

The



Kolkata Gazette

सत्यमेव जयते

Extraordinary
Published by Authority

SRAVANA 8]

TUESDAY, JULY 30, 2019

[SAKA 1941]

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 803-L.—30th July, 2019.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VI of 2019

THE HOWRAH MUNICIPAL CORPORATION
(AMENDMENT) ACT, 2019.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 30th July, 2019.]

An Act to amend the Howrah Municipal Corporation Act, 1980.

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

West Ben. Act
LVIII of 1980.

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

1. (1) This Act may be called the Howrah Municipal Corporation (Amendment) Act, 2019.

*The Howrah Municipal Corporation
(Amendment) Act, 2019.*

(Sections 2-7.)

(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.

Amendment of
section 8 of the
West Ben. Act
LVIII of 1980.

2. To section 8 of the Howrah Municipal Corporation Act, 1980 (hereinafter referred to as the principal Act), the following provisos shall be added:—

“Provided that the elected members of the Corporation may also elect an individual who is not a member of the Corporation to be the Mayor provided that he gets himself elected to be a member of the Corporation within six months from the date of such election, failing which, he shall cease to be the Mayor of the Corporation:

Provided further that no elected member of the Corporation or individual shall be eligible for election to the post of the Mayor unless he declares in writing under his hand that on being elected, he shall be the whole-time functionary of his office and that during the period for which he holds, or is due to hold, such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment, or he shall not carry on or be associated with any business, profession or calling, in such manner as shall interfere or likely to interfere with due exercise of his powers or due performance of his functions or due discharge of his duties.”.

Amendment of
section 53.

3. After second proviso to sub-section (2) of section 53 of the principal Act, the following proviso shall be inserted:—

“Provided also that if, for any reason, it is not possible to hold the election before expiry of the period of six months under this sub-section, the State Government may, by notification, extend the term of such person or persons to be designated as the Administrator or the Board of Administrators, as the case may be, appointed under clause (b) of sub-section (1) of section 54, for such further period not exceeding twelve months.”.

Amendment of
Chapter VIII of
Part IV.

4. In Part IV of Chapter VIII of the principal Act, for the words in the Heading “G. Tax on advertisements”, the words “G. Provisions regulating advertisement other than advertisements in newspapers” shall be substituted.

Amendment of
section 87.

5. In section 87 of the principal Act, clause (c) of sub-section (1) shall be omitted.

Amendment of
section 102C.

6. In section 102C of the principal Act,—

(1) in the first proviso to sub-section (1), after the words “owner”, the words “or the lessee, sub-lessee or the occupier” shall be inserted;

(2) in sub-section (2),—

(i) in clause (a), the words “use of the particular site for” shall be omitted;
(ii) in clause (c), for the word ‘tax’, the word ‘fees’ shall be substituted.

Amendment of
section 102D.

7. In section 102D of the principal Act,—

(1) for the marginal heading “License for use of site for purpose of advertisement.”, the marginal heading “License for the purpose of advertisement.” shall be substituted;

(2) after sub-section (6), the following sub-sections shall be inserted:—

“(7) If any person erects, exhibits, fixes or retains any advertisement referred to

*The Howrah Municipal Corporation
(Amendment) Act, 2019.*

(Sections 8-10.)

in this Chapter, by any means, without paying the fees under this Chapter, he shall be punished with fine which may extend to three times the amount payable as such fees, and shall not ordinarily be less than one-and-a-half times the amount of such fees.

(8) No license fee shall be levied under this section for any advertisement or upon a person where—

- (a) such advertisement relates to “non-Commercial advertisement” or “advertisement related to public interest” as defined in the Explanation to sub-section (4) of section 102C; or
- (b) such person holding Certificate of Enlistment under section 102 of the Act for displaying his trade name at his place of business recorded in such certificate:

Provided that exemption under this item shall apply only to one board displayed within the meaning of this Clause:

Provided further that license fee would be chargeable upon any person for commercial display for advertisement of its business if such advertisement is displayed in the place of business of any other person holding a Certificate of Enlistment under section 102 whether or not the latter acts to further his business; or

- (c) such advertisement is exhibited within the window of any building if the advertisement relates to the trade, profession, or business carried on in that building; or
- (d) such advertisement is exhibited within any land or building that relates to any sale or letting of such land or building or any effects therein or to any sale, entertainment or meeting to be held on or upon in the same; or
- (e) such advertisement relates to the name of the land or building upon or over which the advertisement is exhibited or to the name of the owner or occupier of such land or building; or
- (f) such advertisement relates to the business of a railway administration and is exhibited within any railway station or upon any wall or other property of a railway administration; or
- (g) such advertisement relates to any activity of the Government or the local authorities.”.

8. In section 103 of the principal Act,—

- (i) in the marginal heading, for the word “Tax”, the word “Fee” shall be substituted;
- (ii) in sub-section (1), for the word “tax”, the word “fee” shall be substituted;
- (iii) in sub-section (2), for the word “tax”, the word “fee” shall be substituted;
- (iv) in sub-section (3), for the word “tax”, the word “fee” shall be substituted.

Amendment of section 103.

9. In section 104 of the principal Act, for the word “tax”, wherever it occurs, the word “fee” shall be substituted.

Amendment of section 104.

10. In section 106 of the principal Act,—

- (1) the following provisos shall be added:—

“Provided that the Commissioner may cancel or revoke the certificate of enlistment for profession, trade and calling issued under provision of section 102

Amendment of section 106.

*The Howrah Municipal Corporation
(Amendment) Act, 2019.*

(Section 11.)

if the licensee acts in contravention of any of the provisions contained in this chapter or under the licence:

Provided further that no order shall be made under the proviso without affording a reasonable opportunity of being heard.”;

(2) the following Explanation shall be added:—

“*Explanation I.*—The word “structure” in this Chapter includes any movable board on wheels used as an advertisement or advertisement medium.

“*Explanation II.*—The word “advertisement” in relation to advertisement under this Act shall mean any word, letter model, sign, sky-sign, placard, notice, device or representation, whether illuminated or not in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction.”.

Amendment of
Schedule IV.

11. In the Schedule IV of the principal Act,—

- (i) in the heading, for the word “Tax”, the word “Fee” shall be substituted;
- (ii) for the word “tax”, wherever it occurs, the word “fee” shall be substituted.

By order of the Governor,

SANDIP KUMAR RAY CHAUDHURI,
Secy. to the Govt. of West Bengal,
Law Department.