prescribed, why the building in question or any portion thereof shall not be declared to be condemned for the purpose of this section and after hearing the causes shown within the said period or such further period as may be granted, if it is found necessary in public interest to declare the building or any portion thereof condemned and should be demolished immediately for public safety, the declaration may be made to that effect requiring the building or the specified portion thereof to be demolished;
- (ii) a copy of the declaration under clause (i) shall be served upon the owner and occupants who are recorded in the records of the Corporation as also pasted on the outdoor of the building requiring the owner and the occupants to vacate the premises within a month from the date of service and pasting of such declaration or within such extended period as may be granted;
- (iii) simultaneously with the making of the declaration under clause (ii), the Corporation will serve a notice upon the owner or owners, as the case may be, and paste it on the outdoor of the building providing an option to the owner or owners, as the case may be, of the building to reconstruct the building according to the plan to be sanctioned by the Corporation with such expedition as possible and providing for maximum floor area necessary for accommodating the erstwhile occupier or occupiers, as the case may be, and additional floors as may be required for recovery of the expenses for construction after relaxation of the applicable building rules. In the event, the owner or owners as the case may be, so agreeing and applying, the Corporation shall allow a building plan submitted for the purpose to be sanctioned with additional floors and floor areas so as to provide for the recovery of the expenses to be incurred;
- (iv) in the event of disagreement or disinclination on the part of owner or owners, as the case may be, to avail of the opportunity contemplated under clause (iii), the owner or owners, as the case may be, keeping the building in dilapidated condition which may likely cause the environment pollution, fire hazards, unsafe to public safety, health hazards, nuisance etc. shall be subject to such action as provided in the law for the time being in force;
- (v) subject to the provisions of this section, the Corporation may cause development work in respect of the dilapidated building in such transparent manner, and on such conditions, as may be prescribed by Scheme, by the Corporation."

*The Kolkata Municipal Corporation
(Amendment) Bill, 2017.*

STATEMENT OF OBJECTS AND REASONS.

It is felt that mere demolition of a dangerous building under relevant provision of the Kolkata Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980) will cause hardship to the persons in occupation of such building and may not be conducive to public interest in the urban areas suffering from acute shortage of accommodation and as such it is considered necessary to give opportunities to the owners to re-construct the dilapidated buildings in order to protect the lives and property of occupiers within the jurisdiction of Kolkata Municipal Corporation.

2. It is therefore, considered necessary and expedient to amend the Kolkata Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980) to make, *inter alia*, provisions for the purpose of giving opportunities to the owners to re-construct the dilapidated buildings in order to protect the lives and property of occupiers within the jurisdiction of Kolkata Municipal Corporation, failing which the Kolkata Municipal Corporation may cause the reconstruction of the dilapidated buildings.

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

4. There is no financial implication involved in giving effect to the provision of the Bill.

KOLKATA,
The 8th March, 2017.

FIRHAD HAKIM,
Member-in-Charge.

By order of the Governor,

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