[Act, No. 29 of 1980][1]

Preamble

An Act to amend and consolidate the law relating to the municipal affairs of Kolkata.

WHEREAS it is expedient to amend and consolidate, in the manner hereinafter appearing, the law relating to the municipal affairs of Kolkata;

It is hereby enacted in the Thirty-first year of the Republic of India, by the Legislature of West Bengal, as follows:

Footnote:

1. Assent of the President was first published in the Calcutta Gazette, Extraordinary, dated 28.12.1981.

Part: I

Chapter I

Preliminary

1. Short title, application and commencement:-

(1) This Act may be called the **Kolkata Municipal Corporation Act, 1980.**

(2) Except as hereinafter otherwise provided in this Act, it applies only to Kolkata.

(3) It shall come into force on such date[1] as the State Government may, by notification, appoint.

Footnote:

1. The Act came into force on 4th January, 1984 vide Notifin. No. 958/C4/MIA-26/83, dated 22.12.1983.

2. Definitions: - In this Act, unless the context otherwise requires--

(1) an article shall be deemed to be "adulterated"--

(a) in the case of drugs, if its strength, quality or purity falls below the professed standard under which it is sold or exposed for sale;

(b) in the case of confectionery, if it contains any mineral substance or poisonous colouring of flavouring matter or other ingredients deleterious or detrimental to health; and

(c) in the case of food,--

(i) if any substance has been mixed or packed with it so as to reduce or lower or harmfully affect its quality or strength, or

(ii) if any substance has been substituted wholly or in part for the article, or

(iii) if any normal constituent of the article has been wholly or in part abstracted, or

(iv) if it is mixed, coloured, powdered, coated or stained in a manner whereby deterioration or inferiority is concealed, or

(v) if it does not comply with the standard prescribed therefor by or under this Act or under any other law for the time being in force, or

(vi) if it contains or is mixed or diluted with any substance in any quantity to the prejudice of the purchaser or consumer or in any proportion which diminishes in any manner its food value or nutritive properties as compared with the same in a pure or normal state and in an undeteriorated and sound condition, or

(vii) if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health, or

(viii) if it is not of the nature, substance or quality which it purports or is represented to be;

(2) [1] [* * *]

(3) "assessment-book" means the municipal assessment book referred to by Section 191 and includes any books subsidiary thereto;

(4) "budget-grant" means a sum entered on the expenditure side of the Budget Estimates which have been finally adopted, and includes any sum by which a budget-grant is at any time increased by a transfer under clause (c) of sub-Section (1) of Section 132;

[2] [(5) "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 less than three metres in height) enclosing or intended to enclose any land, signs and outdoor display structures but does not include a tent, samiana or tarpaulin shelter;]

(6) "building-line" means the line which is in rear of the street alignment and up to which the main wall of a building on a land abutting on a street or projected Public Street may lawfully extend;

(7) "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;

(8) "bustee" means an area containing land not less than seven hundred square metres in area occupied by or for the purposes of any collection of huts or other structures used or intended to be used for human habitation.

Explanation.--If any question arises as to whether any particular area is or is not a bustee, the Corporation shall decide the question and its decision shall be final;

(9) "Kolkata" means the area described in Schedule I;

(10) [3] [* * *]

(11) "carriage" means any wheeled vehicle, with springs or other appliances acting as springs, which is ordinarily used for the conveyance of human beings, and includes a jin-rickshaw, cycle-rickshaw, bicycle or tricycle, but does not include a perambulator or other form of vehicle designed for the conveyance of small children;

(12) "cart" means any cart, hackney of wheeled vehicle with or without springs, which is not a "carriage" as defined in this Section, and includes a hand-cart, [4] [or a cycle van or a push van] but does not include any wheeled vehicle which is propelled by mechanical power or its trailer;

(13) "category A post" means a category A post classified as such under Section 17;

(14) "category B post" means a category B post classified as such under Section 17;

(15) "category C post" means a category C post classified as such under Section 17;

(16) "category D post" means a category D post classified as such under Section 17;

(17) "Chairman" means the Chairman elected under Section 6;

(18) "connected-privy" means a privy which is directly connected with a sewer;

(19) "connected-urinal" means a urinal which is directly connected with a sewer;

[5] [* * *]

(21) "Corporation" means the Kolkata Municipal Corporation established under this Ac

[6] [* * *]

(23) "cubical extent", with reference to the measurement of a building, means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest or only storey;

(24) "dairy" includes any farm, cattle-shed, cow-house, milk-store, milk-shop or other place--

(a) from which milk is supplied on or for sale, or

(b) in which milk is kept for purposes of sale or used for manufacture or preparation for sale of--

(i) butter, or

(ii) ghee, or

(iii) cheese, or

(iv) curds, or

(v) dried, sterilized, condensed or toned milk, but does not include--

(a) a shop or other place in which milk is sold for consumption on the premises only, or

(b) a shop or other place from which milk is sold or supplied in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or other place;

(25) "dairyman" includes any occupier of a dairy, any cow-keeper who trades in milk, or any wholesale or retail seller of milk;

(26) "dangerous disease" means--

(a) cholera, plague, small-pox, cerebrospinal meningitis, diphtheria, tuberculosis, leprosy, influenza, encephalitis, poliomyelitis and syphilis; and

(b) any other epidemic, endemic, or infectious disease which the State Government may, by notification, declare to be a dangerous disease for the purposes of this Act;

(27) "depot" means a place where articles are stored, whether for sale or for any other purpose but not for domestic consumption or use, in quantities exceeding two thousand kilograms;

(28) "domestic building" includes a dwelling-house and any other masonry building which is neither a building of the warehouse class nor a public building as defined in this Section nor a place exclusively used for private worship;

(29) "domestic purposes", in relation to the supply of water means the purposes other than those referred to in sub-Section (2) of Section 238;

(30) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water;

[7][(31) 'drug' means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use of human beings or animals and all substances intended to be used for, or in the diagnosis, treatment, mitigation or prevention of diseases in human beings or animals, and shall also include medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic system of medicine or Unani system of medicine but does not include a drug within the meaning of sub-clause (ii) of clause (b) of Section 3 of the Drugs and Cosmetics Act, 1940 (23 of 1940)];

(32) "dwelling-house" means a masonry building constructed, used or adapted to be used wholly or principally for human habitation;

(33) "edible oil" means coconut oil, cotton seed oil, groundnut oil, olive oil, and til (sesame) oil, in their pure state, linseed oil, mahua oil, mustard oil, rapeseed oil, poppy seed oil, sunflower oil, tara mira oil, niger seed oil, soyabean oil, maize oil, palm oil, palm karnel oil, water melon seed oil, in their pure state, imported salad oil labelled as such, any vegetable oil, prepared by hardening process such as hydrogenation and labelled as such and bearing in the label in English and Bengali the names of the oils entering into its composition and any other oil which the State Government may, by notification, declare to be an edible oil for the purpose of this Act;

(34) "edible fat" means prepared in a manner approved by the Chief Municipal Health Officer from healthy goats, sheeps, pigs, cows, buffaloes, or any other animal which the State Government may, by notification, specify for the purposes of this clause;

[8] [(35) "elected member" means an elected Councillor;]

[9] [* * *]

[10] [* * *]

(38) "filtered water" means water intended for domestic use and tested for its potability and purity and found fit for such use;

(39) "food" includes every article used for food or drink by man, other than drugs or water, and any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes confectionery, flavouring and colouring matters, spices and condiments;

(40) "footpath" means a category VI road which abuts a category I or category II or category III or category IV road;

(41) "habitable room" means a room constructed or adapted for human habitation;

(42) "half-year" means half of a year;

[11] [(42A) "heritage building" means any building of one or more premises, or any part thereof, which requires preservation and conservation for historical, architectural, environmental or ecological purpose, and includes such portion of the land adjoining such building or any part thereof as may be required for fencing or covering or otherwise preserving such building, and also includes the areas and buildings requiring preservation and conservation for the purpose as aforesaid under sub-clause (ii) of clause (a) of sub-Section (4) of Section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979);

(42B) "Heritage Conservation Committee" means the Heritage Conservation Committee constituted under sub-Section (1) of Section 425D;]

(43) "house-drain" means any drain of one or more premises used for the drainage of such premises;

(44) "house-gully" means a passage or a strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter to municipal employees or to persons employed in the cleaning thereof or in the removal of such matter therefrom and includes the air space above such passage or land;

(45) "hut" means any building, no substantial part of which excluding the walls up to a height of fifty centimetres above the floor or floor level is constructed of masonry, reinforced concrete, steel, iron or other metal;

(46) "infectious disease" or "communicable disease" means any disease which may be transmitted from one person to another and declared as such by the State Government by notification;

(47) "inhabited room" means a room in which some person passes the night or which is used as a living room and includes a room with respect to which there is a reasonable presumption (until the contrary is shown) that some person passes the night therein or that it is used as a living room;

(48) "label" includes any tag, brand, mark or statement in writing on, or attached to, or used in connection with any package containing any article of food or any drug or substance;

(49) "land or building" includes a bustee;

(50) "market" shall be deemed to be synonymous with the expression "bazar" and shall mean--

(a) a place where persons assemble for the sale of meat, fish, fruit, vegetables, livestock, or any other article of food of a perishable nature, whether or not there is any collection of shops or warehouses or stalls for the sale of other articles in such place, or

(b) any place of trade, other than a place referred to in sub-clause (a), where there is a collection of shops or warehouses or stalls exceeding such number as the Corporation may specify,

declared and licensed by the Corporation as a market;

(51) "masonry building" means any building other than a hut and includes any structure, a substantial part of which is made of masonry, reinforced concrete, steel, iron or other metal;

[12] [(51A) "member" means an elected Councillor, and includes a person nominated by the State Government under clause (b) or sub-Section (1) of Section 5;]

(52) "milk" includes cream, skimmed milk, separated milk and condensed, sterilized, desiccated or toned milk;

(53) "misbranded", -- all drugs or articles of food which enter into the composition of food, the package or mark or label of which bears any statement, design or device regarding such drugs or articles of food or the ingredients or substances contained therein as may be false or may mislead in any particular, shall be deemed to be "misbranded" and a drug or an article of food shall also be deemed to be misbranded if it is offered for sale under the name of another drug or article of food;

(54) "municipal drain" means a drain vested in the Corporation;

(55) "municipal market" means a market belonging to or maintained by the Corporation;

(56) "municipal slaughter-house" means a slaughter-house belonging to or maintained by the Corporation;

(57) "new building" means and includes--

(a) any building constructed or in the process of construction after the commencement of this Act,

(b) any building which, having collapsed or having been demolished or burnt down for more than one-half of its cubical extent, is reconstructed wholly or partially after the commencement of this Act, whether the dimensions of the reconstructed building are the same as those of the original building or not,

(c) any hut which is converted into a masonry building after the commencement of this Act, and

(d) any building not originally constructed for human habitation which is converted into a place for human habitation after the commencement of this Act.

Explanation:- Sub-clause, (b) applies whether more than one-half of the cubical extent of any building has collapsed or been demolished or burnt down as the same time or at different times;

(58) "notification" means a notification published in the Official Gazette;

(59) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep, or which is or may be dangerous to life or injurious to health or property;

(60) "occupier" includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used or for damages on account of the occupation of such land or building, and also a rent-free tenant:

Provided that an owner living in or otherwise using his own land or building shall be deemed to be the occupier thereof;

(61) "offensive matter" means kitchen or stable refuse, dung, dirt, putrid or putrefying substance and filth of any kind which is not included in "sewage";

[13] [(61A) "office-bearer" means the Mayor, the Chairman, the Deputy Mayor, or a member of the Mayor-in-Council;]

(62) "owner" includes the person for the time being receiving the rent of any land or building or of any part of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or as a receiver who would receive such rent if the land or building or of any part of the land or building were let to tenant;

(63) "package" includes every means by which goods for carriage or for storage or for sale are caused in, covered, enclosed, contained or packed;

(64) "party-wall" means a wall forming part of a building and used or constructed to be used for the support and separation of adjoining buildings belonging to different owners or constructed or adapted to be occupied by different persons;

(65) "platform", when used with reference to a privy, means the surface containing the aperture through which the sewage passes into the receptacle or sewer;

(66) "prescribed" with its grammatical variations means prescribed by rules made under this Act;

(67) "Presiding Officer" means the Chairman elected under Section 6 or the member of the panel of presiding officers nominated under Section 93;

(68) "private street" means any street, road, lane, gully, alley, passage or square which is not a public street, and includes any passage securing access to four or more premises belonging to the same or different owners, but does not include a passage provided in effecting a partition of any masonry building amongst joint owners where such passage is less than two metres and fifty centimetres wide;

[14] [(68A) "property tax" means a rate assessed, on building or buildings, or on lands or on both, and includes service charges levied on property tax under this Act;]

(69) "public analyst" means any person having the qualifications prescribed by rules made under the Prevention of Food Adulteration Act, 1954 (37 of 1954), and appointed as such by the Corporation with the approval of the State Government to perform the duites and to exercise the powers of a public analyst as prescribed by rules made under that Act;

(70) "public building" means a masonry building constructed, used or adapted to be used--

(a) as a place of public worship or as a school, college or other place of instruction (not being a dwelling-house so used) or as a hospital, workhouse, public theatre, public cinema, public hall, public concert-room, public ballroom, public lecture-room, public library or public exhibition room or as a public place of assembly, or,

(b) for any other public purpose, or

(c) as a hotel, lodging-house, refuge or shelter, where the building exceeds in cubical extent seven thousand cubic metres or has sleeping accommodation for more than one hundred persons;

(71) "public street" means any street, road, lane, gully, alley, passage, pathway, square or courtyard, whether a thoroughfare or not, over which the public have a right of way, and includes--

(a) the roadway over any public bridge or causeway,

(b) the footway attached to any such street, public bridge or causeway, and

(c) the drains attached to any such street, public bridge or causeway, and where there is no drain attached to any such street, shall, unless the contrary is shown, be deemed to include all lands up to the outer wall of the premises abutting on the street, or, where a street alignment has been fixed and the area within such alignment has been acquired by the Corporation and the alignment has been demarcated or is capable of. being demarcated up to such alignment;

(72) "ratepayer" means a person liable to pay any rate, tax or licence fee under this Act;

[15] [(72A) "recognised political party" means a national party or a state party recognised as such by the Election Commission of India by notification for the time being in force;]

(73) "Registered medical practitioner" means a medical practitioner registered under the Bengal Medical Act, 1914 (Ben. Act VI of 1914);

(74) "regulation" means a regulation made by the Corporation under this Act;

(75) "rubbish" means dust, ashes, broken bricks, mortar, broken glass and refuse of any kind which is not offensive matter;

(76) "rules" means rules made by the State Government under this Act;

(77) "service-privy" means a fixed privy which is cleansed by hand but does not include a movable commode;

(78) "service-urinal" means a fixed urinal which is cleansed by hand;

(79) "sewage" means night-soil and other contents of privies, urinals, cesspools or drains, and includes trade effluents and discharges from manufactories of all kinds;

(80) "sky-sign" means any word, letter, model, sign, device of other representation, in the nature of an advertisement, announcement or direction, which is supported on or attached to any post, pole, standard, framework or other support wholly or in part upon, over or above any building or structure and which is wholly or in part visible against the sky from any point in any street or public place, and includes--

(a) every part of such support, and

(b) any balloon, parachute or similar device, employed wholly or in part, for the purpose of any advertisement or announcement, on, over or above any building, structure or erection of any kind, or on or over any street or public place, but shall not be deemed to include--

(i) any flagstaff, pole, vane or whether-cock, unless adapted or used wholly or in part for the purpose of any advertisement or announcement,

(ii) any sign on any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking-course of any wall or to the ridge of a roof, if such contrivance be of one continuous face and not open work and does not extend in height more than one metre above any part of such wall, parapet or ridge, or

(iii) any representation which relates exclusively to the business of a railway administration as defined in the Indian Railways Act, 1890 (9 of 1890), and which is placed wholly upon or over any railway, railway station, yard, platform or station approach, or premises belonging to such railway administration, and which is so placed that it could not fall into any street or public place;

(81) "slaughter-house" means any place used for the slaughter of cattle, sheep, goats, kids or pigs, or hens, fowls, chicken, ducks, turkeys, or any other eatable birds for the purpose of selling the flesh thereof as meat;

[16] [(81A) "State Election Commission" means the West Bengal State Election Commission referred to in sub-Section (1) of Section 3 of the West Bengal State Election Commission Act, 1994;]

(82) "street" means a public or private street;

(83) "street alignment" means the line dividing the land comprised in and forming part of a street from the adjoining land;

[17] [(83A) "thika tenant" shall have the same meaning as in the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981 (West Ben. Act XXXVII of 1981);]

(84) "year" means a financial year beginning on the first day of April.

Footnotes:

1. Clause (2) omitted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, which was formerly as under:

'(2) "agent" in Section 75 and in Schedule III includes an election agent;'.

2. Substituted by Section 2(1) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, vide Notifn. No. 445/C-4/MIA-3/84, dated 14.5.1984 for the following :

'(5) "building" includes a house, outhouse, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding three metres in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever, but does not include a hogla or other similar kind of temporary shed erected on ceremonial or festive occasions;'.

3. Clause (10) omitted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, which was formerly as follows :

'(10) "candidate" in Section 75 and in Schedule III means a person who has been nominated as a candidate at any election of a Councillor or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election;'.

4. Inserted by Section 2(2) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

5. Clause (20) omitted by Section 3(1) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, which formerly stood as follows :

"(20) 'consolidated rate' includes the surcharge levied on the consolidated rate under this Act;".

6. Clause (22) omitted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, which formerly stood as follows :

"(22) 'corrupt practice' means any act deemed to be a corrupt practice under the provisions of Schedule III;".

7. Substituted by Section 2 of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Beng. Act XXXIV of 2003), w.e.f. 1.4.2004 which stood formerly as follows :

'(31) "drug" means any substance used as medicine or in the composition or preparation of medicines, whether for internal or external use, but does not include a drug within the meaning of clause (b) of Section 3 of the Drugs and Cosmetics Act, 1940 (23 of 1940);'.

8. Substituted by Section 4(1)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the following :

'(35) "elected member" includes an elected Councillor or an Alderman'.

9. Clause (36) omitted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, which originally stood as follows :

'(36) "election agent" means the perason appointed under sub-Section (2) of Section 62 by a candidate to be his election agent;'.

10. Clause (37) omitted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, which originally stood as follows:

'(37) "election authority" means the authority appointed by the State Government under Section 53;'.

11. Clauses (42A) and (42B) ins. by Section 2(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, vide, Notifn. No. 777/MA/O/C-5/C/1A/3/97, dated 22.12.1997.

12. Inserted by Section 4(1)(b) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

13. Clause (61A) inserted by Section 2 of Calcutta Municipal Corporation (Amendment) Act, (West Ben. Act XXIII of 2000), w.e.f. 1.9.2000, vide Notification No. 645/MA/O/C-4/1A-2/99, dated 30.8.2000 and 1697-L, dated 25.8.2000.

14. Inserted by Section 3(2) of the Calcutta Municipal Corporation (Amendment) Act; 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

15. Inserted by Section 2(2) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

16. Inserted by Section 4(1)(c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

17. Inserted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984, vide Notifn. No. 27041, dated. 1.11.1983.

Part: II

Constitution and Government

Chapter II

The Municipal Authorities

3. The Municipal Authorities:-

The following shall be the municipal authorities for the purposes of carrying out the provisions of this Act, namely:--

(a) the Corporation,

(b) the Mayor-in-Council, and

(c) the Mayor.

4. The Corporation:-

(1) With effect from such date as the State Government may, by notification, appoint, there shall be a Corporation charged with the municipal government of Kolkata, to be known as the Kolkata Municipal Corporation.

(2) The Corporation shall be a body corporate with perpetual succession and a common seal, and may by its name sue and be sued.

(3) Subject to the provisions of this Act, the Corporation shall be entitled to acquire, hold and dispose of property.

5. Constitution of the Corporation:-

[1][(1) The Corporation shall consist of the following members, namely,--

(a) one hundred and forty-one elected Councillors, and

(b) such persons having special knowledge or experience in municipal administration as the State Government may nominate from time to time:

Provided that such persons shall not have the right to vote in the meetings of the Corporation.]

(2) The[2][one hundred and forty-one] Councillors referred to in clause (a) of sub-section (1) shall be elected by the constituencies, each constituency electing one

Councillor, and for this purpose each ward of the Corporation described in Schedule II shall constitute a constituency.

(3)[3][* * *]

Footnote:

1. Substituted by section 4(2) (a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the former as under:

"(1) The Corporation shall consist of the following members, namely:

(a) one hundred and forty-one elected Councillors,

(b) two Councillors of whom--

(i) one shall be the Chief Executive Officer of the Calcutta Metropolitan Development Authority known as such under sub-section (1) of section 17 of the West Bengal Town and Country Planning Act, 1979 (West Ben. Act XIII of 1979) ex officio, and

(ii) the other shall be the Chairman of the Board of Trustees for the Improvement of Calcutta, constituted under the Calcutta Improvement Act, 1911 (Ben. Act V of 1911) ex officio, and

(c) seven Aldermen to be elected by the Councillors referred to in clause (a).".

2. Substituted by section 3(b) of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984 for "one hundred".

3. Sub-section (3) omitted by section 4(2) (b) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, which stood as follows:

"(3) The seven Aldermen referred to in clause (c) of sub-section (1) shall be elected in the manner provided in section 74".

[1][6. Election of Mayor and Chairman:-

The elected members of the Corporation shall elect from amongst themselves,--

(a) at the first meeting of the Corporation after a general election,--

(i) one member to be the Mayor who shall be a whole-time functionary, and

(ii) one member to be the Chairman, and

(b) so often a vacancy in the office of the Mayor or the Chairman, as the case may be, occurs by reason of death, resignation, removal or otherwise and within one month of the occurrence of such vacancy, one member to be the Mayor or the Chairman, as the case may be,

who shall assume office forthwith after taking such oath of secrecy as may be prescribed :

Provided that no elected member of the Corporation 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.]

Footnote:

1. Substituted by section 3 of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003), w.e.f. 1.6.2004 which stood as follows :

"6. Election of Mayor and Chairman.--The elected members of the Corporation shall elect from amongst themselves,--

(a) at the first meeting of the Corporation after a general election,--

(i) one member to be the Mayor, and

(ii) one member to be the Chairman, and

(b) so often a vacancy in the office of the Mayor or the Chairman, as the case may be, occurs by reason of death, resignation, removal or otherwise and within one month of the occurrence of such vacancy, one member to be the Mayor or the Chairman, as the case may be,

who shall assume office forthwith after taking such oath of secrecy as may be prescribed.".

7. Term of office of Mayor and Chairman:-

(1) A Mayor or a Chairman, as the case may be,

(a) shall cease to hold office as such forthwith if he ceases to be a member of the Corporation;

(b) may, at any time, by giving notice in writing to the Corporation, resign his office and such resignation shall take effect from such date as may be specified in

the notice or, if no such date is specified, from the date of its receipt by the Corporation;

(c) may be removed from office by a resolution carried by a majority of the total number of elected members of the Corporation at a special meeting of the Corporation called for this purpose upon a requisition made in writing by not less than one-third of the elected members of the Corporation:

Provided that no such resolution shall be moved before the expiry of six months from the date of assumption of office by a Mayor or a Chairman, as the case may be:

Provided further that if such resolution is not carried by a mojority of the total number of elected members of the Corporation, no further resolution for the removal of the Mayor or the Chairman, as the case may be, shall be moved before the expiry of a period of six months from the date on which the former resolution was moved.

(2) Notwithstanding the provisions of sub-section (1), except when an order of supersession has been made under section 117, the Mayor or the Chairman, as the case may be, whose office becomes vacant by reason of the provisions of sub-section (1), shall continue to hold office as such until his successor, elected under the provisions of this Chapter, enters upon his office.

8. Constitution of the Mayor-in-Council:-

(1) There shall be a Mayor-in-Council consisting of the Mayor, the Deputy Mayor and not more than ten other elected members of the Corporation.

(2) The Deputy Mayor and the other members referred to in sub-section (1) shall be nominated by the Mayor from amongst the elected members of the Corporation as soon as possible after he enters upon his office and shall assume office after taking such oath of secrecy as may be prescribed.

(3) Any casual vacancy in the office of the Deputy Mayor or the other member of the Mayor-in-Council referred to in sub-section (1) by reason of death, resignation, removal or otherwise shall be filled up by the Mayor:

Provided that no act or proceedings of the Mayor-in-Council shall be called in question or shall become invalid merely by reason of any vacancy in it.

(4) The manner of transaction of business of the Mayor-in-Council shall be such as may be determined by the Corporation by regulations.

(5) The Mayor-in-Council shall be collectively responsible to the Corporation.

9. Term of office of Deputy Mayor and other members of Mayor-in-Council:-

A member of the Mayor-in-Council other than the Mayor shall hold office until--

(a) he ceases to be a member of the Corporation, or

(b) he resigns his office by writing under his hand addressed to the Mayor in which case the resignation shall take effect from the date of its acceptance, or

(c) he is removed from office by a written order of the Mayor, or

(d) the Mayor ceases to hold office under the provisions of section 7, or

(e) in case of the death of the Mayor a newly elected Mayor enters upon his office.

10. Municipal Accounts Committee:-

(1) The Corporation shall, at its first meeting in each year or as soon as may be at any meeting subsequent thereto, constitute a Municipal Accounts Committee.

(2) The Municipal Accounts Committee shall consist of --

(a) such number of persons, not being less than five and more than seven, as the Corporation may determine, to be elected by the members of the Corporation from amongst themselves in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot. The members of the Mayor-in-Council shall not be eligible for such election; and

(b) such number of persons, both being the members, officers, or employees of the Corporation and not exceeding two in number, having knowledge and experience in financial matters, as may be nominated by the Corporation.

(3) The members of the Municipal Accounts Committee shall elect from amongst themselves one member to be its Chairman.

(4) Subject to the other provisions of this Act, the members of the Municipal Accounts Committee shall hold office until a new committee is constituted.

(5) The manner of submission of resignation by the Chairman or by other member, and the manner of filling up of a casual vacancy in the office of a member, of the Municipal Accounts Committee shall be such as may be prescribed.

(6) Subject to the provisions of this Act and the rules and the regulations made thereunder, it shall be the duty of the Municipal Accounts Committee--

(a) to examine the accounts of the Corporation showing the appropriation of sums granted by the Corporation for its expenditure and the annual financial accounts of the Corporation;

(b) to examine and scrutinize the report on the accounts of the Corporation by the auditors appointed under section 160 and to satisfy itself that the moneys shown in the accounts as having been disbursed were available for, and applicable to, the services or purposes to which they were applied or charged and

that the expenditure was incurred in accordance with the authority governing the same;

(c) to submit report to the Corporation every year and from time to time on such examination and scrutiny;

(d) to consider the report of the auditors in cases where the Corporation requires them to conduct a special audit of any receipt or expenditure of the Corporation or to examine the accounts of stores and stocks of the Corporation or to check the inventory of the properties of the Corporation including its land holdings and buildings; and

(e) to discharge such other functions as may be prescribed.

(7) The Municipal Accounts Committee may call for any book or document if, in its opinion, such book or document is necessary for its work and may send for such officers of the Corporation as it may consider necessary for explaining any matter in connection with his work.

(8) The manner of transaction of business of the Municipal Accounts Committee shall be such as may be determined by the Corporation by regulations:

Provided that the persons nominated under clause (b) of sub-section (2) shall have no right of voting at the meeting of the Municipal Accounts Committee.

11. Borough Committees:-

(1) The Corporation shall, at its first meeting after a general election or as soon as may be at any meeting subsequent thereto, group the wards of the Corporation which are contiguous into [1][fifteen] Boroughs, each consisting of such number of wards as the Corporation may determine, and constitute a Borough Committee for each such borough.

(2) Each Borough Committee shall consist of the Councillors [2][***] elected from the wards constituting the borough:

Provided that no act or proceedings of a Borough Committee shall be called in question or shall become invalid merely by reason of any vacancy in it.

(3) A member of a Borough Committee representing a constituent ward shall hold office for so long as he continues to be the Councillor representing such ward.

(4) The members of each Borough Committee shall elect from amongst themselves one member to be its Chairman [3][who shall not be a member of the Mayor-in-Council or the Chairman of the Corporation].

(5) The Chairman may at any time resign his office by giving notice in writing to the Mayor and the resignation shall take effect from the date of its acceptance by the Mayor.

(6) A Borough Committee shall, subject to the general supervision and control of the Mayor-in-Council, discharge, within the local limits of the borough, the functions of the Corporation relating to provision of supply pipes and sewerage and drainage connections to premises, removal of accumulated water on the streets or public places due to rain or otherwise, collection and removal of solid wastes, disinfection, provision of health immunization services and bustee services, provision of lighting, repair of category IV, category V and category VI roads, maintenance of parks, drains and gulleys, and such other functions as the Corporation may, from time to time, determine by regulations.

(7) The officers and employees of the Corporation who are assigned to a particular Borough for the discharge of the functions as aforesaid shall carry out such directions as may be issued by the Borough Committee in this behalf.

(8) The manner of transaction of business of the Borough Committee shall be such as may be determined by the Corporation by regulations.

Footnote:

1. Substituted by section 4 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984, for the word "ten".

2. Words and figure "other than the Chairman elected under section 6 and the Mayor and the Deputy Mayor" omitted by section 4(3)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

3. Inserted by section 4(3)(b), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

[1][11A. Ward Committee

(1) Each ward of the Corporation shall have a Ward Committee.

(2) The composition and functions of the Ward Committee shall be such as [2][may be prescribed].

(3) The Councillor elected from a ward shall be the Chairperson of the Ward Committee for that ward].

Footnote:

1. Inserted by section 4(4), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

2. Substituted. by section 4 of the Calcutta Municipal Corporation (Amendment) Act, 2001, (West Ben. Act VIII of 2001), w.e.f. 23.3.2001., for the words "the State Government may by notification determine".

12. Municipal Consultative Committees:-

(1) The Mayor-in-Council may constitute such number of Municipal Consultative Committees and for such periods as it may deem fit.

(2) Each such Committee shall consist of not more than five elected members of the Corporation and shall advice the Mayor-in-Council in the discharge of its functions.

(3) The manner of transaction of business of a Municipal Consultative Committee shall be such as may be specified by the Mayor-in-Council.

[1][13. "Remuneration and facilities of Mayor, Chairman, members of the Mayor-in-Council and members of committees under this Chapter:-

The Mayor, the Chairman referred to in section 6, the members of the Mayor-in-Council, the Leader of the Opposition, Chairman of a Borough Committee and the members of the committees constituted in accordance with the provisions of this Chapter, excepting the Ward Committee, shall be given such remuneration and facilities as may be determined by the Corporation:

Provided that if the Mayor holds the post of either a Member of Legislative Assembly or a Member of any House of the Parliament simultaneously, he shall draw remuneration for any one of the said posts only.]

Footnote:

1. Substituted by section 4 of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003) w.e.f. 1.6.2004 which stood as follows :

"13. Remuneration and facilities of Mayor, Chairman, members of the Mayor-in-Council and members of Committees under this Chapter.--The Mayor, the Chairman referred to in section 6, the members of the Mayor-in-Council and the members of Committees constituted in accordance with the provisions of this Chapter shall be given such remuneration and facilities as may be determined by the Corporation.".

[1][13A. Code of conduct for the elected functionaries:-

The code of conduct of the councillors as well as the other elected functionaries of the Corporation shall be such as may be prescribed.]

Footnote:

1. Inserted by section 5 of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003) w.e.f. 1.6.2004.

Chapter III

Organization of the Corporation

14. Officers of the Corporation:-

(1) Save as otherwise provided in the Act, the Corporation shall have the following officer, namely,--

(a) the Municipal Commissioner,

(b) such number of Joint Municipal Commissioners as the Mayor-in-Council may, from time to time, determine,

(c) the Controller of Municipal Finances and Accounts,

(d) the Chief Municipal Auditor,

(e) the Municipal Engineer-in-Chief,

(f) such number of Deputy Municipal Commissioners and Chief Municipal Engineers as the Mayor-in-Council may from time to time, determine,

(g) the Chief Municipal Architect and Town Planner,

(h) the Chief Municipal Health Officer,

(i) the Chief Municipal Law Officer, and

(j) the Municipal Secretary.

(2) The Municipal Commissioner, a Joint Municipal Commissioner, the Controller of Municipal Finances and Accounts and the Chief Municipal Auditor referred to in sub-section (1) shall be appointed--

(a) by the State Government in consultation with the Mayor-in-Council by notification, from amongst persons who are or have been in the service of Government, or

(b) it so directed by the State Government, by the Mayor-in-Council in consultation with the State Public Service Commission, or

(c) by the Mayor-in-Council, with the prior approval of the State Government, from amongst officers who are or have been in the service of the Corporation :

Provided that the appointment of officers under clause (a) shall be on such terms and conditions and for such period, not exceeding five years, in the first instance, as the State Government may determine :

Provided further that the State Government may, in consultation with the Mayor-in-Council, extend the period of appointment from time to time, so, however, that the total period of extension shall not exceed five years.

(3) The other officers referred to in clauses (e) to (f) of sub-section (1) shall be appointed--

(a) by the Mayor-in-Council in consultation with the State Public Service Commission, or

(b) by the State Government in consultation with the Mayor-in-Council, by notification, from amongst persons who are or have been in the service of Government, if the Mayor-in-Council so decides :

[1][Provided that no Government employee above 60 years of age shall be appointed.]

(4) The method of, and the qualifications required for, recruitment, and the terms and conditions of service including conduct, discipline and control, of officers appointed by the Mayor-in-Council shall be such as may be prescribed.

(5) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, at any time in the case of any person appointed under clause (a) of sub-section (2) as the Municipal Commissioner or as a Joint Municipal Commissioner or as the Controller of Municipal Finances and Accounts or as the Chief Municipal Auditor or appointed under clause (b) of sub-section (3), terminate his appointment as such:

Provided that if, the case of any such officer, the Mayor-in-Council so decides, the State Government shall terminate the appointment of such officer.

(6) Notwithstanding anything contained in sub-section (2) or sub-section (3), prior approval of the State Government shall be necessary in the case of appointment of a person not recommended by the State Public Service Commission.

Footnote:

1. Proviso added by Section 3 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.e.f. 4.12.1995.

15. Salary and other conditions of service of Municipal Commissioner and other officers:-

(1) The officers appointed under clause (a) of sub-section (2), or clause (b) of sub-section (3), of section 14 shall be paid out of the Municipal Fund such salary and allowances as may, from time to time, be determined by the State Government.

(2) Leave may be granted by the State Government to the officers appointed under clause (a) of sub-section (2), or clause (b) of sub-section (3), of section 14 on the recommendation of the Mayor and where such leave is granted to any such officer, the State Government shall appoint another person to officiate in his place.

(3) If any of the officers referred to in sub-section (1) is in the service of Government, the Corporation shall make such contribution towards his leave allowances, pension and provident fund as may be required by or under the conditions of his service under Government or the terms and conditions of his service under the Corporation, as the case may be, to be paid by or for him.

(4) If any of the officers referred to in sub-section (1) of section 14 is not an officer in the service of Government, his leave allowances, superannuation or retirement gratuity or pension and the proportions of his pensionary or Provident Fund contribution payable respectively from his salary and from the Municipal Fund shall be governed by rules :

Provided that --

(a) the amount of leave and leave allowance, gratuity or pension shall in no case, except with special sanction of the State Government, exceed the amount admissible to Government servants of equivalent rank; and

(b) the conditions of grant of such leave and the conditions of superannuation or retirement shall in no case, except with the special sanction of the State Government, be more favourable than those for the time being applicable to such Government servants.

16. Filling of casual vacancies in the posts of officers appointed by the State Government:-

If any vacancy occurs in the office of any of the officers referred to in clause (a) of sub-section (2), or clause (b) of subsection (3), of section 14 by reason of death, resignation, removal or otherwise, the State Government may in consultation with the Mayor-in-Council, appoint another person to officiate in his place for a period not exceeding six months.

17. Establishment of the Corporation and schedule of posts:-

(1) The posts of officers and employees of the Corporation, other than those referred to in sub-section (1) of section 14, shall constitute the establishment of the Corporation.

(2) The Corporation shall, by regulation, classify the posts of officers and employees constituting the establishment of the Corporation into four categories, namely, category A post, category B post, category C post and category D post, on the basis of the scales of pay of such posts.

(3) The Corporation shall maintain a schedule of posts which shall include the designation and the number of posts under each designation of officers and employees constituting the establishment of the Corporation and the schedule shall be in three parts of which Part I shall include category A posts, Part II shall include category B posts and Part III shall include category C posts and category D posts.

(4) Every year the Municipal Commissioner shall place before the Mayor-in-Council for its consideration the schedule of posts along with the proposals, if any, for such changes therein as he may consider necessary :

[1][Provided that no upward revision of the size of the establishment of the Corporation shall be made without the prior sanction of the State Government.]

(5) The Mayor-in-Council shall, after consideration of the schedule of posts along with the proposals, if any, for changes therein, place the same along with its recommendations, if any, before the Corporation for approval before the presentation of the budget estimate to the Corporation by the Mayor.

(6) The Municipal Commissioner shall revise the schedule of posts as approved by the Corporation.

(7) The Mayor-in-Council may sanction any category C post or category D post for a period not exceeding six months.

Footnote:

1. Proviso added by Section 4 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

18. Appointing authorities:-

Subject to the other provisions of this Act, the appointing authority in respect of the posts of officers, and employees constituting the establishment of the Corporation shall be,--

(a) in the case of category A posts, the Municipal Commissioner,

(b) in the case of category B posts, a Joint Municipal Commissioner, and

(c) in the case of category C posts and category D posts, such officer or officers of the Corporation as the Municipal Commissioner may, with the prior approval of the Mayor-in-Council, designate in this behalf.

19. Appointment to category A posts, category B posts, category C posts and category D posts:-

(1) Appointment to a category A post or a category B post shall be made on the recommendation of the Municipal Service Commission.

(2) Appointment to a category C post or a category D post shall be made in such manner as may be determined by regulation.

(3) Notwithstanding anything contained in sub-section (1), prior approval of the State Government shall be necessary in the case of appointment of a person not recommended by the Municipal Service Commission.

20. Service Regulations:-

The method of, and the qualifications required for, recruitment to category A posts, category B posts, category C posts and category D posts and the terms and conditions of service of persons appointed thereto including pension, gratuity and provident fund shall be determined by regulations.

21. Control, discipline and conduct of officers and employees:-

(1) Unless there is anything to the contrary, the whole time of an officer or employee of the Corporation shall be at the disposal of the Corporation and he may be employed by the Corporation in such manner as it thinks fit. Such officer or employee may also be transferred from one post to another carrying an identical scale of pay.

(2) The Corporation may, by regulation, provide for the discipline, control and conduct of officers and employees constituting the establishment of the Corporation.

[1] [(3) Any officer or employee of the Corporation as may be determined by regulation, may be censured, fined, penalised by withholding of increment or promotion temporarily or permanently, penalised by recovery from his pay of the whole or part of any pecuniary loss caused by him to the Corporation, reduced to a lower stage in the time-scale of pay for a specified period, reduced to a lower-time-scale of pay, grade, post or service, or penalised by compulsory retirement or removal or dismissal from service for any breach of departmental rules or of discipline or for negligence of duties or for other misconduct, by the authority by whom such officer or employee has been appointed.]

[2][(3A) The Commissioner or the appointing authority may pass an order of suspension pending departmental proceedings or prior to the initiation of any departmental proceedings against any employee of the Corporation.

(3B)(i) An employee of the Corporation who is detained in custody for a period exceeding 48 hours on a criminal charge, may be suspended by an order of the appointing authority with effect from the date of his detention and such employee shall remain under suspension until an order withdrawing the order of suspension is made by the appointing authority.

(ii) An employee of the Corporation who is undergoing a sentence of imprisonment upon conviction on a criminal charge, shall be suspended by the appointing authority pending disciplinary proceeding against him.]

(4) An appeal against an order under sub-section (3) shall lie--

(a) to the Corporation where the appointing authority is the Mayor-in-Council;

(b) to the Mayor in the case of an officer or employee holding a category A post;

(c) to the Municipal Commissioner in the case of an officer or employee holding a category B post; and

(d) to a Joint Municipal Commissioner in the case of an officer or employee holding a category C post or a category D post.

(5) No officer or employee of the Corporation appointed on the recommendation of the Municipal Service Commission [3][or the Public Service Commission, as the case may be,] shall be reduced in rank, removed or dismissed except after consultation with such Commission.

Footnote:

1. Substituted by Section (5)(a) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for the following :

"(3) Any officer or employee of the Corporation may be reduced in rank, suspended, removed or dismissed for any breach of departmental rules or of discipline or for negligence of duties or for other misconduct by the authority by whom such officer or employee has been appointed.".

2. Sub-sections (3A) and (3B) inserted by Section 5(b), of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12. 1995.

3. Inserted by Section 5(c) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12. 1995.

22. Contribution in respect of leave allowance, pension or provident fund to employees of Government or statutory body appointed to be officers or employees of the Corporation:-

When a person in the service of Government or of a statutory body is appointed to be an officer other than an officer referred to in sub-section (1) of section 15, or an employee, of the Corporation, the Corporation shall make such contributions towards his leave allowance, pension and provident fund as may be required by or under the conditions of his service under Government or statutory body or the terms and conditions of his service under the Corporation, as the case may be, to be paid by or for him.

23. Age of superannuation of officers and employees of the Corporation:-

Notwithstanding anything in this Chapter or elsewhere in this Act or in any rules or regulations made there under, the age of superannuation of officers and employees of the Corporation shall be determined by the State Government and no such officer or employee shall, after retirement, be re-employed in any post without the prior sanction of the Government.

24. Dispensation of consultation with State Public Service Commission or Municipal Service Commission:-

(1) Notwithstanding anything contained in this Chapter, it shall not be necessary to consult the State Public Service Commission or the Municipal Service Commission, as the case may be, in the case of appointment of a person as an officer or employee of the Corporation.--

(a) if the person to be appointed is or has been in the service of Government, or

(b) if the post to be filled up is for a term of six months, or

(c) if the period for which the appointment is made does not exceed six months.

25. Dismissal of officers and employees of the Corporation under certain circumstances:-

(1) If any officer or employee of the Corporation is habitually in debt or acquires directly or indirectly by himself or by any officer or employee of the Corporation any share or interest in any contract with or on behalf of the Corporation, such officer or employee shall be dismissed by his appointing authority:

Provided that for the purpose of this sub-section, any debt owned by an officer or employee of the Corporation to a co-operative society or a body corporate constituted or established by or under any enactment in force for the time being shall not be taken into consideration:

Provided further that nothing in this sub-section shall apply to the acquisition by an officer or employee of the Corporation of any share or interest in any

company, incorporated under any enactment in force for the time being, which contracts with or is employed by the Corporation.

(2) If any officer or employee of the Corporation, is after the commencement of this Act, convicted of an offence against the State or of an offence involving moral turpitude and is sentenced either to rigorous imprisonment for any term or to simple imprisonment for a term of not less than six months, he shall be deemed to have been dismissed from the service of the Corporation with effect from the date of such conviction.

(3) If the conviction resulting in the dismissal of an officer or employee of the Corporation under sub-section (2) is set aside by a competent court, such officer or employee shall be deemed to have been suspended from the service of the Corporation from the date of conviction till the date on which the conviction is set aside.

(4) The State Government may, of its own motion or on receipt from an officer or employee of the Corporation deemed to have been dismissed under sub-section (2) an application accompanied by a certified copy of the judgment relating to the conviction resulting in such dismissal, by order in writing, exempt such officer or employee from the operation of sub-section (2) and thereupon such officer or employee shall be deemed to have been suspended from the service of the Corporation from the date of conviction until his release on the expiry of the term of imprisonment.

(5) An application under sub-section (4) may be made to the State Government within two months from the date of conviction. Such application shall be disposed of by the State Government within three months of its receipt.

Explanation.--The expression "offence against the State" shall mean an offence included in Chapter VI or Chapter VII of the Indian Penal Code (45 of 1860).

26. Constitution of Municipal Service Commission:-

(1) The Corporation shall, as soon as may be after the commencement of this Act, constitute a Municipal Service Commission consisting of--

(a) a Chairman, and

(b) [1] [three] other members.

(2) The Chairman and one of the other members shall be nominated by the Corporation on the recommendation of the Mayor-in-Council [2] [,and two members, one of whom shall be an officer of the Department of Scheduled Castes and Tribes Welfare of the State Government, shall be nominated by the State Government.]

(3) The Chairman and other members shall hold office for a term of [3] [four years or till attaining the age of sixty-two years, whichever is earlier.].

(4) A person who holds office as Chairman or other member of the Municipal Service Commission shall, on the expiration of his term of office, be ineligible for appointment to any post under the Corporation.

(5) The qualifications for appointment as Chairman or other member of the Municipal Service Commission shall be such as may be provided by regulations.

[4] [(5A) Notwithstanding anything to the contrary contained elsewhere in this Act or in any other law for the time being in force, the Municipal Service Commission constituted under sub-section (1) shall also select such personnel for the Howrah Municipal Corporation constituted under the Howrah Municipal Corporation Act, 1980, [5] [or the Siliguri Municipal Corporation constituted under the Siliguri Municipal Corporation Act, 1990 (West Ben. Act XXX of 1990), or the Asansol Municipal Corporation constituted under the Asansol Municipal Corporation Act, 1990 (West Ben. Act XXXI of 1990), or the Chandernagore Municipal Corporation constituted under the Chandernagore Municipal Corporation Act, 1990. (West Ben. Act XXXII of 1990), or the Durgapur Municipal Corporation constituted under the Durgapur Municipal Corporation Act, 1994 (West Ben. Act LIII of 1994)] or any municipality or notified area constituted under the Bengal Municipal Act, 1932 as the State Government may, by notification, determine from time to time.]

(6) The Corporation shall, by regulations provide for--

(a) the salaries, allowances, if any, and conditions of service of the Chairman and other members of the Municipal Service Commission;

(b) the manner in which the Municipal Commission shall perform the duties imposed upon it by or under this Act;

(c) the number of officers and other employees of the Municipal Service Commission and their salaries and allowances; and

(d) the terms and conditions of service including discipline, control and conduct of officers and other employees of the Municipal Service Commission.

Footnotes:

1. Inserted by Section 6(a) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for the word "two".

2. Substituted by Section 6 (b), of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for the words "and one member shall be nominated by the State Government."

3. Substituted by Section 5(1) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001., for the words "three years".

4. Sub-section (5A) inserted by Section 3 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989.

5. Substituted by Section 5(2) of the Calcutta Municipal Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "or the Chandernagore Municipal Corporation constituted under the Chandernagore Municipal Act, 1955".

27. Salaries and allowances of the members of the Municipal Service Commission and its officers and other employees to be paid from Municipal Fund:-

[1] [(1)] The salaries and allowances, if any, of the members of the Municipal Service Commission and the officers and other employees thereof shall be paid from the Municipal Fund.

[2][(2) The State Government may, by notification, fix the amount of contribution payable by the Howrah Municipal Corporation [3][or the Siliguri Municipal Corporation or the Asansol Municipal Corporation] or the Chandernagore Municipal Corporation [4][or the Durgapur Municipal Corporation] or or any municipality or notified area authority, as the case may be, in respect of services rendered by the Municipal Service Commission constituted under sub-section (1) of section 26 for selection of their personnel under sub-section (5A) of section 26 and such contribution shall be credited to the Municipal Fund of the Kolkata Municipal Corporation.]

Footnote:

1. Section 27 renumbered as sub-section (1) of that section by Section 4 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989.

2. Sub-section (2) inserted by Section 4, of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989.

3. Inserted by Section 6(1) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

4. Inserted by Section 6(2) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

[1]**27A. Municipal Vigilance Authority:-**

(1) The State Government shall, by notification, and on such terms and conditions, as it thinks fit, appoint a person as the Vigilance Authority for inquiring into any complaint of corruption, misconduct, lack of integrity or any other kind of malpractice or misdemeanour on the part of any officer or other employee of the Corporation:

Provided that a person appointed as the Vigilance Authority shall hold office for a term of two years which may be extended for a period not exceeding one year

and shall, on the expiration of his term of office, be ineligible for re-appointment to that office:

Provided further that no Councillor or Alderman and no officer or other employee of the Corporation shall be eligible to be appointed as the Vigilance Authority.

[2][(2) The Vigilance Authority shall be a person who is or has been a member of any All-India Service.

Explanation I.--"Member of an All-India Service" shall mean any person appointed to an All-India Service.

Explanation II.--"All-India Service" shall have the same meaning as in section 2 of the All India Services Act, 1951 (61 of 1951).]

(3) The Vigilance Authority may appoint such officers and other employees for such period and on such pay as the State Government may sanction and on such terms and conditions as the State Government may determine:

Provided that no member of the Corporation or of a Committee thereof and no officer or other employee of the Corporation shall be eligible to be appointed as an officer or other employee under the Vigilance Authority.

(4) The salary of the Vigilance Authority and of the officers and other employees appointed under sub-section (3) and all other expenses relating to the establishment of the Vigilance Authority shall be paid out of the Municipal Fund.

(5) The other terms and conditions of service including discipline, control and conduct of officers and other employees under the Vigilance Authority shall be such as may be determined by the State Government.

(6) The powers and functions of the Vigilance Authority shall be such as may be prescribed.

(7) The Vigilance Authority shall not be removed or suspended from office without being given an opportunity of being heard.

(8) In the case of non-acceptance or partial acceptance or acceptance in a modified form of any recommendation of the Vigilance Authority by the Corporation, [3][the Corporation shall refer the matter to the State Government for decision, and the decision of the State Government thereon shall be final.]

Footnote:

1. Inserted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992), w.e.f. 4.5.1992.

2. Sub-section (2) substituted by Section 3 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997 for the following :

"(2) The Vigilance Authority shall be a person who is or has been a Secretary or Special Secretary of a department of Government.".

3. Substituted by Section 7 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for the words "the Corporation, if it considers necessary, may refer any such case to the State Government for approval."

Chapter IV

Powers and Functions of the Municipal Authorities and the Officers of The Corporation

28. General powers of the Corporation:-

Subject to the provisions of this Act and the rules and the regulations made thereunder, the municipal government of Kolkata shall vest in the Corporation.

29. Obligatory functions of the Corporation:-

The Corporation shall, having regard to the available resources, provide civic services including water supply, sewerage and drainage, soild waste management, and construction and maintenance of streets, and shall enforce the provisions of this Act and if so required by any other law in force for the time being, the provisions of such law relating to town planning, land use, controls regarding regular lines of streets, control of overground and underground building operations and protection of environment against pollution and noise-pollution, and community health, and for these purposes it shall be incumbent on the Corporation to make adequate provisions, by any means or measures which it may lawfully use or take, for each of the following matters :--

(a) the construction and maintenance of water-works and providing, by itself or by any agency, means for supply of water for public and private purposes;

[1][(aa) providing by itself or by an agency, means of supply of water for fire-fighting purposes;

(aaa) measures as may be required for fire prevantion and fire safety under the West Bengal Fire Services Act, 1950 (West Ben. Act XVIII of 1950) and the rules made thereunder;]

(b) the construction, maintenance and cleansing of sewers and drains, sewerage and drainage works, and public latrines, uninals and similar conveniences;

(c) the scavenging, removal and disposal of filth, rubbish and other obnoxious or polluted matters;

(d) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisance;

(e) the construction, maintenance, alteration and improvement of public streets and street furniture, bridges, culverts, flyovers, subways, causeways and the like;

(f) the lighting, watering and cleansing of public streets and other public places;

(g) the removal of obstructions and projections in or upon streets, bridges and other public places;

(h) the naming and numbering of streets and premises;

(i) the planting and care of trees on road-sides and elsewhere;

(j) the control of regular lines of streets;

(k) the control of building operations and securing or removal of dangerous buildings and places;

(l) the regulation of underground building operation;

(m) the co-ordination of overground rights enjoyed by services agencies;

(n) the co-ordination of activities of agencies relating to laying and maintenance of underground railways, pipelines, tubes, cables and the like;

(o) the laying out or the maintenance of public parks, gardens or recreation grounds;

(p) the registration of births and deaths;

(q) the regulation of places for the disposal of the dead and the provision and maintenance of places for the said purpose;

(r) measures for preventing and checking the spread of dangerous diseases;

(s) public vaccination and inoculation;

(t) the organisation or management of chemical or bacteriological laboratories for examination or analysis of water, food and drugs for the detection of diseases or research connected with community health or medical relief;

(u) the construction and maintenance of municipal markets and slaughter-houses and the regulation of all markets and slaughterhouses;

(v) the regulation and abatement of offensive or dangerous trades or practices;

(w) the maintenance of all monuments vested in the Corporation;

(x) the maintenance and development of all properties vested in or entrusted to the management of the Corporation;

(y) the maintenance of a vigilance organisation in respect of its various functions;

(z) the compilation and maintenance of records and statistics relating to the administration and functions of the Corporation under this Act;

(za) the fulfilment of any other obligation imposed by or under this Act or any other law in force for the time being.

Footnote:

1. Inserted by Section 8 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

30. Discretionary functions of the Corporation:-

Subject to the availability of resources, the Corporation may, at its discretion, provide either wholly or in part for all or any of the following matters:--

(a) the furtherance of education (including cultural and physical education) and sports and the establishment and maintenance of, and aid to, schools for primary education;

(b) the establishment and maintenance of, and aid to, libraries, museums, art galleries and botanical or zoological collections;

(c) the surveys of buildings and lands;

(d) the civic reception to persons of distinction;

(e) the providing of music or other entertainment in public places or places of public resort and the establishment of theatres and cinemas;

(f) the organisation and management of fairs and exhibitions;

(g) the acquisition of movable or immovable property for any of the purposes hereinbefore mentioned, including payment of the cost of investigations and surveys or examinations in relation thereto for the construction or adaptation of buildings necessary for such purposes;

(h) the construction and maintenance of --

(i) rest houses,

(ii) poor-houses,

(iii) infirmaries,

(iv) children's homes,

(v) houses for the deaf and dumb and for disabled and handicapped children, and

(vi) shelters for destitutes and disabled persons;

(i) the construction and maintenance of cattle pounds;

(j) the building, or the purchase and maintenance, of dwelling-houses for the officers and employees of the Corporation;

(k) any measures for the welfare of the officers and employees of the Corporation or for any class of them including the sanctioning of loans to such officers and employees for construction of houses and purchase of vehicles;

(l) the establishment and maintenance of hospitals, dispensaries, maternity and child welfare centres, and the carrying of other measures necessary for public medical relief and family welfare;

(m) the organisation, construction, maintenance and management of swimming pools, public wash houses, bathing places and other institutions designed for the improvement of community health;

(n) the construction and maintenance of warehouses and godowns;

(o) the construction and maintenance of garages, sheds and stands for vehicles and cattle biers;

(p) the provisions for unfiltered water supply;

(q) the abatement of smoke nuisances;

(r) the provisions of housing accommodation for the inhabitants of any area or for any class of inhabitants; and

(s) any other measures not hereinbefore specifically mentioned, likely to promote public safety, health, sanitation, [1][orderly urban growth, economic development and social justice and to prevent cruelty to animals].

Footnote:

1. Substituted by Section 4(5) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994. for the words "and orderly urban growth."

31. Power of the Corporation to call for extracts from proceedings, etc.:-

(1) The Corporation may at any time call for extracts from the proceedings of any of its committees or for any return, statement, accounts or report connected with any matter with which such committee is empowered to deal, and such committee shall furnish such extracts, return, statement, accounts or report without any delay.

(2) The Corporation may at any time require the Mayor--

(a) to produce any record, correspondence, plan or document which is in his possession or under his control as Mayor or which is recorded or filed in his office or in the office of any officer or employee of the Corporation;

(b) to furnish any return, plan, estimate, statement, accounts or statistics concerning or connected with the municipal government of Kolkata:

Provided that the Mayor shall not be bound to comply with any such requisition if he makes a statement that such compliance would, in his opinion, be prejudicial to the public interest or to the interest of the Corporation.

32. Authentication of orders, etc. of the Corporation:-

All orders and other instruments made and executed in the name of the Corporation shall be authenticated in such manner as may be prescribed and the validity of an order or instrument so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Corporation.

33. Executive power of the Corporation to be exercised by Mayor-in-Council:-

(1) Subject to the provisions of this Act and the rules and the regulations made thereunder, the executive power of the Corporation shall be exercised by the Mayor-in-Council.

(2) All executive actions of the Mayor-in-Council shall be expressed to be taken in the name of the Corporation.

34. General powers of the Mayor:-

(1) The Mayor shall exercise such powers and discharge such functions as are conferred on him by or under this Act.

(2) The Mayor shall, for convenient transaction of the business of the Corporation, allocate among the members of the Mayor-in-Council such business and in such manner as he thinks fit.

35. Mayor to preside over meetings of the Mayor-in-Council:-

(1) The Mayor shall preside over meetings of the Mayor-in-Council which shall meet at such place and at such time as the Mayor may direct.

(2) The matters for discussion at a meeting of the Mayor-in-Council shall be prepared under the direction of the Mayor and shall be circulated to the members of the Mayor-in-Council in such manner as the Mayor may determine.

36. Exercise of powers by the Mayor in anticipation of the Mayor-in-Council's approval:-

(1) In any case in which it is provided in this Act or the rules or the regulations made thereunder or in any other law in force for the time being that the Mayor shall take action subject to the approval, sanction, consent or concurrence of the Mayor-in-Council, the Mayor-in-Council may authorise the Mayor in writing to take action in anticipation of such approval, sanction, consent or concurrence, subject to such condition, if any, as may be specified by the Mayor-in-Council.

(2) Whenever the Mayor takes any action under sub-section (1), he shall inform the Mayor-in-Council of such action forthwith.

37. Powers of the Mayor in emergency:-

If the Mayor is satisfied that an emergency has arisen and is of the opinion that the immediate execution of any work or the doing of any act, which ordinarily requires the approval, sanction, consent or concurrence of the Corporation or the Mayor-in-Council, is necessary for the maintenance of services or safety of the public or for the prevention of extensive damage to any property of the Corporation, he may direct the execution of such work or the doing of such act without such approval, sanction, consent or concurrence and, in such case, he may direct that the expenses for such execution or doing shall be paid from the Municipal Fund:

Provided that the Mayor shall report forthwith to the Corporation or to the Mayor-in-Council, as the case may be, the action taken under this section and the reasons thereof.

38. The Deputy Mayor to act as Mayor or to discharge his functions during casual vacancies in the office, or during the absence, of Mayor:-

(1) In the event of the occurence of any vacancy in the office of the Mayor by reason of his death, the Deputy Mayor shall act as Mayor until the date on which a new Mayor elected in accordance with the provisions of this Act to fill such vacancy enters upon his office.

(2) When the Mayor is unable to discharge his functions owing to absence, illness or any other cause, the Deputy Mayor shall discharge his functions until the date on which the Mayor resumes his duties.

(3) Subject to the other provisions of this Act, the Deputy Mayor shall, while acting as, or discharging the functions of, the Mayor under this section, have all the powers of the Mayor.

39. Powers and functions of the Municipal Commissioner:-

(1) The Municipal Commissioner shall be the principal executive officer of the Corporation and shall, subject to the supervision and control of the Mayor,--

(a) exercise the powers and perform the functions specifically conferred or imposed upon him by or under this Act or by any other law in force for the time being;

(b) assign the duties, and supervise and control the acts and proceedings, of all officers and employees of the Corporation.

(2) All officers and employees of the Corporation shall be subordinate to the Municipal Commissioner.

40. The Municipal Commissioner to be custodian of records:-

The Municipal Commissioner shall be responsible for the custody of all records other than paper and documents connected with the proceedings of the Corporation and the Municipal Accounts Committee, and shall preserve the same in such manner and for such period as may be determined by regulations.

41. Annual Report of the Corporation:-

(1) As soon as may be after the 1st day of April every year and not later than such date as may be fixed by the State Government, the Corporation shall submit to the State Government a detailed report of the municipal government of Calcutta during the preceding year in such form as the State Government may direct.

(2) The Municipal Commissioner shall prepare such report and the Corporation shall consider the report and forward the same to the State Government with its resolution thereon, if any.

(3) Copies of the report shall be kept for sale at the office of the Corporation.

42. Powers and functions of the Municipal Secretary:-

(1) The Municipal Secretary shall be the Secretary to the Corporation and the Municipal Accounts Committee, and shall exercise such powers and discharge such functions as are conferred on him by or under this Act or as may be assigned to him by the Municipal Commissioner.

(2) The Municipal Secretary shall be responsible for the custody of all papers and documents connected with the proceedings of the Corporation, and the Municipal Accounts Committee, and shall preserve the same in such manner and for such period as may be determined by regulations.

43. Execution of works:-

The Mayor-in-Council may determine either generally or for any class of cases or specially for any particular case whether the Municipal Commissioner shall execute any work by a contract or otherwise.

44. Sanction of estimates:-

(1) When a project is framed for the execution of any work or series of works, the Municipal Commissioner shall cause a detailed report to be prepared stating the scope of the project, its techno-economic viability and its social benefits and shall prepare an estimate, the sanctioning authority in respect of which shall be--

(a) the Municipal Commissioner, if the amount does not exceed [1][five lakhs of rupees,]

(b) the Mayor-in-Council, if the amount exceeds [2][five lakhs of rupees but does not exceed one crore of rupees], and

(c) the Corporation, if the amount exceeds [3][one crore of rupees].

(2) In respect of an estimate for any other item of expenditure, the Municipal Commissioner, the Mayor-in-Council and the Corporation shall respectively be the sanctioning authority in respect of the amount mentioned in clause (a), clause (b) and clause (c) of sub-section (1).

Footnote:

1. Substituted by Section 9(a) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for the words "twenty lakhs of rupees."

2. Substituted by Section 9(b) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for the words "twenty lakhs of rupees but does not exceed one crore of rupees."

3. Substituted by Section 4 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, for "fifty lakhs."

45. Contracts:-

(1) Subject to the other provisions of this Act, the Corporation may enter into and execute all such contracts as it may consider necessary or expedient under, or for any of the purposes of, this Act.

(2) With respect to any contract under sub-section (1), the following provisions shall have effect--

(a) every contract shall be executed on behalf of the Corporation by the Municipal Commissioner or such other officer of the Corporation as the Mayor-in-Council may direct or authorise from time to time;

(b) no such contract which under the provisions of this Act cannot be entered into without the approval or sanction of any authority or officer under this Act shall be entered into by any officer referred to in clause (a) until and unless such approval or sanction has been duly obtained;

(c) no contract involving an expenditure exceeding ten thousand rupees or such higher amount as the Mayor-in-Council may fix shall be entered into by any officer referred to in clause (a) unless the same has been previously approved by the Mayor-in-Council;

(d) every contract involving an expenditure exceeding two thousand rupees but not exceeding ten thousand rupees or such higher amount as may be fixed under clause (c) entered into by an officer referred to in clause (a) shall be reported by such officer to the Mayor-in-Council within one month of such contract.

46. Manner of execution of contracts:-

(1) The manner of execution of contracts under this Act shall be determined by regulations.

(2) No contract which is not entered into in accordance with the provisions of this Act or any regulation made thereunder shall be binding on the Corporation.

47. Exercise of powers and performance of functions to be subject to sanction:-

Save as otherwise provided in this Act, the exercise of any power or the performance of any function conferred or imposed upon the Corporation or any other municipal

authority or the Municipal Commissioner by or under this Act, which will involve an expenditure, shall be subject to the following conditions--

(a) such expenditure, in so far as it is incurred in the year in which such power is exercised or such function is performed, shall be provided for under the budget grant for that year; and

(b) if the exercise of such power or the performance of such function in a year involves, or is likely to involve, an expenditure for any period, or at any time, after the close of the said year, such expenditure shall not be incurred without the sanction of the Corporation.

48. Delegation of powers and functions:-

(1) The Corporations may by resolution delegate, subject to such conditions as may be specified in the resolution, any of its powers or functions to the Mayor-in-Council.

(2) The Mayor-in-Council may by order delegate, subject to such conditions as may be specified in the order, any of its powers or functions to the Mayor or to the Municipal Commissioner.

(3) Subject to such standing orders as may be made by the Mayor-in-Council in this behalf,--

(a) the Mayor may by order delegate, subject to such conditions as may be specified in the order, any of his powers or functions to the Deputy Mayor or the Municipal Commissioner;

(b) the Municipal Commissioner may by order delegate, subject to such conditions as may be specified in the order, any of his powers or functions [1][including the powers or functions under section 397, sub-section (1) of section 400 and sub-section (1) of section 411,] to any other officer or any employee of the Corporation; and

(c) any officer of the Corporation other than the Municipal Commissioner may by order delegate, subject to such conditions as may be specified in the order, any of his powers or functions to any other officer subordinate to him.

(4) Notwithstanding anything contained in this section, the Mayor-in-Council, the Mayor, the Municipal Commissioner, or the other officer referred to in clause (c) of sub-section (3), shall not delegate--

(a) any of its or his powers or functions delegated to it or him under this section, or

(b) such of its or his powers or functions as may be prescribed.

Footnote:

1. Inserted by Section 10 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.e.f. 11.4.1996.

49. Doubts as to powers or functions of municipal authorities:-

If any doubt arises as to whether any particular power or function appertains to any municipal authority or the Municipal Commissioner, the Mayor shall refer the matter to the State Government and the decision thereon of the State Government shall be final.

Chapter V

Election of Councillors [1][* * *]

Footnote:

1. Words "and Aldermen" omitted by Section 4(6)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

A. Preparation of electoral roll and qualifications of [1][Electors and Councillors, etc.]

Footnote:

1. Substituted by Section 5(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, for the words "Electors, Councillors and Aldermen, etc.".

[1][50. Election to Corporation

The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall vest in the State Election Commission.]

Footnote:

1. Substituted by Section 4(6)(b) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the following :

"50. Electoral roll for election of Councillors to the Corporation.-- For election of Councillors to the Corporation there shall be an electoral roll showing the names of persons qualified to vote and the electoral roll shall be prepared in accordance with the provisions of this Act and the rules made thereunder:

Provided that the electoral roll for the time being in force for election of members to the West Bengal Legislative Assembly, so far as such electoral roll relates to Calcutta, may be adopted by the election authority as an electoral roll for election of Councillers to the Corporation under this Act.".

51. [Omitted]

[1][* * *]

Footnote:

1. Section 51 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994.

52. [Omitted]

[1][* * *]

Footnote:

1. Section 52 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994

53. [Omitted]

[1][* * *]

Footnote:

1. Section 53 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment Act) , 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994.

54. [Omitted]

[1][* * *]

Footnote:

1. Section 54 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994

55. [Omitted]

[1][* * *]

Footnote:

1. Section 55 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment Act), 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994..

56. [Omitted]

[1][* * *]

Footnote:

1. Section 56 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment Act) , 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994..

57. [Omitted]

[1][* * *]

Footnote:-

1. Section 57 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994.

58. [Omitted]

[1][* * *]

Footnote:

1. Section 58 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994..

59. [Omitted]

[1][* * *]

Footnote:

1. Section 59 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994..

60. [Omitted]

[1][* * *]

Footnote:

1. Section 60 omitted by Section 4(6) (c) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act. XXXVI of 1994), w.e.f. 1.6.1994..

61. General disqualifications for being a [1][* * *] member of any Committee:-

(1) A person shall not be qualified [2][* * *] for being a member of any committee of the Corporation if he--

(a) has been adjudged by a competent court to be of unsound mind; or

(b) has voluntarily acquired the citizenship of a foreign State; or

(c) is under twenty-one years of age; or

(d) is an undischarged insolvent; or

(e) being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or

(f) holds an office of profit under the Corporation or is a plumber or a building architect or a building surveyor licensed under this Act; or

(g) is the Chairman or a member or an officer or employee of the Municipal Service Commission; or

(h) is the Chairman or a member of the Municipal Assessment Tribunal constituted under section 189; or

(i) is the Chairman or an Assessor of a Tribunal constituted under section 415 for hearing appeals as provided in this Act; or

(j) is the President of the Tribunal of the Board of Trustees for the Improvement of Calcutta or an Assessor of that Tribunal or a Judge of the Court of Small Causes of Calcutta or a Municipal Magistrate, or is acting in any of those capacities; or

(k) has, directly, or indirectly, by himself or by his partner or employer or any employee, any share or interest in any contract or employment with, by, or on behalf of the Corporation; or

(l) fails to pay any arrears of any kind due by him, otherwise than as a trustee or an executor, to the Corporation within three months after a special notice in this behalf has been served upon him; or

(m) has not paid any sum certified by the auditors to be due from him in a certificate which has not been set aside under this Act, or, if such certificate has been modified, has not paid the sum shown to be due from him in the modified certificate; or

(n) has been convicted by any court and sentenced to imprisonment for an offence involving moral turpitude and punishable with imprisonment for a period of not less than six months; or

(o) has been convicted by any court of an offence under Chapter IXA of the Indian Penal Code, punishable with imprisonment or has been found in a proceeding under section 75 of this Act to have committed a corrupt practice within the meaning of this Act; or

(p) being a candidate for election as Councillor under this Act or an election agent of such candidate has failed to lodge any prescribed return of election expenses or has lodged a return which is found, either by the Chief Judge of the Court of Small Causes of Calcutta in a proceeding under section 75 of this Act or by a Judicial Magistrate in a proceeding, to be false in any material particular:

Provided that--

(i) the disqualification under clause (e) shall cease at the end of six years after discharge;

(ii) the disqualifications under clause (n) shall cease at the end of six years after the expiry of the period of imprisonment;

(iii) the disqualification under clause (o) shall cease at the end of six years after the date of conviction or finding, as the case may be;

(iv) the disqualification under clause (p) shall cease at the end of six years after the date of the election to which the return of the election expenses referred to in the said clause relates.

Explanation.-- For the purpose of clause (iii) of the proviso, the date of conviction shall be deemed to be the date on which the period of limitation for an appeal from the order of conviction expires or where an appeal or an application for revision has been preferred or made against the order of conviction, the date on which the appeal or the application for revision is finally disposed of.

(2) Any disqualification mentioned in clauses (m), (n), (o) and (p) of sub-section (1) may be removed by the State Government by an order made in this behalf.

Footnote:

1. Words "Councillor or Alderman or" omitted by Section 4(6)(d)(i) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

2. Words "for being elected a Councillor or Alderman or" omitted by Section 4(6)(d)(ii), Section 4(6)(d)(i) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

[1][61A. Disqualification for being a Councillor on change of political party by the Councillor:-

(1) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, such competent authority for the Corporation as may be appointed by the State Government by notification in this behalf (hereinafter referred to in this section as the competent authority), may, subject to the other provisions of this section, declare, for reasons to be recorded in writing, a Councillor to be disqualified for being a Councillor thereof, if--

(a) he is an elected Councillor set up by a recognised political party and has--

(i) voluntarily given up his membership of such recognised political party, or

[2][(iA) joined another recognised political party, or];

(ii) exercised the voting right contrary to the manner of voting of the majority of the Councillors who are the members of such recognised political party in the Corporation, or

(b) he is an elected Councillor [2][not] set up by a recognised political party and he has joined a recognised political party on the expiry of six months from the date of election:

Provided that the competent authority shall not declare any Councillor to be disqualified under this section without giving to such Councillor a reasonable opportunity to represent his case and, to be heard in person :

Provided further that an elected Councillor referred to in [1][sub-clause (iA), or] sub-clause (ii), of clause (a) shall not on the competent authority being satisfied in his behalf, be declared to be disqualified, if--

(a) the action of such Councillor was taken on obtaining prior permission of, or was condoned by, such recognised political party, or

(b) such Councillor claims that he and any other Councillors, who are the members, of such recognised political party, constitute in the Corporation a group representing a faction consisting of not less than one-third of the total number of Councillors set up by such recognised political party in the Corporation and that all the Councillors consisting such group have voluntarily given up their membership of such recognised political party, or

(c) the former recognised political party of the Councillor merges with another recognised political party, and he claims that he and the other members of his former recognised political party--

(i) have become members of such other recognised political party or of a new recognised political party formed out of merger, as the case may be, or

(ii) have not accepted the merger, and from the time of such merger, he and such other Councillors constituting not less than one-third of the total number of Councillors set up by the former recognised political party in the Corporation, have opted to remain members of the former recognised political party or have formed a new recognised political party.

(2) On being declared to be disqualified under sub-section (1), a Councillor shall, subject to the provisions of sub-section (12), stand removed from the Corporation from the date of such declaration.

(3) As soon as may be within one month from the date of the first meeting of the Corporation or within one month from the date on which this section comes into force, as the case may be, the elected Councillors set up by the recognised political parties shall, by adopting a resolution, select one Councillor from amongst themselves to be the Leader and such Leader shall, within fifteen days from the date of such selection, furnish to the competent authority referred to in sub-section (1)--

(i) a copy of the resolution,

(ii) a signed statement containing the names, addresses and constituencies of himself and other Councillors set up by such recognised political party, and

(iii) a copy of a set of rules and regulations, if any, by whatever name called, of such recognised political party :

Provided that an office-bearer may also hold the office of the Leader :

Provided further that the competent authority shall not refuse to accept, or to rely on, the documents furnished by the Leader merely on the ground that the resolution selecting the Leader was not adopted within the month from the date of the first meeting of the Corporation or within one month from the date on which this section comes into force, as the case may be, or that the documents as aforesaid were not furnished to him within fifteen days from the date of such selection.

(4) Where there is only one elected Councillor set up by a recognised political party in a Corporation, he shall furnish the documents referred to in sub-section (3) in relation to himself:

Provided that in the event of any increase in the number of Councillors who are the members of such recognised political party, the provisions of sub-section (3) shall apply as if the first meeting of the Corporation was held or this section came into force, as the case may be, on the date on which such increase took place.

(5) A Councillor not belonging to any recognised political party shall furnish a statement to that effect to the competent authority within one month from the date of the first meeting of the Corporation.

(6) In the event of any change of the information furnished under subsection (3), sub-section (4) or sub-section (5), the Leader or the Councillor, as the case may be, shall, as soon as may be within fifteen days from the date of such change, furnish in writing such change of information to the competent authority.

(7) The Leader referred to in sub-section (3), who is a member of a recognised political party, may at any time file a petition endorsed by the General Secretary, or, if there is no General Secretary, the Secretary, of the district unit of such recognised political party to the competent authority, stating that--

(a) one or more Councillors who are the members of such recognised political party have--

(i) voluntarily given up his or their membership of such recognised political party, or

[3][(iA) joined another recognised political party, or]

(ii) have exercised the voting right contrary to the manner of voting of the majority of the Councillors set up by such recognised political party in the Corporation, or

(b) the Councillor referred to in sub-section (4) has voluntarily given up his membership of the recognised political party that set him up, or

(c) the Councillor referred to in sub-section (5) has joined a recognised political party on the expiry of six months from the date of election, and that such Councillor or Councillors should be declared to be disqualified under sub-section (1) and should be removed from the Corporation.

(8) Every petition referred to in sub-section (7)--

(a) shall contain a concise statement of the material facts on which the petitioner relies, and

(b) shall be accompanied by copies of the documentary evidence, if any, on which the petitioner relies and, where the petitioner relies on any information furnished to him by any person or persons, a statement containing the names and addresses of such person or persons and the gist of such information as furnished by such person or each of such persons.

(9) On receipt of the petition referred to in sub-section (7), the competent authority shall, as soon as possible within six weeks from the date of the receipts of such petition, proceed to make an enquiry to satisfy himself, among others, as to--

(a) the common decision in regard to the manner of voting to be exercised by the majority of the Councillors set up by the recognised political party, and

(b) whether the Councillor or Councillors, against whom such petition is filed, exercised the voting right in a meeting of the Corporation contrary to such manner of voting.

(10) For the purpose of enquiry under sub-section (9), the competent authority may summon such members of the recognised political party or other persons, and may require such signed statement from, and production of such documents and records by, the members or other persons as aforesaid, as he may deem necessary.

(11) As soon as possible within eight weeks from the date of receipt of the petition referred to in sub-section (7), the competent authority shall, in consideration of the statements, documents and records before it,--

(a) reject the petition, or

(b) admit the petition wholly or in part and declare any member or members of such recognised political party to be disqualified under sub-section (1) for being Councillor or Councillors of the Corporation.

(12) Any Councillor declared disqualified under sub-section (1) or the Leader of the recognised political party referred to in sub-section (7), if aggrieved by the decision of the competent authority, may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the competent authority, and after giving the appellant and the opposite parties an opportunity of being heard, set aside or confirm the order or declare any Councillor or Councillors to be disqualified under, and in accordance with the provisions of sub-section (1) and, upon such declaration, the Councillor or Councillors shall stand removed from the Corporation.

(13) The order passed by the authority referred to in sub-section (12) on the appeal shall be final.

(14) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, no court shall have any jurisdiction in respect of any matter arising out of a Councillor being declared to be disqualified under sub-section (1) for being a Councillor.

Explanation.--For the purposes of this section, an elected Councillor shall be deemed to be set up by a recognised political party if he has contested election with the symbol reserved for such recognised political party or if he has contested election with a free symbol and joins a recognised political party and furnishes a declaration to that effect to the competent authority before the expiry of six months from the date of election.]

Footnote:

1. Inserted by Section 5(2) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

2. Inserted. by Section 3(1) of the Calcutta Municipal Corporation (Amendment) Act, 2000 (W. B. Act XXIII of 2000), w.e.f. 1.9.2000.

3. Inserted by Section 3(2) of the Calcutta Municipal Corporation (Amendment) Act, 2000 (West Ben. Act XXIII of 2000), w.e.f. 1.9.2000.

62. [Omitted]

[1][* * *]

Footnote:

1. Section 62 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

63. [Omitted]

[1][* * *]

Footnote:

1. Section 63 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994

64. [Omitted]

[1][* * *]

Footnote:

1. Section 64 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

65. [Omitted]

[1][* * *]

Footnote:

1. Section 65 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

66. [Omitted]

[1][* * *]

Footnote:

1. Section 66 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

67. [Omitted]

[1][* * *]

Footnote:

1. Section 67 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994

68. [Omitted]

[1][* * *]

Footnote:

1. Section 68 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

69. [Omitted]

[1][* * *]

Footnote:

1. Section 69 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994

70. [Omitted]

[1][* * *]

Footnote:

1. Section 70 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

71. [Omitted]

[1][* * *]

Footnote:

1. Section 71 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994

72. [Omitted]

[1][* * *]

Footnote:

1. Section 72 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

73. [Omitted]

[1][* * *]

Footnote:-

1. Section 73 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994

74. [Omitted]

[1][* * *]

Footnote:

1. Section 74 omitted by Section 4(6) (e), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994

75. [Omitted]

[1]**[***]**

Footnote:

1. Section 75 omitted by Section 4(6) (e) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

76. [Omitted]

[1]**[***]**

Footnote:

1. Section 76 omitted by Section 4(6) (e) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

77. [Omitted]

[1]**[***]**

Footnote:

1. Section 77 omitted by Section 4(6) (e) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

78. [Omitted]

[1]**[***]**

Footnote:

1. Section 78 omitted by Section 4(6) (e) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994..

79. Oaths of allegiance to be taken by Councillors [1][***]

Every person who is a Councillor [2][* * *] shall, before taking his seat at a meeting of the Corporation, make and subscribe before a person to be nominated by the State Government in this behalf an oath or affirmation of his allegiance to the Constitution of India in the following form :

I, A. B., being a Councillor [3][* * *] of the Kolkata Municipal Corporation, do solemnly swear/solemnly affirm that I will bear true faith and allegiance to the

Constitution of India as by law established and that I will faithfully discharge the duties upon which I am about to enter.

Footnote:

1. Words "and Alderman" omitted by Section 4(6)(f)(i) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

2. Words "or an Alderman" omitted by Section 4(6)(f)(ii), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

3. Words "/an Alderman" omitted by Section 4(6)(f)(iii) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

80. Power of the State Government in respect of first election:-

If any difficulty arises as to the preparation, publication or revision of the first electoral roll for election of Councillors to the Corporation or the holding of the first general election after the commencement of this Act, the State Government may by order authorise any matter or thing to be done which appears to it to be necessary for the proper preparation, publication or revision of such roll, or for the proper holding of the election.

81. Term of office of Councillors [1][* * *]

[2][(1) Subject to the provisions of section 83, a Councillor shall hold office for a term of five years from the date appointed for the first meeting of the Corporation under section 95 and no longer.]

(2) A Councillor [3][* * *] may, at any time, by giving notice in writing to the Chairman, resign his office and such resignation shall take effect from such date as may be specified in the notice or, if no such date is specified, from the date of its receipt by the Chairman.

Footnote:

1. Words "and Alderman" omitted by Section 4(6)(g)(i) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

2. Substituted by Section 4(6)(g)(ii), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994. for the following :

"(1) Subject to the provisions of section 83, a Councillor or an Alderman shall hold office for a term of five years beginning from the date immediately following the date of election of Aldermen under section 74 and the said term of five years shall be held to include any period which may elapse between the date of expiry of the said term and the date of the meeting of the Councillors, fixed under section 74 after a general election, at which Aldermen are elected."

3. Words "or an Alderman" omitted by Section 4(6)(g)(iii),of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

82. [Omitted]

[1][* * *]

Footnote:

1. Section 82 omitted by Section 4(6)(h), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, which stood as follows:

"82. Effect of subsequent disabilities.--If a person having been elected as a Councillor or an Alderman--

(a) subsequently becomes subject to any of the disqualifications referred to in clauses (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) of sub-section (1) of section 61, or

(b) fails to make within three months of his election the oath or affirmation under section 79, or

(c) violates the oath or affirmation under section 79, or

(d) fails continuously for a period of six consecutive months to attend the meetings of the Corporation except when such failure is due to reasons considered sufficient by the Corporation, or

(e) is retained or employed in any professional capacity in connection with any case or matter in which the Corporation has interest,

the State Government shall after previous notice to such person, by notification, declare his seat to be a vacant and thereupon such person shall cease to be a Councillor or an Alderman.

Explanation I:- For the purpose of clause (d) of this section, attendance at a meeting of a committee of the Corporation shall be deemed to be attendance at a meeting of the Corporation.

Explanation II:- For the purpose of clause (e) of this section, retention or employment in any professional capacity shall be deemed to include appearance in

any professional capacity before the Corporation or any of its committees or any officer of the Corporation in any matter in which the Corporation has interest.".

[1]**[83. Casual vacancies**

(1) When the seat of an elected member becomes vacant or is declared vacant or his election to the Corporation is declared void, the State Election Commission shall by notification call upon the constituency from which he was elected to the Corporation, to elect a person for the purpose of filling the vacancy caused by the reason of the seat as aforesaid becoming vacant or being declared vacant or his election as aforesaid being declared void, as the case may be, before such date as may be specified in the notification, and the provisions of any law that the State Legislature may make with respect to all matters relating to, or in connection with, elections to the Municipalities, shall, as far as may be, apply to such election.

(2) A person so elected shall, subject to the other provisions of this Act, hold office for the unexpired portion of the term of office of his predecessor.

Explanation:- The word "Municipality" shall have the meaning assigned to it in clause (e) of section 243P of the Constitution of India.]

Footnote:

1. Section 83 substituted by Section 4(6)(i) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994 for the following --

> 83. Casual vacancies:- (1) When a vacancy occurs in the seat of a Councillor or an Alderman by reason of death, resignation, or a declaration under section 82, or on the ground referred to in section 71, section 77 or section 168, or for any other reason, the election authority shall call upon the constituency concerned or the elected Councillors of the Corporation, as the case may be, to elect a person for the purpose of filling such vanancy on such date as may be fixed by the election authority and within such time as may be prescribed :
>
> > Provided that the State Government may, if it considers necessary or expedient in the public interest so to do, by notification, adjourn the poll to a date not later than two months from the date fixed by the election authority :
> >
> > Provided further that no election shall be held to fill such vacancy if the term of office of the Councillor or the Alderman, as the case may be, would have expired within a period of not more than three months had the vacancy not occurred.

(2) The term of office a Councillor or an Alderman elected to fill the vacancy referred to in sub-section (1) of this section shall, for the purpose of clause (b) of section 82, be deemed to commence on the date of his election and every such Councillor or Alderman shall hold office for the unexpired portion of the term of office of the Councillor or the Alderman, as the case may be, whose place he fills.".

84. [Omitted]

[1][* * *]

Footnote:

1. Section 84 omitted by Section 4(6)(i), of the west Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994,.

85. [Omitted]

[1][* * *]

Footnote:

1. Section 85 omitted by Section 4(6)(i), of the west Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994,.

86. [Omitted]

[1][* * *]

Footnote:

1. Section 86 omitted by Section 4(6)(i), of the west Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994,.

87. [Omitted]

[1][* * *]

Footnote:

1. Section 87 omitted by Section 4(6)(i), of the west Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994,.

88. [Omitted]

[1][* * *]

Footnote:

1. Section 88 omitted by Section 4(6)(i), of the west Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994,.

89. [Omitted]

[1][* * *]

Footnote:

1. Section 89 omitted by Section 4(6)(i), of the west Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994,.

90. [Omitted]

[1][* * *]

Footnote:

1. Section 90 omitted by Section 4(6)(i), of the west Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994,.

91. [Omitted]

[1][* * *]

Footnote:

1. Section 91 omitted by Section 4(6)(i), of the west Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994,.

92. [Omitted]

[1][* * *]

Footnote:

1. Section 92 omitted by Section 4(6)(i), of the west Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994,.

Chapter VI

Conduct of Business

93. Nomination of a panel of Presiding Officers:-

(1) The Chairman shall at the beginning of each calendar year nominate from amongst the elected members of the Corporation a panel of not more than three Presiding Officers and specify a sequence in which any one of them may preside over the meetings of the Corporation in the absence of the Chairman.

(2) A member nominated under sub-section (1) shall hold office until a new panel of presiding officers is nominated.

94. Meetings:-

(1) The Corporation shall meet not less than once in every month for the transaction of business.

(2) The Chairman may, whenever he thinks fit, and shall, upon a requisition in writing by not less than twenty elected members of the Corporation convene a meeting of the Corporation.

(3) Any meeting may be adjourned until the next or any subsequent date, and an adjourned meeting may be further adjourned in the like manner.

95. First meeting of the Corporation after general election:-

The first meeting of the Corporation after a general election shall be held as early as possible after the publication of the results [1][thereof] and shall be convened by the Municipal Secretary.

Footnote:

1. Substituted by Section 4(7) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for "of the election of Alderman under section 74".

96. Notice of meeting and list of business:-

A list of business to be transacted at every meeting of the Corporation except at an adjourned meeting shall be sent to the registered address of each member of the Corporation at least seventy-two hours before the time fixed for such meeting; and no business shall be brought before, or transacted at, any meeting other than the business of which notice has been so given:

Provided that any member of the Corporation may send or deliver to the Municipal Secretary notice of any resolution so as to reach him atleast forty-eight hours before the time fixed for the meeting and the Municipal Secretary shall with all possible despatch take steps to circulate such resolution to every member of the Corporation in such manner as he may think fit.

Explanation:- In this section, "registered address" means the address for the time being entered in the register of addresses of members of the Corporation to be maintained by the Municipal Secretary.

97. Quorum for transaction of business at a meeting of the Corporation and method of deciding questions:-

(1) The quorum necessary for the transaction of business at a meeting of the Corporation shall be one-fifth of the total number of members of the Corporation.

(2) If at any time during a meeting of the Corporation there is no quorum, it shall be the duty of the person presiding over such meeting either to adjourn the meeting or to suspend the meeting until there is a quorum.

(3) Where a meeting has been adjourned under sub-section (2), the business which would have been brought before such meeting shall be brought before, and may be transacted at, an adjourned meeting; and no quorum shall be necessary for such an adjourned meeting.

(4) All matters required to be decided at a meeting of the Corporation shall, save as otherwise provided in this Act, be determined by a majority of votes of the members of the Corporation present and voting.

(5) The voting shall be by show of hands provided that the Corporation may, subject to such regulation as may be made by it, resolve that any question or class of questions shall be decided by the secret ballot.

(6) At any meeting of the Corporation, unless a poll is demanded by at least five members of the Corporation, a declaration by the Presiding Officer of such meeting that a resolution has been carried or lost in such meeting, and an entry to that effect in the minutes of the proceedings of such meeting shall, for the purpose of this Act, be conclusive evidence of the fact that such resolution has been carried or lost, as the case may be.

(7) If at any meeting of the Corporation a poll is demanded on a resolution before it, the votes of all the members of the Corporation present who desire to vote shall be taken under the direction of the Presiding Officer of such meeting who shall declare such resolution to have been carried or lost, as the case may be, in accordance with the result of such poll.

98. Presiding Officer of a meeting of the Corporation:

(1) The Chairman or, in his absence, a member of the panel of Presiding Officers nominated under section 93 shall preside at every meeting of the Corporation:

Provided that when a meeting is held to consider a motion for the removal of the Chairman, the Chairman shall not preside at such meeting.

(2) In the absence of the Chairman and all members of the panel of the Presiding Officers as aforesaid from a meeting of the Corporation, the elected members present shall elect form amongst themselves one member to preside over the meeting.

(3) The Chairman or the person presiding over a meeting of the Corporation shall have and exercise only a casting vote in all cases of equality of votes.

99. Presiding Officer of a meeting for election of a Mayor or Chairman:-

Notwithstanding anything contained in section 98,--

(a) at the first meeting for the election of the Mayor and the Chairman or at any other meeting for the election of the Chairman, the State Government shall nominate an elected member of the Corporation, who is not a candidate for such election, to preside over the meeting;

(b) if during the election of the Mayor or the Chairman, as the case may be, it appears that there is an equality of votes between any candidates at such election and the addition of a vote would entitle one of such candidates to be elected as Mayor or Chairman, as the case may be, then, the person presiding over the meeting shall decide between such candidates by lot to be drawn in their presence and in such manner as he may determine and the candidate on whom the lot falls shall be deemed to have received an additional vote.

100. Maintenance of order at a meeting of the Corporation and withdrawal and suspension of Councillor [1][* * *]:-

(1) The Presiding Officer of a meeting of the Corporation shall preserve order thereat and shall have all the powers necessary for the purpose of preserving such order.

(2) The Presiding Officer of a meeting may direct any Councillor[2][* * *] whose conduct is in his opinion grossly disorderly, to withdraw immediately from the meeting, and every Councillor [2][* * *] so directed shall do so forthwith and shall absent himself during the remainder of the meeting.

(3) If any Councillor [2][* * *] is ordered to withdraw a second time, the Presiding Officer may warn such Councillor [2][* * *] of the action that may be taken under this sub-section and may suspend such Councillor [2][* * *] from attending the meetings of the Corporation for any period not exceeding sixty days and the Councillor [2][* * *] so suspended shall absent himself accordingly:

Provided that the Chairman may at any time decide that such suspension be terminated:

Provided futher that a Councillor [3][* * *] shall not, so long as he is debarred from attending any meeting of the Corporation, attend any meeting of any committee of the Corporation.

(4) In the case of grave disorder arising in a meeting, the presiding officer may, if he thinks necessary so to do, adjourn the meeting to a date specified by him.

Footnote:

1. Words, "and Alderman" omitted by Section 4(8)(a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

2. Words "or Alderman" omitted by Section 4(8)(c), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

3. Words "or the Alderman" omitted by Section 4(8)(c)(ii), of West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f., 1.6.1994.

101. A member of the Corporation having pecuniary interest in any contract, etc. with the Corporation:-

(1) If a member of the Corporation has any pecuniary interest, direct or indirect, in any contract or proposed contract with or employment under or other matter concerning the Corporation and is present at a meeting of the Corporation or of a committee thereof at which such contract or employment or other matter is subject of consideration, he shall, as soon as practicable after the commencement of such meeting, disclose the fact, and shall not take part in the consideration or discussion of or vote on any question with respect to such contract or employment or other matter:

Provided that the provisions of this section shall not apply to a member having interest as a rate-payer or an inhabitant of Kolkata or a consumer of water or having an interest in any matter relating to any civic service to the public.

(2) For the purpose of this section a member shall be treated as having indirectly a pecuniary interest in a contract or employment or other matter, if he or his nominee is a member of any company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the employment or other matter under consideration, or if he is a partner in a firm with which, or is in employment under a person with whom, the contract is made or is proposed to be made, or if such firm or person has direct pecuniary interest in the employment or other matter under consideration :

Provided that--

(i) the provisions of this sub-section shall not apply to a member who is a member of, or is in employment under, any public body;

(ii) a member shall not, by reason of his membership of a company or other body, be treated as having any pecuniary interest in such company or other body if he has no beneficial interest in any shares or stock of such company or other body.

(3) In the case of a member who is married and lives with his spouse, the interest of one shall be deemed for the purpose of this section to be the interest of the other.

Explanation:- For the purposes of this section and section 102, "company" shall mean any body corporate and shall include a firm or other association of individuals.

102. Disclosure of pecuniary interest:-

(1) A Councillor [1][* * *] may give to the Municipal Secretary a notice to the effect that he or his spouse is a member of a specified company or is a partner in a firm or is in the employment under a specified person, and if any contract is made or is proposed to be made with such company or firm or person, such notice shall, unless and until it is withdrawn, be deemed to be a sufficient disclosure of his interest in such contract or proposed contract which may be the subject of consideration at a meeting of the Corporation after the date of the notice.

(2) The Municipal Secretary shall record in a book to be kept for the purpose particulars of any disclosure made under sub-section (1) of section 101 and of any notice given under sub-section (1) of this section and the book shall be open at all reasonable hours for the inspection of any Councillor [2][* * *]

Footnote:

1. Words, "or an Alderman" omitted by Section 4(9) (a) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

2. Words, "or Alderman" omitted by Section 4(9) (b), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

103. Meeting to be ordinarily open to public:-

(1) Every meeting shall be open to the public, unless a majority of the members of the Corporation present at the meeting decide by a resolution, which shall be put by the Presiding Officer either on his own motion or at the request of any such member without previous discussion, that any enquiry or deliberation pending before the Corporation shall be held in private.

(2) The Corporation may make regulations providing for the admission of strangers to its meeting and for the removal by force, if necessary, of any stranger for interrupting or disturbing the proceedings of the meeting.

104. Right of Municipal Commissioner and other officers to attend meeting of Corporation and Committees, etc.:-

The Municipal Commissioner or any other officer of the Corporation authorised by him in writing in this behalf may attend any meeting of the Corporation or any of its committees.

105. Right of Councillors [1][* * *] to ask questions:-

(1) A Councillor [2][* * *] may, subject to the provisions of sub-section (2), ask the Mayor-in-Council questions on any matter relating to the administration of the Corporation or the municipal government of Kolkata and all such questions shall be addressed to the Mayor-in-Council and shall be answered either by the Mayor or by any other member of the Mayor-in-Council.

(2) The right to ask a question shall be governed by the following conditions, namely--

(a) not less than seven working days' notice in writing specifying the question shall be given to the Municipal Secretary;

(b) no question shall--

(i) bring in any name or statement not strictly necessary to make the question intelligible,

(ii) contain arguments, ironical expressions, imputations, epithets or defamatory statements,

(iii) ask for an expression of opinion or the solution of a hypothetical proposition,

(iv) ask as to the character or conduct of any person except in his official or public capacity,

(v) relate to a matter which is not primarily the concern of the Corporation,

(vi) make or imply a charge of a personal character,

(vii) raise questions of policy too large to be dealt with within the limits of an answer to a question,

(viii) repeat in substance questions already answered or to which an answer has been refused,

(ix) ask for information on trivial matters,

(x) ordinarily ask for information on matters on past history,

(xi) ask for information set forth in accessible documents or in ordinary works of reference,

(xii) raise matters under the control of bodies or persons not primarily responsible to the Corporation,

(xiii) ask for any information on any matter which is under adjudication by a court of law.

(3) The Presiding Officer shall disallow any question, which is, in his opinion, in contravention of the provisions of sub-section (2).

(4) If any doubt arises whether any question is or is not in contravention of the provisions of sub-section (2), the matter shall be decided by the Presiding Officer, whose decision shall be final.

(5) The Mayor or any other member of the Mayor-in-Council shall not be bound to answer a question if it asks for information which has been communicated to him or to the Mayor-in-Council in confidence or if, in his opinion, it cannot be answered without prejudice to the public interest.

(6) Unless otherwise directed by the Presiding Officer of the meeting, every question shall be answered at a meeting of the Corporation.

Footnote:

1. Words "and Aldermen" omitted by Section 4(10)(a), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

2. Words "or an Alderman" omitted by Section 4(10)(b), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

106. Discussion on urgent public matters:-

(1) Any Councillor [1][* * *] may give notice of raising discussion on a matter of urgent public importance to the Municipal Secretary specifying clearly the matter to be raised.

(2) Such notice supported by the signatures of at least two other elected members shall reach the Municipal Secretary at least forty-eight hours before the date on which such discussion is sought and the Municipal Secretary shall immediately place it before the Chairman or in his absence, any member of the panel of Presiding Officers and circulate the same among the members in such manner as he may think fit.

(3) The Chairman or, in his absence, any member of the panel of Presiding Officers may admit for discussion such notice or notices as may appear to him to be of sufficient importance and allow such time for discussion as he may consider appropriate.

(4) There will be no formal resolution nor voting.

Footnote:

1. Words, "or Alderman" omitted by Section 4(11) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

107. Asking for statement from Mayor-in-Council;-

(1) Any Councillor [1][* * *] may ask for statement from the Mayor-in-Council on an urgent matter relating to the administration of the Corporation or the municipal government of Kolkata by giving a notice to the Municipal Secretary at least one hour before the commencement of the sitting on any day.

(2) The Mayor or a member of the Mayor-in-Council may either make a brief statement on the same day or fix a date for the same.

(3) Not more than two such matters shall be raised at the same sitting and in the event of more than two matters being raised, priority shall be given to the matters which are, in the opinion of the Chairman or, in his absence, the member of the panel of Presiding Officers, more urgent and important.

(4) There shall be no debate on such statement at the time it is made.

Footnote:

1. Words "or Alderman" omitted by Section 4. (12), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

108. Keeping of minutes and proceedings:-

(1) Minutes of each meeting of the Corporation and a committee of the Corporation recording therein the names of the members present at such meeting and the proceedings of each such meeting shall be drawn up and entered in a book to be kept for that purpose and shall be laid before the next meeting of the Corporation or such committee, as the case may be, and signed at such meeting by the Presiding Officer thereof.

[1][* * *]

Footnote:

1. Sub-section (2) omitted by Section 4(13), of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, which stood as under:

"(2) Proceedings of each meeting of the Councillors for the election of any Alderman shall be drawn up in the like manner.".

109. Circulation of minutes and inspection of minutes and reports of proceedings:-

Minutes of the proceedings of each meeting of the Corporation shall be circulated to all the members of the Corporation and shall at all reasonable times be available at the office of the Corporation for inspection by any member of the Corporation, free of cost, and by any other person on payment of such fee as the Corporation may determine.

110. Forwarding of minutes and reports of proceedings to State Government:-

(1) The Municipal Secretary shall forward to the State Government a copy of the minutes of the proceedings of each meeting of the Corporation and a Committee of the Corporation within a period of ten days from the date on which the minutes of the proceedings of such meeting are signed under section 108.

(2) The State Government may in any case call for a copy or copies of any or all the papers laid before the Corporation or any committee of the Corporation and thereupon the Municipal Secretary shall forward to the State Government a copy or copies of such paper or papers.

(3) The Municipal Secretary shall forward to the State Government, as soon as may be after the expiry of the period referred to in sub-section (1), a copy of the proceedings of the meetings of the Corporation and a committee of the Corporation.

111. Rules relating to conduct of business of the Corporation:-

The State Government may, by rules, provide for such matters, not provided in this Act, relating to the conduct of business of the Corporation or of its Committees as it may deem necessary.

112. Validation of acts and proceedings:-

(1) No act or proceeding of the Corporation or any Committee of the Corporation under this Act shall be called in question merely on the ground of--

(a) the existence of any vacancy in, or any defect in the constitution of, the Corporation or any Committee of the Corporation, or

(b) any member of the Corporation having voted or taken part in any proceedings in contravention of the provisions of section 101, or

(c) any defect or irregularity not affecting the merit of any case to which such defects or irregularity relates.

(2) Every meeting of the Corporation or any Committee of the Corporation, the minutes of the proceedings of which have been duly signed under section 108, shall be deemed to have been duly convened and to be free from any defect or irregularity.

Chapter VII

Control

113. Power of the State Government to call for records, etc.:-

The State Government may at any time require any municipal authority--

(a) to produce any record, correspondence, plan or other documents,

(b) to furnish any return, plan, estimate, statement, accounts or statistics, and

(c) to furnish or obtain any report, and thereupon such authority shall comply with such requirement.

114. Power of the State Government to depute officers to make inspection or examination and report:-

The State Government may depute any of its officers to inspect or examine any department, office, service, work or property of the Corporation and to report thereon, and such officer may for the purpose of such inspection or examination exercise all the powers of the State Government under section 113.

115. Power of the State Government to require the municipal authorities to take action:-

If, after considering the records, requisitioned under section 113 or the report under section 114 or any information received otherwise by the State Government, the State Government is of opinion--

(a) that any action taken by a municipal authority is unlawful or irregular or any duty imposed on such authority by or under this Act has not been performed or has been performed in an imperfect, insufficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any duty under this Act,

the State Government may by order require such authority to regularise such unlawful or irregular action or perform such duty or restrain such authority from taking such unlawful or irregular action or direct such authority to make, to the satisfaction of the State Government, within a period specified in the order, arrangements, or financial provision, as the case may be, for the proper performance of such duty:

Provided that the State Government shall, unless in its opinion the immediate execution of such order is necessary, before making an order under this section, give such authority an opportunity of showing cause, within such period as may be specified by the State Government, why such order should not be made.

116. Power of the State Government to provide for enforcement of order under section 115:-

(1) If no action has been taken in accordance with the order under section 115 within the period specified therein or if no cause has been shown under the proviso to that section or if the cause shown under the said proviso is not to the satisfaction of the State Government, the State Government may make arrangements for the taking of such action and may direct that all expenses connected therewith shall be defrayed from the Municipal Fund.

(2) For the purpose of sub-section (1), it shall be lawful for the State Government to appoint, for such period as the State Government may think fit, any person considered suitable by it, who shall exercise and perform, subject to such directions as the State Government may issue from time to time, all or any of the powers and functions of the Municipal Authorities.

117. Power of the State Government to [1][dissolve] the Corporation:-

(1) If, in the opinion of the State Government, the Corporation has shown its incompetence, or has persistently made default, in the performance of the duties or in the exercise of the functions imposed on it by or under this Act or any other law for the time being in force, or has exceeded or abused its powers, the State

Government may by an order published in the Official Gazette, and stating reason therefor, declare the Corporation to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and [2][dissolve] it for such period not exceeding [3][six months] as may be specified in the order.

(2) Before making any order under sub-section (1),--

(a) a notice shall be given by the State Government to the Corporation calling upon it to submit representation, if any, against the proposed order within such period as may be specified in the notice;

(b) on receipt of such representation, if any, the State Government shall constitute a committee consisting of not more than five persons and shall forward the representation to the committee for its consideration and report within such time as the State Government may determine; and

(c) the State Government shall consider such representation [4][and such report :]

[5][Provided that notwithstanding anything contained in sub-section (1), no order of dissolution of the Corporation shall be made without giving the Corporation a reasonable opportunity of being heard.]

(3) The members of the Committee referred to in clause (b) of sub-section (2) shall be nominated by the State Government.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), if, in the opinion of the State Government the Mayor having lost the support of the majority of the members of the Corporation, the Corporation is unable to function in accordance with the provisions of this Act, the State Government may, by an order published in the Official Gazette, [6][dissolve] the Corporation for such period not exceeding [7][six months] as may be specified in the order.

[8][(5) Where the Corporation has been dissolved under sub-section (1), or sub-section (4), an election to constitute the Corporation shall be completed before the expiry of six months from the date of its dissolution:

Provided that where the period for which the dissolved Corporation would have continued is less than six months, it shall not be necessary to hold any election to constitute the Corporation for such period :

Provided further that the Corporation constituted upon the dissolution thereof before the expiration of the term of office under section 81 shall continue only for the remainder of the period for which the dissolved Corporation would have continued had it not been so dissolved.]

Footnote:

1. Substituted by Section 4(14)(a) of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f.1.6.1994, for the word "supersede".

2. Substituted by Section 4(14)(b)(i), of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the word "supersede".

3. Substituted by Section 4(14)(b)(ii), of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the words "twelve months".

4. Substituted by Section 4(14)(c)(i), of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the words "and such report".

5. Proviso added by Section 4(14)(c)(ii), of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

6. Substituted by Section 4(14)(d)(i), of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the word "supersede".

7. Substituted by Section 4(14)(d)(ii), of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the words "twelve months".

8. Sub-section (5) substituted by Section 4(14)(e), of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the following :

> "(5) The State Government may, if it considers necessary so to do, by order extend or modify from time to time the period of supersession under sub-section (1) or sub-section (4), provided that the aggregate period of such supersession in either case shall not exceed eighteen months.".

118. Consequences of [1][dissolution]:-

(1) Notwithstanding anything contained in this Act or in any other law in force for the time being, with effect from the date of an order of [1][dissolution] made under sub-section (1) or sub-section (4) of section 117,--

> (a) all the members of the Corporation, the Mayor-in-Council and any Committee of the Corporation constituted under this Act, and the Mayor and the Chairman shall vacate their offices, and
>
> (b) all the powers and duties which, under the provisions of this Act or any rule or regulation made thereunder or of any law in force for the time being, may be exercised or performed by the members of the Corporation or the Mayor-in-Council or any Committee of the Corporation or the Mayor or the Chairman, shall be exercised or performed, subject to such directions as the State Government may give from time to time, by such person or persons as the State Government may appoint in this behalf :

Provided that when the State Government appoints more than one person to exercise any powers and perform any duties it may, by order, allocate, in such manner as it thinks fit, such powers and duties among the persons so appointed:

Provided further that the State Government shall fix the remuneration of such person or persons, and may direct that such remuneration shall, in each case, be paid out of the Municipal Fund.

(2) For the avoidance of doubts it is hereby declared that an order of [2][dissolution] made under sub-section (1) or sub-section (4) of section 117 shall not effect or imply in any way the dissolution of the Corporation as a body corporate.

Footnote:

1. Substituted by Section 4(15)(a)(b), of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the word "supersession".

2. Substituted by Section 4(15)(c), of the West Bengal Municipal Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994, for the word "supersession".

Part: III

Finance

Chapter VIII

The Municipal Fund

119. Municipal Fund:-

(1) There shall be a fund to be called the Municipal Fund to be held by the Corporation in trust for the purposes of this Act and all moneys realised or realisable under this Act and all moneys otherwise recieved by the Corporation shall be credited thereto.

[1][(2) The Municipal Fund shall be maintained in the following six accounts namely:

(a) the water supply, sewerage and drainage account,

(b) the road development and maintenance account,

(c) the bustee service account,

(d) the commercial project account,

(e) the solid waste account, and

(f) the general account which shall relate to all moneys received by or on behalf of the Corporation other than those specified in clause (a), clause (b), clause (c), clause (d), or clause (e).]

Explanation:- For the purpose of this section, "commercial projects" shall include municipal markets, market development projects, property development projects, and such projects of a commercial nature as may be specified by the Corporation from time to time.

(3) All moneys realised on different accounts referred to in sub-section (2) shall forthwith be deposited with the State Bank of India or with such other scheduled bank as may be approved by the State Government in this behalf for credit to the respective heads of accounts styled as--

(a) the Water-supply, Sewerage and Drainage Account of the Municipal Fund of the Kolkata Municipal Corporation;

(b) the Road Development and Maintenance Account of the Municipal Fund of the Kolkata Municipal Corporation;

(c) the Bustee Services Account of the Municipal Fund of the Kolkata Municipal Corporation;

(d) the Commercial Projects Account of the Municipal Fund of the Kolkata Municipal Corporation;

(e) the General Account of the Municipal Fund of the Kolkata Municipal Corporation.

Footnote:

1. Substituted by Section 7 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001 which formerly stood as follows:

"(2) The Municipal Fund shall be maintained in the following five accounts, namely :

(a) the Water-supply, Sewerage and Drainage Accounts,

(b) the Road Development and Maintenance Account,

(c) the Bustee Services Account,

(d) the Commercial Projects Accounts, and

(e) the General Account which shall relate to all moneys received by or on behalf of the Corporation other than those specified in clause (a), clause (b), clause (c) or clause (d).".

120. Water-supply, Sewerage and Drainage Account:-

(1) There shall be placed to the credit of the Municipal Fund in the Water-supply, Sewerage and Drainage Account--

(a) an amount equal to thirty per cent. of the amount realised on account of the [1][property tax] imposed under section 171 other than the amount realised from bustees;

(b) the money realised by the Corporation under the provisions of Chapter XVII, Chapter XVIII and Chapter XIX;

(c) such sum as may be transferred in each year by the Corporation from the General Account; and

(d) the amount received from the State Government under subsection (2).

(2) The State Government shall in each year give to the Corporation an amount equal to the sum transferred by the Corporation to the Water-supply, Sewerage and Drainage Account under clause (c) of sub-section (1). Such amount shall include any money given by the State Government to the Corporation as subvention for a specific purpose or given towards the payment of salaries and allowances, if any, of the officers and employees of the Corporation referred to in section 14 and section 17 in so far as their work relates to water-supply, sewerage and drainage.

(3) The money credited to the Municipal Fund in the Water-supply, Sewerage and Drainage Account shall, subject to the regulations made in this behalf, be applied for the purposes of water-supply, sewerage and drainage.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIM of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

121. Road Development and Maintenance Account:

(1) There shall be placed to the credit of the Municipal Fund in the Road Development and Maintenance Account--

(a) such subvention as the State Government may give from time to time from the proceeds of the tax on motor vehicles;

(b) fees realised on account of parking of vehicles under this Act;

(c) an amount equal to twenty-five per cent. of the total grant made by the State Government to the Corporation under sub-section (2) of section 12 of the Taxes

on Entry of Goods into Calcutta Metropolitan Area Act, 1972 (West Ben. Act V of 1972); and

(d) the amount received from the State Government under subsection (2).

(2) The State Government shall in each year give to the Corporation an amount which shall include any money given by the State Government to the Corporation as subvention for a specific purpose or given towards the payment of salaries and allowances, if any, of the officers and employees of the Corporation referred to in section 14 and section 17 in so far as their work relates to road development and maintenance.

(3) The money credited to the Municipal Fund in the Road Development and Maintenance Account shall, subject to the regulations made in this behalf, be applied for the purposes of development and maintenance of roads.

122. Bustee Services Account:-

(1) There shall be placed to the credit of the Municipal Fund in the Bustee Services Account--

(a) the amount of the [1][property tax] realised from bustees;

(b) such amount not less than rupees fifty lakhs in each year as may be transferred by the Corporation from the General Account; and

(c) the amount received from the State Government under subsection (2).

(2) The State Government shall in each year give to the Corporation a sum not less than double the amount transferred by the Corporation from the General Account for credit to the Bustee Service Account under clause (b) of sub-section (1).

(3) The money credited to the Municipal Fund in the Bustee Services Account shall, subject to the regulations made in this behalf, be applied for the purposes of maintaining and providing civic services to bustees.

Explanation:- "Civic services" for the purpose of this sub-section shall mean all services referred to in this Act.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

123. Commercial Projects Account:-

(1) There shall be placed to the credit of the Municipal Fund in the Commercial Projects Account--

(a) the receipts on account of the commercial projects of the Corporation; and

(b) such sum as may be transferred in each year by the Corporation from the General Account.

(2) The State Government shall in each year give to the Corporation an amount which shall include any money given by the State Government to the Corporation as subvention for a specific purpose or given towards the payment of salaries and allowances, if any, of the officers and employees of the Corporation referred to in section 14 and section 17 in so far as their work relates to commercial projects.

(3) The money credited to the Municipal Fund in the Commercial Projects Account shall, subject to the regulations made in this behalf, be applied for the purposes of--

(a) meeting the development and maintenance costs of commercial projects,

(b) undertaking new commercial projects.

[1]**[123A. Solid Waste Account:-**

There shall be placed to the credit of the Municipal Fund in the Solid Waste Account--

(a) an amount equal to fifteen per cent of the amount credited on property tax imposed under section 171;

(b) the money or cheque credited by the Corporation under section 210B and under the provisions of Chapter XX;

(c) Such sum as may be transferred in each year by the Corporation from the General Fund;

(d) the amount received from the State Government of from any other source saving the sources referred to in clause (a), clause (b) or clause (c).]

Footnote:

1. Inserted by s. 8 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

124. Application of Municipal Fund:-

Subject to the provisions of sections 120, 121, 122 and 123 the moneys credited to the Municipal Fund from time to time shall be applied for payment of all sums, charges and costs necessary for carrying out the purposes of this Act and the rules and the regulations made thereunder or for payment of all sums payable out of the Municipal Fund under any other enactment in force for the time being.

125. Expenditure on physical assets outside Kolkata:-

Expenditure on physical assets outside Kolkata may, for carrying out the purposes of this Act, be made if a resolution to that effect is carried by not less than one-half of the total number of members of the Corporation.

126. Operation of Bank Accounts:-

Subject to the other provisions of this Act, payment from the Municipal Fund shall be made in such manner as may be determined by regulations, and the accounts referred to in section 119 shall be operated by such officers of the Corporation as may be authorised by the Corporation by regulations.

127. Payments not to be made out of Municipal Fund unless covered by a budget grant:-

No payment of any sum out of the Municipal Fund shall be made unless such expenditure is covered by a current budget grant and a sufficient balance of such budget grant is available notwithstanding any reduction or transfer thereof under the provisions of this Act:

Provided that this section shall not apply to payments in the following cases:

(a) refund of taxes and other moneys which are authorised by this Act;

(b) repayment of moneys belonging to contractors or other persons and held in deposit and all moneys collected or credited to the Municipal Fund by mistake;

(c) temporary payments for works urgently required by the State Government in the public interest;

(d) sums payable as compensation under this Act or the rules or the regulations made thereunder;

(e) expenses incurred by the Corporation on special measures on the outbreak of dangerous diseases;

(f) sums payable--

(i) under orders of the State Government on failure of the Corporation to take any action required by the State Government; or

(ii) under any other enactment in force for the time being; or

(iii) under the decree or order of a civil or criminal court against the Corporation; or

(iv) under a compromise of any claim, suit or other legal proceedings; or

(v) on account of the cost incurred in taking immediate action by any of the municipal authorities to avert a sudden threat or danger to the property of the Corporation or to human life; and

(g) such other cases as may be prescribed.

128. Procedure when money not covered by a budget grant is paid:-

Whenever any sum is paid in any of the cases referred to in the proviso to section 127, the Municipal Commissioner shall forthwith communicate the circumstances of such payment to the Mayor-in-Council, and thereupon the Mayor-in-Council may take or recommend to the Corporation to take such action under the provisions of this Act as may appear to it to be feasible and expedient for covering the amount of such payments.

129. Temporary payments from the Municipal Fund for works urgently required in the public interest:-

(1) On the written requisition of a Secretary to the State Government the Mayor-in-Council may at any time require the Municipal Commissioner to undertake the execution of any work certified by the Secretary to be urgently required in the public interest and, for this purpose, to make payment temporarily for such work from the Municipal Fund in so far as such payment can be made without unduly interfering with the regular work of the municipal government.

(2) The cost of all work so executed and of the establishment engaged in executing the same shall be paid by the State Government and credited to the Municipal Fund.

(3) On receipt of any requisition under sub-section (1), the Mayor-in-Council shall forthwith forward a copy thereof to the Corporation together with a report of the steps taken in pursuance of the same.

130. Investment of surplus moneys:-

(1) Surplus moneys standing at the credit of any of the accounts of the Municipal Fund which cannot, either immediately or at any early date, be applied for the purposes of this Act by the Corporation may, in accordance with such rules as may be made by the State Government in this behalf, be transferred by the Corporation either in whole or in part to any other account of the Municipal Fund:

Provided that no such money shall be transferred permanently from any of the accounts to any other account without the previous approval of the State Government:

Provided further that such surplus moneys standing at the credit of the Commercial Projects Account of the Municipal Fund shall not be transferred to the General Account of the Municipal Fund.

(2) Surplus moneys which are not transferred under sub-section (1) may be invested in public securities or small savings schemes approved by the State Government or deposited at interest with such scheduled bank as may be determined by the Mayor-in-Council.

(3) Profit or loss, if any, arising from the investment as aforesaid shall be credited or debited, as the case may be, to the account to which such profit or loss relates.

Chapter IX

Budget Estimates

131. Annual Budget of the Corporation:-

(1) The Corporation shall, on or before the 22nd day of March in each year, adopt for the ensuing year a budget estimate which shall be the estimate of the receipts and the expenditure of the Corporation to be received and incurred on account of the municipal government of Kolkata.

(2) The budget estimate shall separately state the income and the expenditure of the Corporation to be received and incurred in terms of the following accounts--

(a) the Water-supply, Sewerage and Drainage Account,

(b) the Road Development and Maintenance Account,

(c) the Bustee Service Account,

(d) the Commercial Projects Account, and

(e) the General Account.

(3) The budget estimate shall state the rates at which various taxes, surcharges, cesses and fees shall be levied by the Corporation in the year next following.

(4) The budget estimate shall state the amount of money to be raised as loan during the year next following.

(5) The Mayor shall present the budget estimate to the Corporation on the 15th day of February in each year or as soon thereafter as possible.

(6) The budget estimate shall be prepared, presented and adopted in such form and in such manner, and shall provide for such matters, as may be prescribed.

132. Power of the Corporation to alter budget grants:-

(1) The Corporation may, on the recommendation of the Mayor-in-Council from time to time during the year,--

(a) increase the amount of any budget grant under any head,

(b) make an additional budget grant to meet any special or unforeseen requirement arising during the same year,

(c) transfer the amount or portion of the amount of the budget grant under any head to the account of the budget grant under any other head, or

(d) reduce the amount of the budget grant under any head :

Provided that due regard shall be had to all the requirements of this Act in increasing the amount of any budget-grant or in making any additional budget grant.

(2) Every increase in a budget-grant and every additional budget grant made under sub-section (1) for any year shall be deemed to be included in the budget estimate finally adopted for that year.

133. Power of the Corporation to readjust income and expenditure during the year:-

(1) If at any time during the year it appears to the Corporation that, notwithstanding any reduction of budget-grant under section 132, the money at the credit of the Municipal Fund during the same year will not suffice to meet the expenditure sanctioned in the budget estimate of that year, it shall be incumbent on the Corporation forthwith to take any measure which it may consider necessary for adjusting the expenditure to the income during the year.

(2) For the purpose of sub-section (1), the Corporation may either diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Act or have recourse to supplementary taxation

or to an increase in the taxes, surcharges, cesses and fees leviable under this Act or adopt all or any of those methods.

Chapter X

Loans

134. Power of the Corporation to raise loan:-

(1) The Corporation may from time to time by a resolution in this behalf passed at a meeting of the Corporation raise a loan, by the issue of debentures or otherwise on the security of the [1][property tax] or of all or any of the taxes, surcharges, cesses and fees and dues under this Act or of both the [1][property tax] and all or any of the taxes, surcharges and cesses and fees and dues under this Act, or on the guarantee by the State Government, of any sum of money which may be required--

(a) for the construction of works under this Act, or

(b) for the acquisition of land or buildings for the purposes of this Act, or

(c) to pay off any debt due to the State Government, or

(d) to repay a loan raised under this Act, or

(e) for the acquisition of a public utility concern which renders such services as the Corporation is authorised to render under this Act, or

(f) for the purchase of vehicles, locomotive engines, boilers and machinery necessary for carrying out the purposes of this Act, or

(g) for any other purposes for which the Corporation is, by or under this Act or any other law in force for the time being, authorised to borrow :

Provided that--

(i) no loan shall be raised without the previous sanction of the State Government; and

(ii) the rate of interest to be paid for such loan and the terms and conditions (including the period) of repayment thereof shall be subject to the approval of the State Government :

Provided further that any loan may be taken from the State Government or the Kolkata Metropolitan Development Authority in addition to the loans as aforesaid.

(2) When any loan has been raised under sub-section (1),--

(i) no portion thereof shall, without the previous sanction of the State Government, be applied to any purpose other than that for which it has been raised, and

(ii) no portion of any loan raised for the purpose referred to in clause (a) of that sub-section shall be applied to the payment of salaries or allowances to any officers or employees of the Corporation other than those who are exclusively employed for the construction of the work for which loan was raised.

Explanation.--The expression "dues under this Act" in sub-section (1) shall, for the purpose of clause (e) of sub-section (1), be deemed to include the income derivable from the public utility concern referred to in that clause.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

135. Limit to the power of raising loan:-

Notwithstanding anything hereinbefore contained, the power of the Corporation to raise a loan shall be limited so however that the sums payable under this Act during any year for interest and for the maintenance of Sinking Funds established under this Act shall not exceed fifteen per cent of the annual value of land and buildings as determined under this Act.

136. Power of the Corporation to open a credit account with a bank:-

Notwithstanding anything contained in section 134, the Corporation may, when the raising of a loan is sanctioned by the State Government under that section, instead of raising such loan or any part thereof, take credit, on such terms as may be approved by the State Government, from any scheduled bank on a cash account to be kept in the name of the Kolkata Municipal Corporation Cash Account to the extent of such loan or any part thereof and, with the sanction of the State Government, may grant mortgages of all or any of the properties vested in the Corporation by way of securing the repayment of the amount of such credit or of the sums advanced from time to time on such cash account with interest.

137. Power of the Corporation to raise short-term loans:-

Notwithstanding anything contained in this Chapter, the Corporation may, with the previous sanction of the State Government, from time to time, take a short-term loan payable within any period not exceeding twelve months, from the State Bank of India or any other scheduled bank for such purpose, not being a purpose, referred to in sub-section (1) of section 134, on such terms and on furnishing such security for the repayment of such loan, as may be approved by the State Government :

Provided that where the Corporation has taken any loan under this section, no further loan under this section shall be sanctioned by the State Government until the repayment of the previous loan.

138. Time for repayment of loan:-

The time for repayment of any loan raised under section 134 shall in no case exceed sixty years and the time for repayment of any loan raised for the purpose of discharging any previous loan shall not, except with the approval of the State Government extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

139. Manner of repayment of loans:-

Every loan raised by the Corporation under section 134 shall be repaid within the time approved under that section and such repayment shall be made either (a) from a Sinking Fund established under section 145 in respect of such loan or (b) partly from such Sinking Fund and (to the extent to which such Sinking Fund falls short of the sum required for the repayment of such loan) partly from the loan raised for the purpose under section 134, as may be approved by the State Government.

140. Form and effect of debentures:-

All debentures issued under this Chapter shall be in such form, and shall be transferable in such manner, as the Corporation may by regulations determine, and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

141. Payment to survivors of joint payees:-

When any debenture or security issued under this Act is payable to two or more persons jointly and either or any of them dies, then, notwithstanding anything in

section 45 of the Indian Contract Act, 1872 (9 of 1872), the debenture or security shall be payable to the survivor or survivors of such persons :

Provided that nothing in this section shall affect any claim by the representative of a deceased person against such survivor or survivors.

142. Receipt by joint holder for interest or dividend:-

Where two or more persons are joint holders of any debenture or security issued under this Act, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debentures or security, unless notice to the contrary has been given to the Corporation by any other of such persons.

143. Power of the Corporation to consolidate loans:-

(1) Notwithstanding anything contained in this Act, the Corporation may consolidate all or any of its loans or part thereof and for that purpose may invite tenders for a new loan (to be called "the Kolkata Municipal Consolidated Loan, 19/20--") and may invite holders of municipal debentures to exchange their debentures for scrip of such loan.

(2) The terms of any such consolidated loan, and the rates at which the exchange of debenture as aforesaid shall be permitted, shall be subject to the previous approval of the State Government.

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of the State Government, extend beyond the furthest date within which any of the loans to be consolidated would otherwise be repayable.

(4) The Corporation shall provide for the repayment of any such consolidated loan by establishing a Sinking Fund for such loan.

(5) The provisions of sections 145 and 146 shall apply to each Sinking Fund established under sub-section (4) of this section:

Provided that in calculating the sum to be paid to the credit of any such Sinking Fund in pursuance of section 145, any sums transferred to such fund shall be taken into account.

144. Priority of payments for interest and repayment of loans over other payments:-

All payments due from the Corporation on account of interest on, and repayment of, any loan under this Act shall have priority over all other payments due from the Corporation.

145. Establishment and maintenance of Sinking Funds for loans:-

(1) The Corporation shall establish a separate Sinking Fund in respect of each loan raised under section 134 and shall credit to such fund every six months a sum which shall be so calculated that if regularly paid, such sum together with the compound interest accruing thereon would be sufficient, after payment of all expenses, to pay off the loan within the period approved by the State Government under the proviso to sub-section (1) of section 134.

(2) The rate of interest accruing on the sum referred to in sub-section (1) shall be such as may be prescribed by the State Government.

146. Power to discontinue payment towards Sinking Fund:-

If at any time the sum standing at the credit of a Sinking Fund established under sub-section (1) of section 145 for the repayment of any loan is of such amount that if allowed to accumulate at the rate of interest prescribed under sub-section (2) of that section, it will be sufficient to pay off the loan within the period approved by the State Government under the proviso to sub-section (1) of section 134, further payments towards such fund may, with the approval of the State Government, be discontinued.

147. Investment of the amount at the credit of a Sinking Fund:-

(1) All moneys credited to a Sinking Fund shall as soon as possible be invested by the Corporation in--

(a) Government securities, or

(b) securities guaranteed by the Central or any State Government, or

(c) debentures issued by the Corporation, or

(d) debentures issued by the Kolkata Metropolitan Development Authority, or

(e) debentures issued by the Trustees for the Improvement of Kolkata, or

(f) debentures issued by the Board of Trustees for the Port of Kolkata, or

(g) such other public securities as may be approved by the State Government,

and shall be held by the Corporation for the purpose of repaying, from time to time, the loans raised by it by the issue of debentures or otherwise.

(2) All dividends and other sums received in respect of any such investment shall, as soon as possible, be credited to the appropriate Sinking Fund and invested in the manner laid down in sub-section (1).

(3) Moneys standing at the credit of two or more Sinking Funds may, at the discretion of the Corporation, be invested together as a common fund, and it shall not be necessary for the Corporation to allocate the securities held in such investments among the several Sinking Funds.

(4) Any investment made under this section may, from time to time, subject to the provisions of sub-section (1), be varied or transposed.

148. Power of the Corporation to reserve a portion of debentures, issued for raising loan, for investment:-

(1) For the purpose of investment of any portion of the Municipal Fund, including Sinking Fund, in the debentures issued by the Corporation for raising a loan, the Corporation may, with the previous sanction of the State Government, reserve and set apart any portion of such debentures for issue at par thereto and in the name of the Corporation, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of raising the loan.

(2) The issue of any debentures by the Corporation under sub-section (1) shall not operate to extinguish or cancel such debentrures, but every such debenture shall be valid in all respects as if it were issued to and in the name of any other person.

(3) The purchase by, or the transfer, assignment or endorsement to, the Corporation of any debenture issued by it shall not operate to extinguish or cancel such debenture and every such debenture shall be valid and nogotiable in the same manner and to the same extent as if it were held by, or transferred, assigned or endorsed to, any other persons.

149. Discharge of the Corporation from liability under debentures in certain cases:-

The Corporation shall,--

(1) when the amount due on a debenture has been paid on or after the date on which payment has become due, or

(2) when a debenture has been renewed or a new debenture has been issued upon subdivision, amalgamation or exchange, or

(3) when a duplicate debenture has been issued in lieu of one alleged to have been lost, stolen or destroyed, either wholly or in part,

be discharged from all liabilities in respect of the debenture which has been so paid or renewed or in place of which new or duplicate debenture has been so issued,--

(a) in the case of payment, after the lapse of six years from the date on which payment was due,

(b) in the case of a renewed debenture or a new debenture issued upon subdivision, amalgamation or exchange, after the lapse of six years from the date of renewal or issue thereof, as the case may be,

(c) in the case of duplicate debenture, after the lapse of six years from the date of the order for issue of the duplicate debenture or from the date of the last payment of interest on the original debenture, whichever date is later.

Explanation.--In this section "debenture" means a debenture issued under this Act or deemed, under sub-section (2) of section 635, to have been so issued.

150. Application of Sinking Funds:-

Until any loan is wholly repaid, the Corporation shall not apply the money at the credit of a Sinking Fund established under this Act in respect of such loan for any purpose other than the purpose of repayment of such loan :

Provided that when any loan or part thereof raised after the commencement of this Act is consolidated under sub-section (1) of section 143, the Corporation shall transfer to the Sinking Fund established under sub-section (4) of that section the sum standing at the credit of the Sinking Fund in respect of the loan raised prior to such consolidation or, if a part of such loan is consolidated, such part of the sum at the credit of such Sinking Fund as is proportionate to the amount of such loan.

151. Annual statement by Municipal Commissioner:-

(1) The Municipal Commissioner shall, at the end of each year, prepare a statement showing--

(a) the amount which has been invested during the year under section 147,

(b) the date of the last investment made during the year,

(c) the aggregate amount of the securities in the hands of the Corporation at the end of the year, and

(d) the aggregate amount which has been applied for the purpose of repayment of loan under section 150.

(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the Official Gazette.

152. Annual examination of Sinking Funds:-

(1) All Sinking Funds established under this Act shall be subject to annual examination by the auditors appointed under section 160 who shall ascertain whether the cash and the value of securities belonging thereto are equal to the amount which should be at the credit of such funds had the investment under section 147 been regularly made and had the interest accruing on account of such investments been regularly obtained.

(2) The amount which should be at the credit of a Sinking Fund shall be calculated on the basis of the sums credited to such fund under sub-section (1) of section 145.

(3) The value of securities belonging to a Sinking Fund shall be their current value, unless such securities become due for redemption at par with or above their face value before maturity in which case their current value shall be taken as their redemption value, except in the case of the debentures issued by the Corporation which shall always be valued at par with their face value, provided that the Corporation shall make good immediately any loss owing to the sale of such debentures for repayment of the loan raised under sub-section (1) of section 134.

(4) The Corporation shall forthwith pay into a Sinking Fund such amount as the auditors appointed under section 160 may certify to be deficit in respect of such fund, unless the State Government specially sanctions a gradual readjustment of such deficit.

(5) If the cash and the value of the securities at the credit of a Sinking Fund are in excess of the amount which should be at its credit, the auditors appointed under section 160 shall certify the amount of such excess sum, and the Corporation shall thereupon transfer the excess sum to the Municipal Fund in the General Account.

(6) If any dispute arises as to the accuracy of any deficit or excess referred to in the certificate under sub-section (4) or sub-section (5), the Corporation may, after payment of such deficit or after transfer or such excess, as the case may be, refer the matter to the State Government whose decision thereon shall be final.

153. Power of the Corporation to borrow money from the State Government and attachment of Municipal Fund for recovery of such money:-

(1) The Corporation may borrow money from the State Government for carrying out the purposes of this Act other than those referred to in clauses (a) to (g) of sub-

section (1) of section 134, on such terms and conditions as the State Government may determine.

(2) If any money borrowed by the Corporation from the State Government before the commencement of this Act or under sub-section (1) is not repaid, or any interest due in respect thereof is not paid, according to the terms and conditions of such borrowing, the State Government may attach the Municipal Fund or any portion thereof.

(3) After such attachment an officer appointed in this behalf by the State Government shall deal with the fund so attached or the portion thereof in such manner as he thinks fit and may do all acts in respect thereof which any municipal authority or an officer or employee of the Corporation might have done under this Act if such attachment had not taken place and may apply such fund or the portion thereof, as the case may be, for payment of the arrear and the interest due in respect of such borrowing and of all expenses incurred on account of the attachment and subsequent proceedings :

Provided that no such attachment shall defeat or prejudice any debt for the recovery of which the fund was previously charged under any law in force for the time being and all such prior debt shall be paid out of the Fund before any part thereof is applied for repayment of the money borrowed.

154. Attachment of Municipal Fund for securing payment into Sinking Fund:-

If the Corporation fails to make any payment or to transfer any sum under sub-section (4) or sub-section (5), as the case may be, of section 152, the State Government may attach the Municipal Fund or any portion thereof and thereupon the provisions of section 153 shall apply mutatis mutandis.

Chapter XI

Accounts and Audit

155. Accounts to be kept:-

The accounts of all financial transactions of the Corporation shall be kept in such manner and in such form as the State Government may from time to time prescribe.

156. Audit of accounts by the Chief Municipal Auditor:-

(1) The Chief Municipal Auditor shall conduct a monthly internal audit of the accounts of the Corporation and shall report thereon to the Municipal Commissioner who shall cause an abstract of the receipts and expenditure of the month last preceding, to be placed before the Mayor-in-Council.

(2) The Chief Municipal Auditor shall also conduct such other audit of the accounts of the Corporation as the Municipal Commissioner may from time to time direct.

(3) For the purpose of audit of the accounts of the Corporation the Chief Municipal Auditor shall have access to all the accounts of the Corporation and all the records and correspondences relating thereto.

157. Report by the Chief Municipal Auditor:-

(1) The Chief Municipal Auditor shall--

(a) report to the Municipal Commissioner any material impropriety or irregularity which he may at any time observe in the accounts of the receipts and expenditure of the Corporation;

(b) furnish to the Municipal Commissioner such information as he may from time to time require concerning the progress of audit.

(2) As soon as may be after the commencement of each year the Chief Municipal Auditor shall deliver to the Municipal Commissioner, a report of the entire accounts of the Corporation for the previous year.

(3) The Municipal Secretary shall cause the report as aforesaid to be printed and shall forward as soon as may be a printed copy thereof to each member of the Corporation.

(4) The Municipal Commissioner shall forward without delay to the State Government as many copies of the report as may be required by the State Government with a brief statement of the action, if any, taken or proposed to be taken thereon.

158. Procedure to be followed by the Chief Municipal Auditor:-

(1) The Chief Municipal Auditor shall audit the accounts of the Corporation with the assistance of the officers and the other employees subordinate to him.

(2) In the discharge of his functions under this section, the Chief Municipal Auditor shall audit the accounts of--

(a) expenditure from the revenue of the Corporation, expenditure on account of loan and works, and other expenditure, if any, and shall ascertain whether the moneys shown therein as having been disbursed were legally available for, and

applicable to, the service or purposes to which they were applied and whether such expenditure was an expenditure authorised under this Act;

(b) debts, deposits in the Sinking Funds, advances, suspense, and remittance transactions of the Corporation and shall report upon such accounts and the results of verification of the balances in such accounts;

(c) stores and stocks of the Corporation and shall undertake such physical verification thereof as he may consider necessary.

(3) The Chief Municipal Auditor shall check the inventory of the properties of the Corporation including its holdings of lands and buildings and shall undertake such physical verification thereof as he may consider necessary.

(4) The Chief Municipal Auditor shall, subject to any directions given by the Municipal Commissioner determine the form and the manner in which his reports on the accounts of the Corporation shall be prepared and shall have the authority to call upon any officer of the Corporation to furnish any information necessary for the preparation of the reports.

159. Power of the Chief Municipal Auditor to make queries, etc. and call for returns, etc.:-

(1) Subject to such directions as the Municipal Commissioner may give in this behalf, the Chief Municipal Auditor may make such queries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation shall be promptly taken into consideration by the office of the Corporation to whom it may be addressed and shall be returned without delay with the necessary vouchers, statements, returns or explanations to the Chief Municipal Auditor.

(3) The powers of the Chief Municipal Auditor with regard to the disapproval of and the procedure of settlement of objections to any expenditure from the revenues of the Corporation shall be such as may be determined by the Mayor-in-Council with the approval of the Corporation.

(4) If the Chief Municipal Auditor considers it desirable that the whole or any part of the audit of any accounts shall be conducted in the office in which such accounts originate, he may require such accounts, together with all books and documents having relation thereto, to be made available at all convenient times in such offices for inspection.

(5) Notwithstanding anything contained in sub-section (4), the Chief Municipal Auditor shall have the power to require any books or other documents relating to the accounts he is required to audit to be sent for inspection by him :

Provided that if such documents are confidential, he shall be responsible for preventing disclosure of their contents.

(6) Subject to the approval of the Municipal Commissioner, the Chief Municipal Auditor shall have the authority to frame standing orders and to give directions on all matters relating to audit, and particularly in respect of the method and the extent of audit to be conducted and the raising and pursuing objections.

160. Appointment and powers of auditors:-

[1][(1) The annual accounts of the preceding financial year of the Corporation shall be audited, at the end of the next financial year, by the State Government, or by the Auditor appointed by the State Government in this behalf.].

(2) The Municipal Commissioner shall submit accounts to the auditors as required by them:

Provided that the Municipal Commissioner shall not be bound to submit accounts of expenditure in connection with any anti-corruption work but shall, if so required by the auditors, furnish certificate, under his signature, of all such expenditure.

(3) The auditors so appointed may--

(a) by written summons require the production before them or before any officer subordinate to them of any document which they may consider necessary for the proper conduct of audit;

(b) by written summons require any person accountable for or having the custody or control of any such documents to appear in person before them or before any officer subordinate to them; and

(c) require any person so appearing before them or before any officer subordinate to them to make and sign a declaration with respect to such document or to answer any question or to prepare and submit any statement.

(4) The provisions of sub-section (3) shall not apply to the accounts of expenditure incurred in connection with anti-corruption work.

Footnote:

1. Substituted by Section 9 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII 2001), w.e.f. 23.3.2001 for which formerly stood as follows:

"(1) The accounts of the Corporation shall be audited from time to time by the State Government or by auditors appointed in that behalf by it."

161. Report and information to be furnished by auditors:-

The State Government or the auditors appointed under section 160 shall--

(a) forward to the Mayor-in-Council information on any material impropriety or irregularity which may be observed in the expenditure, or in the recovery of money due to the Corporation, or in the accounts of the Corporation;

(b) forward to the Mayor-in-Council information on any loss or waste of money or other property owned by or vested in the Corporation which has been caused by neglect or misconduct and may forward the names of the persons who in their opinion, are directly or indirectly responsible for such loss or waste;

(c) furnish to the Mayor-in-Council such information concerning the progress of audit as the Mayor-in-Council may from time to time require;

(d) as soon as may be after the completion of audit deliver to the Mayor-in-Council a report on the accounts of the Corporation and submit a duplicate copy thereof to the Corporation;

(e) in consultation with the Mayor-in-Council conduct a special audit of receipt or expenditure of the Corporation, and transmit a report on the same to the Mayor-in-Council.

162. Mayor-in-Council to remedy defects and report to the State Government:-

(1) The Mayor-in-Council, shall forthwith remedy any defects or irregularities that may be pointed out by the State Government or the auditors and shall report to the Corporation and the State Government the action taken by it :

Provided that if there is a difference of opinion between the Mayor-in-Council and the auditors, the Mayor-in-Council, or if the Mayor-in-Council does not remedy any defect or irregularity, the auditors, shall refer the matter to the State Government within such time and in such manner as the State Government may prescribe, and it shall be within the competence of the State Government to pass such orders thereon as it thinks fit.

(2) If any order made by the State Government under sub-section (1) is not complied with, the provisions of section 116 shall, with all necessary modifications, be deemed to apply as if such order had been made under section 115.

163. Reference of reports to the Municipal Accounts Committee:-

(1) The Corporation shall refer all reports received under section 161 to the Municipal Accounts Committee for its examination and report under section 10.

(2) The report of the Municipal Accounts Committee shall be discussed at a meeting of the Corporation for such decision as the Corporation may think fit:

Provided that if no report is received from the Municipal Accounts Committee, the Corporation shall be competent to discuss the auditor's reports under section 161 for such decision as it thinks fit.

(3) The Corporation shall publish the auditor's reports under section 161 together with the report of the Municipal Accounts Committee, if any, and the decision of the Corporation thereon in accordance with such rules as the State Government may prescribe.

164. Powers of the auditors to disallow, surcharge and charge:-

(1) The auditors shall, after giving the person concerned an opportunity to submit an explanation and after considering such explanation, if any, disallow every item of accounts contrary to the provisions of this Act, and surcharge the amount of any illegal payment on the person making or authorising the making of such payment, and charge against any person responsible therefor the amount of any deficiency or loss incurred by the negligence or misconduct of such person or any amount which ought to have been, but is not, brought into account by such person, and shall in every such case certify the amount due from such person.

(2) The auditors shall record the reasons for every disallowance, surcharge or charge under sub-section (1) and shall serve in the manner prescribed a certificate of the amount due under that sub-section, and a copy of such reasons, on the person against whom the certificate is made, and shall incorporate such cases of disallowance, surcharge or charge in their report to the Mayor-in-Council, the Corporation and the State Government under section 161.

165. Rights of appeal to a Civil Court or to the State Government:-

Any person from whom any sum has been certified by the auditors under section 164 to be due may, within one month after he has received or has been served with the certificate, either--

(a) apply to a Civil Court of competent jurisdiction to set aside or modify such disallowance, surcharge or charge and upon such application the Court may, after taking such evidence as it considers necessary, confirm, set aside or modify the disallowance, surcharge or charge, and the certificate with such order as to costs as it may think proper, or

(b) appeal to the State Government and the State Government shall pass such order as it thinks fit. The decisions of the State Government on such appeal shall be final.

166. Payment of certified amount:-

Where an amount is certified under sub-section (1) of section 164 to be due from any person, such amount, or where such person proceeds under section 165, such amount as the Court or the State Government, as the case may be, may decide to be due from such person, shall be paid within three months from the date of certificate under sub-section (1) of section 164, or, as the case may be, within such period not less than three months from the date of such decision as the Court or the State Government, as the case may be, may allow and in the case of default of payment, the amount shall be recoverable by the Municipal Commissioner as an amount decreed by the Court of Small Causes of Calcutta.

167. Costs payable out of Municipal Fund:-

(1) Any cost allowed by the Court under clause (a) of section 165 shall be paid out of the Municipal Fund within such period as the State Government may fix in this behalf,

(2) If the Corporation fails to pay such cost within the period fixed by the State Government under sub-section (1), the State Government may attach the Municipal Fund or any portion thereof and the provisions of sub-section (2) of section 153 shall, with all necessary modifications, be deemed to apply in respect of such attachment.

168. Effect of non-payment of certified amount:-

Where a person from whom an amount is certified to be due under sub-section (1) of section 164 is a member of the Corporation or of a committee thereof or is an officer or employee of the Corporation and where such person has not paid such amount within three months from the date of such certificate, or where an amount declared to be due from such person under clause (a) or clause (b) of section 165 has not been paid by such person within such period not less than three months from the date of such declaration as may be allowed to him under section 166, such person shall be deemed to have vacated his seat or to have been dismissed from the service of the Corporation, as the case may be, with effect from the date of an order to be made by the State Government in this behalf and shall not be eligible for re-election or reappointment, as the case may be, until the amount as aforesaid has been paid by him.

169. Power of the State Government to make rules:-

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters--

(a) the manner and form in which the accounts of the Corporation shall be kept under section 155;

(b) the time within which, and the manner, in which, the matter referred to in the proviso to sub-section (1) of section 162 shall be referred to the State Government;

(c) the publication of the auditors' report together with the report of the Municipal Accounts Committee under sub-section (3) of section 163;

(d) the manner of serving certificate under sub-section (2) of section 164;

(e) any other matter which may be or is required to be prescribed under the provisions of this Chapter.

Part: IV

Taxation

Chapter XII

Powers of Taxation and [1][Property Taxes]

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rates".

170. Taxes to be levied by the Corporation:-

(1) The Corporation shall, for the purposes of this Act, have the power to levy the following taxes--

(a) a [1][property tax] on lands and buildings,

(b) [2][* * * *]

(c) a tax on advertisements other than the advertisements published in newspapers [3][* * * *]

(d) a [4][toll,]

[5][(e) a tax on cart, and

(f) a tax on carriage.]

(2) The levy, assessment and collection of taxes mentioned in sub-section (1) shall be in accordance with the provisions of this Act and the rules and the regulations made thereunder.

Footnote:

1. Substituted by Section 2, of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

2. Clause (b) omitted by Section 3 of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992), w.r.e.f. 1.4.1990, which stood as under :

"(b) a tax on professions, trades and callings,"

3. The word "and" omitted by Section 5(1) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984 vide Notfin. No. 445/C/M/1A-3/84, dated 14.5.1984.

4. Substituted by Section 5(2), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the word "toll".

5. Clauses (e) and (f) inserted by Section 5(3), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984) w.e.f. 15.5.1984.

171. [1][Property tax] on lands and buildings:-

(1) For the purpose of this Act, a [1][property tax] on the annual value, determined under this Chapter, of lands and buildings in Calcutta shall be imposed by the Corporation.

(2) Such [1][property tax] shall be,--

(a) where the annual value does not exceed six hundred rupees, eleven per cent. of the annual value;

(b) where the annual value exceeds six hundred rupees but does not exceed eighteen thousand rupees, such percentage of the annual value as is worked out by dividing the annual value by six hundred and adding ten to the quotient, the sum thus worked out being rounded off to the nearest first place of decimal;

(c) where the annual value exceeds eighteen thousand rupees, forty per cent. of the annual value.

[2][(3) In calculating the gross amount of [1][property tax] including tax under the Howrah Bridge Act, 1926 (Ben. Act IV of 1926) that may be imposed on lands and buildings (including huts) per quarter and the net amount payable per quarter after allowing rebate under sub-section (2) of section 215, the fraction of a rupee shall be rounded off to the nearest rupee, fifty paise being treated as rupee one.]

(4) Notwithstanding the provisions of sub-section (2) [3][and sub-section (9)], the Corporation may, where any land and building [3][or hut] or portion thereof is used for commercial or non-residential purpose, levy a surcharge on the [1][property tax] on such land or building [3][or hut] or portion thereof at such rate not exceeding fifty per cent. of the [1][property tax] as the Corporation may from time to time determine :

Provided that where any portion of any land or building [3][or hut] is used for commercial or non-residential purpose, the amount of the [1][property tax] payable in respect of such portion shall, while fixing the [1][property tax] for the entire land or building [3][or hut], be separately calculated :

Provided further that subject to such rules as may be made by the State Government in this behalf for the grant of exemption from surcharge in respect of any class or classes of lands or buildings [3][or huts] used for educational, medical, public health or cultural purposes or for purposes of sports, the Corporation may exempt any such land or building [3][or hut] from payment of the surcharge :

Provided also that such exemption shall in no case exceed seventy-five per cent. of the surcharge.

(5) Where a newly constructed building is used exclusively for residential purposes, a rebate of twenty-five per cent. in the [1][property tax] as determined under sub-section (2) shall be allowed for the first three years [4][from the quarter following the date of issue of initial] the occupancy certificate under the provisions of this Act:

Provided that such rebate shall not be allowed for old buildings which have been redeveloped through alterations or additions:

Provided further that such rebate shall be allowed in respect of such building in so far as it is a single unit of assessment under this Chapter.

(6) Notwithstanding anything contained in this Chapter, lands and buildings which are the properties of the Union, shall be exempt from the [1][property tax]:

Provided that nothing in this sub-section shall prevent the Corporation from levying on such lands and buildings a [1][property tax] to which immediately before the commencement of this Act they were, or were treated as, liable:

Provided further that the Corporation may levy a service charge on such buildings on the basis of such annual value and at such rate as may be determined by the Central Government from time to time.

(7) Notwithstanding anything contained in this Chapter, lands and buildings which vest in the Board of Trustees for the Port of Calcutta shall, for the purpose of levying a [1][property tax] thereon, be assessed in accordance with the provisions contained in Part IV of the Calcutta Port Act, 1890 (Ben. Act III of 1890) and the agreement, if

any, between the Board of Trustees for the Port of Calcutta and the Corporation under the said Act.

(8) Notwithstanding anything contained in sub-sections (2) and (4), the [1][property tax] on the--

(a) land owned by or belonging to--

(i) the Board of Trustees for the Improvement of Calcutta, constituted under the Calcutta Improvement Act, 1911 (Ben. Act V of 1911), or

(ii) the Kolkata Metropolitan Development Authority, constituted under the Calcutta Metropolitan Development Authority Act, 1972 (West Ben. Act XI of 1972), or

(iii) the West Bengal Housing Board, constituted under the West Bengal Housing Board Act, 1972 (West Ben. Act XXXIII of 1972), or

(iv) the West Bengal Industrial Infrastructure Development Corporation, established under the West Bengal Industrial Infrastructure Development Corporation Act, 1974 (West Ben. Act XXV of 1974), or

(v) such other statutory body as may be notified by the State Government in this behalf from time to time, for the purposes of development schemes in accordance with the published or approved plans but not put to such use,

shall be twenty-one per cent. of the annual value of such land as determined under this Chapter;

(b) land or building acquired, constructed, purchased or owned by the Government or any of the statutory bodies mentioned [5][in clause (a) for] any Government approved scheme for the purpose of subsidised housing for persons belonging to low income group or industrial workers and comprising of tenements let out to such persons on a monthly rent shall be twenty-one per cent of the annutal value of such land or building determined under this Chapter;

(c) land or building acquired, constructed, purchased or owned by [6][Government or] any of the statutory bodies mentioned in clause (a) for any other purpose shall be at the rate determined under sub-sections (2) and (4) of this section.

(9) Notwithstanding anything contained in [7][sub-section (2)], the [1][property tax] shall not exceed,--

(a) in respect of land, hut or building in a bustee improved under the West Bengal Slum Areas (Improvement and Clearance) Act, 1972 (West Ben. Act X of 1972), eighteen per cent., and

(b) in respect of land, hut or building in any other bustee, fifteen per cent.,

of the annual value of [8][such land, hut or building in a bustee referred to in clause (a) or clause (b), as the case may be], determined under this Chapter.

Footnote:

1. Substituted by Section 2, of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001) w.e.f. 23.3.2001, for the words "consolidated rate".

2. Sub-section (3) substituted by Section 6(1) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the following :

"(3) In calculating the amount of the consolidated rate on lands and buildings, the fraction of a rupee amounting to fifty paise or more shall be rounded off to the nearest rupee."

3. Inserted by Section 6(2)(a) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

4. Substituted by Section 6(3), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the words "from the date of issue of".

5. Substituted by Section 7(a)(i) of the Calcutta Municipal Corporation (Second Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984 for "in clause (a) or for".

6. Inserted by Section 7(a)(ii) of the Calcutta Municipal Corporation (Second Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984.

7. Substituted by Section 6(a) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984 for the words, brackets and numbers "sub-sections (2) and (4) or elsewhere in this Chapter".

8. Substituted by Section 7(b) of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984, for the words "such bustee".

172. Exemption of lands and buildings from [1][property tax]:-

(1) Notwithstanding anything contained in the foregoing sections in this Chapter,--

(a) (i) lands or buildings or portions thereof exclusively used for the purpose of public worship, or

(ii) lands or buildings exclusively used for the purpose of public burial or as burning ground, or any other place used for the disposal of the dead duly registered under this Act, or

(iii) open spaces including parade grounds which are the properties of Government, [2][or]

[3][(iv) Social Welfare Homes run by the State Government] shall be exempt from the [1][property tax].

Explanation:- For the purpose of sub-clause (i) of clause (a) of this sub-section, any land or building used for purpose of public worship shall not be deemed to be exclusively used for such purpose if no such land or in such building any trade or business is carried on or any rent is derived in respect of such land or building;

(b) the Mayor-in-Council may exempt from the [1][property tax]--

(i) any land or building the annual value of which does not exceed three hundred rupees :

Provided that where a person owns or occupies more than one piece of land or more than one building and the aggregate annual value of all such lands and buildings exceeds three hundred rupees, such lands and buildings shall not be exempt from the [1][property tax];

(ii) any land or building exclusively used with the approval of the Mayor-in-Council for the purpose of public charity or for the purpose of medical relief to or education of the poor, free of charge;

(iii) any land used for street, any open space for public playground, or any public park under any of the statutory bodies mentioned in clause (a) of sub-section (8) of section 171.

(2) The Municipal Commissioner shall cause to be maintained a register showing separately the lands and buildings exempted from the [1][property tax] under sub-section (1) in such form as may be determined by regulations and such register shall be open to the public for inspection.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

2. Inserted by Section 10(i) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

3. Inserted by Section 10(ii), of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001) w.e.f. 23.3.2001.

173. Exemption of diplomatic or consular mission of a foreign State from payment of any rate, tax or fee:-

The State Government may, by order, exempt from the payment of any rate, tax or fee payable under the provisions of this Act any diplomatic or consular mission of a foreign State and the diplomatic or consular officers of such mission.

[1]**[173A. Exemption of lands and buildings of ex-servicemen:-**

Notwithstanding anything contained in the foregoing provisions of this Chapter, the Mayor-in-Council may, by a resolution, exempt 25 per cent of the [2][property tax] on any land or building belonging to an ex-serviceman, or family of a deceased soldier or ex-serviceman, who has no other land or building in any part of the State of West Bengal and who is residing in that land or building.]

Footnote:

1. Inserted by Section 6 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

2. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

174. Determination of annual valuation:-

(1) Notwithstanding anything contained in the West Bengal Premises Tenancy Act, 1956 (West Ben. Act XII of 1956) or in any other law for the time being in force, for the purpose of assessment to the [1][property tax], the annual value of any land or building shall be deemed to be the gross annual rent including service charges, if any, at which such land or building might at the time of assessment be reasonably expected to let from year to year, less an allowance of ten per cent for the cost of repairs and other expenses necessary to maintain such land or building in a state to command such gross rent :

[2][* * *]

[3][Provided that] "While determining the annual value in the case of any land or building or portion thereof exclusively used by the owner for his residential purpose, the gross annual rent of such land or building or portion, as the case may be, shall be reduced,

(a) where the gross annual rent does not exceed six hundred rupees, by thirty per cent;

(b) where the gross annual rent exceeds six hundred rupees but does not exceed eighteen thousand rupees, by such percentage of the gross annual rent as is worked out by dividing the gross annual rent by six hundred and substracting the quotient from thirty-one, the difference being rounded off to the nearest place of decimal:

[4][Provided further that] no such reduction in gross annual rent shall be made--

(a) in case the total covered area in any land or building under occupation for residential purpose by the owner exceeds one hundred and fifty square metres, or

(b) where a person owns or occupies for residential purpose more than one plot of land or building or portions thereof within the municipal limit of Kolkata.

(2) The annual value of any land which is not built upon shall be fixed at seven per cent. of the estimated market value of the land.

(3) If the gross annual rent of any class or classes of lands or buildings used exclusively for hospital or educational purposes or [5][for the purposes of sports or as a place of worship or as a place for disposal of the dead] cannot be easily estimated, the gross annual rent of such building shall be deemed to be five per cent. of the value of the building obtained by adding the estimated cost of erecting the building at the time of assessment less a reasonable amount to be deducted on account of depreciation, if any, to the estimated present market value of the land valued with the building as part of the same premises.

(4) In the case of any land or building or part thereof used for public cinema shows or theatrical performances or as a place of similar public recreation, amusement or entertainment, the gross annual rent of such land or building or part thereof, as the case may be, shall be deemed to be seven and a half per cent. of the gross annual receipts in respect of such cinema shows or theatrical performances or place of public recreation, amusement or entertainment, including receipts from rent and advertisements and sale of admission tickets but excluding taxes on the sale of such tickets :

Provided that the provisions of this sub-section shall not apply in the case of temporary fairs, circuses, and casual shows or performances.

[6][(4A) If the gross annual rent of any land or buildings or part thereof cannot be easily estimated, the gross annual rent of such land or building for the purposes of sub-section (1) shall be deemed to be seven and half per cent. of the value of the building obtained by adding the estimated present cost of erecting the building at the time of assessment less a reasonable amount to be deducted on account of depreciation, if any, to the estimated present market value of the land :

Provided that the estimated present cost shall not include the cost of any plant or machinery, excepting those enumerated in Schedule VIII, on the land or the building as aforesaid.]

(5) The annual value as determined under this Chapter shall be rounded off to the nearest ten rupees.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

2. First Proviso omitted by Section 6(1) of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003) w.e.f. 1.6.2004 which formerly stood as follows:

> "Provided that where there is a transfer, inter vivos, of ownership of any land or building since the last preceding periodical assessment under section 179, the annual value of such land or building shall be fixed at seven and a halt per cent. of the amount stated in the deed of transfer as consideration for such transfer or, if no consideration is stated in such deed of transfer, at seven and a half per cent. of the estimated market value thereof :".

3. Substituted by Section 6(2), of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003), w.e.f. 1.6.2004, for the words "Provided further that".

4. Substituted by 6(3), of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003), w.e.f. 1.6.2004, for the words "Provided also that".

5. Substituted by Section 7 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the words "for purposes of sports".

6. Sub-section (4A) inserted by Section 8 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984.

[1]**[175. Annual valuation of land, hut and building comprised in thika tenancies**

(1) Notwithstanding anything to the contrary contained in this Chapter, the annual value of any land comprised in a thika tenancy with hut or building made thereon, either in a bustee or otherwise, shall be deemed to be the gross annual rent at which such land with hut or building made thereon may reasonably be expected to let from year to year less ten per cent. of such annual rent to maintain to said hut or building in a state to command such gross rent.

(2) The annual value of any land, which is not built upon, comprised in a thika tenancy, either in a bustee or otherwise, excluding the land used for roads and other public uses, shall be deemed to be the amount of annual rent payable to the State Government under the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981 (West Ben. Act XXXVII of 1981).]

Footnote:

1. Substituted by Section 9 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984.

176. Annual valuation of lands or buildings belonging to various statutory bodies:-

The annual value of any land or building belonging to [1][the State Government or] any of the statutory bodies mentioned in clause (a) of sub-section (8) of section 171 shall be deemed to be five per cent. of the cost of acquisition thereof, subject to any revision made in this behalf by the State Government on an application by any such body or by the Corporation.

Explanation:- For the purpose of this section, the cost of acquisition shall mean,--

(i) in the case of any land or building acquired under the Land Acquisition Act, 1894 (1 of 1894), as amended by the Calcutta Improvement Act, 1911 (Ben. Act V of 1911), the value of such land or building as determined under the Land Acquisition Act, 1894, as so amended or by the Tribunal constituted under the Calcutta Improvement Act, 1911 or by any appellate authority under any of the enactments as aforesaid;

(ii) in the case of any land or building acquired by private treaty, the purchase price of such land or buildings;

(iii) in the case of any land or building taken for an improvement scheme under section 54 or section 55 of the Calcutta Improvement Act, 1911, such amount as may be determined under either of those sections;

(iv) in the case of any land or building belonging to [2][the State Government or] any of the statutory bodies mentioned in clause (a) of sub-section (8) of section 171, such amount as may be determined under the provisions of the Act governing such body or of any other law in force for the time being and applicable to such body.

Footnote:

1. Inserted by Section 8(a) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

2. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

177. Determination of annual valuation of building where land is exempted from [1][property tax]:-

Where any land is exempt from the[1][property tax] under any law in force for the time being, the annual value of any building, erected on such land, which is in existence for more than one year and is not entitled to any exemption from the 1[property tax] under this Act or any other law in force for the time being, shall be determined separately from the land in accordance with the provisions of this Chapter.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

178. Municipal Assessment Code:-

(1) The State Government may by rules provide for the detailed procedure for determination of the annual value of lands or buildings in Kolkata and for other matters connected therewith, and such rules together with any regulations made under this Act shall constitute the Municipal Assessment Code.

(2) Under the rules as aforesaid--

(i) every building together with the site and the land appurtenant thereto shall be assessed as a single unit :

Provided that where portions of any building together with the site and the land appurtenant thereto are vertically divisible and are separately owned so as to be entirely independent and capable of separate enjoyment notwithstanding the fact that access to such separate portions is made through a common passage or a common staircase, such separately owned portions may be assessed separately:

Provided further that the right of such access is protected by a registered deed of agreement;

(ii) all lands or buildings, to the extent these are contiguous or are within the same curtilage or are on the same foundation and are owned by the same owner or co-owners as an undivided property, shall be treated as one unit for the purpose of assessment under this Act:

[1][Provided that if such land or building is sub-divided into separate shares which are not entirely independent and capable of separate enjoyment, the Municipal Commissioner on application from the owners or co-owners may apportion the valuation and assessment among the co-owners according to the value of their respective shares treating the entire land or building as a single unit;]

(iii) each residential unit with its percentage of the undivided interest in the common areas and facilities constructed or purchased and owned by or under the control of any housing co-operative society registered under the West Bengal Co-operative Societies Act, 1973 (West Ben. Act XXXIII of 1973), shall be assessed separately;

(iv) each apartment and its percentage of the undivided interest in the common areas and the facilities in a building within the meaning of the West Bengal

Apartment Ownership Act, 1972 (West Ben. Act XVI of 1972), a declaration in respect of which has been duly executed and registered under the provisions of that Act, shall be assessed separately;

[2][(v) every land comprised in a thika tenancy with hut or building made thereon, either in a bustee or otherwise, shall be assessed separately as a single unit;

(vi) every land, which is not built upon, comprised in a thika tenancy, either in a bustee or otherwise, shall be assessed separately as a single unit.]

(3) Notwithstanding the assessments made before the commencement of this Act, the Municipal Commissioner on his own may amalgamate or separate or continue to assess as such, as the case may be, lands or buildings or portions thereof so as to ensure conformity with the provisions of this section.

(4) If the ownership of any land or building or a portion thereof is sub-divided into separate shares or if more than one land or building or portions thereof by amalgamation come under one ownership, the Municipal Commissioner may on an application from the owners or co-owners, separate or amalgamate, as the case may be, such lands or buildings or portions thereof so as to ensure conformity with the provisions of this section.

(5) A newly constructed building shall become assessable from [3][the quarter following] the date of issue of the occupancy certificate under the provisions of this Act:

Provided that if such building is occupied before the issue of the occupancy certificate in contravention of the provisions of this Act, such building shall be liable for assessment from the [3][quarter following the] date of its occupation [4][and notwithstanding any other action that may be taken under this Act, such building shall not get the benefit of the rebate in the [5][property tax] under sub-section (5) of section 171.]

(6) The Municipal Commissioner, shall upon an application made in this behalf by an owner, lessee or sub-lessee or occupier of any land or building and upon payment of such fees as may be determined by the Corporation by regulations, furnish information to such person regarding the apportionment of the [5][property tax] of such land or building among the several occupiers within such land or building for the current period or the period immediately preceding :

Provided that nothing in this sub-section shall prevent the Corporation from recovering the dues from any such person.

Footnote:

1. Proviso Inserted by Section 9(a) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

2. Substituted by Section 10 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984, for the following :

"(v) every hut in a bustee shall be assessed separately";

3. Inserted by Section 9(b)(i) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

4. Substituted by Section 9 (b)(ii)(b), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984 for the words "notwithstanding any penalties that may be imposed or other action that may be taken under this Act."

5. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

179. Periodic assessment:-

(1) The annual value of any land or building situated in any ward of the Corporation, which has been determined before and is in force on the date of commencement of this Act, shall remain in force, and shall be deemed to be the annual value for the purpose of assessment of [1][property tax] on such land or building under this Act, until a fresh annual valuation is enforced under this Act.

[2][Provided that the annual value of any such land or building, which has been made before but not finally determined on the date of commencement of this Act, shall be determined under the provisions of the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951) and shall be deemed to be the annual value in force on the date of commencement of this Act.]

(2) The annual valuation under this Chapter--

(a) shall be made by the Municipal Commissioner or, if the State Government so directs, by the Central Valuation Board established under the West Bengal Central Valuation Board Act, 1978 (West Ben. Act LVII of 1978),

(b) shall have effect from the beginning of the quarter of a year ending on the 30th June or 30th September or 31st December or 31st March, as the case may be, following that in which a notice under sub-section (2) of section 184 is issued,

(c) shall, subject to the other provisions of this Chapter, remain in force in respect of each ward of the Corporation for a period of six years, irrespective of any alteration during such period in the number or boundaries of such ward, and

(d) may be revised on the expiration of each such period :

Provided that when annual valuation of any land or building has not been revised on the expiry of any such period for reasons to be recorded in writing, the previous annual valuation shall continue to remain in force until it is so revised:

Provided further that the Municipal Commissioner may, on the expiry of such period, revise the annual valuation of such land or building at any time and

such revised valuation shall take effect from the beginning of the quarter from which the annual valuation would have been revised under this clause.

Footnote:

1.Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

2. Proviso added by Section 10 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

180. Revision of assessment:-

(1) Notwithstanding anything contained in section 179, the Corporation may by resolution direct a general revaluation of lands and buildings in any ward of the Corporation or part thereof during the currency of any period specified under this Chapter, [1][such general revaluation shall have effect from the beginning of the quarter following that in which a notice under sub-section (2) of section 184 issued and shall remain in force in respect of each ward or portion thereof, as the case may be, for the unexpired portion of the period during which but for such revaluation the annual valuation would have remained in force.]

(2) The [2][Municipal Commissioner] may cause any revision to be made in the annual valuation of any land or building [3][* * *] in the following cases:

[4][(i) when there is a transfer, inter vivos, of its ownership; or]

(ii) when any tenancy or any rent changes; or

(iii) when the nature of its use changes; or

(iv) [5][when a new building is erected or an existing building is] redeveloped or substantially altered or improved during the period the annual valuation remains in force; or

(v) when, on an application made in writing by the owner or the person liable to pay its [6][property tax], it is established that during the period of the annual valuation remaining in force its value has been reduced by reason of any substantial demolition or has suffered depreciation from any accident or any calamity proved to the satisfaction of the Municipal Commissioner to have been beyond the control of such owner or such person; or

(vi) [7][when any land or building or portion thereof is acquired by purchase or otherwise] by the State Government or the Corporation or any statutory body mentioned in clause (a) of sub-section (8) of section 171 during the period of the annual valuation remaining in force; or

[8][(vii) when any land or building, or portion thereof, is sold or otherwise transferred by the State Government or the Corporation or any statutory body mentioned in clause (a) of sub-section (8) of section 171:]

Provided that all land for roads and other public purposes shall be excluded from such revaluation; or

[8][(viii) when, upon the acquisition or transfer of any land or building in part, a residual portion remains; or]

(ix) when it becomes necessary so to do for any other reason to be recorded in writing.

(3) Any revision in the annual valuation of any land or building or portion thereof under this section shall come into force from the beginning of the quarter of a year ending on the 30th June or 30th September or 31st December or 31st March, as the case may be, following that in which such revision becomes applicable and shall remain in force for the unexpired portion of the period during which but for such revision such annual valuation would have remained in force.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2) or sub-section (3), any land or building,--

(i) which for any reason has no annual value assigned to it under this Act, may be valued by the Municipal Commissioner at any time during the currency of the period specified in respect of such land or building under section 179 or [9][sub-section (3) of section 180], or

(ii) the valuation of which has been cancelled on the ground of irregularity, may be valued by the Municipal Commissioner at any time after such cancellation, and such valuation shall remain in force until a fresh valuation or revision is made and shall take effect from the beginning of the quarter from which the previous valuation which has been cancelled would have taken effect:

Provided that the valuation made under clause (i) or clause (ii) shall remain in force for the unexpired portion of the period specified under this chapter.

Footnote:

1. Inserted by Section 11(1) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

2. Substituted by Section 11(2)(a),of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984, for "Mayor-in-Council".

3. Words "or portion thereof" omitted by Section 11(2)(b), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

4. Clause (i) substituted by Section 8 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, for the following:

"(i) when its ownership changes; or".

5. Substituted by Section 11(2)(a) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984, for the words "when it is".

6. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

7. Substituted by Section 11(2)(c) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984, for the words "when any portion of any land or building is acquired".

8. Clause (vii) and clause (viii) substituted by Section 11(2), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

9. Substituted by Section 11 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben, Act XXXII of 1983), w.e.f. 4.1.1984, for "sub-section (1) or sub-section (2) of section 180."

181. Submission of returns and inspection of lands and buildings for purposes of assessment:-

(1) The Municipal Commissioner may, with a view to enabling him to determine the annual value of any land or building [1][in any ward or part thereof] and the person primarily liable for the payment of any [2][property tax] on such land or building,[3][by a public notice,] require the owner or the occupier of such land or building or portion thereof to furnish a return in such form, within such period and in accordance with such procedure as may be prescribed.

(2) The Municipal Commissioner may, [3][by a public notice,] require the owner or the occupier of any land or building or portion thereof [1][in any ward or part thereof] used for public cinema shows or theatrical performances or as a place of similar public recreation, amusement or entertainment to furnish a return in such form, within such period and in accordance with such procedure as may be prescribed.

(3) Every owner or occupier [4][of any land or building referred to in the public notice] under sub-section (1) or sub-section (2) shall be bound to comply with such notice and to furnish a return with a declaration that the statement made therein is correct to the best of his knowledge and belief.

[5][* * *]

(5) The Municipal Commissioner or any person subordinate to him and authorised by him in writing in this behalf may, without giving any previous notice to the owner or

the occupier of any land or building, enter upon, and make an inspection or survey and take measurement of, such land or building and verify the statement made in any return for such land or building submitted under this Chapter.

[6][* * *]

Footnote:

1. Inserted by Section 6(1) (a) of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben, Act XXI of 1988), w.e.f. 20.2.1989.

2. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

3. Substituted by Section 6(1)(b) of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben, Act XXI of 1988), w.e.f. 20.2.1989, for the words "by a written notice".

4. Substituted by Section 6(3), of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben, Act XXI of 1988), w.e.f. 20.2.1989, for the words "on whom any notice is served".

5. Sub-section (4) omitted by Section 12(a) of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben, Act XXXII of 1983), w.e.f. 4.1.1984.

6. Sub-section (6) omitted by Section 12(b), of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben, Act XXXII of 1983), w.e.f. 4.1.1984.

182. Submission of returns for purposes of revision in the annual valuation of lands and buildings:-

To enable the Municipal Commissioner to revise the annual value of any land or building governed by any circumstances specified in sub-section (2) of section 180, except in respect of a case under clause (v) thereof, the owner or the person liable to pay the [1][property tax] for such land or building shall furnish to the Municipal Commissioner, not later than the 31st day of March of the year immediately following, a return in such form as may be prescribed.

[2][* * *]

[3][* * *]

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

2. First and second provisos omitted by Section 12 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5. 1984.

3. Third proviso omitted by Section 13 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben, Act XXXII of 1983), w.e.f. 4.1.1984.

[1]**[182A. Self-assessment and submission of return**

(1) Notwithstanding anything to the contrary contained elsewhere in this Act, any owner or person liable to pay the [2][property tax] on--

(a) any new building or existing building which has not been assessed, or

(b) any existing building which has been redeveloped or substantially altered or improved after the last assessment, but has not been subjected to revision of assessment consequent upon such redevelopment or alteration or improvement, as the case may be, or

(c) any new building or existing building referred to in clause (a) or clause (b), the bills in respect of which have not been issued,

shall pay such [2][property tax], together with interest, if any, payable under any provision of this Act, on self-assessment :

Provided that such self-assessment shall be certified by a valuer holding a diploma from the Institution of Surveyors and enlisted with the Corporation for such valuation, where the total floor area of such new building or existing building exceeds 400 square metres:

Provided further that the valuation on self-assessment, where the total floor area of a new building or existing building exceeds 400 square metres or not, shall be-

(a) where the value of land and building does not exceed Rs. 2.00 lakhs of the self-assessed value--1 per cent;

(b) where the value exceeds Rs. 2.00 lakhs--1.5 per cent.

Explanation:- For the purposes of this sub-section,--

(1) "last assessment" shall mean the assessment where the annual value has been determined by the hearing officer under this Act and communicated to the assessee;

(2) "Institution of Serveyors" shall mean the Institution of Surveyors recognised as such by the Government of India;

(3) "value" shall, in the case of an apartment, mean the cost of the apartment and the proportionate cost of the land.

(2) Such owner or person shall furnish to the Municipal Commissioner a return of self-assessment in such form, and in such manner, as may be prescribed. Every such return shall be accompanied by proof of payment of such [2][property tax] and interest, if any.

(3) The payment of such [2][property tax] and interest, if any, shall be made, and such return shall be furnished, within sixty days of the commencement of the Calcutta Municipal Corporation (Amendment) Act, 1996.

(4) In the case of any new building for which an occupancy certificate has been granted or which has been taken possession of after the commencement of the Calcutta Municipal Corporation (Amendment) Act, 1996, such payment shall be made, and such return shall be furnished, within thirty days of expiry of the quarter in which such occupancy certificate is granted or such possession is taken, whichever is earlier.

Explanation:- Occupancy certificate may be provisional or final and may be for the whole or any part of the building; possession may be of the whole or any part of a building.

(5) Such payment shall continue to be made for each subsequent quarter and the last date of such payment shall be thirty days after the expiry of each such quarter.

(6) After the assessment under section 179 or revision of assessment under section 180 has been made, any amount paid on self-assessment under this section shall be deemed to have been paid on account of the assessment under section 179 or section 180, as the case may be.

(7) If any owner or other person, liable to pay the [2][property tax] under this Act, fails to pay the same together with interest, if any, in accordance with the provisions of this section, he shall, without prejudice to any other consequence to which he may be subject, be deemed to be a defaulter in respect of the [2][property tax] or the interest or both remaining unpaid, and all the provisions of this Act applicable to such defaulter shall apply to him accordingly.

(8) After the assessment is finally made under this Act, if the payment on self-assessment is found to be less than that of the amount payable by the assesses, in such case the assessee shall pay up the difference within two months from the date of final assessment, failing which recovery shall be made in accordance with the provisions of this Act but, after the final assessment, if it is found that the assessee has paid excess amount, in such case such excess amount shall be adjusted against the actual tax payable by the assessee.]

Footnote:

1. Section 182A substituted by Section 11 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995 for the following which was earlier ins. by Section 13 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984 :

> "182A. Non-compliance of the requirements of section 181 or 182Whoever fails to comply with a notice or defaults in furnishing a return as required under section 181 or section 182 shall not be entitled to file objection to any assessment to which such notice or return relates."

2. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

183. Notice of transfers:-

(1) Whenever the title of any person to any land or building is transferred, such person, if primarily liable for the payment of [1][property tax] on such land or building, and the person to whom the title is so transferred shall, within three months after the execution of the instrument of transfer or after its registration, if it is registered, or after the transfer is effected, if no instrument is executed, give notice of such transfer in writing to the Municipal Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person on whom the title of such land or building devolves shall, within six months from the date of death of the former, give notice of such devolution in writing to the Municipal Commissioner.

(3) The notice under this section shall be in such form as may be prescribed, and the transferee or the person on whom the title devolves shall, if so required, be bound to produce before the Municipal Commissioner any documents evidencing the transfer of devolution.

(4) If any person, who transfers his title to any land or building, fails to give any notice under this section to the Municipal Commissioner, he shall, in addition to any penalty to which he may be subject under this Act, continue to be liable for payment of the [1][property tax] on such land or building until he gives such notice but nothing in this section shall be deemed to affect the liability of the transferee for payment of the [1][property tax] on such land or building.

(5) The Municipal Commissioner shall, on receipt of a notice of transfer or devolution of title under this section [2][and upon payment of such fee as may be determined by regulations], record such transfer or devolution in a book [3][* * *] and also in the Municipal Assessment Book:

> [4][Provided that nothing in this sub-section shall derogate from the power of the Corporation to refuse mutation in a case where there is arrear of any dues to the Corporation on account of the transfer or the predecessor-in-interest of the applicant.]

(6) On a written request by the Municipal Commissioner, the Registrar of Assurances, Kolkata, or the District Registrar, 24 Parganas, shall furnish such particulars regarding registration of instruments of transfer of immovable properties in Kolkata as the Municipal Commissioner may, from time to time, require.

(7) Notwithstanding anything contained in sub-section (6), the Registrar of Assurances, Kolkata, or the District Registrar, 24 Parganas, shall furnish to the Municipal Commissioner such particulars soon after the registration of an instrument of transfer is effected, or, if the Municipal Commissioner so requests, such periodical returns at such intervals as the Municipal Commissioner may fix.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

2. Inserted by Section 7(1) of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben, Act XXI of 1988), w.e.f. 20.2.1989.

3. The words "in such form and in such manner as may be prescribed" omitted by Section 7(2), (West Ben, Act XXI of 1988), w.e.f. 20.2.1989.

4. Proviso substituted by s. 9 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997 for the proviso, which was formerly added by Section 12 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, as under:

> "Provided that nothing in this sub-section shall be construed to mean that mutation in a case, where there is arrear of any dues to the Corporation on account of the transferor or the predecessor-in-interest of the applicant, shall be refused."

184. Public notice and inspection of assessment list:-

(1) When the annual valuation under sub-section (2) of section 179 or a general revaluation under sub-section (1) of section 180 in any ward of the Corporation or part thereof, as the case may be, has been completed, the Municipal Commissioner shall cause the respective valuation to be entered in an assessment list in such form and containing such particulars with respect to each land or building as may be prescribed.

(2) When the assessment list has been prepared the Municipal Commissioner shall give public notice thereof and of the place where the list or a copy thereof may be inspected, and every person claiming to be the owner, lessee, sub-lessee or occupier of any land or building included in the list and any authorised agent of such person shall be at liberty to inspect the list and to take extracts therefrom free of charge.

(3) The Municipal Commissioner shall give public notice of the place, time and date, not less than one month after the preparation of the assessment list as aforesaid,

when he will proceed to consider the annual valuations of lands and buildings entered in the assessment list, and in all cases in which any land or building is for the first time assessed, or the annual value of any land or building is increased, he shall also give written notice thereof to the owner or to any lessee, sub-lessee or occupier of such land or building and shall also specify in the notice the place, time and date, not less than one month thereafter, when he will proceed to consider such valuation.

(4) When a revision in the annual valuation of any land or building has been made under sub-section (2) of section 180, the Municipal Commissioner shall cause the respective valuation to be entered in the assessment list and shall give a written notice thereof to the owner or to any lessee, sub-lessee or occupier of such land or building, and shall also specify in the notice the place, time and date, not less than one month thereafter, when he will proceed to consider such valuation.

[1][Explanation:- A written notice under this section shall be deemed to be duly served if it is sent by post under certificate of posting to the owner or to any lessee, sub-lessee or occupier of any land or building and, in such case, the date of the certificate of posting shall be deemed to be the date of service of the notice to the owner or to the lessee, sub-lessee or occupier of such land or building.]

Footnote:

1. Explanation added by Section 8 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben, Act XXI of 1988), w.e.f. 20.2.1989.

185. Amendment of assessments:-

The Municipal Commissioner may for reasons to be recorded in writing amend any annual valuation in the assessment list prepared under [1][sub-section (1) or sub-section (4) of section 184] at any time before the date specified for review under the provisions of sub-section (3) or sub-section (4) of section 184, as the case may be :

Provided that in the case of such amendment, a fresh notice stating the amended valuation shall be issued to the owner or to any lessee, sub-lessee or occupier of the land or the building and such notice shall also specify the place, time and date, not less than one month thereafter, when the Municipal Commissioner will proceed to consider such valuation:

Provided further that no public notice need be given in such case.

Footnote:

1. Substituted by Section 14 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the words, brackets and figures "sub-section (1) of section 184 or any revision made under sub-section (2) of section 180".

186. Objections against valuation of assessment:-

Subject to the provisions of section 181 or section 182, any objection to the annual value of a land or building as entered in the assessment list shall be made by the owner or the person liable to pay the [1][property tax], in writing, to the Municipal Commissioner before the date fixed in the notice under section 184 [2][or section 185] and shall state in what respect the annual value is disputed.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

2. Inserted by Section 15 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

187. Appointment of an officer to hear objections:-

(1) [1][The Corporation shall, with the approval of the State Government, appoint an officer on such terms and conditions as the State Government] may determine to hear and determine the objections to the annual valuations of lands or buildings entered in the assessment list.

(2) The officer appointed under sub-section (1) shall be paid from the Municipal Fund such salary and allowances as the State Government may determine.

(3) The officer as aforesaid may make such queries and observations in relation to any entry in the assessment list and call for such records, returns and explanations as he thinks fit.

(4) Every such query and observation shall be promptly taken into consideration by the officer of the Corporation to whom it may be addressed and shall be returned by him with the necessary records, returns and explanations.

Footnote:

1. Substituted by Section 9 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben, Act XXI of 1988), w.e.f. 20.2.1989 for "The State Government shall appoint an officer on such terms and conditions as it".

188. Hearing of objections:-

(1) Objections filed under section 186 shall be entered in a register maintained for the purpose in such manner as may be prescribed.

(2) On the date, time and place specified under sub-section (3) or sub-section (4) of section 148 and after giving the person filing the objections an opportunity of being heard, either in person or through an authorised agent, the officer appointed under section 187 shall determine the objections.

(3) When an objection has been determined, the order in this behalf shall be recorded in the register maintained under sub-section (1) with the date, and a copy of the order shall be supplied within [1][thirty days] thereof [2][to the person filing the objection] in such form and manner as may be prescribed.

(4) The procedure for hearing and disposal of objections shall be such as may be prescribed.

(5) The valuation fixed after determination of objection under this section shall take effect from the quarter in which such valuation would have taken effect and shall continue to remain in force during the period such valuation would have remained in force, had no objection been filed.

Footnote:

1. Substituted by Section 10 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989 for "ten days".

2. Substituted by Section 16 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the words "to the owner or the person liable to pay the consolidated rate."

189. Appeal before the Municipal Assessment Tribunal:-

(1) There shall be a Municipal Assessment Tribunal for hearing and disposal of an appeal against an order passed under section 188.

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

[1][Provided that the Chairman may constitute one or more separate benches, each bench comprising two or more members, one of whom shall be a member of the West Bengal Higher Judicial Service (hereinafter referred to as the Judicial Member), and may transfer to any such bench any appeal for disposal or may withdraw from any such bench any appeal before it is finally disposed of :

Provided further that no such bench shall be constituted with any member of the West Bengal Higher Judicial Service other than one who is or has been a member of that Service for a period of not less than three years.]

[2][(2A) Where a separate bench is constituted under the first proviso to sub-section (2), the Judicial Member shall exercise and perform all the powers and functions of the Chairman under this Act or the rules made thereunder.]

(3) The Chairman and the other members shall be appointed by the State Government on such terms and conditions as it may determine and shall be paid from the Municipal Fund.

(4) The Chairman shall be a person who is or has been a member of the West Bengal Higher Judicial Service for a period of not less than three years and the other members shall have such qualifications and experience as the State Government may prescribe.

(5) Any owner or person liable to payment of [3][property tax] may, if dissatisfied with the determination of objection under section 188 appeal to the Tribunal:

Provided that such appeal shall be presented to the Tribunal within forty-five days from the date of service of [4][a copy of the order] under section 188 and shall be accompanied by a copy of the said order.

(6) No appeal under this section shall be entertained unless the [3][property tax] in respect of any land or building for the period ending on the date of presentation of the appeal on the valuation determined under section 188 has been deposited [5][in the office of the Corporation] and the appeal shall abate unless such [3][property tax] is continued to be deposited till the appeal is finally disposed of.

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

(8) The procedure for hearing and disposal of appeals [6][as well as realisation of fees in connection with appeals] shall be such as may be prescribed.

(9) The decision of the Tribunal with regard to valuation or assessment shall be final and no suit or proceeding shall lie in any Civil Court in respect of any matter which has been or may be referred to or has been decided by the Tribunal.

(10) The valuation fixed after disposal of the appeal under this section shall take effect from the quarter in which such valuation would have taken effect and shall continue to remain in force during the period such valuation would have remained in force, had no appeal been filed.

[7][(11) 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 establishment shall be paid out of the Municipal Fund.]

Footnote:

1. Provisos substituted Section 13(a) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben, Act VI of 1996), w.r.e.f. 4.12.1995, for the proviso, which was added by Section 11 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989 as under:

> "Provided that the Chairman may constitute one or more Benches, each Bench comprising one or more members, for discharging the functions of the Tribunal."

2. Sub-section (2A) inserted by Section 13(b), of the Calcutta Municipal Corporation (Amendment) Act, 1996, (West Ben, Act VI of 1996), w.r.e.f. 4.12.1995.

3. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

4. Substituted by Section 17(1) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984, for the words "the order.

5. Inserted by Section 17(2), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

6. Inserted by Section 17(3) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

7. Inserted by Section 17(4) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

190. The final valuation:-

Every valuation in the assessment list prepared under section 184 shall, subject to the provisions of section 185 or the order under section 188 or section 189 be final.

191. The Municipal Assessment Book:-

(1) The annual valuation of lands and buildings as determined under section 190 shall be entered in the Municipal Assessment Book.

(2) The Municipal Assessment Book shall be maintained in such form and in such manner as may be prescribed.

(3) The Municipal Commissioner may at any time make such corrections in the Municipal Assessment Book as may be necessary to incorporate changes required to be made in accordance with the provisions of this Act or removal of patent errors or defects on the face of records.

(4) The Municipal Assessment Book duly authenticated in the manner prescribed shall be kept in the office of the Corporation and shall be open for inspection free of

charge during office hours and extracts therefrom shall be made available on payment of such fees as may be prescribed.

(5) The Municipal Assessment Book may be printed and published for every ward of the Corporation and made available for sale to the public in such form and in such manner as may be prescribed:

Provided that the publication shall not be kept pending for any cases in respect of which any objection or appeal has been filed under section 188 or section 189.

192. Amendment of Municipal Assessment Book:-

[1][(1)] Notwithstanding anything contained in section 190 the Municipal Commissioner may, at any time, amend the Municipal Assessment Book--

(i) by inserting therein the name of any person whose name ought to be inserted; or

(ii) by inserting therein any land or building previously omitted together with valuation thereof; or

(iii) by striking out the name of any person [2][or any land or building] not liable for the payment of [3][property tax] thereupon; or

(iv) by increasing or decreasing for adequate reasons the amount of any annual value and of the [3][property tax] thereupon; or

(v) by making or cancelling any entry exempting any land or building from liability to [3][property tax]; or

(vi) by altering the assessment on the land or building which has been erroneously valued or assessed through fraud, mistake or accident, in which case such alteration shall take effect from the date such erroneous valuation or assessment took effect; or

(vii) by inserting or altering an entry in respect of any building, erected, re-erected, altered or added to, after the preparation of the assessment book, in which case such insertion or alteration shall take effect from the date such erection, re-erection, alteration or addition was made.

[4][(2) (i) A notice of not less than fifteen days shall be given to the owner or to the lessee, sub-lessee or occupier of the land or building of the place, time and date on which any amendment of the Assessment Book is intended to be made under this section.

(ii) Any person on whom a notice of amendment is served under this sub-section may file an objection in writing to the Municipal Commissioner at least three days before the date fixed in the notice and the provisions of sections 186 to 190 shall apply, mutatis mutandis, to such objection.]

Footnote:

1. Original section 192 renumbered as sub-section (1) of that section by Section 18 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

2. Inserted by Section 18(a), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

3. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

4. Inserted by Section 18(b), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

193. Incidence of [1][property tax] on lands and buildings:-

(1) The [1][property tax] on lands and buildings shall be primarily leviable,--

(a) if the land or building is let, upon the lessor;

(b) if the land or building is sublet, upon the superior lessor;

(c) if the land or building is unlet, upon the person in whom the right to let such land or building vests.

(2) The [1][property tax] on any land or building, which is the property of the Corporation and the possession of which has been delivered under any agreement or licensing arrangement, shall be leviable upon the transferee or the licencee, as the case may be.

(3) The liability of the several owners of any [2][land or] building constituting a single unit of assessment, which is or purports to be severally owned in parts or flats or rooms, for payment of [1][property tax] or any instalment thereof payable during the period of such ownership shall be joint and several:

Provided that the Municipal Commissioner may apportion the amount of [1][property tax] on such [2][land or] building among the co-owners.

[3][(4) Notwithstanding the vesting of any land in the State under the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981, in the case of any land comprised in a thika tenancy, the [1][property tax] assessed in respect of such land and any hut or building made thereon shall be primarily leviable upon the thika tenant.]

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

2. Inserted by Section 19 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

3. Inserted by Section 14 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983) w.e.f. 4.1.1984.

194. Apportionment of liability for [1][property tax] on land or building when the premises assessed are let or sublet:-

(1) If the annual valuation of any land or building exceeds the amount calculated on the basis of the rent of such land or building payable to the person upon whom the [1][property tax] on such land or building is leviable under section 193, such person shall be entitled to receive from his tenant the difference between the amount of the [1][property tax] on such land or building and the amount which would be leviable if the [1][property tax] on such land or building were calculated on the basis of the rent payable to him.

(2) If the annual valuation of any land or building which is sublet exceeds the amount calculated on the basis of rent of such land or building payable to the tenant by his sub-tenant or to the sub-tenant by the person holding under him, the tenant or the sub-tenant shall be entitled to receive from his sub-tenant or the person holding under him, as the case may be, the difference between any sum recovered under this Act from such tenant or sub-tenant and the amount of [1][property tax] on such land or building which would be leviable if the annual valuation of such land or building were calculated on the basis of rent payable to the tenant by his sub-tenant or the sub-tenant by the person holding under him.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

195. Recovery of [1][property tax] on lands and buildings from occupiers:-

(1) On the failure to recover any sum due on account of [1][property tax] on any land or building from the person primarily liable therefor under section 193 [2][the Municipal Commissioner shall, notwithstanding anything contained in the West Bengal Premises Tenancy Act, 1956 or in any other law for the time being in force, recover] from every occupier of such land or building, by attachment of the rent payable by such occupier, a portion of the total sum due which bears, as nearly as may be, the same proportion to that sum as the rent annually payable by such

occupier bears to the total amount of rent annually payable in respect of the whole of such land or building.

(2) An occupier, from whom any sum is recovered under sub-section (1), shall be entitled to be reimbursed by the person primarily liable for the payment of such sum, and may, in addition, to have recourse to other remedies that may by open to him, deduct the amount so recovered from the amount of any rent becoming due from time to time from him to such person.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

2. Substituted by Section 20 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984, for the words "the Municipal Commissioner shall recover."

[1][196. Payment of [2][property tax] on lands and buildings:-

(1) Save as otherwise provided in this Act, the [2][property tax] on any land or building under this chapter shall be paid by the person liable for the payment thereof in quarterly instalments and, for the purposes of this section, each quarter shall be deemed to commence on the first day of April, first day of July, first day of October, and first day of January, of a year.

(2) The Municipal Commissioner shall cause to be presented to the person liable for payment of the [2][property tax] a comprehensive bill in respect of such rate to be paid in quarterly instalments, showing separately the amount of the [2][property tax] due against each quarter and the date on which the [2][property tax] for each quarter is due. Such bill shall be sent by post under certificate of posting or by courier agency to the person liable for payment of the [2][property tax], not later than the 31st day of May.

Explanation:- "Courier agency" shall mean a commercial concern engaged in door to door transportation of time-sensitive documents, utilising the services of a person, either directly or indirectly, to carry such documents.]

Footnote:

1. Substituted by Section 10 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997, for the following:

"196. Payment of consolidated rate of lands and buildingsSave as otherwise provided in this Act, the consolidated rate on any land or building under this Chapter shall be paid by the person liable for the payment thereof in quarterly

instalments on such dates and in such manner as the Corporation may determine by regulations.".

2. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

197. Payment of [1][property tax] in case of objection or appeal:-

(1) When an objection to a valuation has been made under section 186, the [1][property tax] shall, pending the determination of the objection under section 188, be payable on the previous valuation in the usual manner.

(2) If, after the objection has been determined under section 188, the previous valuation is altered, or after the appeal has been disposed of under section 189, the valuation decided under section 188 is altered, then--

(a) any sum paid or deposited under section 189 in excess shall be refunded or allowed to be set-off against any present or future demand of the Corporation under this Act, and

(b) any deficiency shall be deemed to be an arrear of the [1][property tax] and shall be payable and recoverable as such :

Provided that--

(i) if any premises have, for the purposes of valuation under section 179 or section 180, been for the first time valued or sub-divided or amalgamated with any other premises and an objection to the valuation thereof has been made under section 186, then the [1][property tax] shall, pending the final determination of the objection, be paid on such valuation; and

(ii) if, when such objection has been finally determined, such valuation is reduced, and if the [1][property tax] has already been paid thereon, then the sum paid in excess shall be refunded or allowed to be set-off against any present or future demand of the Corporation under this Act.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

[1]**[198.[2][Property tax] on lands and buildings in a bustee]:-**

[***]

Footnote:

1 . Section 198 omitted by Section 15 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben, Act XXXII of 1983), w.e.f. 4.1.1984.

2. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

Chapter XIII

[1][Professions, Trades and Callings]

Footnote:

1. Substituted by Section 4(a) of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992), w.r.e.f. 1.4.1990, for the words "Tax on professions, trades and callings."

[1]**[199. Certificate of enlistment for profession, trade and calling:-**

[2][(1) Every person engaged or intending to be engaged in any profession, trade or calling in Kolkata as mentioned in Schedule IV, either by himself or by an agent or representative, shall obtain a certificate of enlistment or get the same renewed annually, as the case may be, from the Municipal Commissioner upon presentation of an application in such form as may be specified by the Municipal Commissioner together with such application fee, [3][not exceeding rupees two thousand and five hundred, as may be determined by the Corporation under sub-section (3) of section 131.]. Such application form shall be available from the Corporation on payment of such fee as may be determined by the Municipal Commissioner:

(2) The Municipal Commissioner shall, after making such enquiry as may be necessary and within thirty days of the receipt of the application, grant him such certificate if the application is in order, or shall reject the application if it is not in order.]

[4][Provided that no profession, trade or calling, referred to in sub-section (1), shall be commenced or carried on without any licence or permission, as required under

this Act, being taken out and produced before the Municipal Commissioner, failing which the certificate of enlistment shall not be renewed].]

Footnote:

1. Section 199 substituted by Section 4(b), of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben, Act IX of 1992), w.r.e.f. 1.4.1990. for the following :

"199. Tax on professions, trades or calling Every person engaged in any profession, trade or calling in Kolkata as mentioned in Schedule IV shall be liable to pay to the Corporation a tax at the rate mentioned in the said Schedule :

Provided that the payment of such tax shall not absolve such person from any liability to take out any licence under this Act or any other law for the time being in force.".

2 . Sub-section (1) substituted by Section 14(a) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for the following:

"(1) Every person engaged or intending to be engaged in any profession, trade or calling in Calcutta as mentioned in Schedule IV, either by himself of by an agent or representative, shall obtain a certificate of enlistment or get the same renewed annually, as the case may be, from the Municipal Commissioner upon presentation of an application together with such application fee, not exceeding rupees ten, as may be determined by the Corporation:".

3. Substituted by Section 7 of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003) w.e.f. 1.6.2004 which stood as follows:

"not exceeding rupees ten, as may be determined by the Corporation".

4. Proviso added by Section 14(b) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben, Act VI of 1996), w.r.e.f. 4.12.1995.

200. [omitted]

[1][* * *]

Footnote:

1. Section 200 omitted by Section 4(c) of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992), w.r.e.f. 1.4.1990, which formerly stood as under:

"200. Enlistment of payment of tax on profession, trade or calling.-

(1) Every person liable to pay tax under section 199 shall obtain a certificate of enlistment from the Municipal Commissioner.

(2) Every person required to obtain a certificate of enlistment shall, within ninety days from the date of coming into force of this Act, or if he was not engaged in any profession, trade or calling on that date, within ninety days of his becoming liable to pay tax or within ninety days of his becoming liable to pay tax at a rate higher or lower than the one mentioned in his certificate of enlistment, apply for a certificate of enlistment or a revised certificate of enlistment, as the case may be, to the Municipal Commissioner in such form as may be specified by the Corporation.

(3) The Municipal Commissioner shall, after making such enquiry as may be necessary and within thirty days of the receipt of the application, grant him such certificate, if the application is in order. The application, if it is not in order, shall be rejected.

(4) The Municipal Commissioner shall mention in every certificate of enlistment the amount of tax payable by the holder thereof in accordance with Schedule IV and the date by which it shall be paid, and such certificate shall serve as a notice of demand for the purposes of section 217.

(5) Where a person liable to enlistment wilfully fails to apply for such certificates within the period referred to in sub-section (2), the Municipal Commissioner may, after giving him a reasonable opportunity of being heard, impose upon him a penalty for each day of default.

(6) Where a person liable to enlistment has given false information in any application submitted under this section, the Municipal Commissioner may, after giving him a reasonable opportunity of being heard, impose upon him a penalty not exceeding one thousand rupees.".

201. [omitted]

[1][***]

Footnote:

1. Section 201 omitted by Section 4(d) of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992), w.r.e.f. 1.4.1990, which formerly stood as under:

"201. Fine for not paying tax under section 199If any person exercises or carries on in Calcutta, either by himself or by an agent on or after the date due for the payment of tax under section 199 any profession, trade or calling referred to in Schedule IV without the payment of tax due under section 199, he shall be punished with fine which--

(i) may extend to an amount equal to five times the amount payable as such tax, and

(ii) shall not ordinarily be less than an amount equal to two times such tax."

Chapter XIV

Tax on Advertisements Other Than Advertisements in Newspapers

202. Prohibition of advertisements without written permission of the Municipal Commissioner:-

(1) No person shall erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post, kiosk or structure any advertisement, or display any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph), in any place within Kolkata without the written permission of the Municipal Commissioner.

(2) The Municipal Commissioner shall not grant such permission if--

(a) a licence for the use of the particular site for purpose of advertisement has not been taken out, or

(b) the advertisement contravenes any provisions of this Act or the rules or the regulations made thereunder, or

(c) the tax, if any, due in respect of the advertisement has not been paid, [1][or]

[2][(d) the Mayor-in-Council, on the basis of the recommendation of the Heritage Conservation Committee, is of the view that such advertisement will obstruct the view of, or destabilise the structure of, or will not be in harmony with, any heritage building.]

(3) No person shall broadcast any advertisement, except on radio or television, without the written permission of the Municipal Commissioner.

Footnote:

1. Inserted by Section 11(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997.

2. Clause (d) inserted by Section 11(2), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

203. Licence for use of site for purpose of advertisement:-

(1) Except under and in conformity with the terms and conditions of a licence, no person being the owner, lessee, sub-lessee, occupier or an advertising agent shall use or allow to be used any site in any land, building, wall or erect or allow to be erected on any site, any hoarding, frame, post, kiosk, structure, neon-sign or sky-sign for the purpose of display of any advertisement.

(2) For the purpose of advertisement, every person--

(a) using any site before the commencement of this Act, within ninety days from the date of such commencement, or

(b) intending to use any site, or

(c) whose licence for use of any site is about to expire, shall apply for a licence or renewal of a licence, as the case may be, to the Municipal Commissioner in such form as may be specified by the Corporation.

(3) The Municipal Commissioner shall, after making such inspection as may be necessary and within thirty days of the receipt of the application, grant, refuse, renew or cancel a licence, as the case may be, on payment of such fees as may be determined by the Corporation by regulations [1][or as the budget estimate shall state under sub-section (3) of section 131].

(4) The Municipal Commissioner may, if in his opinion the proposed site for any advertisement is unsuitable from the considerations of public safety, traffic hazards [2][, aesthetic design, or obstruction of the view of, or harmony with, any heritage building,] refuse a licence or refuse to renew any existing licence.

(5) Every licence shall be for a period of one year except in case of sites used for temporary fairs, exhibitions, sports events or cultural or social programmes.

[3][* * *]

(7) The Municipal Commissioner shall cause to be maintained a register wherein the licences issued under this section shall be separately recorded in respect of advertisement sites--

(a) on telephone, telegraph, tram, electric or other posts or poles erected on or along public or private streets or public places,

(b) in lands or buildings,

(c) in cinema halls, theatres or other places of public resort.

Footnote:

1. Inserted by Section 12(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997.

2. Substituted by Section 12(2), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997, for the words "or aesthetic design."

3. Sub-section (6) omitted by Section 17 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben, Act XXXII of 1983), w.e.f. 4.1.1984.

204. Tax on advertisements:-

(1) Every person, who erects, exhibits, fixes or retains upon or over any land, building, wall, hoarding, frame, post, kiosk or structure any advertisement or, displays any advertisement to public view in any manner whatsoever, visible from a public street or public place (including any advertisement exhibited by means of cinematograph) shall pay for every advertisement which is so erected, exhibited, fixed or retained or so displayed to public view, a tax calculated at such rate as the Corporation may determine by regulations [1][or as the budget estimate shall state under sub-section (3) of section 131]:

[2][***]

[3][Provided that] a surcharge not exceeding fifty per cent. of the applicable rate may be imposed on any advertisement on display in temporary fairs, exhibitions, sports events or cultural or social programmes.

(2) Notwithstanding the provisions of sub-section (1), no tax shall be levied under this section on any advertisement which--

(a) relates to a public meeting or to an election to Parliament or the State Legislature or the Corporation or to candidature in respect of such election; or

(b) is exhibited within the window of any building if the advertisement relates to the trade, profession or business carried on in that building; or

(c) relates to the trade, profession or business carried on within the land or building upon or over which such advertisement is exhibited or 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 or in the same; or

(d) 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

(e) 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

(f) relates to any activity of the Government or the Corporation.

(3) The tax on any advertisement leviable under this section shall be payable in advance in such number of instalments and in such manner as the Corporation may by regulations determine [4][or as the budget estimate shall state under sub-section (3) of section 131]:

Provided that the Corporation may under the terms and conditions of the licence under section 203 require the licensee to collect and pay to the Corporation, subject to a deduction of five per cent. to be kept by him as collection charges, the amount of tax in respect of such advertisements as are displayed on any site for which he is the licensee.

Footnote:

1. Inserted by Section 13(1)(a) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997.

2. First proviso omitted by Section 13(1)(b), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, which stood formerly as under:

"Provided that such rate shall not exceed--

(a) in the case of posters Rupee one per square metre per month

(b) in the case of non-illuminated advertisements Rs. 100 per square metre per year

(c) in the case of illuminated advertisements Rs. 200 per square metre per year

(d) in the case of others the rate which the State Government may determine from time to time."

3. Substituted by Section 13(1)(c) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, for the words "Provided further that".

4. Inserted by Section 13(2), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

205. Permission of Municipal Commissioner to become void in certain cases:-

The permission granted under section 202 shall become void--

(a) if the advertisement contravenes any regulations made under this Act; or

(b) if any material change is made in the advertisement or any part thereof without the previous permission of the Municipal Commissioner; or

(c) if the advertisement or any part thereof falls otherwise than through accident; or

(d) if due to the work by Government, Corporation or by any statutory authority, the advertisement has to be displaced; [1][or]

[1][(e) if, on the basis of the recommendation of the Heritage Conservation Committee, the Mayor-in-Council is of opinion that the advertisement obstructs the view of any heritage building or is not in harmony with the aesthetic design or the historical significance of any heritage building, and the advertisement has to be removed or displaced.]

Footnote:

1. Inserted by Section 14, of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997.

206. Licence for use of site for purpose of advertisement to become void in certain cases:-

The licence granted under section 203 shall become void--

(a) if the licencee contravenes any terms and conditions of licence; or

(b) if any addition or alteration is made to, or in the building, wall, hoarding, frame, post, kiosk, or structure upon or over which the advertisement is erected, exhibited, fixed or retained; or

(c) if the building, wall, hoarding, frame, post, kiosk or structure over which the advertisement is erected, exhibited, fixed or retained is demolished or destroyed.

207. Presumption in case of contravention:-

Where any advertisement has been erected, exhibited, fixed or retained upon or over any land, building, wall, hoarding, frame, post, kiosk or structure or displayed to public view from a public street or public place in contravention of the provisions of this Act or any regulations made thereunder, it shall be presumed, unless the contrary is proved, that the contravention has been committed by the person or persons on whose behalf the advertisement purports to be or the agents of such person or persons.

208. Power of the Municipal Commissioner in case of contravention:-

If any advertisement is erected, exhibited, fixed or retained in contravention of the provisions of this Act or any regulations made thereunder, the Municipal Commissioner may require the owner or the occupier of the land, building, wall, hoarding, frame, post, kiosk or structure upon or over which the same is erected, exhibited, fixed or retained to take down or remove such advertisement or may enter any land, building or property and cause the advertisement to be dismantled, taken down, removed, spoiled, defaced or screened.

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 a tax on advertisement under this Act shall mean any word, 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.

[1]**[208A. Removal of poster, hoarding, etc.:-**

Notwithstanding any other action that may be taken against the owner or the occupier of any land or building, upon or over which there is any hoarding, frame, post, kiosk or structure for erecting any advertisement in contravention of the provisions of this Act or any regulations made thereunder, or the person who owns such hoarding, frame, post, kiosk or structure, the Municipal Commissioner may, for removal and storage of such hoarding, frame, post, kiosk or structure, realise from the person who owns such hoarding, frame, post, kiosk or structure, such charges as may be fixed by the Mayor-in-Council from time to time.]

Footnote:

1. Inserted by Section 15 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997.

209. Fine for not paying tax under section 204:-

If any person erects, exhibits, fixes or retains any advertisement referred to in this Chapter without paying the tax under section 204, he shall be punished with fine which--

(i) may extend to an amount equal to three times the amount payable as such tax, and

(ii) shall not ordinarily be less than an amount equal to one-and-a half times such tax.

[1][Chapter XIVA

Tax on Carts and Carriages

Footnote:

1. Chapter XIVA containing sections 209A to 209F inserted by Section 21 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

209A. Tax on carts:-

(1) A tax at the rate mentioned in Schedule IX shall be payable for every cart kept or used within Kolkata (other than a cart owned by the State Government or the Corporation or a municipality) at the Municipal Office or such other place within or outside Kolkata as may be specified by the Corporation in this behalf.

(2) On payment of such tax half-yearly in advance the Municipal Commissioner shall issue in such form as may be specified by the Corporation by regulation a certificate of registration (together with a certified copy) in favour of the owner of the cart.

209B. Registration and numbering of carts:-

(1) Every cart kept or used within Kolkata registered under section 209A shall be borne in a book maintained for the purpose showing the name and residence of the owner of the cart and the place where the cart is ordinarily kept and such registration shall be renewed half-yearly. Every cart so registered shall have a number-plate showing the registration number affixed to it in such manner as the Corporation may direct.

(2) An amount of rupees ten shall be payable half-yearly to the Municipal office or any other place of registration in respect of each such number-plate.

(3) The Corporation may specify the date or dates for the purpose of registration of carts for each half-year.

(4) No person shall keep or be in possession of any cart which has not been duly registered.

(5) No person who owns or drives a cart shall fail to affix the number-plate of the cart as required under sub-section (1).

(6) The Corporation shall, with the approval of the State Government, determine the maximum number of carts which may be registered under this Chapter. The Municipal Commissioner may refuse to register any cart after the maximum number of carts determined under this sub-section has been registered.

209C. Fresh registration on transfer of ownership:-

When the ownership of a cart registered under this Chapter is transferred during the validity of registration, it shall be registered afresh in the name of the transferee and an additional fee of rupees twenty shall be payable for such registration.

209D. Effect of non-registration:-

(1) The Municipal Commissioner or any public-officer within the meaning of the Calcutta and Suburban Police Act, 1866 (Ben, Act II of 1866) or the Calcutta Police Act, 1866 (Ben. Act IV of 1866) shall have power to seize any cart kept or used within Kolkata if the same has not been duly registered under this Chapter or registered under provision applicable to any other local body under any other law in force and to detain the same for such period as may be determined by the Municipal Commissioner.

(2) If within a period of fifteen days from the date of seizure of any cart under sub-section (1) the authorised possession of the cart is not established to the satisfaction of the Municipal Commissioner by any person or production of the certificate of its registration, the cart shall be confiscated, dismantled and sold in public auction by the Municipal Commissioner and no claim for authorised possession thereof shall be entertained by the Municipal Commissioner after the expiry of such period.

(3) The proceeds of sale, after defraying such expenses as may be considered necessary by the Municipal Commissioner, shall be credited to the Municipal Fund.

209E. Issue of puller's ticket:-

(1) Any person driving or pulling or pushing a cart registered under this Chapter shall keep with him a ticket (bearing a passport size photograph of the driver or the puller) issued by the Municipal Commissioner which shall be valid for the half-yearly period of registration and shall contain such particulars as may be specified by the Corporation by regulations.

(2) The ticket as aforesaid shall be obtained from the Corporation on payment of a fee of rupees five for each half-year on submission of an application along with two passport size photographs of the driver or the puller.

(3) The owner of the cart shall deliver to the driver or the puller of the cart certified copy of the Certificate of registration issued by the Municipal Commissioner under sub-section (2) of section 209A with direction to carry the same while using or pulling or pushing or driving the cart and to produce the same to any representative of the Municipal Commissioner or any police-officer on demand.

(4) The Corporation shall, with the approval of the State Government, determine by regulation the number of tickets to be issued to pullers or drivers of carts in each half-year.

(5) The Municipal Commissioner shall maintain a register of persons authorised to drive or pull or push carts which shall contain such particulars as may be specified by the Corporation by regulation.

(6) No person shall, while driving or pulling or pushing a cart, keep with him a ticket issued under sub-section (1) if the number thereof has become indistinct or obliterated nor shall he use or keep with him a ticket issued to any other person.

(7) The Municipal Commissioner shall, upon an application made by a person whose ticket has become indistinct or obliterated or has been lost, issue a new ticket to him on payment of a fee of rupees five.

209F. Tax on carriages:-

A tax at the rate mentioned in Schedule IX shall be payable for every carriage kept or used within Kolkata (other than a carriage owned by the State Government for use of the Governor or his staff or household or for the purpose of the police or the military or kept by a bona fide dealer only for the purposes of sale) in advance in respect of each half-year.]

Chapter XV

Other Taxes

210. Toll on roads:-

The Corporation may, with the sanction of the State Government, establish a toll bar on any public street in Kolkata and levy a toll at such toll bar on vehicles at such rates as may be determined by the State Government from time to time.

[1][210A. Levy of surcharge on transfer of lands

(1) The Corporation shall levy a surcharge on the transfer of immovable property situated within Kolkata, in the form of additional stamp duty.

(2) The rate of the surcharge, and the manner of--

(a) collection of surcharge,

(b) payment of the surcharge to the Corporation, and

(c) deduction of the expenses, if any incurred by the State Government in course of collection of the surcharge,

shall be such as may be prescribed.

Footnote:

1. Sections 210A and 210B. inserted by Section 16 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997.

210B. Levy of special conservancy charge:-

(1) The Corporation may levy a special conservancy charge on the commercial and industrial establishments for providing municipal services in connection with removal of solid wastes.

(2) The special conservancy charge for the purpose of sub-section (1) shall be such as may be determined by the Corporation from time to time.

(3) The Corporation may make regulations specifying the occasions on which such special conservancy charge may be imposed as well as the rate of special conservancy charge, the mode of collection and other matters incidental thereto.]

211. Collection of Howrah Bridge Tax:-

Subject to the provisions of the Howrah Bridge Act, 1926 (Ben. Act IV of 1926), the Corporation may collect the tax levied under that Act and pay the receipts of the same to the Commissioners appointed under that Act.

212. Realisation of fee under West Ben. Act XVIII of 1950:-

The Corporation may, if so authorised under the West Bengal Fire Services Act, 1950 (West Ben. Act XVIII of 1950), realise any licence fees imposed under that Act in accordance with the provisions thereof.

213. Realisation of tax, fees, cess, etc., under any other law:-

The Corporation may, if so authorised by any other law for the time being in force, realise any tax, development charge, cess or fee imposed under that law [1][or any dues payable under that law] in accordance with the provisions thereof.

Footnote:

1. Inserted by Section 13 of the Calcutta Municipal Corporation (Amendment) Act, 1998 (West Ben, Act XXI of 1988), w.e.f. 20.2.1989.

Chapter XVI

Payment and Recovery of Taxes

214. Manner of recovery of taxes under this Act:-

Save as otherwise provided in this Act, any tax levied under this Act may be recovered in accordance with the following procedure and in such manner as may be prescribed--

(a) by presenting a bill, or

(b) by serving a notice of demand, or

(c) by distraint and sale of a defaulter's movable property, or

(d) by the attachment and sale of a defaulter's immovable property, or

(e) in the case of [1][property tax] on lands and buildings, by the attachment of rent due in respect of the land or the building, or

(f) by a certificate under the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913).

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

215. Time and manner of payment of taxes:-

(1) Save as otherwise provided in this Act any tax levied under this Act shall be payable on such dates, in such number of instalments and in such manner as may be prescribed.

(2) If any amount due is paid on or before the date determined under sub-section (1), a rebate of five per cent. of such amount shall be allowed.

216. Presentation of bill:-

(1) [1][Save as otherwise provided in this Act,] when any tax has become due the Municipal Commissioner shall cause to be presented to the person liable for payment thereof a bill for the amount due:

Provided that no such bill shall be necessary in the case of--

[2][* * *]

(b) a tax on advertisements;

(c) a toll.

[3][Explanation I.]:- A bill shall be deemed to be presented under this section if it is sent by post under certificate of posting [4][or by courier agency] to the person liable for payment of the amount included in the bill, and in such case, the date borne on such certificate of posting [5][or the date on which it is delivered by courier agency] shall be deemed to be the date of presentation of the bill to such person.

[6][Explanation II:- "Courier agency" shall have the same meaning as in the Explanation to sub-section (2) of section 196.]

(2) Every such bill shall specify the particulars of the tax and the period for which charge is made.

Footnote:

1. Inserted by Section 17(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997.

2. Clause (a) omitted by Section 5 of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben Act IX of 1992), w.r.e.f. 1.4.1990, which stood as under:

"(a) a tax on professions, trades, and callings;"

3. Original Explanation renumbered as Explanation I by Section 17(2) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

4. Inserted by Section 17(2)(a), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

5.Inserted by Section 17(2)(b), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

6.Explanation II inserted by Section 17(3), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

217. [1]**[Notice of demand, notice fee, interest and penalty]:-**

(1) Save as otherwise provided in this Act, if the amount of the tax for which a bill has been presented under section 216, is not paid within thirty days from the presentation thereof [2][or if the amount of quarterly instalment of [3][property tax] shown in the comprehensive bill presented under sub-section (2) of section 196 is not paid after it has become due] or if the tax on professions, trades and callings or the tax on advertisement is not paid after it has become due, the Municipal Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in such form as may be specified by the Corporation by regulations.

(2) For every notice of demand which the Municipal Commissioner causes to be served on any person under this section, a fee of such amount, not exceeding twenty-five rupees, as the Corporation may determine by regulations shall be payable by the said person and shall be included in the cost of recovery.

[4][(3) On the amount of the bill remaining unpaid after thirty days of presentation of the bill under section 216 [2][or after, the expiry of the date of payment as shown in the comprehensive bill presented under sub-section (2) of section 196], simple interest at such rate as may be determined by the State Government from time to time shall be payable for the period commencing on the first day of the quarter following that in which the bill is presented and ending with the month preceding the month in which payment is made.

Explanation:- In calculating the interest payable under this sub-section, a fraction of a rupee in the amount of the bill on which the interest is to be calculated shall be rounded off the nearest rupee, fifty paise being treated as rupee one.

(4) When the person liable for payment of any tax fails to pay the tax within the quarter for which the bill has been presented under section 216 [2][or, in the case of payment of [3][property tax], fails to pay the amount of quarterly instalment of such [3][property tax] as is shown in the comprehensive bill presented under sub-section (2) of section 196], such sum, not exceeding fifteen per cent, of the amount of the tax as may be determined by the Corporation by regulation shall be recovered from him by way of penalty, in addition to the amount of the tax, the notice fee payable under sub-section (2) and simple interest in accordance with sub-section (3).

(5) The amount due as penalty or interest under this section shall be recoverable as an arrear of tax under this Act.]

Footnote:

1. Substituted by Section 22(1) of the Calcutta Municipal Corporation (Second Amendment) Act, 1884 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984, for the words "Notice of demand and notice fee."

2. Inserted by Section 18 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997.

3. Subserted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

4. Sub-sections (3), (4) & (5) inserted by Section 22(2) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

218. [Omitted]

[1][***]

Footnote:

1. Section 218 omitted, by Section 23 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

219. Recovery of tax:-

(1) If any person liable for payment of tax does not, within thirty days [1][of the service of notice of demand under section 217,] pay the amount due, such sum together with all costs, interest due and penalty may be recovered under a warrant, issued in such form as may be specified by the Corporation by regulations, [2][by distress and sale of the movable property.]

[3][* * *]

(2) Every warrant issued under this section shall be signed by the Municipal Commissioner or any other officer authorised by him in this behalf.

Footnote:

1. Substituted by Section 24(a), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984 for "after the expiry of thirty days referred to in sub-section (1) of section 218".

2. Substituted by Section 24(b), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984, for "by distress and sale of the movable property or the attachment and sale of the immovable property of the defaulter."

3. Proviso omitted by Section 24(c) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

220. Distress:-

(1) It shall be lawful for any officer or other employee of the Corporation to whom a warrant issued under this Chapter is addressed to distrain, wherever it may be found in any place in Kolkata, any movable property belonging to the person [1][liable], subject to the following conditions, exception and exemptions, namely :

(a) the following property shall not be distrained :

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children and their cooking and eating utensils;

(ii) tools of artisans;

(iii) books of account.

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under warrant, and if any property has been distrained which, in the opinion of the Municipal Commissioner, should not have been distrained, it shall forthwith be released.

(2) The person charged with the execution of a warrant shall in the presence of two witnesses forthwith make an inventory of the property which he seizes under such warrant, and shall, at the same time, give a written notice in such form as may be specified by the Corporation by regulations to the person in possession thereof at the time of seizure that the said property will be sold as therein mentioned.

(3) If there is reason to believe that any property seized under a warrant [2][under sub-section (2) of section 220], if left in the place where it is found, is likely to be removed by force, the officer executing the warrant may take it to the office of the Corporation or to any other place appointed by the Municipal Commissioner.

[3][(4) An Officer or other employee of the Corporation charged with the execution of a warrant, if he has reasons to believe that a building contains property liable to be distrained, may exercise the power of entry into the building in accordance with the provisions of section 546.]

Footnote:

1. Substituted by Section 25(a) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984) w.e.f. 15.5.1984, for the words "therein named as defaulter."

2. Substituted by Section 25(b) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984) w.e.f. 15.5.1984 for "of distress issued under section 217."

3. Inserted by Section 25(c), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

221.[1][Disposal of distrained property]:-

(1) When the property seized is subject to speedy and natural decay or when the expense of keeping it in custody is, when added to the amount to be recovered, likely to exceed its value, the Municipal Commissioner shall give notice to the person in whose possession the property was at the time of seizure that it will be sold at once, and he shall sell it accordingly by public auction unless the amount mentioned in warrant is forthwith paid.

(2) If the warrant is not in the meantime suspended by the Municipal Commissioner or discharged, the property seized shall, after the expiry of the period named in the notice served under sub-section (2) of section 220, be sold by public auction by order of the Municipal Commissioner.

[2][(3) to (10) * * *]

Footnote:

1. Substituted by Section 26(a), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984) w.e.f. 15.5.1984, for the words "Disposal of distrained property and attachment and sale of immovable property."

2. Sub-sections (3) to (10) omitted by Section 26(b), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

[1][221A. Attachment and sale of immovable property:-

(1) After a defaulter has been proceeded against under the foregoing provisions of this Chapter unsuccessfully or with partial success, any sum due or balance of any sum due may be recovered under a warrant issued in such form as may be specified by regulation for attachment and sale of immovable property of the person liable.

(2) When a warrant is issued under sub-section (1), the attachment shall be made by an order prohibiting the defaulter from transferring or charging the property in

any way and all persons from taking any benefit from such transfer or charge and declaring that such property will be sold unless the amount of tax due with all costs of recovery is paid into the Corporation office within fifteen days from the date of attachment.

(3) A copy of the order under sub-section (2) shall be affixed on a conspicuous part of the property and upon a conspicuous part of the Corporation office.

(4) Any transfer of or charge on the property attached or any interest therein made without written permission of the Municipal Commissioner shall be void as against all claims of the Corporation enforceable under the attachment.

(5) The surplus of the sale-proceeds, if any, shall, immediately after the sale of the property, be credited to the General Account of the Municipal Fund, and notice of such credit shall be given at the same time to the person whose property has been sold or his legal representative, and if the same is claimed by written application to the Municipal Commissioner within one year from the date of the notice, a refund thereof shall be made to such person or representative.

Footnote:

1. Sections 221A and 221B Inserted by Section 27, of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

221B. Sale of property distrained or attached:-

(1) All sales of property under this Chapter shall be regulated as far as practicable, by such procedure of the Civil Court as may be applicable in regard to sale of movable or immovable property after attachment.

(2) No officer or other employee of the Corporation shall directly or indirectly purchase any property at any such sale.

(3) Any surplus not claimed within one year referred to in sub-section (5) of section 221A shall be the property of the Corporation.

(4) For every distraint under section 220 and attachment under section 221A, a fee of such amount not exceeding two and a half per cent. of the amount of tax due as shall in such case be fixed by the Municipal Commissioner shall be charged and included in the costs of recovery.]

222. Recovery from a person about to leave Kolkata:-

(1) If the Municipal Commissioner has reason to believe that any person from whom any sum is due or is about to become due on account of any tax is about to move

from Kolkata, he may direct the immediate payment by such person of the sum so due or about to become due and to cause a notice of demand for the same to be served on such person.

(2) If, on the service of such notice, such person does not forthwith pay the sum so due or about to become due, the amount shall be leviable by distress or attachment and sale in the manner hereinbefore provided, and the warrant of distress or attachment and sale may be issued and executed without any delay.

223. Recovery under Ben. Act III of 1913:-

After a defaulter has been proceeded against unsuccessfully under the foregoing provisions of this Chapter or with partial success, any sum due or the balance of any sum due may be recovered by the Municipal Commissioner by certificate under the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913), together with interest and cost of recovery.

224. Distraint not unlawful for want of form:-

No distress under this Act shall be deemed to be unlawful nor shall any person making the same be deemed a trespasser on account of--

(a) any defect or want of form in the notice, summons, notice of demand, warrant of distress, inventory or other proceeding relating thereto, or

(b) any irregularity committed by such person :

Provided that any person aggrieved by such defect or irregularity may, by order of a court of competent jurisdiction, recover the full satisfaction of any special damage sustained by him.

225. Occupiers may be required to pay rent towards satisfaction of [1][property taxes]:-

(1) For the purposes of recovery of any [2][property tax] from any occupier under section 195, the Municipal Commissioner [3][, notwithstanding anything contained in the West Bengal Premises Tenancy Act, 1956 or any other law for the time being in force,] shall cause to be served on such occupier a notice requiring him to pay to the Corporation any rent due or failling due from him in respect of the land or building to the extent necessary to satisfy the portion of the sum due for which he is liable under the said section.

(2) Such notice shall operate as an attachment of such rent unless the portion of the sum due shall have been paid and satisfied, and the occupier shall be entitled to

credit in account with the person to whom such rent is due for any sum paid by him to the Corporation in pursuance of such notice:

Provided that if the person to whom such rent is due is not the person primarily liable for payment of the [2][property tax], he shall be entitled to recover from the person primarily liable for payment of such tax any amount for which credit is claimed as aforesaid.

(3) If any occupier fails to pay to the Corporation any rent due or falling due which he has been required to pay in pursuance of a notice served upon him as aforesaid, the amount of such rent may be recovered from him by the Corporation as an arrear of tax under this Act.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001 ,for the words "consolidated rates".

2. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001 ,for the words "consolidated rate".

3. Inserted by Section 28 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

226. Recovery of [1][property tax] on lands and buildings or any other tax or charges when owner of land or premises is unknown or ownership is disputed:-

(1) If any money is due under this Act from the owner of any land or premises on account of [1][property tax] on lands and buildings or any other tax, expenses or charges recoverable under this Act and if the owner of such land or premises is unknown or the ownership thereof is disputed, the Municipal Commissioner may publish twice, at an interval of not less than two months, a notification of such dues and of sale of such land or premises for realisation thereof and after the expiry of not less than one month from the date of last publication of such notification, unless the amount recoverable is paid, may sell such land or premises by public auction to the highest bidder, who shall deposit, at the time of sale, twenty-five per cent. of the purchase money, and the balance thereof within thirty days of the date of sale. Such notification shall be published in the Official Gazette and in local newspapers and by displaying on the land or the premises concerned.

(2) After deducting the amount due to the Corporation as aforesaid, the surplus sale proceeds, if any, shall be credited to the Municipal Fund and may be paid, on demand, to any person who establishes his right thereto to the satisfaction of the Municipal Commissioner or a court of competent jurisdiction.

(3) Any person may pay the amount due at any time before the completion of the sale, whereupon the sale shall be abandoned. Such person may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such land or premises.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

227. Taxes not invalid for defect of form:-

(1) No assessment and no charge or demand of the [1][property tax] on lands and buildings or of any other tax made under this Act shall be called in question or shall in any way be affected by reason of--

(a) any clerical or arithmetical mistake arising from any accidental slip or omission--

(i) in the name, residence, place of business or occupation of any person liable to pay such tax, or

(ii) in the description of any property or thing liable to such tax, or

(iii) in the amount of assessment of such tax, or

(b) (i) any clerical error, or

(ii) any defect of form, not being of a substantial nature :

Provided that the Municipal Commissioner may, either of his own motion or on the application of aggrieved person, correct any clerical or arithmetical mistake or clerical error or defect of form as aforesaid.

(2) It shall suffice for the purpose of levying any tax under this Act or of any assessment of value of any property under this Act, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or the occupier thereof.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

228. Power of the Municipal Commissioner to prosecute or serve notice of demand:-

(1) When any sum is due from any person on account of--

(a) tax on professions, trades and callings, or

(b) tax on advertisements other than the advertisements published in newspapers, or

[1][(c) any other tax, fee or charges leviable under this Act],

the Municipal Commissioner may either prosecute such person, if prosecution lies under the provisions of this Act, or cause to be served on him a notice of demand in such form as may be prescribed or in any other form to the like effect.

(2) The provisions of section 217 and clause (a) of section 224 shall, with all necessary modification apply to every such notice of demand.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Second Amendment) Act, 1986 (West Ben, Act XIV of 1986), w.r.e.f. 15.5.1984 for "or any tax or fee leviable under this Act".

229. Cancellation of irrecoverable dues:-

The Corporation may by order strike off the books of the Corporation any sum due on account of the [1][property tax] on lands and buildings or any other tax or on any other account, which may appear to it to be irrecoverable.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

230. Apportionment of [1][property tax] by the person primarily liable to pay:-

Save as otherwise provided in this Act, the person primarily liable to pay the [1][property tax] in respect of any land or building may recover--

(a) if there be but one occupier of the land or building, from such occupier half of the rate so paid, and may, if there be more than one occupier, recover from each occupier half of such sum as bears to the entire amount of rate so paid by the owner the same proportion as the value of the portion of the land or building in the occupation of such occupier bears to the entire value of such land or building:

Provided that if there be more than one occupier, such half of the amount may be apportioned and recovered from each occupier in such proportion as the annual value of the portion occupied by him bears to the total annual value of such land or building;

(b) the entire amount of the surcharge on the[1][property tax] on any land or building from the occupier of such land or building who uses it for commercial or non-residential purposes :

Provided that if there is more than one such occupier, the amount of surcharge on the [1][property tax] may be apportioned and recovered from each such occupier in such proportion as the annual value of the portion occupied by him bears to the total annual value of such land or building.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

231. Mode of recovery:-

If any person primarily liable to pay any [1][property tax] on any land or building and is entitled to recover any sum from an occupier of such land or building, he shall have, for recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to recover such sum.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben, Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

232. The [1][property tax] on lands and buildings to be first charge on premises:-

The [1][property tax] on lands and buildings due from any person shall, subject to the prior payment of land revenue (if any) due to the Government thereupon, be a first

charge upon the land or the building belonging to such person and upon the movable property (if any) found within or upon such land or building.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

Part: V

Civic Services

Chapter XVII

Water Supply

233. Definitions:-

In this Chapter, unless the context otherwise requires,--

(1) "main" means a trunk main, or reserve main, or service main, as the case may be, in a given context;

(2) "reserve main" means a main by the Corporation for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such main;

(3) "service main" means so much of any main for supplying water from a reserve main to any premises as is subject to water pressure from that reserve main or would be so subject but for the closing of some tap;

(4) "supply pipe" means so much of any pipe for supplying water from a service main to any premises as is subject to water pressure from that main or would be so subject but for the closing of some tap;

(5) "trunk main" means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk, from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;

(6) "water fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths and other similar apparatus used in connection with the supply and use of water.

234. Corporation's duty to supply water:-

(1) It shall be the duty of the Corporation to take steps from time to time--

(a) for ascertaining the sufficiency and wholesomeness of water supplied within Kolkata;

(b) for providing a supply of wholesome water in pipes to every part of Kolkata in which there are houses, for domestic purposes of the occupants thereof, and for taking the pipes affording that supply to such point or points as will enable the houses to be connected thereto at a reasonable cost, so, however, that the Corporation shall not be required to do anything which is not practicable at a reasonable cost or to provide such a supply to any part of Kolkata where such a supply is already available at such point or points aforesaid :

[1][Provided that the Corporation may, at any time, levy an annual fee at such rate as may be fixed by regulations, or as stated in the budget estimate under sub-section (3) of section 131, in this behalf, on the owner or the occupier of, or on the person liable to pay [2][property tax] on, any house to which such supply of wholesome water is made:

[3][Provided further that the Corporation may levy annual fee on the basis of annual valuation of buildings or premises in a graded manner, at such rates, as may be determined by the Corporation by regulations, but such rate shall not exceed ten per cent of the annual valuation as may be so determined or seperately calculated in respect of the premises or building or portion thereof.].]

[4][Explanation I:- Supply of water shall include supply through service mains of the Corporation or through tubewell allowed to be sunk within the premises or both or procured from any other municipal source.

Explanation II:- "House" includes a building, flat as defined in the West Bengal Building (Regulation of Promotion of Construction and Transfer by Promoters) Act, 1993 (West Ben, Act XX of 1993), or apartment as defined in the West Bengal Apartment Ownership Act, 1972 (West Ben. Act XVI of 1972);]

(c) for providing, as far as possible, a supply of wholesome water otherwise than in pipes to every part of Kolkata in which there are houses, for domestic purposes of the occupants thereof and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and for securing that such supply is available within a reasonable distance of every house in that part.

[5][(1A) No fee for supply of water shall be levied on any premises, building or house having an annual value of less than three hundred rupees, provided it is not used for commercial purpose by the occupier or the person liable to pay [2][property tax] of taxes.

(1B) In the case of a building constituting a single unit of assessment and severally owned in parts of flats, fee for supply of water to any such part or flat may be levied at such proportion as the annual value for such part or flat bears to the assigned annual value of the building :

Provided that where the amount of [2][property tax] is apportioned for such part or flat or separate annual value is assigned, treating such part or flat as a single unit under this Act, the annual fee for supply of water to such part or flat shall be levied on the owner of such part or flat on the basis of the annual value so assigned.]

(2) If any question arises under clause (b) of sub-section (1) as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses to be connected to them at a reasonable cost or, under clause (c) thereof, as to whether a public supply can be provided at a reasonable cost, the Mayor-in-Council shall decide the question and thereupon the Municipal Commissioner shall give effect to the decision.

(3) Without prejudice to the provisions of sub-section (1), the Municipal Commissioner shall, for the purpose of securing, that, so far as is reasonably practicable, a sufficient supply of wholesome water for domestic purposes is available to every house and every public place, exercise his powers, under this Act, or requiring the owner of such house or public place to provide a supply of water thereto.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XXXII of 1994), w.e.f. 11.5.1994 for the following :

"Provided that the Corporation may, at any time levy an annual fee, subject to the regulations made in this behalf, on the occupier of every house to which such supply is made;".

2. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

3. Substituted by Section 8 of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003), w.e.f. 1.6.2004 which formerly was as follows:

"Provided further that till such time as the Corporation provides any water-meter and attaches the same to the supply pipe in any premises or building connected with the service mains of the Corporation, or where such water-meter goes out of order, or where there is a dispute about the proper operation of such water-meter, the annual fee as aforesaid may be levied on the basis of the annual valuation of such premises or building in a graded manner at such rate as may be determined by the Corporation by regulations, but such rate shall not exceed ten per cent of the annual valuation as may be so determined or separately calculated in respect of the premises or building or portion thereof.".

4. Explanations I and II added by Section 19(1)(b), of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003), w.e.f. 22.12.1997.

5. Inserted. by Section 19(2) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

[1]**[234A. Recovery of fee for supply of water by owner from occupier:-**

The owner of a part or flat of a building for which fee for supply of water is charged may recover the entire amount of such fee from the occupier thereof who uses it for residential purpose or otherwise :

Provided that if there is more than one such occupier, the amount of fee for supply of water may be apportioned or recovered from each such occupier in such proportion as the annual value of the portion occupied by him bears to the total annual value of the building comprising such part or flat.

Footnote:

1. Sections 234A to 234C Inserted by Section 20 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

234B. Occupiers of flats or houses of State Government and statutory bodies to pay fee for supply of water:-

For the residential buildings or premises owned by the State Government or any statutory body which are occupied in flats and where no annual valuation may be apportioned separately for each such flat, the fee for supply of water may be levied on each occupier on the basis of the area in occupation in such manner as may be determined by regulations.

234C. Power of Corporation to require the owners to set up pumps etc.:-

For the purpose of securing adequate and uniform supply of wholesome water to every premises, house, flat or building, the Municipal Commissioner may require the owner of the premises or building to set up electric pumps or other contrivances whereby water may be caused to reach the topmost storey and all parts of the premises or building. The Municipal Commissioner may also require the owner of a premises or building to sink tubewell of cause tubewell to be sunk to supplement the supply of water to all parts of the premises or building.]

235. Supply of unfiltered water:-

The Corporation shall provide a supply of unfiltered water--

(a) in those parts of Kolkata in which such water is provided at the commencement of this Act, and

(b) in such other parts of Kolkata as it may think fit:

Provided that the Corporation may discontinue the supply of unfiltered water in any part of Kolkata where a supply, in sufficient quantity, of wholesome water becomes available.

236. Water-supply to huts or bustees:-

(1) The Corporation shall, subject to the rules or the regulations made in this behalf, provide supply of wholesome water either in pipes or by sinking tubewells or otherwise to huts or bustees for domestic purposes of the occupants, thereof.

(2) The Corporation shall provide, where it is so available, supply of unfiltered water for the flushing of privies in bustees.

237. Water-supply through hydrants, standposts or other conveniences:-

(1) The Municipal Commissioner may, with the prior approval of the Mayor-in-Council, erect hydrants or [1][standposts for supply] wholesome water to the public within Kolkata through other conveniences:

Provided that for the purpose of safety, maintenance and regulation of use of such public hydrant or standpost, it may be placed under the charge of any person who may realize from each consumer such fee as the Mayor-in-Council may, from time to time, determine :

Provided further that the Corporation may, by regulations, control the functions of such person.

(2) The Municipal Commissioner may, with the prior approval of the Mayor-in-Council, close a public hydrant or standpost or close other convenience when it is no longer required for the supply of wholesome water to the public.

Footnote:

1. Substituted by Section 30 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the words "standpost or supply".

238. Supply of water for domestic purposes not to include any supply for certain specified purposes:-

(1) The use of wholesome water shall be for domestic purposes only.

(2) The supply of water for domestic purposes under this Act shall not be deemed to include any supply--

(a) for washing of animals kept for sale or hire, or

(b) for such trade, manufacture or business as may be determined by the Mayor-in-Council, or

(c) for fountains or swimming baths, or

(d) for watering gardens or streets, or

(e) for any ornamental or mechanical purpose, or

(f) for building purposes, or

(g) for flushing purpose other than the purpose of flushing privies in bustees, or

(h) for washing cars, carriages and [1][other vehicles, or]

[2][(i) to any institutional building, assembly building, business building, mercantile building, industrial building, storage building or hazardous building, referred to in sub-clause (c), sub-clause (d), sub-clause (e), sub-clause (f), sub-clause (g), sub-clause (h), or sub-clause (i), as the case may be, of clause (2) of section 390, or to any part of any such building, other than that used as a residential building or educational building within the meaning of sub-clause (a) or sub-clause (b), as the case may be, of clause (2) of section 390 :]

Provided that in case of emergency, wholesome water may be used for extinguishing fire.

Footnote:

1. Substituted by Section 3(1) of the Calcutta Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XXXII of 1994), w.e.f. 11.5.1994, for the words "other vehicles."

2. Clause (i) inserted by Section 3(2), of the Calcutta Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XXXII of 1994) w.e.f. 11.5.1994.

239. Power to supply water for non-domestic purposes:-

[1][(1) The Municipal Commissioner may supply water for any purpose, other than domestic purpose, on receiving a written application specifying the purpose for which the supply is required and the quantity likely to be consumed:

Provided that the payment of any fee for the supply of water under this sub-section shall be made at such rate as may be fixed by regulations or as stated in the budget estimate under sub-section (3) of section 131 :]

[2][Provided further that where there is no connection for supply of water to the premises from the service mains of the Corporation, the fee for the supply of water for non-domestic purpose may be levied on the basis of consumption at such rate as may be determined by regulations :]

[3][Provided also that till such time as the Corporation provides any water-meter and attaches the same to the supply pipe in any premises or building connected with the service mains of the Corporation, where such water-meter goes out of order, or where there is a dispute about the proper operation of such water-meter, the fee for the supply of water under this sub-section may be levied on the basis of a graded manner as may be determined by the Corporation by regulations, but such rate shall not exceed ten per cent of the annual valuation of such premises or buildings.].

[4][(2) Subject to the provisions of sub-section (1), when an application under that sub-section is approved, the Municipal Commissioner may by order place or allow to be placed the necessary pipes and water fittings of such dimension and character as may be specified in the order.

(3) Notwithstanding anything contained in sub-section (1) or elsewhere in this Act, the Municipal Commissioner, on receipt of any information that the water supplied under that sub-section is being consumed for any purpose other than the purpose specified in the application thereunder, may, without prejudice to any other action which he may be entitled to take under this Act, levy fee for such consumption of water at such rate as stated in the budget estimate under sub-section (3) of section 131, with effect from such date as the Municipal Commissioner may determine :

Provided that no such fee shall be levied under this sub-section without giving the person concerned an opportunity of being heard.]

Footnote:

1. Substituted by Section 4(1) of the Calcutta Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XXXII of 1994) w.e.f. 11.5.1994, for sub-section (1), for the following :

"(1) The Municipal Commissioner may, with the prior approval of the Mayor-in-Council and subject to such terms and conditions as to payment, quantity or

period as may be fixed under this Act or the rules or the regulations made thereunder, supply water for any purpose, other than the domestic purpose, or receiving a written application specifying the purpose for which the supply is required and the quantity likely to be consumed:

Provided that in case where the purpose is such for which any licence is required under this Act or any other law for the time being in force, no such approval shall be given until such licence is produced.".

2. Section proviso inserted by Section 21(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

3. Third proviso substituted by Section 9 of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act XXXIV of 2003), w.e.f. 1.6.2004 which formerly stood as follows :

"Provided also that till such time as the Corporation provides any water-meter and attaches the same to the supply pipe in any premises or building connected with the service mains of the Corporation, or where such water-meter goes out of order, or where there is a dispute about the proper operation of such water-meter, the fee for the supply of water under this sub-section may be levied on the basis of the size of the ferrule attached to the supply pipe in such premises or building.".

4. Sub-sections (2) and (3) substituted by Section 4(2) of the Calcutta Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XXXII of 1994), w.e.f. 11.5.1994, for the following:

"(2) When an application under sub-section (1) is approved, the Municipal Commissioner may, subject to such charges and rates as may be fixed under the regulations, place or allow to be placed the necessary pipes and water fittings of such dimension and character as may be specified therein."

240. Supply of water to ships:-

The Municipal Commissioner shall, on demand, supply any ship in the Port of Kolkata with a reasonable supply of wholesome water for use on the voyage at such price for every thousand litres and on such conditions as the Mayor-in-Council may from time to time determine.

241. Supply of water to areas adjacent to Kolkata:-

(1) The Mayor-in-Council may, at any time, on receiving an application from the Commissioners of a municipality or from the Cantonment Board of a cantonment or from any other authority in respect of any other area adjacent to Kolkata which may be included in Kolkata by the State Government by notification, direct that such

quantity of wholesome water per diem as may be determined by it shall be delivered into such reservoirs or pipes of such municipality or cantonment or area, as the case may be, as may be specified in such application.

(2) The supply of water under sub-section (1) shall be at such rate not being less than the cost of production and delivery (including the costs for debt servicing, depreciation of plant and machinery, losses and other charges, if any) as the Mayor-in-Council may from time to time determine.

(3) If payment for water delivered to any municipality or cantonment or area is not made regularly and in time, the Mayor-in-Council may, after giving twelve months' notice of its intention so to do, cut off the supply with the approval of the State Government.

(4) An appeal shall lie to the State Government from any refusal by the Mayor-in-Council to give direction under sub-section (1) or from any direction given by the Mayor-in-Council under that sub-section.

(5) Before deciding any such appeal, the State Government shall consider any representation made by the Mayor-in-Council with reference to such appeal.

(6) No order made on any such appeal shall direct the delivery of water at a rate lower than the cost of production and delivery.

(7) Every order made by the State Government on any such appeal shall be final.

(8) Notwithstanding anything contained in sub-section (1), any municipality or cantonment or area which was getting delivery of wholesome water from the Corporation constituted under the Kolkata Municipal Act, 1951 (West Ben. Act XXXIII of 1951) immediately before the date of commencement of this Act, shall, subject to the provisions of sub-section (3), continue to get delivery of wholesome water from the Corporation constituted under this Act on the terms and conditions in force immediately before such date, and such terms and conditions may be modified at any time in accordance with the provisions of this section.

[1][241A. Presumption as to supply of water:-

Where any supply of wholesome water has been made to any premises or building, either for domestic purpose or for any other purpose, through a meter or ferrule attached to the supply pipe in such premises or building, it shall be presumed, irrespective of the size of the ferrule, that the supply of as much quantity of such water as may pass through such ferrule, has been made, and there shall not be raised any dispute about the payment of any fee for such supply on any ground whatsoever except on the ground of disconnection, if any, of the supply pipe as aforesaid under any provision of this Act or the rules or the regulations made thereunder.

Footnote:

1. Inserted by Section 5 of the Calcutta Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XXXII of 1994), w.e.f. 11.5.1994.

241B. Presumption as to washing of vehicles:-

Where the address of the owner of a motor vehicle as recorded in the certificate of registration of such motor vehicle under any law for the time being in force is within the jurisdiction of the Corporation, or where such motor vehicle is kept in any area within the jurisdiction of the Corporation, it shall be presumed that additional water for washing such motor vehicle has been consumed by such owner, and the Corporation shall have the power to levy fee on such owner at such rate as stated in the budget estimate under sub-section (3) of section 131 or as may be fixed by regulations under the proviso to sub-section (1) of section 239.]

242. Corporation's proprietary rights over subsoil water resource:-

All rights over the subsoil water resources in Kolkata shall vest in the Corporation.

243. Corporation's powers concerning waterworks:-

(1) For the purpose of providing Kolkata with supply of water, proper and sufficient for public and private uses, the Corporation may--

(a) plan, construct, operate, maintain and manage waterworks, either within or outside Kolkata;

(b) purchase or take on lease any waterworks or any water or right to store or to take and convey water, either within or outside Kolkata;

(c) enter into an arrangement with any person and authority for supply of water :

Provided that the Corporation may, with the approval of the State Government, make over to or take over from a statutory body waterworks so as to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act or under any other law for the time being in force.

(2) Without prejudice to the generality of the foregoing provision, such power shall include the power--

(i) to make over to or to take over from a statutory body all or any of the existing or new municipal responsibilities, powers, controls, facilities, services and administration relating to water supply in Kolkata, and to manage the same;

(ii) to extend, expand and develop existing facilities and to construct and operate new ones;

(iii) to establish, operate, maintain and manage engineering workshops related to the waterworks and the water supply system;

(iv) to establish, maintain and operate laboratories and experimental and research stations;

(v) to establish in-service training courses and provide other training for its personnel;

(vi) to regulate drilling of tubewells, public or private, and to control withdrawal of underground water;

(vii) to prevent pollution of any water including any water-source, water course or channel within or outside Calcutta;

(viii) to prevent discharge of industrial wastes or foul water into any river, canal, or other water channel abutting the water source, water course or channel of Corporation's water supply;

(ix) to acquire any tank, pond, well or other water area within Calcutta considered to be prejudicial to community health.

244. Municipal Commissioner to manage waterworks:-

Subject to the other provisions of this Act, the Municipal Commissioner shall manage all waterworks and allied facilities belonging to the Corporation and shall maintain the same in good repair and efficient condition and shall cause to be done from time to time all such things as shall be necessary or expedient for improving the said works and facilities.

245. Power of access to waterworks:-

(1) The Municipal Commissioner, or any person appointed by the State Government under section 246 in this behalf, may, for the purpose of inspecting or repairing or executing any work, in, upon or in connection with any waterwork, at all reasonable times--

(a) enter upon and pass through any land within or outside Calcutta, adjacent to or in the vicinity of such waterwork, in whomsoever such land may vest;

(b) convey into and through any such land all necessary materials, tools and implements.

(2) In the exercise of any power conferred by this section, as little damage as possible shall be done, and compensation for any damage which may be done in the

exercise of any such power shall be paid by the Municipal Commissioner or, if any person appointed under section 246 has caused the damage, by the State Government.

246. Inspection of waterworks by persons appointed by State Government:-

Any person appointed by the State Government in this behalf may, at all reasonable times and with the prior intimation to the Municipal Commissioner, enter upon and inspect any waterworks belonging to the Corporation.

247. Purity of water for domestic purposes:-

The Municipal Commissioner shall, at all times, secure that the water in any waterworks belonging to the Corporation from which water is supplied for domestic purposes is wholesome.

248. Prohibition regarding sinking of tubewells:-

(1) No person shall, except with the prior permission in writing of the Municipal Commissioner, sink a tubewell in any premises.

(2) The Municipal Commissioner may, with the prior approval of the Mayor-in-Council, grant such permission and issue a tubewell licence on such conditions and on payment of such annual fee as the Mayor-in-Council may from time to time specify:

Provided that any person owning a tubewell sunk before the commencement of this Act shall take out a tubewell licence on such conditions and on payment of such annual fee as the Mayor-in-Council may from time to time determine.

249. Municipal Commissioner's direction to sink tubewell in some cases:-

(1) Notwithstanding the provisions of section 248, the Municipal Commissioner may, with the prior approval of the Mayor-in-Council, by a written notice, require the owner of a premises to sink a tubewell, if the premises is to be used as a place of public resort, or as a market, or as a place of employment of more than fifty persons, or, in other cases, for reasons to be recorded in writing.

(2) Every such owner shall be bound to take out a tubewell licence on such conditions and on payment of such annual fee as the Mayor-in-Council may from time to time determine.

[1][(3) Notwithstanding anything contained in section 248 or in the foregoing provisions of this section, the owner of a tubewell shall be exempted from payment of any fee for renewal of annual licence for the tubewell if any fee for supply of water is charged under this chapter.]

Footnote:

1. Inserted by Section 22 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

250. Municipal Commissioner to maintain a register of tubewells sunk in Kolkata:-

The Municipal Commissioner shall cause to be maintained a register, in such form and in such manner as may be determined by regulations, which shall provide an inventory of the tubewells, public or private, sunk in Kolkata and such register shall be updated from time to time.

251. Power to lay mains:-

(1) The Corporation may lay a main, whether within or outside the local limits of Kolkata,--

(a) in any street, and

(b) with the consent of every owner or occupier of any land not forming part of a street, in, over or on that land,and may, from time to time, inspect, repair, alter or renew or may, at any time, remove any main so laid, whether under this section or otherwise :

Provided that whether a consent required for the purpose of this sub-section is withheld, the Municipal Commissioner may, after giving the owner or the occupier of the land a written notice of his intention so to do, lay the main in, over or on that land even without such consent.

(2) Whenever the Municipal Commissioner, in exercise of the powers under this section, lays a main in, over or on any land not forming part of a street, or inspects, repairs, alters, renews or removes a main so laid in, over or on any such land, he shall pay compensation to every person interested in that land for any damage done thereto, or injurious affection of that land by reason of the laying, inspection repair, alteration, renewal or removal of the main.

252. Power to lay service mains, etc:-

(1) The Municipal Commissioner may, in any street whether within or outside the local limits of the Corporation, lay such service mains with such stopcocks and other water fittings as he may deem necessary for supplying water to premises and may, from time to time, inspect, repair, alter or renew and may, at any time, remove any service main laid in a street whether under this section or otherwise.

(2) Whether a service main has been lawfully laid in, over, or on the land not forming part of a street, the Municipal Commissioner may, from time to time, enter upon that land and inspect, repair, alter, renew or remove the main or lay a new main in substitution thereof but shall pay compensation for any damage done in the course of such action.

253. Provision of fire hydrants:-

(1) The Municipal Commissioner shall fix hydrants on water mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out and shall keep in good order and from time to time replace every such hydrant.

(2) To denote the situation of every hydrant placed under this section, letters, marks or figures shall be displayed prominently on any wall, building or other structure near such hydrant.

(3) As soon as any such hydrant is completed the Municipal Commissioner shall deposit a key thereof at each place where a public fire engine is kept and in such other places as he deems necessary.

(4) The Municipal Commissioner may, at the request and expense of the owner or the occupier of any factory, workshop, trade premises or place of business situated in or near a street in which a main is laid (not being a trunk main and being of sufficient dimensions to carry a hydrant), fix on the main and keep in good order and from time to time renew one or more fire hydrants, to be used only for extinguishing fires, as near and as conveniently may be to such factory, workshop, trade premises or place of business.

(5) The Municipal Commissioner shall allow all persons to take water for extinguishing fires from any main on which a hydrant is fixed without any payment.

254. Power to Municipal Commissioner to allow connections of premises to service mains:-

The Municipal Commissioner may permit the owner, lessee or occupier of any premises to connect the premises by means of supply pipes for conveying to the premises a supply of wholesome or unfiltered water from the service mains of the Corporation subject to the provisions of this Act and the rules and the regulations made in this behalf.

255. Power to require separate supply of pipes:-

(1) The Municipal Commissioner may require the provision of a separate supply pipe for each of the premises supplied or to be supplied by him with water.

(2) If, in the case of any premises already supplied with water but not having a separate supply pipe, the Municipal Commissioner gives notice to the owner of the premises requiring the provision of such pipe, the owner shall, within three months, lay so much of the required pipe as is not required to be laid in a street, and the Municipal Commissioner shall lay so much of the required pipe as is to be laid in a street and make all necessary communications.

256. Stopcocks:-

(1) The Municipal Commissioner shall, in every service main laid after the commencement of this Act and may, on every service main laid before such commencement, fit a stopcock enclosed in a cover box or a pit of such size as may be reasonably necessary.

(2) Every stopcock fitted on a service main after the commencement of this Act shall be placed in such position as the Municipal Commissioner deems most convenient:

Provided that--

(a) a stopcock in private premises shall be placed as near to the street from which the supply pipe enters those premises as is reasonably practicable;

(b) a stopcock in a street shall be placed as near to the boundary thereof as is reasonably practicable.

257. Water pipes etc., not to be placed where water will be polluted:-

No water pipe shall be laid in a drain or on the surface of an open channel or house gully or within twenty feet of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank and, except with the consent of the Municipal Commissioner, no cistern shall be constructed within twenty feet of a latrine or cesspool.

(2) No latrine or cesspool shall be constructed or made within twenty feet of any well, tank, water pipe or cistern or in any position where pipe, well, tank or cistern is likely to be injured or the water therein polluted.

258. Supply pipes to be kept in efficient repair:-

It shall be incumbent on the owner or the occupier of any premises to which water is supplied from any waterworks belonging to the Corporation to keep in a thoroughly clean condition, and to maintain and keep in efficient repair, every supply pipe connecting the premises to the supply mains of the Corporation and any other water-fittings in the premises:

Provided that upon an inspection, the Municipal Commissioner may, by written notice, require the owner or the occupier of the premises to remedy any defect which he may find:

Provided further that when an occupier of any premises is served with a notice under this section, he may, after giving three days' notice in writing to the owner or to the person to whom he is responsible for the payment of his rent, himself have the repairs executed and deduct the expenses thereof from any rent which is due from him to such person.

259. Vesting of connections to premises in the Corporation:-

The Municipal Commissioner may, if he thinks fit, take charge of all supply pipes and water-fittings of any premises connected with the water mains of the Corporation and under such circumstances as may be specified by regulations, the same shall thereafter vest in and be maintained at the expenses of the Corporation.

260. Municipal water supply, sewerage and drainage Code:-

(1) All private connections of premises to the service mains of the Corporation for the supply of water thereto and all pipes, taps and other water-fittings used for such supply shall be made, maintained and regulated in accordance with and subject to such regulations as may be made in this behalf, and such regulations shall form a part of a Municipal Water Supply, Sewerage and Drainage Code :

Provided that in making such regulations, due regard shall be given to the relevant Codes relating to water supply and other matters related thereto, published by the Indian Standards Institution from time to time :

Provided further that in the absence of any such regulations, the provisions of the relevant Codes of the Indian Standards Institution shall apply.

(2) The regulations shall specify the requirements with which an owner, lessee or occupier of any premises who desires to have a supply of water from the Corporation shall comply.

(3) The regulations shall provide for inspection of premises by the Municipal Commissioner to ascertain compliance with the provisions of subsection (1) and for testing any water-fittings, used in connection with water supplied by the Corporation.

261. Power of Corporation to establish block meters:-

(1) The Corporation may, if it thinks fit, establish block meters through which the entire supply of wholesome water for a given area shall pass and such supply shall be recorded.

(2) The Mayor-in-Council may, from time to time and with due regard to the size of the population and technical compulsions, if any, and after taking into account the capacity approved by it for non-domestic purposes, regulate the supply of water in a given area in such a manner so as to ensure that there is equitable distribution of available water supply throughout Kolkata :

Provided that the Mayor-in-Council shall have full and final discretion in these matters.

262. Power of Municipal Commissioner to provide meters:-

(1) The Municipal Commissioner may provide a water-meter and attach the same to the supply pipe in the premises connected with the service mains of the Corporation.

(2) The expenses of providing and attaching a meter under sub-section (1) shall be paid out of the Municipal Fund.

(3) The use, rent to be paid for such use, maintenance and testing of meters shall be governed by the regulations made in this behalf and shall form a part of the Municipal Water Supply, Sewerage and Drainage Code.

263. Presumption as to correctness of meters:-

Whenever water is supplied under this Act through a meter, it shall be presumed that the quantity indicated by the meter has been made consumed until the contrary is proved.

264. Prohibition of fraud in respect of meters:-

(1) No person shall fradulently--

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be an evidence that the consumer has fradulently affected the same.

265. Payment for supply of water as recorded by meters:-

(1) In a premises where a meter has been attached on a supply pipe, the occupier shall be liable to pay for the water shown to have been consumed on the basis of the readings recorded by the meter attached to the supply pipe.

[1][Provided that where a water-meter attached to the supply pipe in any premises or building connected with the service mains of the Corporation goes out of order, or where there is a dispute about the proper operation of such water-meter, or where such water-meter is fraudulently altered or tampered with, the annual fee for the supply of water to such premises or building--

(a) may, where the supply of water is made for domestic purpose, be levied on the basis of the annual valuation of such premises or building, or

(b) may, where the supply of water is made for any other purpose, be levied on the basis of the size of the ferrule attached to the supply pipe in such premises or building, or

(c) may be levied on the basis of consumption of water, as the case may be, as may be determined by regulations].

(2) The Corporation shall, from time to time, determine the rate per thousand litres for the supply of water at which the amount payable under sub-section (1) shall be calculated :

Provided that in fixing pro rata unit rate, the Corporation shall endeavour to cover the cost for operation, maintenance, depreciation, interest payments and other charges related to the waterworks and the distribution costs, including distribution losses, if any.

[2][***]

Footnote:

1. Proviso Substituted by Section 23 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997 for the following proviso, which was formerly added by Section 6(1) of the Calcutta Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XXXII of 1994), w.e.f. 11.5.1994 :

"Provided that where a water-meter attached to the supply pipe in any premises or building connected with the service mains of the Corporation goes out of order, or where there is a dispute about the proper operation of such water-meter, or where such water-meter is fraudulently altered or tampered with, the annual fee for the supply of water to such premises or building for domestic purpose or for any other purpose may be levied on the basis of the size of the ferrule attached to the supply pipe in such premises or building.".

2. Sub-section (3) omitted by Section 6(2) of the Calcutta Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XXXII of 1994), w.e.f. 11.5.1994. which stood as follows :

"(3) The manner for determining consumption of water under sub-section (1) and for determining the liability of an occupier for the time being shall be governed by regulations made in this behalf.".

[1]**[265A. Exemption from payment of fee for supply of water:-**

The Mayor-in-Council shall have the power to exempt, either wholly or partly, any person from payment of the annual fee for the supply of water for domestic purpose or for any other purpose--

(a) in any case where such payment causes, to the satisfaction of the Mayor-in-Council, undue hardship to him, and

(b) in any other case where the Mayor-in-Council thinks fit so to do.]

Footnote:

1. Section 265A inserted by Section 7 of the Calcutta Municipal Corporation (Amendment) Act, 1994 (West Ben. Act XXXII of 1994), w.e.f. 11.5.1994.

[1]**[265B. Determination of size of ferrule:-**

The size of a ferrule attached to the supply pipe in any premises or building shall be determined on the basis of the annual valuation of the premises as may be fixed by regulations.

Footnote:

1. Section 265B inserted by Section 24 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

[1]**[265C. Fee for supply of water on the basis of previous annual valuation**

If the determination of current annual valuation of any premises, building, flat or apartment is held up on account of any reason whatsoever, the fee for supply of water shall be paid on the basis of the previous annual valuation of such premises, building, flat or apartment and, on determination of the current annual valuation of

such premises, building, flat or apartment, the arrear fee for supply of water shall be realised

Footnote:

1. Section 265C inserted by Section 24 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

266. New premises not to be occupied without arrangement for water supply:-

No person shall occupy or cause or permit to be occupied any premises or part thereof constructed or reconstructed after the commencement of this Act until he has obtained a certificate from the Municipal Commissioner that there is provided within, or within a reasonable distance of, the premises such supply of wholesome water as appears to the Municipal Commissioner to be adequate for the persons who may occupy or be employed in such premises, for their domestic purposes.

267. Power to require water supply to be taken:-

If it appears to the Municipal Commissioner that any premises in Kolkata are without supply of wholesome water for domestic purposes or that the existing supply of water for domestic purposes available for the persons usually occupying or employed in such premises is inadequate or on any sanitary grounds objectionable, the Municipal Commissioner may by notice in writing require the owner of the premises or the persons primarily liable for the payment of the [1][property tax] in respect of the same--

(a) to take a connection from the supply mains of the Corporation adequate for the requirements of the person occupying or employed in the premises or to take such additional or enlarged connection or connections from the supply mains; and

(b) to provide supply pipes and water-fittings and install and work a pump and do all such works and take all such measures as may, in the opinion of the Municipal Commissioner, be necessary for the above purposes.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

268. Power to close or restrict use of water from polluted sources of supply:-

(1) If the Municipal Commissioner is of opinion that the water in, or obtained from, any well, tank or other source of supply not vested in the Corporation, being water which is or is likely to be used for domestic purposes or for the preparation of food or drink of human consumption, is or is likely to become so polluted as to be prejudicial to health, the Municipal Commissioner may, after giving the owner or the occupier of the premises in which the source of supply is situated a reasonable opportunity of being heard, by order, direct that the source of supply be permanently or temporarily closed or cut off or the water therefrom be used for certain purposes only or make such order as appears to him necessary to prevent injury or danger to the health of person using the water or consuming food or drink prepared therewith or therefrom.

(2) Before making any order under this section, the Municipal Commissioner may cause the water to be analysed at the cost of the Corporation.

(3) If the person to whom an order is made under this section fails to comply therewith, the Municipal Commissioner may do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by him in so doing may be recovered by him from the person in default as an arrear of tax under this Act.

269. Power to require filling up of wells:-

Whenever a supply of filtered or unfiltered water has been provided in an area, the Municipal Commissioner may, by a written notice, require the owner, lessee or the occupier, as the case may be, of a well, tank or other water area forming a part of any premises in the said area, to fill up such well, tank or water area.

270. Power of Corporation to require owners of premises to set up pumps, etc:-

The owner of every premises connected with the service mains of the Corporation shall, when so required by the Municipal Commissioner, set up electric pumps or other contrivances whereby water may be caused to reach to the top of the top-most storey of such premises.

271. Water supplied for domestic purposes not to be used for non-domestic purposes:-

No person shall, without the written permission of the Municipal Commissioner, use or allow to be used water, supplied for domestic purposes, for any other purposes.

272. Use of unfiltered water:-

(1) Unfiltered water shall be used for the following purposes:

(a) extinguishing of fire;

(b) street watering;

(c) flushing of drains of the Corporation, gully-pits, public privies and urinals.

(2) Unfiltered water may also be used, free of charge,--

(a) for flushing privies and urinals in private premises connected with sewers;

(b) for flushing of drains in private premises;

[1][***]

(3) Unfiltered water shall not be used for domestic purposes or, without the written permission of the Municipal Commissioner, for any purposes other than those specified in sub-sections (1) and (2).

(4) Notwithstanding anything contained hereinbefore in this Chapter, wholesome water may be used in lieu of unfiltered water for non-domestic purposes where the supply of unfiltered water is not available for the time being.

Footnote:

1. Clause (c) omitted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1993 (West Ben. Act VI of 1993) which stood :

"(c) for cleansing garages and washing vehicles.".

273. Prohibition of waste or misuse of water:-

(1) No person shall wilfully or negligently cause or suffer any water fitting, which he is liable to maintain,--

(a) to be or remain so out of order or so in need of repair, or

(b) to be or remain so constructed or adapted or to be so used, that the water supplied to him by the Corporation is or is likely to be wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with, a main belonging to the Corporation.

(2) If any water-fitting which any person is liable to maintain is in such condition or is so constructed or adapted as aforesaid, the Municipal Commissioner, without prejudice to his right to proceed against the person under any other provision of this Act, may require that person to carry out any necessary repairs or alterations and, if he fails to do so within forty-eight hours, [1] [may cause to be carried out] the work and recover from him the expenses reasonably incurred by him in so doing as an arrear of tax.

Footnote:

1. Substituted by Section 31 of the Calcutta Municipal Corporation (Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the words "may himself carry out".

274. Power to enter premises to detect waste or misuse of water:-

The Municipal Commissioner or any officer of the Corporation authorised by the Municipal Commissioner in writing may, between sunrise an sunset, enter any premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and the Municipal Commissioner or such officer shall not be refused admittance to the premises or obstructed by any person in making his examination.

275. Power of Municipal Commissioner to cut off or turn off supply of water to premises:-

(1) Notwithstanding anything contained in this Act, the Municipal Commissioner may cut off the connection between any water works of the Corporation and any premises to which water is supplied from such works, or may turn off such supply, in any of the following cases, namely :--

(a) if the premises are unoccupied;

[1][(aa) if, in respect of the premises, any taxes or rates or fees or charges are in arrear for payment for more than one year;]

(b) if, after receipt of a written notice from the Municipal Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues to use the water or to permit the same to be used, in contravention of this Act or of any regulations made thereunder;

(c) if the occupier of the premises contravenes section 238;

(d) if the occupier refuses to admit any officer or employee of the Corporation duly authorised in that behalf into the premises for the purpose of making any inspection under this Act or under any regulations relating to water supply made under this Act, or prevents such officer or employee from making such inspection;

(e) if the owner or the occupier of the premises wilfully or negligently injures or damages his meter or any pipe or tap conveying water from any works of the Corporation;

[2][(ee) if the owner or the occupier of the premises fails to maintain water reservoir with covered lid or completely empty water tank once in a week;]

(f) if any pipes, taps, works or fittings connected with the supply of water to the premises be found, on examination by the Municipal Commissioner, to be out of repair to such an extent as to cause so serious a waste of water that, in the opinion of the Municipal Commissioner, immediate prevention is necessary;

(g) if the use of the premises for human habitation has been prohibited under this Act from the date from which the premises are to be vacated in pursuance of an order under this Act;

(h) if there is any water-pipe situated within the premises to which no tap or other efficient means of turning the water off is attached;

(i) if by reason of a leak in the service-pipe or fitting, damage is caused to the public street and immediate prevention is necessary;

(j) if the occupier of the premises fails to pay in full any amount due from him for supply of water under this Act:

Provided that--

(i) water supplied for flushing privies or urinals shall not be cut off or turned off except when the Municipal Commissioner thinks it necessary to cut off or turn off such water for preventing damage to or accident on public streets;

(ii) water shall not be cut off or turned off in any case referred to in [3][clause (a) or clause (aa) or] clause (g) or clause (j) unless written notice of not less than seventy-two hours has been given to the occupier of the premises;

(iii) in any case referred to in clause (f) or clause (i), the Municipal Commissioner may carry out necessary repair to pipes, taps, works or fitting and recover the expenses thereof from the owner or the occupier of the premises.

(2) The expenses of cutting off or turning off water-supply shall be paid by the owner or the occupier of premises and shall be recoverable from the owner or the occupier as an arrear of tax under this Act.

Footnote:

1. Inserted by Section 11(1) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

2. Clause (ee) inserted by Section 25 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

3. Inserted by Section 11(2) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

276. Joint and several liability of owners and occupiers for offence in relation to water supply:-

If any offence relating to water-supply is committed under this Act on any premises connected with the service main of the Corporation, the owner, the person primarily liable for the payment of the [1][property tax] and the occupiers of the said premises shall be jointly and severally liable for such offence.

Footnote:

1. Substituted by Section 2, of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001) for the words "consolidated rate".

Chapter XVIII

Drainage and Sewerage

277. Corporation to provide drainage, sewerage and outfall:-

(1) The Corporation shall construct and maintain drains and sewers and provide a safe and sufficient outfall, in or outside Kolkata, for effectual drainage and proper discharge of storm-water and sewage of Kolkata in such manner as not to cause any nuisance; whether by flooding any part of Kolkata or of the country surrounding the outfall or in any other way.

(2) If the outfall deteriorates by the decay of existing river channels or otherwise, the State Government may require the Corporation to take at the cost of the

Municipal Fund such action as may be necessary to ensure a safe and sufficient outfall.

278. Provision of means of disposal of sewage:-

The Corporation may, for the purpose of receiving, treating, storing, disinfecting, distributing or otherwise disposing of sewage, construct, operate, maintain, develop and manage any work within or outside Kolkata.

279. Appointment of places for the emptying of drains and disposal of sewage:-

The Mayor-in-Council may cause any or all of the municipal drains to empty into, and all sewage to be disposed of at such place or places as it considers suitable :

Provided that no place which has not been before the commencement of this Act used for any of the purposes specified in this section shall be used except in conformity with the provisions under the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) and without the approval of the Corporation :

Provided further that on and after such date as may be appointed by the State Government in this behalf no sewage shall be discharged into any water-course until it has been so treated as not to affect prejudicially the purity and quality of the water into which it is discharged.

280. Public drains and sewage disposal works to vest in the Corporation:-

(1) All public drains, all drains in, alongside or under any public street, and all sewage disposal works constructed or acquired out of the Municipal Fund or otherwise and all works, materials and things appartaining thereto, which are situated within or outside Calcutta shall vest in the Corporation.

(2) All public and other drains which are vested in the Coporation are hereafter in this Act referred to as municipal drains.

(3) For the purposes of laying, constructing, enlarging, deepening or otherwise repairing or maintaining any such drain or sewage disposal work, so much of the subsoil appartaining thereto as may be necessary for the said purposes shall be deemed also to vest in the Corporation.

(4) All drains and ventilation shafts, pipes and all appliances and fiftings connected with the drainage works constructed, erected or set up out of the Municipal Fund in or upon premises not belonging to the Corporation whether--

(a) before or after the commencement of this Act, and

(b) for the use of the owner or occupier of such premises or not, shall, unless the Corporation has otherwise determined, or does at any time otherwise determine, vest and be deemed always to have vested in the Corporation.

281. Corporation's power to make over to or to take over from a statutory body the drainage and sewerage services:-

(1) Subject to the approval of the State Government in this behalf, the Corporation may make over to, or take over from a statutory body any drain or sewer or sewage disposal works so as to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act or under any other law for the time being in force.

(2) Without prejudice to the generality of the foregoing provisions, such power shall include the power--

(i) to make over to, or take over from, as statutory body all or any existing or new Municipal responsibilities, powers, controls, facilities, services and administration relating to drainage and sewerage in Kolkata, and to manage the same when taken over;

(ii) to extend, expand and develop existing facilities and to construct and operate new ones.

282. Control of drains and sewage disposal works:-

All municipal drains and sewers, all sewage disposal works and all works, materials and things appertaining thereto shall be under the control of the Municipal Commissioner.

283. Power for making drains:-

(1) The Municipal Commissioner may carry any municipal drain through, across or under any street or any place laid out as or intended for a street or under any cellar or vault which may be under any street and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within Kolkata or for the purpose of outfall or distribution of sewage outside Kolkata.

(2) The Municipal Commissioner may enter upon and construct any new drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed, or repair or alter any municipal drain so constructed.

284. Alteration and discontinuance of drains:-

The Municipal Commissioner may enlarge, alter the course of, lessen, arch over or otherwise improve any municipal drain and may discontinue, close up or destroy any such drain which has, in his opinion, become useless or unnecessary or prohibit the use of any such drain either entirely or for the purpose of foul water drainage or for the purpose of surface drainage:

Provided that if, by reason of anything done under this section, any person is deprived of the lawful use of any drain, the Municipal Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed or the use of which has been prohibited.

285. Communication of municipal drains with drains, lakes, etc., beyond Kolkata:-

Subject to the approval of the State Government in this behalf, the Corporation may, if necessary, make its drains to communicate with, or empty themselves into, any public drain, lake, stream, canal or water-course outside Kolkata, and in so doing it may exercise throughout the line of country outside Kolkata through which the said drains are to run all the powers which it might exercise under this Act if the said drains were to run entirely in Kolkata.

286. Communication of drain under control of local authority beyond Kolkata with municipal drain:-

Subject to the approval of the State Government in this behalf and upon such terms and conditions as may be agreed upon between any local authority and the Corporation, any local authority outside Kolkata may cause any drain under its control to communicate with any municipal drain.

287. Cleansing drains:-

(1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall, from time to time, be properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the Municipal Commissioner may construct or set up such reservoirs, sluices, machines and other works as he may from time to time determine.

288. Power to connect drain of private street with municipal drain:-

The owner of a private street shall be entitled to connect the drain of such street with a municipal drain subject to such conditions as may be determined by the Corporation by regulations.

289. Right of owner or occupier of premises to drain into municipal drain:-

(1) Subject to such regulations as the Corporation may make in this behalf, the owner or occupier of any premises having a private house-drain may apply to the Municipal Commissioner to have this house-drain made to communicate with the municipal drains and thereby to discharge foul water and surface water from those premises:

Provided that nothing in this sub-section shall entitle any person--

(a) to discharge directly or indirectly into any municipal drain any trade effluent from any trade premises except in accordance with the provisions made under this Act or any liquid or other matter the discharge of which into municipal drains is prohibited by or under this Act or any other law for the time being in force; or

(b) where seperate municipal drains are provided for foul water and for surface water, to discharge directly or indirectly--

(i) foul water into a drain provided for surface water, or

(ii) except with the permission of the Municipal Commissioner, surface water into a drain provided for foul water, or

(c) to have his house-drain made to communicate directly with a storm-water overflow main.

(2) Any person desirous of availing himself of the provisions of subsection (1) shall give to the Municipal Commissioner notice of his proposals, and at any time within one month after receipt thereof the Municipal Commissioner may grant permission or by notice to him refuse to permit the communication to be made, if it appears to him that the mode of construction or condition of the house-drain in such that the making of the communication would be prejudicial to the drainage system, and for the purpose of examinating the mode of construction and condition of the house-drain he may, if necessary, require it to be laid open for inspection.

(3) The Municipal Commissioner may, it he thinks fit, construct such part of the work necessary for having a private house-drain made to communicate with a municipal drain as is in or under a public street and in such a case, the expenses incurred by the Municipal Commissioner shall be paid by the owner or occupier of the premises in

advance in accordance with such regulations as may be made by the Corporation in this behalf.

290. Connections with municipal drains not to be made except in conformity with section 289:-

No person shall without complying with the provisions of section 288 or section 289 and the regulations made thereunder make or cause to be made any connection of a house-drain belonging to himself or to some other person with any municipal drain; and the Municipal Commissioner may close, demolish, alter or remake any such connection made in contravention of this section, and the expenses incurred by the Municipal Commissioner in so doing shall be paid by the owner of the street or the owner or occupier of the premises, as the case may be, for the benefit of which the connection was made or by the person offending.

291. Premises deemed to be without effectual drainage:-

For the purposes of this Chapter, premises shall be deemed to be without effectual drainage unless drainage therefrom is discharged or the drian attached thereto is emptied into a municipal drian or some place legally set apart for the discharge of drainage or a cesspool in accordance with the provisions of this Act.

292. Power of Municipal Commissioner to require sewage and rain water drains to be distinct:-

Whenever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent for the Municipal Commissioner to require that there shall be one drain for sewage, offensive matter and polluted water and an entirely distinct drain for rain water and unpolluted subsoil water or both rain water and unpolluted subsoil water, each emptying into separate municipal drains or other suitable places.

293. New premises not to be erected without drains:-

(1) It shall not be lawful to erect or re-erect any premises in Kolkata or to occupy any such premises unless--

(a) a drain is constructed of such size, materials and descriptions at such level and with such fall as may appear to the Municipal Commissioner to be necessary for the effectual drainage of such premises;

(b) there have been provided and set up on such premises such appliances and fittings as may appear to the Municipal Commissioner to be necessary for the purposes of gathering or receiving the drainage from, and conveying the same off, the said premises and of effectually flushing the drain of the said premises and every fixture connected therewith.

(2) The drain so constructed shall empty into a municipal drain situated at a distance of not exceeding thirty metres from the premises; but if no municipal drain is situated within that distance then such drain shall empty into a cesspool to be constructed by the owner situated within the distance to be specified by the Municipal Commissioner for the purpose.

294. Power of Municipal Commissioner to enforce drainage of undrained premises:-

(1) Where any premises are, in the opinion of the Municipal Commissioner, without sufficient means of effectual drainage and a municipal drain or some place approved by him for such discharge is situated at a distance not exceeding sixty metres from any part of the said premises, he may, by a written notice, require the owner of the said premises--

(a) to construct a house-drain emptying into such municipal drain or place;

(b) to provide and set up all such appliances and fittings as may appear to the Municipal Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such house-drain and every fixture connected therewith;

(c) to remove any existing house-drain or other appliance or thing used or intended to be used for drainage which is injurious to health;

(d) to provide a closed drain in substitution of an open drain or to provide such other appliance or thing either newly or in substitution of any existing appliance or thing or to provide both a closed drain and such other appliance or thing in substitution of the existing open drain and other appliance or thing which is or is likely to be injurious to health;

(e) to provide and set up all such appliances and fittings as may appear to the Municipal Commissioner to be necessary for the purpose of gathering and receiving the waste water from floors and galleries of buildings when they are washed and conveying the same through spouts by done-take pipe so as to prevent such waste water from discharging directly on streets or inside any lower portion of the premises;

(f) to carry out any work to improve or re-model an existing house-drain which is inadequate, insufficient or faulty.

(2) Where in any case not provided for in sub-section (1), any premises are, in the opinion of the Municipal Commissioner, without sufficient means of effectual drainage, he may by written notice, require the owner of the premises--

(a) to construct a house-drain up to a point to be specified in such notice but not at a distance of more than sixty metres from any part of the premises;

(b) to construct a closed cesspool or soaking pit and drain or drains emptying into such cesspool or soaking pit.

(3) Any requisition for the construction of any house-drain under sub-section (2) may contain any of the details specified in sub-section (1).

295. Compulsory connections of house-drains with each other:-

When a drain belonging to one or more persons has been laid in a private street which is common to more than one premises and the Municipal Commissioner considers it desirable that any other premises should be drained into such drain, he may, by written notice, require the owner of such premises to connect his house-drain with such drain in the private street, and the owner of such drain in the private street shall thereupon be bound to permit such connection to be made :

Provided that no such connection shall be made except upon such terms as may be provided by the regulations and until any payment, which may be directed by the Municipal Commissioner in accordance with the regulations, has been duly made.

296. Power of Municipal Commissioner to drain premises in combination:-

(1) Where the Municipal Commissioner is of the opinion that any group or block of premises may be drained more economically or advantageously in combination than separately and a municipal drain of sufficient size already exists or is about to be constructed within thirty metres of any part of that group or block of premises, the Municipal Commissioner may cause that group or block of premises to be drained by a combined operation.

(2) The expenses incurred in carrying out any work under sub-section (1) in respect of any group or block of premises shall be paid by the owners of such premises in such porportions as the Municipal Commissioner may determine and shall be recoverable from them as an arrear of tax under this Act.

(3) Not less than fifteen days before any such work is commenced, the Municipal Commissioner shall give to each such owner--

(a) a written notice of the proposed work, and

(b) an estimate of the expenses to be incurred in respect thereof and of the proportion of such expenses payable by him.

(4) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises, and shall in proportions in which it is determined that the owners of such premises are to contribute to the expenses incurred under sub-section (1), be responsible for the expenses of maintaining every such drain in good repair and efficient condition :

Provided that every such drain shall from time to time be flushed, cleansed and emptied by the Municipal Commissioner and the cost of such work may be recovered from the owners concerned.

297. Power of Municipal Commissioner to close or limit the use of house-drain in certain cases:-

Where a house-drain connecting any premises with a municipal drain is sufficient for the effectual drainage of such premises and is otherwise unobjectionable but is not, in the opinion of the Municipal Commissioner, adopted to the general system of drainage in Kolkata, he may, by written notice addressed to the owner of the premises, direct--

(a) that such house-drain be closed, discontinued or destroyed and that any work necessary for that purpose be done; or

(b) that such house-drain shall, from such date as may be specified in the notice in this behalf, be used for sewage, offensive matter and polluted water only or for rain water and unpolluted sub-soil water only :

Provided that--

(i) no house-drain may be closed, discontinued or destroyed under clause (a) except on condition of "his providing another drain equally effectual for the drainage of the premises and communicating with any municipal drain which he thinks fit; and

(ii) the expenses of the construction of any drain so provided by the Corporation and of any work done under clause (a) may be paid out of the Municipal Fund.

298. Power of Municipal Commissioner to require owner to carry out certain works for satisfactory drainage:-

For the purpose of efficient drainage of any premises, the Municipal Commissioner may, by notice in writing--

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owner or owners of such buildings with such materials and in such matter as may be approved by the Municipal Commissioner, or

(b) require the level of such courtyard, alley or passage to be raised, or

(c) require such paving to be kept in proper repair.

299. Power of Municipal Commissioner to require occupier to carry out work:-

The Municipal Commissioner may, if he considers necessary so to do, require the occupier, instead of the owner, of any premises to carry out any work which might otherwise be required to be carried out by such owner under the provisions of this Act and thereupon such occupier shall be bound to carry out such work :

Provided that except in the case of any special agreement to the contrary, such occupier may deduct the amount of the expenses reasonably incurred or paid by him in respect of such work from any rent payable to the owner or may recover the same from him by an order of a court of competent jurisdiction.

300. Drains for huts:-

(1) The Municipal Commissioner may construct and maintain such drains for the drainage of huts as he may consider necessary.

(2) Notwithstanding the provisions of sub-section (1), if the Municipal Commissioner considers that a new drain should be constructed for the benefit or occupants of any hut, he may, by a written notice require the owner of the land on which such hut stands to construct such drain; and such owner shall construct such drain and shall maintain and, from time to time, cleanse and repair such drain to the satisfaction of the Municipal Commissioner.

(3) Notwithstanding the provisions of sub-section (1) or sub-section (2), any statutory authority may, subject to the provisions of the West Bengal Slum Areas (Improvement and Clearance) Act, 1972, (West Ben. Act X of 1972), construct or maintain drains and sewers and connect such drains or sewers with a municipal drain.

301. Special provisions relating to trade effluent:-

Subject to the provisions of this Act and the regulations made thereunder and of any other law for the time being in force, the occupier of any trade premises may, with the consent of the Municipal Commissioner or, so far as may be permitted by this Act or the regulations made thereunder or any other law for the time being in force,

without such consent, discharge into the municipal drains any trade effluent proceeding from those premises.

302. Special provisions regarding drainage of trade effluents:-

Notwithstanding anything contained in this Act or the regulations made thereunder or any usage, custom or agreement, where in the opinion of the Municipal Commissioner any trade premises are without sufficient means of effectual drainage of trade effluent or the drains thereof, though otherwise unobjectionable, are not adopted to the general drainage system of Kolkata, the Municipal Commissioner may by written notice require the owner or occupier of such premises--

(a) to discharge the trade effluent in such manner, at such times, through such drains and subject to such conditions as may be specified in the notice and to cease to discharge the trade effluent otherwise than in accordance with the notice;

(b) to purify the trade effluent before its discharge into a municipal drain and to set up for purifying the trade effluent such appliances, apparatus, fittings and plant as may be specified in the notice;

(c) to construct a drain of such material, size and description and laid at such level and according to such alignment and with such fall and outlet as may be specified in the notice;

(d) to alter, amend, repair or renovate any purification plant, existing drains, apparatus, plant-fitting or article used in connection with any municipal or house-drain.

303. Certain matters not to be passed into municipal drains:-

No person shall throw, empty, turn into any municipal drain or into any drain communicating with a municipal drain--

(a) any matter likely to injure the drain or to interfere with the free flow of its contents or to affect prejudicially the treatment and disposal of its contents; or

(b) any chemical, refuse or waste system, or any liquid of a temperature higher than forty-five degrees centigrade, being refuse or waste steam which, or liquid when so heated, is either alone, or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any dangerous petroleum.

Explanation:- For the purpose of this section, the expression "dangerous petroleum" shall have the same meaning as in the Petroleum Act, 1934 (30 of 1934).

304. Power of Municipal Commissioner to affix shafts, etc., or ventilation of drain or cesspool:-

For the purpose of ventilating any drain or cesspool, whether vested in the Corporation or not, the Municipal Commissioner may, in accordance with such regulations as may be made by the Corporation in this behalf erect upon any premises or affix to the outside of any building or to any tree any such shaft or pipe as may appear to him to be necessary.

305. Obligation of owners of drains to allow use or joint ownership to others:-

Every owner of a drain connected with a municipal drain or other place legally set apart for the discharge of drainage shall be bound to allow the use of it to other or to admit other persons as joint owners thereof on such terms as may be determined under section 306.

306. Use of drain by a person other than the owner:-

(1) Any person desiring to drain his premises into a municipal drain through a drain of which he is not an owner may make a private arrangement with the owner for permitting his use of the drain or may apply to the Municipal Commissioner for authority to use such drain or to be declared joint owner thereof.

(2) Where the Municipal Commissioner is of opinion, whether on receipt of an application under sub-section (1) or otherwise, that the only or the most convenient means by which the owner or the occupier of any premises can cause the drain of such premises to empty into a municipal drain is through a drain belonging to another person, the Municipal Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing either authorise the said owner or the occupier to use the drain or declare him to be joint owner thereof on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleansing and emptying the joint drain or otherwise as may appear to him equitable.

(3) Every such order bearing the signature of the Municipal Commissioner shall be a complete authority to the person in whose favour it is made or to any agent or person employed by him for this purpose after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling as far as possible, the conditions of the said order and after giving the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in

which the said drain is situated with assistants and workmen at any time between sunrise and sunset and, subject to the provisions of this Act, to do all such things as may be necessary for--

(a) connecting the two drains; or

(b) renewing, repairing or altering the connection; or

(c) discharging any responsibility attaching to the person in whose favour the Municipal Commissioner's order is made for maintaining, repairing, flushing, cleansing or emptying the joint drain or any part thereof.

(4) In executing any work under this section, as little damage as possible shall be done, and the owner or the occupier of the premises for the benefit of which the work is done shall--

(a) cause the work to be executed with the least practicable delay;

(b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said works;

(c) pay compensation to any person who sustains damage by the execution of the said work.

307. [1]**[Power of the Municipal Commissioner to levy fees for drainage and sewerage service]:-**

[2][(1) The Municipal Commissioner may at any time, levy an annual fee, for drainage and sewerage, at such rate, as may be fixed under the regulations made, thereunder or as stated in the budget estimate referred to in sub-section (3) of section 131 in this behalf, on the owner or the occupier or the person responsible to pay property tax on any house or land].]

(2) Any unpaid sum under this section shall be recoverable from the person concerned as an arrear of tax under this Act.

Footnote:

1. Substituted by Section 12(i) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, which formerly stood as follows :

"307. Power of Municipal Commissioner to charge for drainage and sewerage service in certain cases."

2. Substituted by Section 12(ii), of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, which formerly stood as follows :

"(1) The Municipal Commissioner may subject to such terms and conditions as to payment, quantity or period as may be fixed under this Act or the rules or the regulations made thereunder, levy a charge for drainage and sewerage service in any case which is governed by the provisions of section 239 or section 248 or section 249".

308. Position of cesspool:-

No person shall construct a cesspool--

(a) beneath any part of any building or within fifteen metres of any tank, reservoir, water-course or well; or

(b) upon any site or in Kolkata which has not been approved by the Municipal Commissioner; or

(c) upon any site or in any position outside Kolkata which has not been so approved and is situated within ninety metres of any reservoir used for the storage of wholesome water to be supplied to Kolkata.

(2) The Municipal Commissioner may, at any time by written notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1) to remove such cesspool or to fill it up with such material as may be approved by him.

309. No filth receptacle to be situated within fifteen metres of tank, well, water-course or reservoir:-

(1) No person shall construct any house-drain, urinal or other receptacle, not being a cesspool, for sewage or offensive matter within fifteen metres of any tank, well or water-course or any reservoir for the storage of water, unless he first satisfies the Municipal Commissioner that he will take such action as will prevent any risk of sewage or offensive matter passing by percolation or otherwise into such tank, well, water-course or reservoir.

(2) The Municipal Commissioner may, at any time by a written notice, require any person within whose premises is situated, within fifteen metres of any tank, well, water-course or reservoir for the storage of water, any receptacle mentioned or referred to in sub-section (1) to remove such receptacle.

(3) The provisions of this section shall also apply to any such receptacle outside Kolkata which is constructed or situated within fifteen metres of any reservoir used for the storage of wholesome water to be supplied to Kolkata.

310. Construction of septic tanks and sanitary privies and urinals in unsewered areas:-

Subject to the provisions of section 308 and such regulations as may be made by the Corporation in this behalf, the Municipal Commissioner may permit in any unsewered area the construction of septic tanks and sanitary privies and urinals connected with such septic tanks :

Provided that no such permission shall be granted unless in the opinion of the Municipal Commissioner there is sufficient open space available for the site of such septic tank :

Provided further that the Municipal Commissioner shall require that there is adequate supply of water in overhead reservoir constructed for the purpose to flush the proposed privies and urinals.

Chapter XIX

General Powers In Relation To Water Supply, Drainage and Sewerage

311. Right of owner of premises to place pipes and drains through land belonging to other persons:-

(1) If it appears to the Municipal Commissioner that the only or most convenient means of water-supply to, and drainage of, any premises is by placing or carrying any pipe or drain over, under, along or across the immovable property of another person, the Municipal Commissioner, after giving to the owner of the immovable property a reasonable opportunity of stating any objection, may, if no objection is raised or in any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the owner or the occupier of the premises to place or carry such pipe or drain over, under, along or across such immovable property in such manner as he may think fit to allow.

(2) Upon the order in writing under sub-section (1), the owner or the occupier of the premises may, after giving reasonable notice in writing of this intention so to do, enter upon the immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along or across such immovable property or for the purpose of repairing the same.

(3) In respect of the execution of any work under this section, the person in whose favour the Municipal Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 306.

(4) If the owner of the immovable property over, under, along or across which a pipe or drain has been placed or carried under this section whilst such immovable property was built upon desires to erect any building on such property, the Municipal

Commissioner shall, by notice in writing, require the owner of the premises to close, remove or divert the pipe or drain in such manner as may be approved by him and to fill in, reinstate and make good the immovable property as if the pipe or drain had not been placed or carried over, under, along or across the same :

Provided that no such requisition shall be made unless in the opinion of the Municipal Commissioner it is necessary or expedient for the construction of the proposed building or the safe enjoyment thereof that the pipe or drain should be closed, removed or diverted.

312. Rights of user of property for aqueducts, lines, etc:-

(1) The Municipal Commissioner may place and maintain aqueducts, conduits and lines of mains or pipes or drains over, under, along or across any immovable property, whether within or without the local limits of the Corporation, without acquiring the same and may, at any time for the purpose of examining, repairing, altering or removing any aqueducts, conduits, or lines of mains or pipes or drains, enter on any property over, under, along or across which the aqueducts, conduits or lines of mains or pipes or drains have been placed :

Provided that the Corporation shall not acquire any right other than a right of user in the property over, under, along or across which any aqueduct, conduit or line of mains or pipes or drains is placed.

(2) The power conferred by sub-section (1) shall not be exercisable in respect of any property vested in the Union or under the control or management of the Central or the State Government or the railway administration or vested in any local authority save with the permission of the Central or the State Government or railway administration or the local authority, as the case may be, and in accordance with the rules or the regulations made in this behalf:

Provided that the Municipal Commissioner may, without such permission, repair, renew or amend any existing works of which the character or position is not to be altered, if such repairs, renewal or amendment is urgently necessary in order to maintain without interruption the supply of water, drainage or disposal of sewerage or is such that delay could be dangerous to health, human life or property.

(3) In the exercise of the powers conferred upon him by this section, the Municipal Commissioner shall cause as little damage and inconvenience as may be possible and shall make full compensation for any damage or inconvenience caused by him.

313. Municipal Commissioner not to sanction building plan unless plan relating to water-supply etc. is in conformity with rules and regulations:-

All building plans submitted to the Municipal Commissioner for sanction shall conform to such rules or regulations as may be framed in this behalf relating to water supply, drainage, privy and urinal accommodation within the premises and sewerage, and no

building plan shall be sanctioned by the Municipal Commissioner unless the same so conforms.

314. Power of inspection and examination:-

(1) The Municipal Commissioner or any officer authorised by him in his behalf may--

(a) inspect and examine any house-drain, ventilation shaft or pipe, cesspool, house-gully, privy, urinal, or bathing or washing place existing in, or any pipe, tap fitting or meter for supply of water to, any premises; and

(b) if necessary for the purpose of such inspection and examination, cause the ground or any portion of any house-drain or other work exterior to a building or any portion of a building to be opened, broken up or removed :

Provided that in the prosecution of any such inspection and examination as little damage as possible shall be done.

(2) Any ground or any portion of any house-drain or other work exterior to a building or any portion of a building opened under clause (b) of sub-section (1) shall be filled in, reinstated and made good by--

(a) the owner of the premises at his own cost, where the works or things mentioned in clause (a) of sub-section (1) are found on inspection and examination to be not in good order or condition or constructed in contravention of any of the provisions of this Act or any rules or regulations made thereunder or of any other law for the time being in force, and

(b) the Municipal Commissioner, in other cases.

(3) Where the owner of any premises raises any dispute as to the existence of any of the circumstances referred to in clause (a) of sub-section (2), he may, within thirty days from the date of inspection and examination, make a written representation to-

(a) the Municipal Commissioner, in cases where the inspection and examination is done by any officer of the Corporation other than the Municipal Commissioner,

(b) the Mayor, in other cases,

and the decision of the Municipal Commissioner or the Mayor as the case may be, shall be final.

315. Power of Municipal Commissioner to require repairs, etc., to be made:-

When the result of such inspection and examination as aforesaid is as described in sub-section (2) of section 314, the Municipal Commissioner may,--

(a) by written notice, require the owner of the premises or the several owners of the respective premises in which the drain, ventilation shaft or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situated or for the benefit of which the same has been constructed, erected or set up,--

(i) to close or remove the same or any encroachment thereupon; or

(ii) to renew, repair, cover, recover, trap, ventilate, pave and pitch, flush, cleanse or take such other action as the Municipal Commissioner may think fit to direct and to fill in, reinstate and make good ground, building or thing opened, broken up or removed for the purpose of such inspection and examination; and

(b) without notice, close, fill up or demolish any drain by which sewage, offensive matter or polluted water is carried through, from, into or upon any premises in contravention of any of the provisions of this Act, and may also forthwith and without notice, clear, cleanse or open out any drain which is choked, blocked or in any way obstructed; and the expenses incurred by the Municipal Commissioner in so doing shall be paid by such owners or occupiers and shall be recoverable as an arrears of tax under this Act.

316. Power of Municipal Commissioner to execute work after giving notice to the person liable:-

(1) When under the provisions of this Act, any person may be required or is liable to execute any work, the Municipal Commissioner may, in accordance with the provisions of this Act and of any rules or regulations made in this behalf, cause such work to be executed after giving such person an opportunity of executing the same within such time as may be specified by him for this purpose,

(2) The expenses incurred or likely to be incurred by the Municipal Commissioner in the execution of any such work shall be payable by the said person unless the Mayor-in-Council directs the payment of such expenses out of the Municipal Fund.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of tax under this Act.

317. Prohibition for any construction over the water mains, municipal drains, etc:-

(1) Without the written permission of the Municipal Commissioner, no building, wall or other structure shall be newly erected or no street, tram track or railway shall be constructed over any water-main, drain or sewer or no underground duct, cable or pipe shall be laid over or along such main, drain or sewer belonging to the Corporation :

Provided that the Municipal Commissioner may refuse such permission, subject to prior approval of the Mayor-in-Council.

(2) If any building, wall or other structure or street or tram track or railway is newly erected or constructed or any underground utility is laid without such permission, the Municipal Commissioner may with the approval of the Mayor-in-Council remove such construction or erection or otherwise deal with the same, and the expenses of such removal or otherwise shall be recovered from the owner as an arrear of tax or from the person committing the offence.

318. Prohibition of certain acts:-

No person shall--

(a) wilfully obstruct any person acting under the authority of the Municipal Commissioner in setting out the lines of any works or pull up or remove any pillar, post or stake fixed in the ground for the purpose of setting out lines of such work or deface or destroy any works made for the same purpose; or

(b) wilfully or negligently break, injure, turn on, open, close, shut off or otherwise interfere with any lock, cock, valve, pipe, meter or other work or apparatus belonging to the Corporation; or

(c) unlawfully obstruct the flow of or flush, draw off or divert, or take, water from any waterworks belonging to the Corporation or any watercourse by which any such waterworks is supplied; or

(d) unlawfully obstruct the flow of or flush, draw off, divert or take, sewage from any sewage work belonging to the Corporation or break or damage any electrical transmission line maintained by the Corporation; or

(e) obstruct any officer or other employee of the Corporation in the discharge of his duties under this Act or refuse or wilfully neglect to furnish him with the means necessary for the making of any entry, inspection, examination or enquiry thereunder in relation to any water or sewage work; or

(f) bathe in, at or upon any waterworks or wash or throw or cause to enter therein any animal or throw any rubbish, dirt or filth into any waterworks or wash or clean therein any cloth, wool or leather or the skin of any animal or cause the water of any sink, or drain or any steam engine or boiler or any polluted water to trun or be brought into any waterworks or do any other act whereby the water in any waterworks is fouled or likely to be fouled; or

(g) in contravention of any of the provisions of this Act in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, close, destroy, or change, any drain, ventilation shaft or pipe, cesspool, privy, urinal or bathing or washing place or any trap, covering or other fitting or appliance connected therewith; or

(h) make any encroachment upon or in any way injure or cause or permit to be injured any drain, cesspool, house-gully, privy, latrine or urinal or bathing or washing place; or

(i) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain any brick, stone, earthwork ashes or any substance or matter by which or by reason or the quantity of which drain is likely to be obstructed; or

(j) pass, or permit or cause to be passed, into any drain provided for a particular purpose any matter or liquid for the conveyance of which such drain was not provided; or

(k) cause or suffer to be discharged into any drain from any factory, bake house, distillery, workshop or work-place or from any building or place in which steam water or mechanical power is employed any hot water, steam or fumes, or trade effluents or any liquid which may prejudicially affect the drain or the disposal, by sale or otherwise, of the sewage conveyed along the drain or which is, by reason of its temperature or otherwise, likely to create [1][public nuisance; or]

[2][(1) keep any septic tank undrained so as to allow accumulation of effluence within the premises to which such septic tank pertains.]

Footnote:

1. Substituted by Section 26(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, for "public nuisance."

2. Clause (i) inserted by Section 26(2), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

319. Maps of underground water-mains, supply pipes, drains, etc:-

Subject to the provision of section 349, the Municipal Commissioner shall cause to be maintained complete survey maps, drawings and descriptions of water-supply mains, supply pipes, municipal drains, sewers, and connections thereto from all premises in Kolkata.

320. Work to be done by licensed plumber:-

(1) No person other than a licensed plumber shall execute any work relating to house connection described in Chapter XVII or Chapter XVIII or Chapter XIX and no person shall permit any such work to be executed except by a licensed plumber :

Provided that if, in the opinion of the Municipal Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any work shall, when so required, furnish to the Municipal Commissioner the name of such plumber.

(3) When any work is executed except in accordance with the provisions of sub-section (1), such work shall be liable to be dismantled at the discretion of the Municipal Commissioner without prejudice to the right of the Corporation to prosecute under this Act the person at whose instance such work has been executed.

(4) The Corporation may make regulations for the guidance of licensed plumbers and a copy of all such regulations shall be available for sale at the Corporation.

(5) The Corporation may, from time to time, specify the charges to be paid to licensed plumbers for any work done by them under or for any of the purposes of Chapter XVII or Chapter XVIII or Chapter XIX.

(6) No licensed plumber shall, for any work referred to in sub-section (5), demand or receive more than the charges specified therefor under that subsection.

(7) The Corporation shall by regulations provide for--

(a) the exercise of adequate control on all licensed plumbers;

(b) the inspection of all works carried out by them; and

(c) the hearing and disposal of complaints made by the owners or occupiers of premises with regard to the quality of work done, material used, delay in execution of work, and the charges made, by a licensed plumber.

(8) No licensed plumber shall contravene any of the regulations made under this section or execute carelessly or negligently any work under this Act or make use of bad materials, appliances or fittings.

(9) If any licensed plumber contravenes the provisions of sub-section (8), his licence may be suspended or cancelled whether he is prosecuted under this Act or not.

321. Rules as to drainage, sewerage, cesspools, privies and urinals:-

Save as otherwise provided in section 260, the Municipal water-supply, Sewerage and Drainage Code shall include such regulations as may be made by the Corporation from time to time concerning the construction, maintenance, repair and alteration of drains, privies and urinals, cesspools and all appurtenances thereof and any other matter covered by Chapter XVII or Chapter XVIII or Chapter XIX.

Chapter XX

Solid Wastes

322. Collection, removal and disposal of solid wastes:-

For the purpose of securing the efficient scavenging and cleansing of all streets, public places and premises in Calcutta, the Corporation shall undertake the functions of collection, removal and disposal of solid wastes.

323. Provision for receptacles, depots and places for temporary deposit:-

(1) The Corporation shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit of--

(a) rubbish;

(b) offensive matter;

(c) trade refuse;

(d) carcasses of dead animals;

(e) excrementitious and polluted matter.

(2) Different receptacles, depots or places may be provided or appointed for the temporary deposit of any of the matters specified in sub-section (1).

324. Provision of vehicles or other suitable means for removal of solid wastes:-

(1) The Corporation shall provide vehicles or other suitable means and where necessary covered vehicles or vessels for the removal of solid wastes.

(2) The Corporation may construct, acquire, operate, maintain, develop or manage any garage or work for proper maintenance of the vehicles or vessels or means for removal of solid wastes under sub-section (1).

325. Appointment of places for disposal and final disposal of solid wastes:-

The Mayor-in-Council may cause the solid wastes to be disposed of at such place or places within or outside Kolkata and in such manner as it considers suitable :

Provided that no place, which has not been before the commencement of this Act used for the purpose specified in this section, shall be used except in conformity with the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) and without the approval of the Corporation:

Provided further that the solid wastes shall not be finally disposed of in any manner in which the same have not hereto before been so disposed of without the sanction of the Corporation or in any manner which the State Government may think fit to disallow.

326. Solid wastes to be the property of the Corporation:-

All matters deposited in public receptacles, depots and places provided or appointed by the Corporation and all solid wastes collected shall be the property of the Corporation.

327. Provision of means for processing of solid wastes:-

The Corporation may, for the purpose of receiving, storing, treating, processing and disposing solid wastes or converting such solid wastes into compost or other matters, construct, acquire, operate, maintain, develop, and manage any work within or outside Kolkata and run it on a commercial basis.

328. Solid wastes may be used for land filling:-

The Mayor-in-Council may, subject to the regulations made in this behalf, cause to be utilized solid wastes for filling up any well, tank or low land and perform this function on a commercial basis within or outside Kolkata.

329. Solid waste management:-

Subject to the other provisions of this Chapter, the Municipal Commissioner shall perform all the functions and manage all the places or works related to collection, removal and disposal of solid wastes accumulating in Calcutta.

330. Municipal Commissioner to provide for cleansing of streets and removal of solid wastes:-

(1) The Municipal Commissioner shall take measures for securing--

(a) the daily surface-cleansing of all streets in Calcutta and removal of sweeping therefrom;

(b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by the Corporation under the provisions of this Act for the temporary deposit of rubbish, trade refuse, carcasses of dead animals and excrementitious and polluted matter;

(c) the removal of special wastes and hazardous wastes and other solid wastes from premises.

(2) The Municipal Commissioner may, by public notice, issue directions as to the time at which, the manner in which, and the conditions subject to which, any matter referred to in sub-section (1) may be removed along a street or may be deposited or otherwise disposed of.

(3) The Municipal Commissioner shall make adequate provisions for preventing receptacles, depots, places, vehicles and vessels referred to in this Chapter from becoming sources of nuisance.

331. Special sanitary arrangements at certain places:-

(1) The Municipal Commissioner may make such special arrangements, whether permanent or temporary, as he considers adequate for maintaining sanitation in the vicinity of any place or religious worship or institutions or places to which large number of persons resort on particular occasions or in any place used for holding fairs, festivals, sports or cultural or social events.

(2) The Municipal Commissioner may require any person having control over any such place to pay to the Corporation fees at such rates as the Mayor-in-Council may from time to time determine.

332. Duties of owners and occupiers to collect and deposit rubbish, etc:-

It shall be the duty of the owners or the occupiers, as the case may be, of all premises--

(a) to have premises swept and cleaned;

(b) to cause all rubbish and offensive matters to be collected from their respective premises and to be deposited, at such time as the Municipal Commissioner by public notice specifies, in public receptacles, depots or places provided or appointed by the Corporation or in receptacles provided under clause (c) for the temporary deposit or final disposal thereof;

(c) to provide receptacles of the type and in the manner specified by the Municipal Commissioner for the collection therein of all rubbish and offensive matters from such premises and to keep such receptacles in good condition and repair.

[1][(d) the Municipal Commissioner may levy on the owner or the occupier of any premises, administrative changes or special cleaning service charges for sweeping clearing of the premises, and for collecting and final disposal of the raffish and offensive matters, at such rates, as the Mayor-in-Council may determine from time to time. Any unpaid sum under this section shall be recoverable from the person concerned as an arrear tax under this Act.]

Footnote:

1. Inserted by Section 13 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

333. Removal of solid wastes accumulated on non-residential premises:-

The Municipal Commissioner may if he thinks fit,--

(a) by written notice, require the owner or the occupier of any premises used--

(i) as factory, workshop or for carrying on any manufacture, or

(ii) as a trade premises or shop or as a market or slaughter house, or

(iii) as a hotel, eating house, or restaurant, or

(iv) as a hospital or nursing home, or

(v) as a warehouse or godown, or

(vi) as a place to which large number of persons resort, or

(vii) in any other way,

where rubbish, offensive matter, filth, trade refuse, special wastes, hazardous wastes or excrementitious, and polluted matters are accumulated in large quantities, to collect such matters accumulating thereon and to remove the same at such time and in such trailers or receptacles and by such routes as may be specified in the notice to a depot or place provided or appointed by the Corporation, or

(b) after giving such owner or occupier notice of his intention, cause all rubbish including building rubbish, offensive matter, trade refuse, special wastes, hazardous wastes or excrementitious and polluted matter accumulated in such premises to be removed, and charge the said owner or occupier for such removal

such fee as may, subject to the rates determined by the Mayor-in-Council, be specified in the notice issued under clause (a):

Provided that no rate shall be less than such unit cost of removal of solid wastes (including the cost for debt servicing, depreciation and other charges, if any, of vehicles or vessels or means for removal) as the Mayor-in-Council may determine from time to time, or

(c) by written notice, require the owner or the occupier of any premises referred to in clause (a) to provide receptacles or trailers or other means on such premises constructed from such materials and of the type and in the manner specified by the Municipal Commissioner for the collection therein of all rubbish including building rubbish, offensive matter, filth, trade refuse, special wastes, hazardous wastes or excrementitious and polluted matters accumulating in the premises.

[1][(d) by public notice require any person carrying on any trade or business in a manner that accumulates rubbish, offensive matter, filth, trade refuse, special wastes, hazardous wastes or excrementitious and polluted matters, to pay such costs for removal of the same as the Corporation may incur in this regard and as determined by the Mayor-in-Council from time to time.]

Footnote:

1. Inserted by Section 14 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989.

334. Temporary deposit of rubbish, etc., in bustees and removal thereof:-

(1) Any land that may be required in any bustee for temporary deposit of rubbish, offensive matters, sewage or carcasses of animals accumulating in such bustee shall be provided by the owner of such bustee.

(2) The Corporation or any other statutory authority may subject to the provisions of the West Bengal Slum Areas (Improvement and Clearance) Act, 1972 (West Ben. Act X of 1972), provide in proper and convenient situations public receptacles, depots and places for the temporary deposit of rubbish, offensive matters, sewage or carcasses of animals accumulating in bustees.

(3) It shall be the duty of the owners or the occupiers, as the case may be, of all huts--

(a) to have the huts swept and cleaned,

(b) to cause all rubbish including building rubbish, offensive matters, sewage or carcasses of animals to be collected from their respective huts and to be deposited in the public receptacles, depots and places provided under sub-section (2) at such times as the Municipal Commissioner by public notice specifies.

335. Collection and removal of filth and polluted matter:-

When the Municipal Commissioner has given public notice of his intention to provide in certain portion of Calcutta for the collection, removal and disposal by the employees or contractors of the Corporation of all excrementitious and polluted matters from privies, urinals, and cesspools, it shall be lawful for the Municipal Commissioner to take measures for the daily collection, removal and disposal of such matters from all premises situated in the said portion of Calcutta :

Provided that in areas where the sewers have been laid, the Municipal Commissioner may, in accordance with such scheme as may be prepared for such purpose or otherwise, require the owner or the occupier, as the case may be, of any premises to convert the service privies to sanitary latrines and such owner or occupier shall comply with the orders of the Municipal Commissioner.

336. Prohibition against deposit of solid wastes:-

(1) No person shall deposit or cause or permit to be deposited or throw upon or along any public street, public place, land belonging to the Corporation or any unoccupied land or on the bank of a water-course any solid waste except in accordance with the provisions of this Act.

(2) Without prejudice to the generality of the foregoing provision, no person shall deposit or cause or permit to be deposited any building rubbish in or along any street, public place or land except in conformity with the conditions of prior permission from the Municipal Commissioner:

Provided that no permission shall be given until an advance payment of a fee for the removal by the employees or contractors of the Corporation of such rubbish has been made in accordance with such rates as may be determined by the Mayor-in-Council from time to time:

Provided further that if the Municipal Commissioner thinks fit, he may for reasons to be recorded, refuse to give such permission.

337. Presumption as to offender:-

If any rubbish, offensive matter, trade refuse, special waste, hazardous waste or excrementitious and polluted matter accumulating on any premises is deposited in any place in contravention of the provisions of this Act, it shall be presumed, unless the contrary is proved, that such contravention has been committed by the occupier of such premises.

338. Depositing or throwing any solid waste in contravention of the provisions of this Act:-

Whoever [1][deposits] or throws or causes or permits to be deposited or thrown any solid waste on any place in contravention of the provisions of this Act shall, subject to such regulations as may be made in this behalf, be punishable with fine which shall not be less than fifty rupees and more than five thousand rupees for each such offence.

Footnote:

1. Substituted by Section 32 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984, for the word "deposit."

339. Municipal Commissioner's power to get places scavenged and cleansed:-

If any street of public place under the control of Government or any statutory body, or any premises to which large number of persons resort to, is not properly or regularly scavenged or is, in the opinion of the Municipal Commissioner, in a filthy and unwholesome condition, the Municipal Commissioner may, by written notice, require the owner or the occupier to do the scavenging or cleansing or may cause scavenging or cleansing to be done and the cost of such scavenging or cleansing shall be recovered from the owner or the occupier thereof.

340. Municipal Commissioner not to sanction building plan in certain cases except in conformity with regulations for solid wastes:-

(1) The Corporation may by regulations determine any class or classes of buildings in the cases of which the Municipal Commissioner shall not sanction any building plan except in conformity with the regulations framed by the Corporation for construction on the premises of receptacles for temporary deposit of solid wastes.

(2) The Corporation may by regulations determine the types, materials of construction or designs on the basis of which such receptacles, trailers or other means for removal of solid wastes may be constructed and where these may be located in any premises, and the person applying for sanction of building plan shall be bound to construct the same accordingly.

(3) Without prejudice to the generality of the foregoing provision, the Corporation shall by regulations specify the requirements for receptacles, trailers or other means for removal or for temporary deposit of solid wastes in premises used as--

(a) markets, or

(b) hotels or restaurants, or

(c) hospitals or nursing homes, or

(d) factories registered under the Factories Act, 1948 (63 of 1948), or

(e) buildings with a height of 18 metres or more.

341. Power to inspect premises for sanitary purposes:-

The Municipal Commissioner may inspect within sunrise or sunset any premises for the purpose of ascertaining compliance with the provisions of this chapter.

342. Notice to be given by methar, etc., before withdrawing from work:-

Notwithstanding anything to the contrary contained in any other law in force for the time being, no methar or other employee of the Corporation who is employed to remove or otherwise deal with any rubbish, offensive matter, filth, trade refuse, or other solid waste, shall, without giving the Municipal Commissioner any notice of his intention so to do or without the permission of the Municipal Commissioner, withdraw from his duties.

[1][Chapter XXA

Fire Prevention and fire safety

Footnote:

1. Chapter XXA inserted by Section 15 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

342A. Arrangement for fire prevention and fire safety:-

On the coming into force of the West Bengal Fire Service Act, 1950 (West Ben. Act XVIII of 1950), in any area within the jurisdiction of the Corporation, the Corporation shall, in consultation with the Director of Fire Services or any officer authorised by him in this behalf by general or special order, require the owner or the occupier of all or any of the premises in such area to make, or to carry, such arrangements as may be necessary for fire prevention and fire safety in such area.

Explanation:- "Director of Fire Services" shall mean the Director of Fire Services referred to in clause (e) of section 2 of the West Bengal Fire Services Act, 1950].

Chapter XXI

Streets and Public Places

343. Vesting of public streets, squares, parks and gardens in the Corporation:-

(1) All public streets, squares, parks and gardens in Calcutta including the soil, sub-soil, side-drain, footpaths, pavements, stones and other materials, and all erections, materials, implements, trees and other things provided therein shall vest in the Corporation :

Provided that no public street, square, park or garden which immediately before the commencement of this Act vested in the Government, the Board of Trustees for the Port of Calcutta, or the Board of Trustees for the Improvement of Calcutta shall, unless so directed by the authority competent to take a decision in this behalf, vest in the Corporation by virtue of this subsection.

(2) The State Government may by notification transfer to or take over from the Corporation for a limited period for the purpose of proper maintenance or development of any public street, square, park or garden.

(3) The Corporation shall transfer to the Board of Trustees for the Improvement of Calcutta or to any other statutory body such public street, square or other land as the provisions of section 54 of the Calcutta Improvement Act, 1911 (Ben. Act V of 1911) require or the State Government may direct, as the case may be.

(4) Any street laid out or altered by the Board of Trustees for the Improvement of Calcutta or by any other statutory body shall vest or revest in the Corporation in accordance with the provisions of section 65 of the Calcutta Improvement Act, 1911 or if so directed by the State Government, in such other statutory body, as the case may be.

(5) The Corporation shall maintain a register in such form and in such manner as may be prescribed and such register shall separately include a list of all public streets, squares, parks and gardens vested in the Corporation or in such other statutory bodies.

(6) The Corporation may publish in such form and in such manner as may be prescribed the contents of such register for sale to the public.

344. Functions of the Municipal Commissioner in respect of public streets, etc:-

(1) All public streets, squares, parks and gardens vested in the Corporation shall be under the control of the Municipal Commissioner and he shall cause the same to be maintained, controlled and regulated in accordance with the provisions of this Act and the rules and the regulations made thereunder.

(2) The Municipal Commissioner shall, from time to time, cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered or repaired, and may widen, extended or otherwise improved any such street or cause the soil thereof to be raised, lowered or altered or may place and repair fences and posts for the safety of pedestrians.

(3) The Municipal Commissioner shall, from time to time, cause various items of street furniture including guard rails, traffic lights and traffic signs, street markings, median strips and such other items to be installed or done on public streets vesting in the Corporation and shall cause the same to be maintained so as to ensure public safety, convenience and expeditious movement of traffic, including pedestrian traffic.

345. Municipal Streets Technical Committee:-

(1) The Mayor-in-Council shall constitute a Municipal Streets Technical Committee with the Municipal Commissioner as its Chairman and another officer of the Corporation as its convener.

(2) In addition to the Chairman and the convener, the Committee shall have five other members of whom--

(a) one shall be a nominee of the Calcutta Metropolitan Development Authority,

(b) one shall be a nominee of the Commissioner of Police, Calcutta, and

(c) three shall be nominated by the State Government from the concerned departments of the State Government or statutory bodies.

(3) The Committee shall meet at least once in a month.

(4) The Committee shall, in order to secure the expeditious, convenient and safe movement of traffic, including pedestrian traffic, and suitable and adequate parking facilities on and off the public streets, and with due regard to--

(a) the desirability of securing and maintaining reasonable access to premises,

(b) the effect on the amenities of any locality affected, and

(c) any other relevant matter referred to it by the Mayor-in-Council, aid, advise and assist, the Mayor-in-Council in the following matters:

(i) classification of public streets,

(ii) prescription of regular line of street,

(iii) regulation of abutting land uses,

(iv) designation of on-street parking areas,

(v) allocation of rights of way for underground utilities,

(vi) placement of street furniture,

(vii) placement of authorised fixtures on streets, such as electric and telegraph poles, post boxes, telephone junction boxes, sheds for trams and buses, milk booths, and the like,

(viii) opening of new public streets,

(ix) permanent closure of existing public streets, and

(x) any other matter that may be referred to it by the Mayor-in-Council.

(5) The Committee shall, while making any recommendation to the Mayor-in-Council on any matter conform to the development plan or the development scheme prepared by any competent authority under any other law in force for the time being and shall take into account such plans, proposals, surveys, studies and supporting technical data on such matter as might be in the possession of the Corporation or the Calcutta Metropolitan Development Authority or the Commissioner of Police, Calcutta or any department of the State Government or any such competent authority :

Provided that nothing in this section shall be deemed to limit the power of the Corporation to prepare its own development plan or scheme or pursue any programme which is not covered by and is not in conflict with a plan, scheme or programme of any other authority under any other law in force for the time being.

(6) The Committee may call for any paper, document, map or data from the Corporation or the Calcutta Metropolitan Development Authority or the Commissioner of Police, Calcutta or any department of the State Government or any competent authority and thereupon it shall be its or his duty to comply with such requisition.

(7) The Mayor-in-Council shall consider the recommendations of the Committee and take such decision thereon as it thinks fit after taking into account plans, proposals, surveys, studies, schemes and programmes, if any, referred to in sub-section (5).

(8) If any doubt arises as to whether the decision taken under subsection (7) is in conflict with any plan, scheme or programme of any competent authority under any other law in force for the time being, the matter shall be referred to the State Government whose decision shall be final.

346. Classification of public streets:-

(1) The Mayor-in-Council shall classify all public streets in Calcutta in one or other of the following categories :

(a) category I -- arterial roads,

(b) category II -- sub-arterial roads,

(c) category III -- collector roads,

(d) category IV -- local roads,

(e) category V -- pedestrian pathways, and

(f) category VI -- footpaths.

(2) The classification shall be done with due regard to the traffic role of the particular public street and the nature and volume of traffic on it, its existing width, and abutting land uses :

Provided that the different names of public streets which essentially constitute parts of a continuous traffic corridor shall not come in the way of their placement in any particular category.

(3) The Mayor-in-Council shall, from time to time, specify the minimum widths of different categories of public streets without regard to the existing widths of such streets as may be included in such categories :

Provided that the minimum width of any public street falling under category I or category II or category III or category IV shall not be less than ten metres including any public street falling under category VI and that of a public street falling under category V, not less than six metres :

Provided further that such minimum widths may be revised by the Mayor-in-Council at an interval of not less than five years.

(4) The classification of the public streets in different categories may be revised from time to time.

347. Compulsory provision of footpaths:-

(1) Notwithstanding their present availability, the Corporation shall ensure within a reasonable time and subject to the availability of resources that all public streets under category I, category II and category III have raised footpaths adjoining the same.

(2) Notwithstanding the existing situation, the Mayor-in-Council shall specify different minimum widths for footpaths which are adjacent to the public streets under category I, category II and category III so as not less than 1.5 metres on each side in any case:

Provided that more than one minimum width may be specified for the footpath abutting each category of public street so as to provide for different requirements owing to different abutting land uses :

Provided further that while prescribing or revising any regular line of a public street, it shall be stipulated that the minimum width specifications for footpaths shall be complied with.

(3) The minimum widths referred to in sub-section (2) may be revised by the Mayor-in-Council.

348. Rights of way for underground utilities:-

Subject to the provisions of the Indian Telegraph Act, 1885 (13 of 1885), the Indian Electricity Act, 1910 (9 of 1910), the Calcutta Metropolitan Water and Sanitation Authority Act, 1966 (West Ben. Act XIII of 1966), the Metro Railways (Construction of Works) Act, 1978 (33 of 1978), and such other Act as may be notified by the State Government for the purpose of this section, the State Government may by rules provide for the following :--

(a) the sanction by the Mayor-in-Council of specific rights of way in the sub-soil of public and private streets in Kolkata for different public utilities including electric supply, telephone or other telecommunication facilities, gas pipes, water-supply, sewerage and drainage, and underground rail system, pedestrian subways, shopping plazas, warehousing facilities and the apparatus and appurtenances related thereto provided by Government, any statutory body or any license under any of the above mentioned Acts;

(b) the levy of any fee or charge permissible under any of the above mentioned Acts;

(c) the furnishing to the Corporation of maps, drawings and statements which shall enable it to compile and maintain precise records of the placement of the underground utilities in Kolkata.

349. Maps of underground utilities:-

The Municipal Commissioner shall cause to be maintained complete survey maps, drawings, and descriptions of all the underground utilities in Kolkata in such form and in such manner as may be prescribed and shall ensure the secrecy of the same in conformity with the provisions of the Official Secrets Act, 1923 (19 of 1923).

350. Power to make new public streets:-

The Municipal Commissioner may, at any time with the previous sanction of the Mayor-in-Council,--

(a) lay out and make new public streets, or

(b) construct bridges and subways, or

(c) turn or divert any existing public street, or

(d) lay down and determine the position and direction of a street or streets in any part of Calcutta, or

(e) declare any street, made and duly executed either under an improvement scheme in pursuance of the provisions of the Calcutta Improvement Act, 1911 (Ben. Act V of 1911), or by any other statutory body, to be a public street, or

[1][(f) define the regular line of a street or streets.]

Footnote:

1. Inserted by Section 33 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben, Act XIII of 1984), w.e.f. 15.5.1984.

351. Minimum width of new public streets:-

No new public street made under this Chapter shall be less than ten metres in width, including the footpath:

Provided that a pedestrian pathway in a new colony planned by any statutory body and specifically approved by the State Government for the purpose of this section may be six metres in width.

352. Power to acquire lands and buildings for public streets and for public parking places:-

The Municipal Commissioner may, subject to the other provisions of this Act--

(a) acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street, square, park or garden or of making a new one, together with any building standing upon such land;

(b) acquire, in relation to any land or building as aforesaid, such land with building thereon outside the regular line or the projected regular line of such public street;

(c) acquire any land for the purpose of laying out or making a public parking place.

[1]**[353. Permanent closure of public street, park, square or garden and disposal of land:-**

(1) The Municipal Commissioner may, with the previous sanction of the Mayor-in-Council, and subject to the approval of the State Government, permanently or temporarily close the whole or any part of a public street, park, square or garden in the public interest or for the purpose of carrying out the provisions of this Act :

Provided that the Municipal Commissioner shall give a public notice of such closure by insertion in at least three local newspapers and the notice shall specify the date on and from which the closure shall be effected.

(2) For the purpose of carrying out any development work in any public street, park, square or garden or any part thereof, such public street, park, square or garden or the part thereof or the sub-soil thereunder may be dealt with or settled or transferred, as the case may be, either temporarily or permanently by way of grant of lease or licence, as the case may be, and on such terms and conditions and for such period as the Municipal Commissioner may, with the prior approval of the Mayor-in-Council and subject to the approval of the State Government, determine and for such development work the public street, park, square or garden or any part thereof may be closed temporarily or permanently, as the case may be and in such a case a public notice shall be given in the same manner as in sub-section (1) specifying the date from which the closure shall be effected :

Provided that the site of so much of the roadway or footpath as would not be required for using as a public road or public thoroughfare by reason of providing better and alternative public road or public thoroughfare including footpath shall be dealt with or settled or transferred on lease or licence.

Explanation:- For the purpose of this section, "development work" shall include all works for development and improvement by way of proper and adequate or better utilisation, either underground or on the surface, or a public street, park, square or garden.]

Footnote:

1. Substituted by Section 3 of the Calcutta Municipal Corporation (Amendment) Act, 1985 (West Ben. Act XXIII of 1985, w.e.f. 19.8.1985.

354. Temporary closure of public street:-

The Municipal Commissioner may temporarily close the whole or any part of a public street to permit development and maintenance work, and may, subject to the conditions determined by the Mayor-in-Council, authorize such closure for other purposes for any period not exceeding a fortnight.

355. Closure of public street for parking purposes:-

(1) The Municipal Commissioner may, subject to the recommendations of the Municipal Streets Technical Committee and with the prior approval of the Mayor-in-Council, close any portion of a public street and declare it as a fee parking area.

(2) Parking fees at different rates for different vehicles for different areas for different periods shall be levied at such rates as may be determined by the Corporation by regulations.

356. Power to prohibit use of public streets for certain kind of traffic:-

(1) The Municipal Commissioner may--

(a) prohibit or regulate, either temporarily or permanently, vehicular traffic in any public street or any portion thereof so as to prevent danger, obstruction or inconvenience to the public or to ensure quietness in any locality;

(b) prohibit, in respect of a public street or a portion thereof, the transit of any vehicle of such type, form construction, weight, emission or size, or of any vehicle laden with such heavy or unwieldy object, as is likely to cause injury to the roadways or any construction thereon, or of any vehicle on the ground of public convenience, except under such conditions as to time, mode of traction or locomotion, use of appliances for the protection of roadways, number of lights and assistants, and other general precautions and upon the payment of such charges as may be specified by the Mayor-in-Council generally or specifically in each case;

(c) prohibit, at all times or during any particular hours, entry from or exit to premises of vehicular traffic from any particular public street carrying such traffic:

Provided that the Municipal Commissioner shall not take action in any case without the previous sanction of the Mayor-in-Council.

(2) Any notice of prohibition under sub-section (1) shall, if such prohibition applies to any particular public street, be posted in conspicuous places at or near both ends of such public street or any portion thereof to which such prohibition applies or, if such prohibition applies generally to all public streets, be advertised.

357. Defining regular line of a street:-

(1) The Municipal Commissioner may, with due regard to the munimum widths prescribed for various categories of streets including the footpaths abutting the same, define the regular line on one or both sides of any public street or portions thereof in accordance with the rules and the regulations made in this behalf and

may, with the previous sanction of the Corporation, redefine at any time any such regular line :

Provided that, before redefining such regular line, the Corporation shall, by public notice, afford a reasonable opportunity to the residents of premises abutting on such public street to make suggestions or objections with respect to the proposed redefinition and shall consider all such suggestions or objections which may be made within one month from the date of publication of such notice :

Provided further that the street alignment of any public street operative under any law in any part of Kolkata immediately before the commencement of this Act shall be deemed to be a regular line defined by the Municipal Commissioner under this sub-section.

(2) The line for the time being defined or redefined shall be called the regular line of the street.

(3) No person shall construct or reconstruct any building or portion thereof or any boundary wall within the regular line of a street.

(4) The Municipal Commissioner shall maintain a register, containing such particulars as may be prescribed, with plans attached thereto showing all public streets in respect of which the regular line of such streets has been defined or redefined.

(5) All such registers shall be open to inspection by any person on payment of such fee, and any extract therefrom may be supplied on payment of such charges, as may be determined by the Corporation by regulations.

[1][(6) Notwithstanding anything contained in the foregoing provisions of this section, the Corporation may, if it considers expedient so to do, cancel partly or wholly, or modify, the regular line of a public street after a period of ten years from the date of defining the said regular line, provided the object for which the said regular line was defined has not been completed within the said period :

Provided that the Corporation shall, before such cancellation or modification of such regular line, afford, by public notice, a reasonable opportunity to the residents of the premises abutting on such public street to make suggestions or objections with respect to the proposed cancellation or modification of the regular line as aforesaid and shall consider all suggestions or objections which may be made within one month from the date of publication of such notice.]

Footnote:

1. Sub-section (6) and proviso thereto inserted by Section 27 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

358. Setting back building to regular line of street:-

(1) If any part of a building abutting on a public street is within the regular line of that street, the Municipal Commissioner may, whenever it is proposed,--

(a) to repair, rebuild or construct such building or to pull down such building to an extent measured in cubic metre exceeding one-half thereof above the ground level, or

(b) to repair, remove, construct such building or to pull down such building to an extent measured in cubic metre exceeding one-half thereof above the ground level, or

by an order as respects the additions to or rebuilding, construction, repair or alterations of such building, require such building to be set back to the regular line of such street.

(2) When any building or any part thereof within the regular line of a public street falls down or is burnt down or is, whether by reason of any order of the Municipal Commissioner or otherwise, taken down, the Municipal Commissioner may forthwith take possession, on behalf of the Corporation, of the portion of the land within the regular line of the street heretofore occupied by such building and, if necessary, clear the same.

(3) Land acquired under this section shall be deemed to be a part of the public street and shall vest in the Corporation.

359. Compulsory setting back of building to regular line of street:-

(1) Where any building or any part thereof is within the regular line of a public street and, in the opinion of the Municipal Commissioner, it is necessary to set back such building or part thereof to the regular line of such street in pursuance of any development plan, he may, by a notice served on the owner of such building in accordance with the provisions of this Act, require him to show cause within such period as may be specified in the notice as to why such building or part thereof which is within the regular line of such street should not be pulled down and the land within the regular line acquired by the Municipal Commissioner on behalf of the Corporation.

(2) If the owner fails to comply with the requirements of the notice under sub-section (1), the Municipal Commissioner may, with the approval of the Mayor-in-Council, pull down the building or part thereof and all expenses incurred in so doing shall be paid by the owner and recoverable from him as an arrear of tax under this Act.

(3) The Municipal Commissioner shall, immediately after any building or part thereof is pulled down under sub-section (2), take possession, on behalf of the Corporation, of the portion of the land within the regular line of the street occupied by such building or part thereof and such land shall thereupon be deemed to be a part of the public street and shall vest in the Corporation.

360. Setting forward of building to regular line of street:-

(1) If any building which abuts on a public street is in the rear of the regular line of such street, the Municipal Commissioner may, whenever it is proposed--

(a) to rebuild such building, or

(b) to alter or repair such building in such manner as will involve the removal or re-erection of such building, or portion thereof abuts on such street, to an extent measured in cubic metre exceeding one-half of such building or portion thereof above the ground level,

by an order as respects the rebuilding, alteration or repair of such building or portion thereof, permit or, with the approval of the Mayor-in-Council, require such building to be set forward to the regular line of such street.

(2) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be building; and it shall be deemed to be a sufficient compliance with the permission or the requirement to set forward a building to the regular line of a street, if a wall of such materials and dimensions as are approved by the Municipal Commissioner is erected along such line.

361. Acquisition of open land and land occupied by platforms, etc., within the regular line of street:-

If any land, whether open or enclosed, not vested in the Corporation and not occupied by any building, is within the regular line of public street or if any platform, verandah, step, compound wall, hedge, fence or other structure is within the regular line of such street, the Municipal Commissioner may, after giving the owner of such land or building not less than thirty days' clear notice of his intention so to do, take possession, on behalf of the Corporation, of such land with its enclosing wall, hedge or fence, if any, or of such platform, verandah, step, compound wall, hedge, fence or other structure or of any portion thereof within the regular line of the public street and, if necessary clear the same, and the land so acquired shall thereupon be deemed to be a part of the public street and shall vest in the Corporation :

Provided that where the land or the building vests in the Government, the Municipal Commissioner shall not take possession thereof without the previous sanction of the Government.

362. Acquisition of remaining part of building and land after their portions within the regular line of street have been acquired:-

Where a land or building is partly within the regular line of a public street and the Municipal Commissioner is satisfied that the land remaining after beneficial use, he shall, at the request of the owner, acquire such land in addition to the land within

such line and such surplus land shall vest in the Corporation and shall be used or disposed of for such development purpose as may be ordered by the Mayor-in-Council.

363. Compensation to be paid:-

(1) Compensation shall be paid by the Corporation to the owner of any building or land acquired for a public street, square, park or garden under the provisions of this Chapter :

Provided that any increase or decrease in the value of the remainder of the property, of which building or the land so acquired formed part, likely to accrue from the setting back to the regular line of a public street, shall be taken into consideration in determining the amount of such compensation.

(2) If any additional land, which will be included in the premises of any person permitted or required by an order under sub-section (2) of section 360 to set forward a building to the regular line of a public street, belongs to the Corporation, such order shall be a sufficient conveyance to the owner of such land; and the price to be paid to the Corporation by the owner for such additional land the other terms and conditions of the conveyance shall be set forth in such order.

(3) The Corporation shall pay compensation in respect of land or building acquired under this Chapter at the following scale:

(i)	for land or building with annual value determined at an amount not exceeding Rs. 3,000 in respect of the portion acquired.	Fifteen times the amount of the annual value;
(ii)	for land or building with annual value determined at an amount exceeding Rs. 3,000 in respect of the portion acquired.	Rs. 45,000 plus ten times the amount of the annual value in excess of Rs. 3000.

364. Owner's obligation to make a street when dealing with land as building site:-

If the owner of any land utilizes, sells, leases out or otherwise disposes of such land or any portion or portions thereof as plots for the construction of buildings thereon, he shall lay down and make street or streets giving access to the plots into which the land may be divided and connecting such street or streets with any existing public or private street.

365. Layout plans:-

(1) Before utilizing, selling or otherwise disposing of any land under section 364, the owner thereof shall send to the Municipal Commissioner a written application with a layout plan of the land showing the following particulars :

(a) the plots into which the land is proposed to be divided for the erection of buildings thereon and the purpose or purposes for which such buildings are to be used;

(b) the reservation or allotment of any site for any street, open space, park, recreation ground, school, market or any other public purpose;

(c) the intended level, direction and width of street or streets, including footpaths;

(d) the regular line of street or streets;

(e) the arrangements to be made for levelling, paving, metalling, flagging, channelling, severing, draining, conserving and lighting street or streets.

(2) The provisions of this Act and the rules and the regulations made thereunder as to the 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 (1), 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.

(3) Within sixty days of receipt of any application under sub-section (1), 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.

(4) 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 Kolkata, 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.

(5) 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 lay out 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.

(6) No sale deed shall be registered under any law for the time being in force for any land governed by section 364 until the layout plans have been approved under this section and infrastructural constructions thereunder completed up to a stage to the satisfaction of the Municipal Commissioner.

(7) The layout plan shall be prepared by a licensed town planner.

(8) The Municipal Commissioner may, from lime to time, grant to any person a licence to act as a town planner subject to his possessing such qualifications or experience and on payment of such fee as may be prescribed :

Provided that every such licence shall be renewed every three years.

366. Alteration or demolition of street made in breach of section 365:-

(1) If any person lays out or makes any street otherwise than in conformity with the provisions of section 365, the Municipal Commissioner may, whether or not such person is prosecuted under this Act, by a written notice,--

(a) require him to show cause, by a written statement signed by him and sent to the Municipal Commissioner on or before such date as may be specified in the notice, why such street should not be altered to the satisfaction of the Municipal Commissioner of if such alteration is impracticable, why such street should not be demolished; or

(b) require him to appear before the Municipal Commissioner either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

(2) If any person on whom a notice is served under sub-section (1) fails to show cause to the satisfaction of the Municipal Commissioner why such street should not be so altered or demolished, the Municipal Commissioner may pass an order directing the alteration or demolition of such street.

367. Levelling and draining of private streets:-

(1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Municipal Commissioner, he may, by a written notice, require the owners of such street or part thereof and the owners of that lands and the buildings fronting or abutting on such street or part thereof to carry out any work which, in his opinion, may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the Municipal Commissioner may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners referred to in sub-section (1) in such proportion as may be determined by the Municipal Commissioner and shall be recoverable from them as an arrear of tax under this Act.

368. Right of owners to require streets to be declared public:-

If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under section 367, the Municipal Commissioner may, and, if the street is not less than six metres in width, on the requisition of a majority of the owners referred to in sub-section (1) of that section, shall declare such street to be a public street and thereupon the street shall vest in the Corporation.

[1][Provided that where a private street has been in existence for not less than thirty years and is used by the people of the locality as a thoroughfare, the Corporation may declare such street to be a public street even though it does not strictly comply with the provisions of this Chapter.]

Footnote:

1. Proviso added by Section 15 of the Calcutta Municipal (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989.

369. Prohibition of projections upon streets, etc:-

(1) No person shall erect, set up, add to, or place against or in front of, any premises any structure or fixture which will--

(a) overhang, jut or project into, or in any way encroach upon, and obstruct in any way the safe or convenient passage of public along, any street, or

(b) jut or project into, or encroach upon, any drain or open channel in any street so as to interfere with in any way the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(2) The Municipal Commissioner may, by a written notice, require the owner or the occupier of any premises to remove, or to take such other action as he may direct in relation to, any structure or fixture which has been erected, set up, added to, or placed against or in front of, such premises, in contravention of this section.

(3) If the occupier of such premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit to his account with the owner of such premises all reasonable expenses incurred by him in complying with the notice.

370. Ground floor doors, etc., not to open outwards on streets:-

The Municipal Commissioner may, at any time, by a written notice, require the owner of any premises, on the ground floor of which any door, gate, bar or window opens outwards upon a street or upon any land require for the improvement of a street in such manner as in the opinion of the Municipal Commissioner obstructs the safe or convenient passage of the public along such street, to have such door, gate, bar or window altered so as not to open outwards.

371. Prohibition of structures or fixtures which cause obstruction in streets:-

(1) No person shall, except with the permission of the Municipal Commissioner granted in this behalf, erect or set up any wall, fence, rail, post, step, booth or other structure, whether fixed or movable or whether of a permanent or temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall apply to any erection or thing to which clause (c) of sub-section (1) of section 377 applies.

372. Power to remove anything erected, deposited or hawked in contravention of this Act:-

The Municipal Commissioner may, without notice, cause to be removed--

(a) any wall, fance, post, step, booth or other structure or fixture which may be erected or set up in or upon any street, footpath or upon or over any open channel, drain, well or tank contrary to the provisions of this Act;

(b) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatsoever placed, deposited, projected, attached or suspended in, upon, from or to any place in contravention of the provisions of this Act;

(c) any article whatsoever hawked or exposed for sale in any public place or in any public street or footpath in contravention of the provisions of this Act and any vehicle, package, box, board, shelf or any other thing in or on which article is placed or kept for purpose of sale, display, or otherwise.

373. Power to require removal of any structure or fixture erected or set up before the coming into force of section 371:-

(1) The Municipal Commissioner may, by a written notice, require the owner or the occupier of any premises contiguous to or in front of or connected with any wall, fence, rail, post, step, booth or other structure or fixture, the erection or the setting

up of which would be unlawful after the coming into force of section 371, to remove such wall, fence, rail, post, step, booth or other structure or fixture, erected or set up before the coming into force of that section.

(2) If in any case the erection or the setting up of any structure or fixture as aforesaid shall have been lawful, compensation shall be paid by the Municipal Commissioner to every person who sustains loss or damage by the removal of such structure or fixture.

374. Prohibition of tethering of animals and milking of cattle:-

(1) No person shall tether any animal or cause or permit any animal to be tethered in any public street.

(2) No person shall milk or cause or permit to be milked any cow or buffalo or other animal in any street.

(3) Any animal tethered or any cow or buffalo or other animal found being milked as aforesaid in any street may be removed by the Municipal Commissioner or any officer or employee of the Corporation and impounded and dealt with under the provisions of the West Bengal Cattle Licensing Act, 1959 (West Ben. Act 1 of 1959).

375. Temporary erections on streets during festivals:-

(1) The Municipal Commissioner may grant a written permission for temporary erection of a booth, pandal, or any other structure on any public place on occasions of ceremonies and festivals, on payment of such fee and on such conditions as may be determined by the Corporation by regulations, and for such period as may be mentioned in the letter of permission :

Provided that no permission shall be given under this section without the concurrence of the Commissioner of Police, Kolkata.

(2) The person to whom such permission is granted shall fill in the ground and reinstate the same to the satisfaction of the Municipal Commissioner within such period as may be mentioned in the letter of permission.

376. Precautions during repair of streets:-

(1) The Municipal Commissioner shall, so far as is practicable during the construction or repair of any public street or any drain of the Corporation or any premises vested in the Corporation,--

(a) cause the same to be fenced and guarded;

(b) take proper precautions against accident by shoring up and protecting the adjoining buildings;

(c) cause such bars, chains, or posts to be fixed across or in any street in which any such work of construction or repair is under execution as are necessary in order to prevent the passage or vehicles or animals and avert danger.

(2) The Municipal Commissioner shall cause such street, drain or premises to be sufficiently lighted or protected during night while under construction or repair.

(3) The Municipal Commissioner shall, with all reasonable speed, cause such work to be completed, such ground to be filled in, such street, drain or premises to be repaired and the rubbish occasioned thereby to be removed.

(4) No person shall, without the permission of the Municipal Commissioner or without other lawful authority, remove any bar, chain, post, shore or timber, or remove or extinguish any light set up under this section.

377. Streets not to be opened or broken up and building materials not to be deposited thereon without permission:-

(1) No person other than the Municipal Commissioner or an officer or other employee of the Corporation shall, without the written permission of the Municipal Commissioner or without other lawful authority,--

(a) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement or any wall, fence, post, chain or other material or thing forming part of any street; or

(b) deposit any building materials in any street; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatsoever, or any post, bars, rails, boards or other things by way of an enclosure for the purpose of making mortar or depositing bricks, lime rubbish or other materials.

(2) Any permission granted under clause (b) or clause (c) of sub-section (1) may be terminated by the Municipal Commissioner after giving not less than twenty-four hours' written notice to the person to whom such permission was granted.

(3) The Municipal Commissioner may, without notice, cause to be removed anything, referred to in clause (b) or clause (c) of sub-section (1), which has been deposited or set up in any street without any permission under that sub-section or which having been deposited or set up with such permission has not been removed before the expiry of the period of notice issued under sub-section (2) :

Provided that nothing in this sub-section shall apply to any case under clause (b) or clause (c) of sub-section (1), if, in such case, an application for permission has been made with such fee as specified by the Municipal Commissioner in this

behalf but no reply has been sent to the applicant within seven days from the date of the application.

378. Precautions for public safety to be taken by persons to whom permission is granted under section 377:-

(1) The Municipal Commissioner may grant permission for any work referred to in section 377 on such conditions as may be determined by regulations and may also require the person to whom such permission is granted to make deposit of a sum of money considered by the Municipal Commissioner to be adequate, in advance, for carrying out the work and restoring the street or pavement on which work is carried out to its original condition.

(2) Every person to whom any permission is granted under section 377 shall, at his own expense, cause the place where any soil or pavement has been opened or broken up or where he has deposited building materials or set up any scaffold, erection or other thing to be properly fenced and guarded, and in all cases in which it is necessary so to do to prevent accidents, shall cause such place to be well lighted during the night.

379. Persons to whom permission is granted must reinstate street, etc:-

(1) Every person to whom permission is granted under section 377 to open or break up the soil or pavement of any street or who, under other lawful authority, opens or breaks up the soil or pavement of any street shall, with all convenient speed, complete the work for which the soil or pavement is opened or broken up, fill up the ground, and reinstate and make good the street so opened or broken up without delay and to the satisfaction of the Municipal Commissioner.

(2) If such person fails to reinstate and make good the street as aforesaid, the Municipal Commissioner may restore such street, and the expenditure incurred by the Municipal Commissioner in so doing shall be paid by such person.

380. Municipal Commissioner may close street in which work is in progress:-

(1) The Municipal Commissioner may, when any such work as aforesaid of any work, which may lawfully be executed in any street, is in progress, direct that such street shall be wholly or partially closed to traffic or to traffic of such description as he may think fit, and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he may think proper for preventing or restricting the traffic therein.

(2) No person shall, without the permission of the Municipal Commissioner or without any other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

381. Municipal Commissioner to provide for traffic, etc., pending execution of work in any street:-

When the execution of any work is in progress in any street, the Municipal Commissioner shall, so far as may be reasonably practicable, make adequate provisions for the passage or diversion of traffic, for securing access to all premises approached from such street, and for such drainage, water supply or means of lighting as may be interrupted by reason of the execution of such work.

382. Provisions to be made by persons to whom permission is granted for traffic, etc., when their works interrupt streets:-

The Municipal Commissioner may, by a written notice, require any person, to whom permission is granted under section 377 to open or break up the soil or pavement of any street or who, under any other lawful authority, opens or breaks up the soil or pavement of any street for the purpose of executing any work, to make provisions to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street and for such drainage, water supply or means of lighting as may be interrupted by reason of the execution of such work, and if such person fails to do it, the Municipal Commissioner may cause the same to be done and recover the expenses thereof from such person.

383. Disposal of things removed under this Chapter:-

Anything caused to be removed by the Municipal Commissioner under this Chapter shall, unless the owner thereof turns up to take back such thing and pays to the Municipal Commissioner the charges for the removal and storage of such thing within such period as the Municipal Commissioner may specify, be disposed of by the Municipal Commissioner within seven days of the expiry of such period by public auction or in such other manner as he thinks fit, and the proceeds thereof shall be credited to the Municipal Fund.

384. Advisory Committee for naming of streets, etc:-

(1) The State Government shall by notification constitute an Advisory Committee for naming of streets in Kolkata. The Advisory Committee shall consist of such number

of persons, not exceeding ten but not less than seven, as the State Government may think fit.

(2) The members of the Advisory Committee shall be chosen from amongst historians or persons with high cultural background and shall hold office for such period and on such terms as may be specified in the notification.

(3) The Advisory Committee shall examine every proposal for determining the name of any street or public place vested in the Corporation or for changing such name in such manner as it thinks fit and shall forward its recommendations to the Corporation.

(4) The State Government shall prescribe matters regarding the conduct of business of the Advisory Committee.

385. Naming and numbering of streets:-

(1) The Municipal Commissioner may--

(a) with the approval of the Corporation determine the name or number by which any street or public place vested in the Corporation shall be known :

Provided that in giving such approval, the Corporation shall consider the recommendation of the Advisory Committee and may accept the same :

Provided further that if the Corporation is unable to accept such recommendation, it shall forward its proposal together with the recommendation of the Advisory Committee and its comments thereon to the State Government whose decision thereon shall be final;

(b) cause to be put up or painted at a conspicuous part of any building, wall or place at or near each end, corner or entrance of such street or on some convenient part of such street the name or number by which it shall be known;

(c) cause to be put up or painted on boards of suitable size the name of any public place vested in the Corporation;

(d) with the approval of the Mayor-in-Council determine the number or sub-number by which any premises or part thereof shall be known;

(e) by written notice require an owner of any premises or part thereof to put up by means of a metal plate a number or sub-number on such premises or part thereof in such position and in such manner as may be specified in such notice.

(2) Notwithstanding the provisions of sub-clause (a) of sub-section (1), the nomenclature of each category of street whose name is changed after the commencement of this Act shall be determined by regulations.

(3) No person shall destroy, remove, deface or in any way injure or alter any such name or number or sub-number of any street, public place or premises, as the case

may be, or paint name or number or sub-number different from that put up or painted by order of the Municipal Commissioner.

386. Municipal Commissioner to take steps for repairing or enclosing dangerous places:-

(1) If any place is, in the opinion of the Municipal Commissioner, for want of sufficient repair or protection or enclosure or owing to some work being carried out thereupon, dangerous or causing inconvenience to passengers along a street or to other persons including the owner or the occupier of such place who have legal access thereto or to the neighbourhood thereof, the Municipal Commissioner may, by a notice in writing, require the owner or the occupier of such place to repair, protect or enclose the same or to take such other step as may appear to the Municipal Commissioner to be necessary in order to prevent the danger or inconvenience arising therefrom within such period as may be specified in the notice.

(2) The Municipal Commissioner may, before giving such owner or occupier any such notice or before the expiry of the period specified in any such notice, take such temporary measures as he thinks fit to prevent the danger or inconvenience arising therefrom; and any expenses incurred by the Municipal Commissioner in taking such temporary measures shall be recoverable from such owner or occupier as an arrear of tax under this Act.

387. Measures for lighting:-

(1) The Municipal Commissioner shall--

(a) take measures for lighting, in a suitable manner, such public streets, public places, squares, parks, gardens, municipal markets and properties of the Corporation as may be specified by the Mayor-in-Council;

(b) procure, erect and maintain such number of lamps, lamp posts and other appurtenances as may be necessary for the purpose as aforesaid;

(c) cause such lamps to be lighted by such means as may be determined by him;

(d) place and maintain--

(i) electric wires for the purpose of lighting such lamps under, over, along or across, and

(ii) post, poles, standards, stays, struts, brackets and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon,

any immovable property without being liable to any claim for compensation thereof:

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person :

Provided further that the Corporation may, for carrying, suspending or supporting any lamps or electric wires, enter into an agreement with any firm or company for using, on terms and conditions mutually agreed upon, any posts, poles or standards erected and maintained by such firm or company.

(2) Notwithstanding anything contained in the Indian Electricity Act, 1910 (9 of 1910), the Corporation shall not be liable, except on the ground of negligence, to any claim for compensation for any damage, detriment, inconvenience or nuisance caused by it or any one employed by it, in the exercise of any of the powers conferred by sub-section (1).

(3) The Municipal Commissioner may, on an application from the owner or owners of a private street, make arrangements for the lighting of such streets on such terms as the Mayor-in-Council may specify and upon such arrangements, shall, in respect of such street, exercise all the powers conferred by this section.

388. Prohibition for removal, etc. of lamps:-

(1) No person shall, without any lawful authority, take away or wilfully or negligently break or throw down or damage--

(a) any lamp or any appurtenance of any lamp or lamp post or lamp iron set up in any public street or any public place;

(b) any electric wire for lighting such lamp;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any electric wire or lamp.

(2) No person shall wilfully or negligently extinguish the light of any lamp set up in any public street or any public place.

(3) If any person wilfully or through negligence breaks or causes any damage to anything referred to in sub-section (1), he shall, in addition to any penalty to which he may be subject under this Act, pay the expenses of repairing the damage so caused by him.

389. Power to take measures for generation of electricity:-

The Corporation may on its own or in collaboration with any one erect plants for the generation of electric power subject to such regulations as may be made in this behalf.

Chapter XXII

Buildings

390. Definitions:-

In this Chapter, unless the context otherwise requires,--

(1) The expression "to erect a building" means--

(a) to erect a new building on any site, whether previously built upon or not;

(b) to re-erect--

(i) any building of which more than one-half of the cubical contents above the level of plinth have been pulled down, burnt or destroyed, or

(ii) any building of which more than one-half of the superficial area of the external walls above the levels of plinth has been pulled down, or

(iii) any frame-building of which more than half of the number of posts or beams in the external walls have been pulled down;

(c) to convert into a dwelling house any building or any part of a building not originally constructed for human habitation or, if originally constructed for human habitation, subsequently appropriated for any other purpose;

(d) to convert into more than one dwelling house a building originally constructed as one dwelling house only;

(e) to convert into a place of religious worship or a sacred building any place or building not originally constructed for such purpose;

(f) to roof or cover an open space between walls or buildings to the extent of the structure formed by the roofing or covering of such space;

(g) to convert two or more tenement in a building into a greater or lesser number of such tenement;

(h) to convert into a stall, shop, office, warehouse or godown, workshop, factory or garage any building not originally constructed for use as such, or to convert any building constructed for such purpose, by sub-division or addition, in greater or lesser number of such stalls, shops, offices, warehouses or godowns, workshops, factories or garages;

(i) to convert a building, which when originally constructed was legally exempt from the operation of any building regulations, contained in this Act, or under any rules or regulations made under this Act, or contained in any other law in force for the time being, into a building which, had it been originally erected in its converted form, would have been subject to such building regulations;

(j) to convert into or use as a dwelling house any building which has been discontinued as or appropriated for any purpose other than a dwelling house;

(k) to make any addition to a building;

(l) to close permanently any door or window in any external wall;

(m) to remove or reconstruct the principal staircase or to alter its position;

(2) "occupancy" or "use group" means the principal occupancy for which a 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 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, [1][* * *], hostels, [2][* * *] 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, [3] [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, bookkeeping, sorting papers, typing, filing, duplicating, punching cards or tapes, machine calculating, drawing of matter for publication, and editorial preparation of matter for publications;

(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 merchandise 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.

[4][.*.]

(3) "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 of 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.

Footnote:

1. Words "lodging or rooming house," omitted by Section 16(i)(A) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995,

2. Word "dormitories," omitted by Section 16(i)(B), of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

3. Inserted by Section 16(iii), of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

4. Sub-clause (i) omitted by Section 16(iv) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, which stood as under:

"(i) high rise buildings, that is to say, buildings the height of any of which exceeds thirteen and a half metres;".

391. Municipal Building Committee:-

(1) The Mayor-in-Council shall constitute a Municipal Building Committee with the Municipal Commissioner as its Chairman and an officer of the Corporation as its convenor.

(2) The Committee shall have, in addition to the Chairman and the convener, [1][[2] [eight] other members] of whom--

(a) one shall be a nominee of the Kolkata Metropolitan Development Authority,

(b) one shall be a nominee of the Commissioner of Police, Kolkata, [3][***]

(c) one shall be the Director of West Bengal Fire Services [4][or his nominees.],

[5][(d) one shall be a nominee of the State Government, [6][* * *],

(e) one shall be the Chief Engineer, Municipal Engineering Directorate, [7][Department of Municipal Affairs,] Government of West Bengal, [8][or his nominee,],

[9][(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 (20 of 1972), [10][* * *],

(g) one shall be a Town Planner of repute to be selected in consultation with the Institute of Town Planners of [11][India, and]],

[12][(h) one shall be a nominee of the Department of Environment, Government of West Bengal.]

(3) The Committee may co-opt one person to be nominated by the concerned department of Government while dealing with any case regarding educational building or institutional building or assembly building or industrial building or hazardous building.

(4) The Committee shall meet at such periodical interval as may be [13][determined by the Mayor-in-Council:]

Provided that ordinarily at least three meetings shall be held during every calendar month.

(5) The Committee shall, 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, scrutinize every application for erection or re-erection of a building for which notice has been received under section 393 or section 394, except for a residential building to be erected or re-erected on a plot of 500 square metres or less of land, and shall forward its recommendations to the Mayor-in-Council:

Provided that during such scrutiny the Committee shall consider matters related to preserving, developing and maintaining the aesthetic quality of urban and environmental design within Calcutta and shall, in respect of any building or any execution of work, if it affects or is likely to affect the skyline or the aesthetic quality of urban or environmental design, or any public amenity therein, recommended on such matters also:

Provided further that in respect of any building or execution of any work, if such building or work affects or is likely to affect--

(a) the functioning of microwave systems for telecommunication purposes, or

(b) any functions for purposes of civil aviation, the Committee shall, in accordance with such rules as may be framed in consultation with such departments or agencies of Government as have control on such matters, refer such cases to such Departments for their opinions before finalizing its recommendations.

(6) The Mayor-in-Council may refer any other matter, included in this Chapter, to the Committee for its scrutiny and recommendation.

(7) The Mayor-in-Council shall consider the recommendations of the Committee and, in case of any modification, alteration or cancellation of the same, shall record the reasons thereof in writing.

Footnote:

1. Words "five other members" substituted by Section 2(1) of the Calcutta Municipal Corporation (Amendment) Act, 1989 (West Ben. Act XV of 1989), for the original words "three other members".

2. Substituted by Section 28(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, for "seven", which was

earlier substituted by Section 17(a) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for "nine".

3. Word "and" omitted by Section 2(2) of the Calcutta Municipal Corporation (Amendment) Act, 1989 (West Ben. Act XV of 1989).

4. Substituted by s. 2(3), of the Calcutta Municipal Corporation (Amendment) Act, 1989 (West Ben. Act XV of 1989), for the words "or his nominee."

5. Clauses (d) and (e) added by Section 2(4), of the Calcutta Municipal Corporation (Amendment) Act, 1989 (West Ben. Act XV of 1989).

6. Word "and" omitted by Section 17(b) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

7. Substituted by Section 17(c), of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for the word "Development of Local Government and Urban Development".

8. Inserted. by Section 10 of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act, XXXIV of 2003), w.e.f. 1.6.2004.

9. Clauses (f) and (g) inserted by Section 17(d), of the Kolkata Municipal Corporation (Amendment) Act, 2003 (West Ben. Act, XXXIV of 2003), w.r.e.f. 4.12.1995.

10. Word "and" omitted by Section 28(2) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

11. Substituted by Section 28(3), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, for "India".

12. Clause (h) inserted by Section 28(4), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

13. Substituted by Section 16 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989, for the words "provided by regulations."

392. Prohibition of building without sanction:-

No person shall erect or commence to erect any building or execute any of the works specified in section 390 except with the previous sanction of the Municipal 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.

393. Erection of building:-

(1) Every person who intends to erect a building shall apply for sanction by giving notice in writing of his intention to the Municipal Commissioner in such form and containing such information as may be prescribed.

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

394. Application for addition to or repairs of buildings:-

(1) Every person who intends to execute any of the works specified in [1][clause (b) to clause (m)] of sub-section (1) of section 390 shall apply for sanction by giving notice in writing of his intention to the Municipal Commissioner in such form and containing such information as may be prescribed.

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

Footnote:

1. Substituted by Section 35 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for words, brackets and letter "clause (b)".

395. Purpose for which building to be used and conditions of validity of notice:-

(1) Every person giving any notice of his intention to erect a building under section 393 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 390, 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 394 of his intention to execute any of the works specified in clause (b) of sub-section (1) of section 390 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.

(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 Municipal Commissioner along with the notice.

396. Sanction or provisional sanction or refusal of building or work:-

(1) The Municipal Commissioner shall sanction the erection of a building or the execution of a work unless such 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 405 or section 406:

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 [1][500 square metres or less of land, or a heritage building :]

Provided further that the Mayor-in-Council shall consider the recommendations of the Municipal Building Committee [2][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 the site for the building or the work or 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 Municipal 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 364 or section 365 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 or 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.

(4) The Municipal Commissioner shall communicate the sanction or the provisional sanction to the person who has given the notice under section 393 or section 394; and where he refuses sanction or provisional sanction either on any of the grounds specified in sub-section (2) or under section 405 or section 406; 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 the 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 sepcifically stated in such sanction.

Footnote:

1. Substituted by Section 29(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997, for "500 square metres or less of land."

2. Inserted by Section 29(2), of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben, Act XXVI of 1997), w.e.f. 22.12.1997.

397. Sanction or provisional sanction accorded under misrepresentation:-

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 Municipal 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 393 or section 394 or section 395, 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 Chapter :

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

398. When building or work may be proceeded with:-

(1) Where within a period of sixty days or, in cases falling under [1][clause (b) to clause (m)] of sub-section (1) of section 390, within a period of thirty days of the receipt of any notice under section 393 or section 394 or of any information under section 395 the Municipal 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 Municipal 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 Municipal 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 [2][two years] of the date on which the erection of the building or the execution of the work is sanctioned [3][* * *], he shall give notice under section 393, or, as the case may be, under section 394 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 Municipal 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.

Footnote:

1. Substituted by Section 36(a) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for word, brackets and letter "clause (b)".

2. Substituted by Section 17 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989, for the words "one year".

3. The words "or is deemed to have been sanctioned" omitted by Section 36(b) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

[1]**[398A. Bar to construction of building in certain cases for a limited period**

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of coming into force of the Calcutta Municipal Corporation (Amendment) Act, 1990 (hereinafter referred to in this section as the said Act) and for a period of one year from such date (hereinafter referred to in this section as the said period), no person shall apply for sanction of any plan to erect a building exceeding thirteen and a half metres in height.

(2) Any application for sanction of any plan to erect a building exceeding thirteen and a half metres in height, submitted by any person--

(a) before the coming into force of the said Act and lying pending for such sanction on the date of coming into force of the said Act, or

(b) at any time during the said period, shall stand rejected forthwith.

(3) Any person, whose application for sanction of any plan to erect a building exceeding thirteen and a half metres in height stands rejected under sub-section (2), may apply afresh for such sanction in accordance with the provisions of this Act and the rules made thereunder on the expiry of the said period.

(4) Any fee paid by any person for sanction of any plan to erect a building exceeding thirteen and a half metres in height, the application for which stands rejected under sub-section (2), shall at his option, be refunded to him or adjusted towards the fee payable by him for fresh application for such sanction under sub-section (3).

(5) Notwithstanding anything contained in the foregoing provisions of this section, the State Government may, if it considers necessary or expedient so to do in the public interest, by notification, exempt any application for sanction of any plan from the operation of the provisions of this section.]

Footnote:

1.Inserted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1990 (West Ben. Act I of 1990), w.r.e.f. 18.12.1989, which was preceded by the W. B. Ordinance No. IX of 1989 on 18.12.1989.

399. Period for completion of building or work:-

The Municipal 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 Municipal Commissioner, on an application made in this behalf, allows an extention of such period.

400. Order of demolition and stoppage of buildings and works in certain cases and appeal:-

(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 396 or in contravention of any of the provisions of this Act or the rules and the regulations made thereunder, the Municipal 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 Municipal 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 Municipal 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.

(2) The Municipal 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 [1][property tax] on lands and buildings.

(3) Any person aggrieved by an order of the Municipal 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 415.

(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.

(5) Save as provided in this section, no court shall entertain any suit, application or other proceeding for injunction or other relief against the Municipal 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 Banking 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 Municipal 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 Municipal 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.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

401. Order of stoppage of buildings or works in certain cases:-

(1) Where [1][the demolition of any heritage building or] the erection of any building or the execution of any work has been commenced or is being carried on without or contrary to the sanction referred to in section 396 or in contravention of any condition subject to which such sanction has been accorded or in contravention of any provisions of this Act or the rules or the regulations made thereunder, the Municipal Commissioner may, in addition to any other action that may be taken under this Act, by order, require the person at whose instance the building or the work has been commenced or is being carried on to stop the same forthwith.

[2][(1A) (a) Notwithstanding anything contained elsewhere in this Act or in any rules or regulations made thereunder, no owner of any building, and no person engaged in the construction of any building on behalf of the owner thereof shall allow storage or stagnation of water in the site for the construction of such building. Every such owner or every such person, as the case may be, shall completely empty all collections of such water at least once in a week.

(b) Where the construction of a building is carried on in contravention of the provisions of clause (a), the Municipal Commissioner may, in addition to any other action that may be taken under this Act, by a written order, require the person at whose instance such storage or stagnation of water in the site for the construction of the building is made to stop forthwith any further construction of the building, and such order shall remain in force till the person as aforesaid complies with the requirements of the order as aforesaid to the satisfaction of the Municipal Commissioner.

(1B) If an order made by the Municipal Commissioner under clause (b) of sub-section (1A) directing any person to stop the construction of any building is not complied with, the Municipal Commissioner may take such measures as he deems fit or may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified by the Municipal Commissioner and such police officer shall comply with such requirement.]

(2) No Court shall entertain any suit, application or other proceeding for injunction or other relief against the Municipal Commissioner to restrain him from taking any action or making any order in pursuance of the provisions of the section.

(3) If an order, made by the Municipal Commissioner under section 400 or under sub-section (1) of this section directing any person to stop the erection of any building or the execution of any work, is not complied with, the Municipal Commissioner may take such measures as he deems fit or may require any police officer to remove such person and all his assistants and workmen from the premises within such time as may be specified by the Municipal Commissioner and such police officer shall comply with such requirement.

(4) After the requirement under sub-section (3) has been complied with, the Municipal Commissioner may, if he thinks fit, depute, by a written order, a police officer or an officer or other employees of the Corporation to watch the premises in order to ensure that the erection of the building or the execution of the work is not continued. .

(5) Where a police officer or an officer or other employee of the Corporation has been deputed under sub-section (4) to watch the premises, the cost of such deputation to be determined by the Corporation by regulations shall be paid by the person at whose instance such erection or execution is being continued or to whom notice under sub-section (1) has been given and shall be recoverable from such person as an arrear of tax under this Act.

Footnote:

1. Inserted by Section 30(1) of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

2. Sub-sections (1A) and (1B) inserted by Section 30(2) of the Calcutta Municipal Corporation (Amendment) Act 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

[1]**[401A. Construction of building in contravention of the provisions of the Act or the rules made thereunder**

(1) Notwithstanding anything contained in this Act or the rules made thereunder or in any other law for the time being in force, any person who being responsible by himself or by any other person on his behalf, so constructs or attempts to so construct or conspires to so construct any new building or additional floor or floors of any building in contravention of the provisions of this Act, or the rules made thereunder as endangers or is likely to endanger human life, or any property of the Corporation whereupon the water-supply, drainage or sewerage or the road traffic is disrupted or is likely to be disrupted or is likely to cause a fire hazard, shall be punishable with imprisonment of either description for a term which may extend to five years and also with fine which may extend to fifty thousand rupees.

Explanation.--"Person" shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier, or a servant or agent of an owner, occupier, lessee, mortgagee, consultant, promoter or financier, who supervises or causes the construction of any new building or additional floor or floors of any building as aforesaid.

(2) The offence under sub-section (1) shall be cognizable and non-bailable, within the meaning of the Code of Criminal Procedure, 1973 (2 of 1974).

(3) Where an offence under sub-section (1) has been committed by a company, the provisions of section 619 shall apply to such company.

Explanation.--"Company" shall have the same meaning as in the Explanation to section 619].

Footnote:

1. Inserted by the Calcutta Municipal Corporation (Amendment) Act, 1993 (West Ben. Act XVII of 1993), w.e.f. 21.12.1993.

402. Power of Municipal Commissioner to require alteration of work:-

(1) The Municipal Commissioner may, at any time 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 396 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 393 or section 394 or the owner of such building or work either-

(a) to make such alterations as may be specified by the Municipal 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.

(3) If such person or such owner shows the cause as aforesaid, the Municipal 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.

403. Completion certificates:-

(1) Every person giving notice under section 393 or section 394 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 Municipal 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 Municipal 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 Municipal Commissioner in this behalf in accordance with the rules and the regulations made under this Act :

Provided that if the Municipal 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.

404. Municipal Building Code:-

(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 by 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,

(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 XVII or Chapter XVIII or Chapter XIX or Chapter XX of this Act.

405. Buildings at corners of streets:-

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

406. Provisions as to buildings and works on either side of new streets or near fly-overs or transportation terminals:-

(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 Municipal Commissioner unless and until such new street has been levelled, and, in the opinion of the Municipal Commissioner, wherever 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 Municipal 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 Municipal 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.

(3) The Municipal 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 overbridge or transportation terminal or other construction as may be prescribed under the rules and the regulations made in this behalf.

407. Provisions against use of inflammable materials for buildings, etc. without permission:-

(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 Municipal 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 Municipal 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.

408. Power to regulate future construction of buildings in particular streets or localities:-

(1) The Municipal Commissioner may, subject to the prior approval of the Mayor-in-Council, give public notice of his intention to declare--

(a) that in any street or portion thereof specified in such notice, the elevation and construction of the frontage of all buildings or any classes of buildings erected or re-erected after such notice shall in respect of their architectural features, be such as the Mayor-in-Council may consider suitable to the locality; or

(b) that in any locality specified in such notice, there shall be allowed the erection of only detached or semi-detached buildings or both and that the land appurtenant to each such building shall; be of an area not less than that specified in such notice; or

(c) that the minimum of building plots in particular localities shall be of a specified area; or

(d) that in any locality in the notice, the construction of more than a specified number of buildings on each acre of land shall not be allowed; or

(e) that in any streets, portions of streets or localities specified in such notice, the construction of any one or more of the different classes of buildings (such as residential, educational, institutional, assembly, business, mercantile, industrial storage, and hazardous buildings);

shall not be allowed without the special permission of the Mayor-in-Council.

(2) The Mayor-in-Council shall consider all suggestions or objections, received within a period of three months of the publications of such notice, and may confirm the declaration, or may modify it so however that its effect is not extended.

(3) The Municipal Commissioner shall publish any declaration so confirmed or modified in the Official Gazette and the declaration shall take effect from the date of such publication.

(4) No person shall, after the date of publication of such declaration, erect or re-erect any building in contravention of such declaration.

409. Power to stop excavation:-

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 Municipal Commissioner is of opinion that such excavation may cause danger to public, the Municipal Commissioner may, by a written order, stop forthwith any such excavation or other work till the matter in investigated and decided to his satisfaction.

410. Power to require alteration of existing buildings:-

The Municipal Commissioner may, with a view to promoting public or occupier's convenience, safety, privacy, or sanitation or to securing conformity with the provisions of this Act and the rules and the regulations made thereunder, by order in writing, require the owner of any existing building to make such alterations therein within such period as may be specified in the order :

Provided that before making any such order, the Municipal Commissioner shall afford a reasonable opportunity to the owner to show cause why such order should not be made.

411. Power to order removal of dangerous buildings:-

(1) If any wall or building, or anything affixed thereto, be deemed by the Municipal Commissioner to be in a ruinous state, or likely to fall, or to be in any way dangerous, he shall forthwith cause a written notice to be served on the owner and to be put on some conspicuous part of the wall or building or served on the occupier, if any, of the building requiring such owner or occupier forthwith to demolish, repair or secure such wall, building or thing, as the case may require :

[1][Provided that in the case of a heritage building the Municipal Commissioner may refer the state or the condition thereof to the Heritage Conservation Committee for its consideration and decision.]

(2) The Municipal Commissioner may, if it appears to him necessary so to do, cause a proper hoarding or fence or other means of protection to be put up at the expense of the owner of such wall or building for the safety of the public or the inmates thereof; and may, after giving them such notice as the Municipal Commissioner may think necessary, require the inmates of the building to vacate it.

(3) The provisions of this Act and of any rules or regulations made thereunder relating to buildings shall apply to any work done in pursuance, or in consequence, of a notice issued under sub-section (1).

(4) (a) Notwithstanding anything contained in the foregoing sub-sections, the Municipal Commissioner may, forthwith or with such notice as he thinks fit, demolish, repair or secure or cause to be demolished, repaired or secured, any such wall or building or thing affixed thereto, on the report of the Chief Municipal Architect and Town Planner, certifying that such demolition, repair or securing of the building, wall or thing is necessary for the safety of the public or the inmates of the building.

(b) In any such case the Municipal Commissioner may cause the inmates of the building to be summarily removed from the same or such portion thereof as he may consider necessary.

(c) All expenses incurred by the Municipal Commissioner in taking action under this sub-section shall be paid by the owner of such wall, building or thing.

(5) Any action taken by the Municipal Commissioner under sub-section (4) shall, unless the contrary is proved, be deemed to have been taken lawfully and in good faith and with due care and attention.

Footnote:

1. Added, by 31 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

412. Power to order building to be vacated in certain circumstances:-

(1) The Municipal 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 396 or section 403, be vacated forthwith or within such period as may be specified in the order :

Provided that at the time of making such order, the Municipal 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 Municipal Commissioner may direct any police officer to remove such person from the building and the police officer shall comply with such direction.

(3) The Municipal 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.

413. Inspection of buildings:-

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

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

[1]**[413A. Regularization of buildings in certain cases:-**

(1) Notwithstanding anything contained in this chapter or elsewhere in this Act, all buildings, the construction of which by the persons displaced from East Pakistan (now Bangladesh) or by their successors-in-interest on lands occupied by such persons have been completed on or before the commencement of the Calcutta Municipal Corporation (Amendment) Act, 1996, and where the documents of title to such lands have been granted by the State Government, shall be regularized by the Municipal Commissioner under this chapter, subject to payment of the requisite fees and charges and on submission of application in the prescribed form along with the plan for each such building :

Provided that such regularization shall be made only in the cases where the constructions have been completed in conformity with the existing building rules of the Corporation:

Provided further that in the cases where the buildings have been completed not in conformity with the existing building rules of the Corporation, in the appropriate cases the Municipal Commissioner, in relaxation of such building rules, shall be competent to regularize such building:

Provided also that where the documents of title to the lands as aforesaid have not been granted by the State Government, the buildings on such lands shall be regularized in the aforesaid manner after the documents of title to such lands are granted by the State Government.

Explanation:- While relaxing the building rules of the Corporation, the Municipal Commissioner shall, in addition to other factors, if any, take into account the structural stability and safety of the buildings in accordance with such rules as the State Government may make in this behalf.

(2) Where the construction of the building has been completed by such person on or before the commencement of the Calcutta Municipal Corporation (Amendment) Act, 1996, and the document of title to land has been granted by the State Government, such person shall apply for regularization in accordance with the provisions of sub-section (1) within [2][three years] from the date of commencement of the Calcutta Municipal Corporation (Amendment) Act, 1996.

(3) Where the construction of the building has been completed but the document of title to land has not been granted by the State Government, such person shall apply for regularization in accordance with the provisions of sub-section (1) within one year from the date of grant of document of title to land.

(4) Any building, the construction of which on the land as aforesaid has not been completed at the date of commencement of the Calcutta Municipal Corporation (Amendment) Act, 1996, or any building proposed to be constructed on or after the said date, shall be governed by the provisions of this chapter.]

Footnote:

1. Inserted by Section 18 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

2. Substituted by Section 32 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997, for "one year".

[1]**[414. Engagement of technical person**

(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, and the qualifications, competence, duties and responsibilities, of the technical persons shall be such as may be prescribed.

(3) The Municipal Commissioner may by notification specify the manner or enrolment of, or grant of licence to, the technical persons.

(4) The Municipal Commissioner may by order cancel the enrolment of, or revoke the licence granted to, a technical person on the ground of dereliction of any duty or responsibility prescribed under sub-section (2), or professional misconduct or moral turpitude, on his part after giving him a reasonable opportunity of being heard.

(5) If, in any case, any loss of life of 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 401A.

Explanation:- For the purposes of this section, the expression "technical person" shall mean a technical consultant.]

Footnote:

1. Substituted by Section 19 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.e.f. 11.4.1996, for the following:

"414. Licensing of Building Architects (1) The Municipal Commissioner may, from time to time and in accordance with such rules regarding qualifications of architects in respect of several classes of buildings as may be prescribed, grant licence to any architect to act as a Licensed Building Architect for the purposes of this Chapter.

(1A) An architect who obtains a certificate of enlistment under section 199, shall be eligible to practise as an architect for so long as his name is not removed from the register of architects for India under the Architects Act, 1972 (20 of 1972) and there is no complaint by the Municipal Commissioner against his professional conduct or on the ground of dereliction of duty on his part to the Council of Architecture constituted under section 3 of that Act.

(2) Every such licence shall be renewed every three years.

(3) The Mayor-in-Council may, from time to time, prescribe a scale of fee for Licensed Building Architects in respect of any class of buildings to be made applicable in the absence of any written contract to the contrary.

(4) Notwithstanding anything contained in this section, the Municipal Commissioner may from time to time and in accordance with such rules regarding qualifications of building surveyors in respect of several classes of buildings as may be prescribed, grant licence to any person to act as a Licenced Building Surveyor and the Municipal Commissioner may accept plan, elevation or section, submitted in respect of a building not exceeding thirteen and a half metres in height with any application for permission to erect a new building when it bears the signature of a Licensed Building Surveyor.".

[1]**[415. Municipal Building Tribunal**

(1) The State Government shall appoint a Municipal Building Tribunal (hereinafter referred to in this section as "the Tribunal") to hear and decide appeals arising out of matters referred to in section 400 or section 416 in accordance with such procedure and to realise such fees in connection with such appeals as may be prescribed:

[2][Provided that, if it is felt necessary by the State Government, the Tribunal shall hear and decide appeals arising out of matters, referred to in sections 199 and 201 of the Siliguri Municipal Corporation Act, 1990 (West Ben. Act XXX of 1990), sections 199 and 201 of the Asansol Municipal Corporation Act, 1990 (West Ben. Act XXXI of 1990), sections 202 and 204 of the Chandernagore Municipal Corporation Act, 1990 (West Ben. Act XXXII of 1990), and section 4 of the Durgapur Municipal Corporation Act, 1994 (West Ben. Act LIII of 1994), read with section 201 of the Siliguri Municipal Corporation Act, 1990 (hereinafter referred to in this section as "hear and decide appeals under the other Municipal Corporation Acts")]

(2) The Tribunal shall consist of a Chairman and such number of other members not exceeding [3][fourteen] as the State Government may determine:

[4][Provided that the Chairman may constitute one or more Benches for Calcutta, and shall constitute one or more Benches, if felt necessary by the State Government, to hear and decide appeals under the other Municipal Corporation Acts. Each of such Bench shall comprise of at least two members one of whom shall be a judicial member and another a technical member];

(3) The Chairman or a judicial member shall be a person who is or has been a member of the West Bengal Higher 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 from the Municipal Fund:

[5][Provided that the expenditure connecting to the payment of remuneration, travelling allowance and other expenditure, of the judicial and non-judicial members of the Tribunal constituting the Benches to hear and decide appeals under the other Municipal Corporation Acts, shall be paid out of the fund of the concerned Municipal Corporation :

Provided further 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 [6][Municipal Fund:]

[7][Provided that the Benches constituted under the Tribunal in order to hear and decide appeals under the other Municipal Corporation Acts shall, be provided with an establishment consisting of such officers and other employees as may be prescribed by the concerned Municipal Corporations].

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

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

Footnote:

1. Substituted by Section 18 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989, for the following:

"415. Municipal Building Tribunal(1) The State Government shall appoint a Municipal Building Tribunal (hereinafter referred to in this section as "the Tribunal") to hear and decide appeals arising out of matters referred to in section 400 or section 416 in accordance with such procedure and to realise such fees in connection with such appeals as may be prescribed.

(2) The Tribunal shall consist of a Chairman and two Assessors.

(3) The Chairman shall be an officer of the West Bengal Higher Judicial Service having such experience as may be prescribed.

(4) One of the Assessors shall be appointed by the State Government and the other shall be appointed by the Corporation with such time as may be fixed by the State Government and, in default, the State Government may appoint the other Assessor also:

Provided that no Councillor, Alderman, or officer or employee of the Corporation shall be appointed as an Assessor:

Provided further that only such persons shall be appointed as Assessors as shall have, as far as possible, knowledge or experience in town planning, civil engineering or architecture.

(5) The Chairman and the Assessors shall be appointed for such period and on such terms and conditions as the State Government may, by notification, specify and shall be paid from the Municipal Fund.

(6) The State Government may, if it thinks fit, remove for incompetence or misconduct or any other good and sufficient reasons any Assessor appointed under sub-section (4).

(7) If any Assessor is removed or dies, the State Government shall appoint forthwith another Assessor.

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

(9) 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 establishment shall be paid out of the Municipal Fund.

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

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

2. Proviso added by Section 14(i) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

3. Substituted by Section 14(ii) (a) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the word "six".

4. Proviso substituted by Section 14(ii)(b), of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, which formerly stood as follows:

"Provided that the Chairman may constitute one or more Benches, each Bench comprising at least two members one of whom shall be a judicial member and another a technical member".

5. Proviso Substituted by Section 14(iii), of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001 which formerly stood as follows:

"Provided that a Councillor or an Alderman 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. Substituted by Section 14(iv) (a) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for "Municipal Fund".

7. Proviso added by Section 14(iv)(b), Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001.

Chapter XXIII

Regulation of Building Uses

416. Prohibition on change of use of building:-

(1) No person shall, without any written permission of the Municipal 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 396;

(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 :

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 Municipal 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) Any change of use made before the commencement of this Act, except in so far as such use is permitted under [1][section 385] of the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), shall be deemed to be an authorized change and shall be dealt with under the provisions of this Act.

(4) Notwithstanding any other action that may be taken against any person whether owner or occupier or both, contravening any provision of this section, the Municipal Commissioner may levy on such person in accordance with such scale as may be [2][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.

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

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

(6) Any person aggrieved by an order of the Municipal Commissioner under sub-section (5) may, within thirty days from the date of the order, prefer an appeal against the order to the Municipal Building Tribunal appointed under section 415.

(7) Where an appeal is preferred under sub-section (6), 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 the fine levied under sub-section (4) shall not be waived.

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

(9) Every order made by the Municipal Building Tribunal on appeal and subject to such order, the order of the Municipal Commissioner under subsection (5) shall be final and conclusive.

(10) Where no appeal has been preferred against an order made under sub-section (5) 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 the Municipal Building Tribunal on appeal, and on the failure of such person to comply with such order within such period, the Municipal 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 further unauthorized use.

Footnote:

1. Substituted by Section 38 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for "section 416."

2. Substituted by Section 19 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989, for the word "prescribed".

417. Power to prevent use of premises in particular areas:-

(1) The Municipal Commissioner may, subject to prior approval of the Mayor-in-Council, give public notice of his intention to declare that in any area specified in the notice, no person shall use any premises for any purpose specified in such notice and for reasons stated therein.

(2) Objections to any such notice shall be received within a period of one month from the publication of the notice.

(3) The Municipal Commissioner shall consider all objections received within the period as aforesaid, giving any person affected by the notice an opportunity of being heard during such consideration, and may thereupon make a declaration in accordance with the notice published under sub-section (1), with such modifications if any, as he may think fit so however that its application is not extended.

(4) Every such declaration shall be published in the Official Gazette and in such other manner as the Municipal Commissioner may determine, and shall take effect from the date of its publication in the Official Gazette.

(5) No person shall, in any area specified in the declaration published under sub-section (4), use any premises for any purpose specified in the declaration, and the Municipal Commissioner shall have the power to stop the use of any such premises by such means as he considers necessary.

418. Hospital, nursing home, clinic, etc., not to be established without permission:-

(1) No person shall, without the previous permission in writing of the Municipal Commissioner or otherwise than in conformity with the conditions, if any, of such permission, use any premises in Kolkata for the propose of a hospital, nursing home, clinic, polyclinic, diagnostic laboratory or such other institutional medical facility as may be specified by the Mayor-in-Council from time to time.

(2) The Municipal Commissioner may refuse to give such permission if he is of the opinion that the proposed premises is not suitable for the purpose as aforesaid in view of criteria of hygiene and environmental sanitation.

419. Factory, etc., not to be established without permission:-

(1) No person shall, without the previous permission in writing of the Municipal Commissioner or otherwise than in conformity with the conditions, if any, of such permission, establish in any premises, or materially alter, enlarge or extend, any factory, workshop or trade premises in which it is intended to employ steam, electricity, water or other mechanical power:

Provided that no such permission shall be granted in contravention of the provisions of section 425.

(2) The Municipal Commissioner may refuse to give such permission if he is of the opinion that the establishment, alteration, enlargement or extension of such factory, workshop or trade premises in the proposed position--

(a) would be objectionable by reason of density of population in the neighbourhood thereof, or

(b) would be a nuisance to the inhabitants of the neighbourhood, or

(c) would be in contravention of any land use control under this Act or any other law for the time being in force.

420. Warehouses, godowns, goods transport business, etc., not to be established without permission:-

(1) No person shall, without the previous permission in writing of the Municipal Commissioner or otherwise than in conformity with the condition, if any, of such permission use, or materially alter, enlarge, or extend the use of any premises as a warehouse or a godown or for running a goods transport business either by his own carriers or by arrangement with the owners of such carriers :

Provided that no such permission shall be granted in contravention of the provisions of section 425,

(2) The Municipal Commissioner may refuse to give such permission if he is of the opinion that the use, or the alteration, enlargement or extension of the use, of any premises as a warehouse or a godown or for running a goods transport business--

(a) would be objectionable due to the traffic constraints in the vicinity of such premises, or

(b) would be undesirable due to inadequate space for parking of vehicles or loading or unloading of goods, or

(c) would constitute a fire hazard, or

(d) would be a nuisance to the inhabitants of the neighbourhood.

(3) In a case where such permission is granted, the Municipal Commissioner may specify such conditions for parking of vehicles or loading or unloading of goods as he may deem fit.

421. Eating houses, etc., not to be established without permission:-

(1) No person shall, without the written permission of the Municipal Commissioner or otherwise than in conformity with the conditions, if any, of such permission, use, or permit to be used, or materially alter, enlarge, or extend the use of, any premises for the purpose of establishing or keeping open an eating house, hotel, boarding houses, tea shop, coffee house, cafe, restaurant, refreshment room, snack shop, snack bar, sweet meat shop, liquor house, tavern, wive shop beer shop, spirit shop, arracks shop, toddy shop, ganja shop, bhang shop, opium shop, tobacco shop, bidi shop, cigarette shop, zarda shop, betel shop or betel leaf masalla shop or for the purpose of sale of dab or dab water, or any place, where the public are admitted for repose or consumption of any food or drink or where food is sold or is prepared for sale [1][for any such purpose, or any premises let out to any person for performance of any sacred thread, marriage, annaprasan or sradh ceremony or marriage or death anniversary or similar other ceremony :]

Provided that no such permission shall be granted in contravention of the provisions of section 425.

(2) The Municipal Commissioner may at any time cancel or suspend any permission under sub-section (1), if he is of the opinion that the premises covered by such permission are not kept in conformity with the conditions of such permission or the provisions of any rules or regulations made in this behalf, whether the person is prosecuted under this Act or not.

Footnote:

1. Substituted by Section 33 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997. for the words "for any such purpose."

422. Theatres, circuses, exhibitions, and places of public amusement not to be established without permission:-

(1) No person shall, without the written permission of the Municipal Commissioner or otherwise than in conformity with the conditions, if any, of such permission, which shall be granted subject to the provisions under section 425, use, or permit to be used, or materially alter, enlarge or extend the use of any premises for the purpose of establishing or keeping open any theatre, cinema house, drive-in theatre or cinema house, circus, fair, fete, exhibition or dancing hall, or any other place of similar public resort, recreation or amusement for any such purpose :

Provided that nothing in this section shall apply to private performance in any place.

(2) The Municipal Commissioner may specify any conditions for providing, within the premises, space for the vendors catering to the public needs in connection with such purposes.

423. Permission in case of markets, shops, etc., along certain traffic corridors:-

(1) The Municipal Commissioner may, from time to time and with the prior approval of the Mayor-in-Council, notify that no new market or shop or trading premises shall be established or kept open to abut on a category I or category II or category III street or portion thereof, without his prior permission, which shall be subject to the provisions of section 425.

(2) The Municipal Commissioner may refuse to give such permission with due regard to the traffic constraints in the vicinity.

(3) Notwithstanding the existence of any markets or shops on any such street, such refusal of the Municipal Commissioner shall be final.

424. Permission in case of other non-residential uses of premises:-

(1) The Municipal Commissioner may, from time to time and with the prior approval of the Mayor-in-Council, notify such other non-residential uses of premises (including the one for an educational building or an institutional building or an assembly building or a business building or a mercantile building or an industrial building or a storage building or a hazardous building) as are not provided for in this chapter and in the case of which prior permission of the Municipal Commissioner shall be necessary, subject to the provisions of section 425, for establishing, or materially altering, or enlarging, or extending the use of, any such premises.

(2) The Municipal Commissioner may refuse to give such permission in any case on the ground that such use--

(a) would be objectionable by reason of the density of population in the neighbourhood, or

(b) would add to the traffic constraints in the vicinity including parking spaces, for vehicles, or

(c) would not conform to other predominant uses in the neighbourhood, or

(d) would constitute a fire hazard, or

(e) would be a nuisance to the inhabitants of the neighbour-hood, or

(f) in the case of hospital or clinic would be harmful to the patients due to noise or an environment which poses a health hazard, or

(g) in the case of an educational building would deprive the students of playground facilities; or on any other similar ground.

(3) Subject to any land use control under this Act or any other law for the time being in force, the Municipal Commissioner's decision in refusing permission under this section shall be final.

425. Conditions for grant of permission:-

(1) In the case of any premises for the use of which a licence or permission is required from Government or any statutory body under any law for the time being in force, the Municipal Commissioner shall not grant any permission under this Act to any person until such person produces before the Municipal Commissioner the licence or the permission from Government or statutory body, as the case may be, and submits duly authenticated copies thereof to him :

Provided that in the case where production of a municipal permission is a pre-condition for the grant of a licence or permission under any other law for the time being in force, the Municipal Commissioner may grant a provisional permission which shall become final upon production of a licence or permission under the said law :

Provided further that such provisional permission shall have validity only for the purpose of fulfilling any pre-condition for the licence or the permission under any other law as aforesaid.

(2) Notwithstanding anything contained in this Act, the Municipal Commissioner may, while granting permission under this Chapter, specify such special conditions, relevant to each case, regarding disposal of solid, liquid or gaseous wastes or for parking of vehicles or for loading or unloading of goods or for abatement of nuisance of any kind whatsoever as he deems fit.

[1][Chapter XXIIIA

Preservation and Conservation of Heritage Buildings

Footnote:

1. Chapter XXIIIA containing sections 425A to 425P inserted by Section 34 of the Calcutta Municipal Corporation (Amendment) Act, 1997 (West Ben. Act XXVI of 1997), w.e.f. 22.12.1997.

425A. Owner to maintain, preserve and conserve heritage building:-

Every owner or occupier of any heritage building declared as such by the Corporation shall maintain, preserve and conserve it and shall not change its use in contravention of the provisions of this Act or the rules or the regulations made thereunder for its maintenance, preservation or conservation.

Explanation I:- The word "maintain", with its grammatical variations and cognate expressions, shall include fencing, covering, repairing, restoring or cleansing, or doing of any act which may be necessary for the purpose of preserving or conserving, of, or securing convenient access to, a heritage building.

Explanation II:- "Owner" shall, notwithstanding anything contained elsewhere in this Act, include, for the purposes of this chapter,--

(a) a joint owner of a heritage building vested with the power of management thereof on behalf of himself and any other joint owner, or successor-in-title of any such joint owner, or

(b) a manager, or trustee, vested with the power of management of a heritage building, or successor-in-office of such manager or trustee.

425B. Power of Corporation to declare a building as a heritage building:-

Where the Corporation, on the recommendation of the Heritage Conservation Committee and also of the Mayor-in-Council, is of the opinion that any building in Kolkata should be preserved and conserved for historical, architectural, environmental or ecological purpose, it may declare such building as a heritage building :

Provided that during the period when any proposal for declaring building as a heritage building is under consideration of the Heritage Conservation Committee or the Mayor-in-Council, no owner of such building, or no lessee or sub-lessee to whom such building has been leased out, shall transfer such building by way of sale, lease or mortgage without the prior approval of the Municipal Commissioner.

425C. Gradation of heritage building:-

The gradation of a heritage building according to its historical, architectural, environmental or ecological purpose shall be such as may be prescribed.

425D. Heritage Conservation Committee:-

(1) The Mayor-in-Council shall constitute a Committee to be called the Heritage Conservation Committee with the Municipal Commissioner as its Chairman and an officer of the Corporation as its Convenor.

(2) The Committee shall have, in addition to the Chairman and the Convenor, seven other members of whom--

(a) one shall be a nominee of the Calcutta Metropolitan Development Authority.

(b) one shall be the Director of the Development of Archaeology, Government of West Bengal, or his nominee.

(c) one shall be an eminent architect,

(d) one shall be an artist,

(e) one shall be an environmentalist,

(f) one shall be a historian, and

(g) one shall be the Chief Valuer and Surveyor of the Corporation.

(3) The Committee may co-opt one person to be nominated by the concerned department of the State Government while dealing with any land or building under the management of the said department.

(4) The Committee shall, in accordance with the provisions of this Act and the rules and the regulations made thereunder, scrutinize every application or proposal for declaration of a building as a heritage building, and recommend to, and also advice, the Mayor-in-Council in respect of the preservation and conservation of such building as a heritage building.

(5) The Committee shall meet at such periodical interval as may be determined by the Mayor-in-Council.

(6) The Municipal Commissioner shall, in the case of emergency, take such measures as may be necessary for the preservation and conservation of a heritage building, provided that such measures shall be required to be approved by the Heritage Conservation Committee at its meeting.

425E. Powers and functions of Heritage Conservation Committee:-

The Heritage Conservation Committee shall have the power to function independent of the Municipal Building Committee for purpose of preservation, conservation and maintenance of heritage buildings in so far as such power does not offend any other provisions of this Act or the rules made thereunder relating to construction or use of building :

Provided that for erection or re-erection in a heritage building or part thereof, or for restoration of any heritage building to its old shape, design or beauty in the case of unlawful demolition, or for making any change of internal or external

wall, structural pattern, floor, roof, interior or exterior architectural floor, facade or skyline, or for any other change, of a heritage building, the provisions of Chapters XXII and XXIII of this Act and the rules made thereunder shall apply mutatis mutandis.

425F. Power of Corporation to require, purchase or take on lease heritage building:-

Subject to the other provisions of this Act, the Corporation may acquire, purchase or take on lease any heritage building for the purpose of preservation and conservation thereof :

Provided that in the case of a heritage building declared as such for the purpose of preservation and conservation as required under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979), the approval of the concerned department of the State Government shall be taken.

425G. Transfer of right of development for the purpose of acquisition by agreement:-

When the owner of any heritage building is not willing to preserve or conserve any heritage building, the Municipal Commissioner may, for the purpose of acquisition of such heritage building by agreement and on the recommendation of the Heritage Conservation Committee and with the approval of the Mayor-in-Council, allow the transfer of right of development of such heritage building, which shall be heritable and transferable, to the owner of such heritage building in such manner, and subject to such conditions, as may be prescribed.

Explanation I:- "Development" shall have the same meaning as in clause (7) of section 2 of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979).

Explanation II:- "Right of development of a heritage building" shall mean the right of development, in the prescribed manner, of such potentials as may be available in respect of such heritage building on a plot of land different from the land and building comprising the heritage building but in the same ward of the Corporation.

425H. Right of access to heritage building acquired by Corporation:-

Subject to such rules or regulations as may be made under this Act, every person shall have the right of access to any heritage building acquired by the Corporation.

425I. Sub-lease of heritage building:-

The Corporation shall have the right to allow the transfer of right of development to the lessee of a heritage building where the unexpired period of the term of lease is for 90 years, and to take the heritage building on sub-lease by agreement, if there is provision for such sub-lease in the deed executed between the owner and the lessee, provided that the question of payment of premium or rent in such case to the owner shall not, notwithstanding any agreement in this behalf, arise, and if the owner as confirming party to the agreement waives the right to receive any further payment of such premium or rent.

425J. Permission of concerned department' of State Government before acquisition of heritage building:-

If the Corporation considers that it is necessary to acquire any building declared as a heritage building for the purpose of preservation and conservation as required under sub-clause (ii) of clause (a) of sub-section (4) of section 31 of the West Bengal Town and Country (Planning and Development) Act, 1979, by agreement or under the Land Acquisition Act, 1894 (1 of 1894), permission of the concerned Department of the State Government shall be taken before such acquisition.

425K. Power to exempt rates and taxes, etc. on heritage building:-

If the owner of a heritage building enters into an agreement with the Corporation to maintain, preserve and conserve such heritage building properly at his own expenses, the Corporation may, in such case, exempt wholly or partly the owner of such heritage building from payment of rates of taxes or fees for supply of water or any other charge in respect of such heritage building.

425L. Agreement with owner of heritage building pending acquisition:-

(1) The Municipal Commissioner may, pending acquisition of a heritage building by the Corporation under this Act and with the approval of the Mayor-in-Council, propose to the owner of such heritage building to enter into an agreement with the Corporation for a specified period for the maintenance of such heritage building.

(2) The agreement as aforesaid may provide for all or any of the following matters:

(a) maintenance of the heritage building by the owner or by any other person willing to maintain the said heritage building;

(b) custody of the heritage building and the duties of the person who may be employed to watch it;

(c) the restrictions of the owner's right--

(i) to use the heritage building for any other purpose detrimental to its conservation,

(ii) to charge any fee for entry into, or inspection of, the heritage building, and

(iii) to build on or near the site of the heritage building.

425M. Voluntary contribution and agreement with any voluntary organisation, person or company:-

(1) The Municipal Commissioner may receive voluntary contributions towards the cost of maintaining any heritage building and may give order as to the management and application of such contributions for the purpose of preservation and conservation of such heritage building.

(2) Subject to the approval of the Mayor-in-Council, the Municipal Commissioner may enter into any agreement with any person or voluntary organisation or company, whether incorporated or not, willing to preserve and conserve any heritage building on such terms and conditions as the Municipal Commissioner may determine.

425N. Taking over management and control of heritage building:-

(1) If the Municipal Commissioner, on receipt of any information, is satisfied that the owner of a heritage building fails to preserve or conserve the heritage building, the Municipal Commissioner may, when the heritage building is vacant and after hearing the owner, by order in writing, take over the management and control of such heritage building for the purpose of preservation and conservation thereof, suspending the right of the owner to transfer such heritage building for a maximum period of five years, subject to acquisition either by agreement or under the provisions of the Land Acquisition Act, 1894 (1 of 1894).

(2) The Municipal Commissioner shall thereafter notify the heritage building for letting it out by agreement to any person as tenant for the purpose as aforesaid, and the owner shall be entitled to an amount equal to the reasonable letting value of the heritage building as rent less the cost on account of preservation and conservation of the heritage building.

425O. When heritage building ceases to be heritage building:-

If the Corporation decides that any heritage building has ceased to be of public interest or has lost its importance for any reason whatsoever, it may, with the approval of the State Government, declare that such heritage building has ceased to be a heritage building for the purposes of this Act.

425P. Penalty:-

(1) Any person who destroys, removes, alters, defaces or misuses any heritage building or does any act, or abets in the commission thereof, in contravention of any provision of this chapter or the rules or the regulations made thereunder, shall be punishable with rigorous imprisonment for a term which may extend to three years and also with fine which may extend to fifty thousand rupees and, in default, with further rigorous imprisonment for six months.

(2) Any court convicting any person under this section shall, by order, direct such person to restore the heritage building to its former shape and beauty at his cost, and any failure to comply with such order shall be deemed to be a continuing offence and such person shall be punishable with an additional fine of rupees two hundred and fifty for every day during which such contravention or failure continues after conviction for the first such contravention.

(3) Where an offence under this section has been committed by a company, the provisions of section 619 shall apply to such company.

Explanation:- For the purposes of this section,--

(a) "person" shall include an owner, occupier, lessee, mortgagee, consultant, promoter or financier who supervises or causes erection, destruction, removal, defacement or misuse of any heritage building, and

(b) "company" shall have the same meaning as in the Explanation to section 619.]

Chapter XXIV

Markets and Slaughter-Houses

426. Provision of municipal markets and slaughter-houses:-

(1) The Municipal Commissioner, when authorised by the Mayor-in-Council in this behalf, may provide and maintain municipal markets, slaughter-houses or stockyards in such number as he thinks fit together with stalls, shops, sheds, pens and other buildings and conveniences for the use of persons carrying on trade or business in, or frequenting such markets or slaughterhouses.

(2) Any municipal slaughter-house or municipal stockyard may be situated within or, with the sanction of the State Government, outside Calcutta.

(3) A municipal market or a slaughter-house or a stockyard shall be under the control of the Municipal Commissioner.

(4) Subject to the order of the Mayor-in-Council, the Municipal Commissioner may, after giving a general notice, close any municipal market or slaughter-house or stockyard or any portion thereof on the date specified in the notice; and the premises occupied for any municipal market, slaughterhouse or stockyard or any portion thereof so closed may be disposed of as the property of the Corporation.

427. Use of municipal markets:-

(1) No person shall, without the general or special permission in writing of the Municipal Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) Any person contravening the provisions of sub-section (1), and any animal or article exposed for sale by such person, may be summarily removed from the market by or under the orders of the Municipal Commissioner by a Police Officer or any officer or employee of the Corporation authorised by the Municipal Commissioner in this behalf.

428. Private markets and slaughter-houses:-

(1) No place other than a municipal market shall be used as a market unless such place has been licensed as a market by the Municipal Commissioner under section 436.

(2) No place other than a municipal slaughter-house shall be used as a slaughter-house:

Provided that nothing in this sub-section shall be deemed--

(a) to restrict the slaughter of any animal in any place on the occasion of any religious festival or ceremony, subject to such conditions (non-compliance with which shall be punishable under this Act) as the Municipal Commissioner may, by public or special notice, impose in this behalf, or

(b) to prevent Municipal Commissioner from setting apart with the sanction of the Mayor-in-Council, any place for the slaughter of animals in accordance with religious custom.

(3) The Municipal Commissioner may in accordance with such regulations as may be made by the Corporation in this behalf require the owner or the occupier of any licensed private market to provide approach roads or passage or pave, drain or light

the same or provide such conveniences for the use of persons resorting to such markets as he may deem fit.

429. Prohibition of business and trade near a market:-

(1) No animal or article shall be sold or exposed for sale by a hawker or squatter within a distance of forty-five metres from the outward confines of any municipal market or licensed private market without the permission of the Municipal Commissioner.

(2) Any person contravening the provisions of sub-section (1) and any animal or article exposed for sale by such person may be summarily removed by or under the orders of the Municipal Commissioner by a Police Officer or any officer or employee of the Corporation appointed by him in this behalf.

430. Levy of stallage, rent and fee:-

The Municipal Commissioner may--

(a) charge such stallage, rent or fee as may from time to time be fixed by the Corporation in this behalf--

(i) for the occupation or use of any stall, shop, stand, shed or pen in a municipal market or municipal slaughter-house;

(ii) for the right to expose articles for sale in a municipal market;

(iii) for the use of machines, weights, scales and measures provided for in any municipal market; and

(iv) for the right to slaughter animals in any municipal slaughterhouse, and for the feed of such animals before they are ready for slaughter; or

(b) farm the stallage, rent or fee chargeable as aforesaid or any portion thereof for such period as he may think fit; or

(c) put up to public auction, or dispose of by private sale, the privilege of occupying or using any stall, shop, stand, shed or pen in a municipal market or municipal slaugher-house for such period and on such conditions as he may think fit.

431. Stallage, rent etc., to be published:-

A copy of the table of stallage, rent and fee, if any, chargeable in any municipal market or municipal slaughter-house, and of the regulations made under this Act for the purpose of controlling the use of such market or slaughter-house, printed in such language or languages as the Municipal Commissioner may direct, shall be affixed in some consipicuous place in the market or the slaughter-house.

432. Power to expel person contravening regulations:-

(1) The Municipal Commissioner may, after giving the parties concerned an opportunity of being heard and in accordance with such regulations as may be made by the Corporation,--

(a) expel from any municipal market, municipal slaughter-house or municipal stockyard, for such period as he may think fit, any person who or whose servant has been found contravening any regulations made under this Act and in force in such market, slaughter-house or stockyard,

(b) prevent such person, by himself or by his servant, from further carrying on any trade or business in such market, slaughter-house or stockyard or occupying any stall, shop, standing, shed, pen or other place thereon,

(c) close the stall or shop of the person found to be in default in payment of the stallages or rents or any other dues to the Corporation till payment is made or recovered under the provisions of this Act, and

(d) determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

(2) If the tenant or the agent of the tenant of the owner or the lessee of any private market or slaughter-house has been convicted for contravening any regulation made under this Act, the Municipal Commissioner may require such tenant or agent to remove himself from such market or slaughter-house within such time as may be mentioned in the requisition, and if such tenant or agent fails to comply with such requisition, he may, in addition to any penalty which may be imposed on him under this Act, be summarily removed from such premises by the owner or the lessee thereof or by the servant of such owner or lessee.

(3) If it appears to the Municipal Commissioner that in any such case the owner or the lessee is acting in collusion with a tenant or an agent, convicted as aforesaid, who fails to comply with any requisition under sub-section (2), the Municipal Commissioner may, if he thinks fit, cancel the licence of such owner or lessee in respect of such premises.

433. Depot for sale of essential commodities:-

The Municipal Commissioner may from time to time, subject to such directions as he may receive from the Mayor-in-Council on the advice of the State Government, open depots or shops for trading in essential commodities.

434. Power to inspect places where unlawful slaughter of animals, etc., is suspected:-

(1) If the Municipal Commissioner or any person authorised by him in this behalf has reason to believe that any animal intended for human consumption is being slaughtered or that the flesh of any such animal is being sold or exposed for sale in any place or manner not duly authorised under this Act, he may, at any time by day or night without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or regulation made thereunder is being contravened thereat and may seize any such animal or the carcass of such animal or such flesh found therein.

(2) The Municipal Commissioner may remove and sell by auction or otherwise dispose of any animal or carcass of any animal or any flesh, seized under sub-section (1).

(3) If, within one month of such seizure, the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Municipal Commissioner or if the owner is convicted of an offence under this Act in respect of such animal, carcass or flesh, the proceeds of any sale under sub-section (2) shall vest in the Corporation.

(4) Any person slaughtering any animal or selling or exposing for sale the flesh of any such animal in any place or manner not duly authorised under this Act may be arrested by any police without a warrant.

(5) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

Chapter XXV

Municipal Lincences

435. Premises not to be used for non-residential purpose without municipal licence:-

(1) Except as hereinafter provided in this Act, no person shall use or permit to be used any premises for any of the non-residential purposes mentioned in Schedule V without or otherwise than in conformity with the terms of a municipal licence granted by the Municipal Commissioner so as not to contravene the provisions of sub-section (2) :

Provided that no such municipal licence shall be given in respect of any non-residential use of a premises which is otherwise than in conformity with the provisions of this Act or any other law for the time being in force or the rules or the regulations or orders made thereunder.

(2) In case of a non-residential use of a premises for a purpose for which a licence or permission is required from Government or any statutory body under any law for the time being in force, no municipal licence under this section shall be given until the licence or permission under the said law has been produced before the Municipal Commissioner, and duly authenticated copies thereof are submitted to him :

Provided that in the case where production of a municipal licence is a pre-condition for the grant of a licence under any other law for the time being in force, the Municipal Commissioner may grant a provisional municipal licence which shall become final only upon production of a licence or permission under the said law :

Provided further that such provisional municipal licence shall have validity only for the purpose of fulfilling the pre-conditions of the licence under any other law as aforesaid.

(3) In specifying the terms of a licence granted under this section, the Municipal Commissioner may require the licence to take all or any of such measures as he may deem fit to guard against damage to life, health or property or for the abatement of nuisance of any kind.

(4) The Corporation shall by regulation determine the fees to be paid in respect of a municipal licence to be granted under sub-section (1), and may specify different fees for different categories of non-residential uses in different areas of Kolkata:

Provided that no such fees shall exceed rupees two thousand and five hundred in any case.

(5) The Corporation may by regulation determine the following: --

(a) when the initial licence is to be taken out and the procedure of annual renewal thereof;

(b) matters connected with the display of licence, inspection of premises, power of inspectors, and such other matters.

(6) The Municipal Commissioner shall maintain two separate registers in such form and in such manner as may be prescribed so that in respect of each municipal licence granted under this section--

(a) one register shall contain 'premises-wise' information on the non-residential uses, and

(b) one register shall contain such information, on basis of different 'non-residential user groups', for factories, warehouses, medical institutions, educational institutions and others as may be prescribed.

436. Municipal licence for private markets:-

(1) Notwithstanding any licence required under section 435, the Municipal Commissioner may, with the prior approval of the Mayor-in-Council, grant to any person a municipal licence to establish or keep open a private market on payment of such fees as may be determined by the Corporation by regulation, and may specify such conditions consistent with this Act as he may deem fit.

(2) When the Municipal Commissioner refuses to grant any licence, he shall record a brief statement of the reasons for such refusal.

(3) The Municipal Commissioner may, with the previous approval of the Mayor-in-Council and for reasons to be recorded in writing, suspend a licence in respect of a private market for such period as he thinks fit or cancel such licence.

(4) A private market of which the licence has been suspended or cancelled as aforesaid shall be closed with effect from such date as may be specified in the order of suspension or cancellation.

437. Prohibition of keeping market open without licence, etc:-

(1) No person shall keep open for public any market in respect of which a licence is required by or under this Act without obtaining a licence therefor or while the licence therefor is suspended or after the same has been cancelled.

(2) When a licence to open a private market is granted or refused or is suspended or cancelled, the Municipal Commissioner shall cause a notice of such grant or refusal or suspension or cancellation to be posted in such language or languages as he thinks necessary in some conspicuous place by or near the entrance to the place to which the notice relates.

438. Prohibition of use unlicensed markets:-

No person, who knows that any market has been opened to the public without a lincence having been obtained therefor when such licence is required by or under this Act or that the licence granted therefor is for the time being suspended or that it has been cancelled, shall sell or expose for sale any animal or article in such market.

439. Municipal lincence for hawking articles, etc:-

No person shall, without or otherwise than in conformity with the terms of a licence granted by the Municipal Commissioner in this behalf,--

(a) hawk or expose for sale in any place any article whatsoever whether it be for human consumption or not; or

(b) use in any place his skill in any handicraft or render services to the public for their convenience for the purposes of gain or making a living.

440. Municipal licence for sale of flesh, fish or poultry:-

(1) No person shall, without or otherwise than in conformity with a licence from the Municipal Commissioner, carry on the trade of a butcher, fish monger, poulterer or importer of flesh intended for human food or use any place for the sale of flesh, fish or poultry intended for human food :

Provided that no person shall sell or expose for sale any flesh obtained from an animal unless the skinned carcass of the animal is stamped in such manner as the Municipal Commissioner may, by general order made in this behalf, require in token of the fact that the animal has been slaughtered in a municipal or licenced slaughter-house :

Provided further that no licence shall be required for any place used for sale or storage for sale of preserved flesh or fish contained in air-tight or hermetically sealed receptacles.

(2) The Municipal Commissioner may, by order and subject to such conditions as to supervision and inspection as he thinks fit to impose, grant a municipal licence or may, by order and for reasons to be recorded in writing, refuse to grant the same.

(3) The Corporation shall by regulation determine the procedure for the issue of licence and its renewal.

(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the Municipal Commissioner may stop the use thereof by such means as he may consider necessary.

441. Power to stop use of premises used in contravention of licences:-

(1) If the Municipal Commissioner is of the opinion that any premises is being used for a non-residential purpose without municipal licence or otherwise than in conformity with the terms of a municipal licence granted in respect thereof, he may stop the use of any such premises for any such purpose for a specified period by such means as he may consider necessary.

(2) If a person continues to use a premises in contravention of the provisions of sub-section (1), the Municipal Commissioner may, notwithstanding any other action that may be taken against such person under this Act, levy a continuing fine in accordance with the provisions of subsection (4) of section 416.

442. Power to call for returns on lands or buildings:-

(1) The Municipal Commissioner may, by a written notice, require the owner of any building to submit, within fifteen days from the date of service of the notice, a signed statement with returns giving the following particulars with respect to such building or part thereof : --

(a) total plot area on which the building stands and the abutting open area;

(b) total covered area of the building;

(c) details of sub-division of the building into dwelling units, flats or apartments;

(d) floor area under different occupancies and nature of such occupancies in terms of the use or occupancy groups defined in this Act;

(e) any other information that may be specified.

(2) The Municipal Commissioner may, by a separate notice require the occupier of building or any portion thereof to submit within fifteen days from the date of service of the notice a signed statement containing such information as may be required in the notice for the portion occupied by him.

(3) The Municipal Commissioner may, if the owner fails to submit the return under sub-section (1), engage a Licence Building Architect to collect such information, and the expenses incurred in this behalf shall be recovered from the owner as an arrear of tax under this Act.

443. Power to seize food or drug, etc:-

(1) The Municipal Commissioner or any officer or employee of the Corporation authorised by him in this behalf or any police officer may, at any time by day or night, without notice, inspect and examine any food or drug or any utensil or vessel used for preparing, manufacturing or storing such food or drug.

(2) If upon such inspection or examination any such food or drug is, in the opinion of the Municipal Commissioner or the officer or employee authorised by him in this behalf, or the police officer unwhoslesome or unfit for human consumption, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any food or drug prepared, manufactured or stored therein unwholesome or unfit for human consumption, he may seize, seal or carry away such food or drug or utensil or vessel.

(3) If any food or drug seized under sub-section (2), is, in the opinion of the Municipal Commissioner unfit for human consumption, he shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such food or drug was at the time of its seizure.

Chapter XXVI

Bustees

444. Power of Corporation to define and to alter limit of bustee:-

The Corporation may define the external limit of any bustee and may, from time to time, alter such limits.

445. Improvement schemes:-

(1) Notwithstanding anything contained in any other law in force for the time being, the Corporation may, with the approval of the State Government, prepare such improvement scheme for the purpose of effecting environmental or general improvement of bustees as it may consider necessary, and publish a copy such scheme in such manner as may be prescribed.

(2) The improvement scheme may provide for all or any of the following matters:

(a) water-supply including sinking of tube-wells, laying of water pipelines, installation of overhead reservoirs, flushing arrangements for privies and the like,

(b) drainage and sewerage including connections with any existing channel or sewer main or laying or diverting of drains,

(c) conversion of service privies into septic tank privies or water-borne privies connected with sewer mains,

(d) sewage and garbage removal,

(e) raising, lowering or levelling of land and improvement of pathways and passages,

(f) lighting including laying of cables or overhead lines,

(g) improvement of huts or other structures, and

(h) such other matters as may be considered necessary for carrying out the objects of this Chapter.

(3) While approving any improvement scheme, the State Government shall take into account the activities of other agency or authority affecting all or any of the matters referred to in sub-section (2).

446. Acquisition of the right of user:-

(1) If, at any time, it becomes necessary to acquire the right of user in any land in or around any bustee for the purpose of implementing any improvement scheme in respect of such bustee the State Government may, on the recommendation of the Corporation in this behalf, declare by notification its intention to acquire such right and invite suggestions or objections from persons likely to be affected thereby within such time as may be specified therein.

(2) Every suggestion or objection received in pursuance of the notification under sub-section (1) shall be heard by the Municipal Commissioner after giving a reasonable opportunity to all persons affected to make personal representations, if any.

(3) The Municipal Commissioner shall submit a report to the Mayor-in-Council after the hearing as aforesaid and after making such enquiry in this behalf as he may consider necessary.

(4) After considering the views of the Mayor-in-Council, the State Government may, by notification, declare that the right of user in such land shall be acquired.

(5) On the date of publication of such declaration under sub-section (4), the right of user in such land shall vest in the Corporation, free from all encumbrances.

447. Work to be executed in a bustee:-

Notwithstanding anything contained hereinbefore in this Chapter, the Municipal Commissioner may, for reasons of environmental sanitation, cause the following work to be executed in any bustee : --

(a) sinking of tube-wells inside a bustee including lying of water pipe lines, installation of overhead reservoirs and other appurtenances necessary to maintain flushing arrangements for privies and sewers,

(b) laying of drains or diversion of existing drains,

(c) conversion of service privies into connected privies or septic tank privies,

(d) removal of silt from the sewers and sludge from the septic tanks inside a bustee,

(e) removal of solid or liquid wastes from the bustees including cleansing of the deck or squatting platform of the septic tank or connected privies,

(f) repair work relating to any of the activities in items (a) to (e).

448. Effect of vesting of right of user:-

When the right of user in any land in or around any bustee vests in the Corporation under sub-section (5) of section 446, it shall be lawful for any person authorised by the Corporation in this behalf to enter into or upon such land and do all things necessary for implementation of the improvement scheme in respect of such bustee.

449. Compensation for vesting:-

Where the right of user in any land vests in the Corporation under sub-section (5) of section 446, the Corporation shall be liable to pay to the owner or to any other person, whose right of enjoyment in such land has been prejudicially affected by reason of such vesting, compensation calculated at ten per cent. of the market value of such land on the date of notification under sub-section (1) of section 446.

[1]**[450. Survey of bustees, and preparation of record-of-rights etc., by Corporation:-**

Subject to the provisions of the Calcutta Thika and Other Tenancies and Lands (Acquisition and Regulation) Act, 1981 (West Ben. Act XXXVII of 1981), and in particular, the provisions of section 25 of that Act, the Corporation may, in accordance with such directions as the State Government may issue and on such terms as the State Government may determine, undertake survey of bustees to prepare record-of-rights of tenants in respect of occupancy of land and title to huts or other structures held by them under the State Government under section 6 of that Act, their size, description and location in relation to streets, lanes, by-lanes, and passages, the land revenue due to the State Government, the number of Bharatias and their names and addresses, the rents realised from them and the period of occupancy of huts or other structures, and to delineate the physical features on a survey map of bustees on such scale as may be prescribed.]

Footnote:

1. Substituted by Section 20 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996) (w.r.e.f. 4.12.1995) for the following :

"450. Sanction of plan for improvement of hut or structures Subject to the provisions of the Calcutta Thika and other Tenancies and Lands (Acquisition and Regulation) Act, 1981 (West Ben. XXXVI of 1981), the Corporation may sanction building plans submitted by a thika tenant for the purpose of permanent construction in the nature of renovations, additions and alterations to and conversion of the existing huts into pucca structures and also for construction of new structure under such building regulations and upon payment of such fees as may be determined by the Corporation:

Provided that a lay-out plan of a bustee or such substantial unfermented portion thereof as is in actual occupation of the thika tenant or a goup of

thika tenant occupying contiguous parcels of land in terms of leave and licence granted by the landlord has been prepared and submitted to the Corporation to indicate the existing arrangements of huts, streets, pathways, drains and other common facilities along with the proposed alterations and modifications thereto.".

[1][450A. Standard layout plan for development of bustee:-

(1) The Corporation, if it considers that a bustee requires planned development or modification or alteration of the layout or remodelling for a public purpose as defined in the Explanation to sub-section (3) of section 7 of the Calcutta Thika and Other Tenancies and Lands (Acquisition and Regulation) Act, 1981, may, after giving such notice as may be prescribed, prepare a standard layout plan of such bustee in such manner as may be prescribed, and cause it to be published, with the approval of the State Government, in the Official Gazette, and publicly displayed in the bustee in the manner prescribed.

(2) Where a notice for the preparation of a standard layout plan has been given under sub-section (1), no new hut or structure shall be erected in the bustee and no addition to an existing building in the bustee shall be made until a standard layout plan for the bustee has been published under sub-section (1).

(3) Where a standard layout plan for any bustee has been published, no new hut or masonry building shall be erected in such bustee and no addition to an existing building, and no such change of use of land as does not conform to the standard layout plan, shall be made :

Provided that no new construction conforming to the standard layout plan shall be undertaken without the sanction of building plan as required under this Act and the regulations made thereunder.

Footnote:

1. Sections 450A to 450C Inserted by Section 21 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996) (w.r.e.f. 4.12.1995).

450B. Demolition and removal of building not in conformity with standard layout plan in bustee:-

Where a standard layout plan has been published for any bustee under sub-section (1) of section 450, the State Government may, under section 10 of the Calcutta Thika and Other Tenancies and Lands (Acquisition and Regulation) Act, 1981 (West Ben. Act XXXVII of 1981), appoint the Municipal Commissioner as Controller to

perform all the functions of a Controller under that Act in respect of such bustee, and, thereupon the Municipal Commissioner may, with the approval of the State Government and by written notice, require the owner of any building in such bustee, not in conformity with the standard layout plan, to demolish and remove the whole or any portion of such building or to reconstruct such building, as the case may be, so as to make such building conform to the standard layout plan and, where the owner of such building is a thika tenant, the Municipal Commissioner may, with the approval of the State Government, resume the land comprised in such thika tenancy with or without the building, if any, and take possession of the land, subject to the proviso to sub-section (3) of section 7 of that Act in regard to alternative accommodation to the thika tenants in actual occupation of the building and Bharatias, and payment of compensation as provided for in sub-section (5) of section 8 of that Act and the rules made thereunder.

450C. Sanction of plan for permanent construction in bustee:-

Subject to the provisions of sections 450A and 450B, the Corporation may sanction building plans submitted by one or more thika tenants, or by such person or authority as is referred to in section 27 of the Calcutta Thika and Other Tenancies and Lands (Acquisition and Regulation) Act, 1981, for the purpose of permanent construction in the nature of renovation of, addition to, or alteration or conversion into pucca structure of, an existing hut and also for construction of new structure, in a bustee, the standard layout plan for which has been published under sub-section (1) of section 450A, in accordance with such regulations as the Corporation may make and on payment of such fee as the Corporation may determine :

Provided that such building plans shall not be submitted in piecemeal but shall constitute a total package of proposals for new construction covering a substantial land area comprised in the bustee and including physical development thereof as contained in the standard layout plan, and conforming to the character and physical pattern of development and use of land as outlined in the standard layout plan, so as to represent faithfully a substantial part of the whole towards planned development in a phased manner :

Provided further that such building plans shall not be treated as valid unless accompanied by a written undertaking to comply with the provisions of sub-section (2) of section 11 of the Calcutta Thika and Other Tenancies and Lands (Acquisition and Regulation) Act, 1981, regarding restoration of possession of accommodation of Bharatias in the reconstructed, renovated or newly built building or structure.]

Chapter XXVII

Vital Statistics

[1][451. Officer-in-Charge and other officers for registration of births and deaths occurring in Kolkata:-

(1) The Chief Municipal Health Officer shall be the officer-in-charge for registration of all births and deaths occurring in Kolkata.

(2) The Municipal Commissioner shall, for the purposes of this Chapter, appoint Registrar of births and deaths for each Borough as he deems necessary, and define the respective areas which shall be under the charge of such Registrar]

Footnote:

1. Substituted by Section 15 of the Calcutta Municipal Corporation (Amendment) Act, 2001, (West Ben. Act VIM of 2001), w.e.f. 23.3.2001 which formerly stood as follows:

"451. Appointment of Chief Registrar and Registrars.---(1) The Chief Municipal Health Officer shall be Chief Registrar of all births and deaths occurring in Calcutta.

(2) The Municipal Commissioner shall, for the purposes of this Chapter, appoint such number of persons to be Registrars of births and deaths as he deems necessary and define the respective areas which shall be under the charge of such Registrars".

[1][452. Duties of the Registrar for registration of births and deaths:-

Each Registrar appointed under sub-section (2) of section 451, shall keep himself informed of every birth or death occurring within the area of his jurisdiction and shall ascertain such particulars in respect of every birth or death as specified in the Registration of Births and Deaths Act, 1969 (18 of 1969), or the rules made thereunder.].

Footnote:

1. Substituted by Section 16, of the Calcutta Municipal Corporation (Amendment) Act, 2001, (West Ben. Act VIM of 2001), w.e.f. 23.3.2001 which formerly stood as follows :

"452. Duties of RegistrarsEach Registrar shall keep himself informed of every birth or death occurring within the area of his jurisdiction and shall ascertain such particulars in respect of every birth or death as may be prescribed in this behalf."

[1]**[453. Registers to be maintained:-**

(1) Subject to the provision of the Registration of Births and Deaths Act, 1969, or the rules made thereunder, the Corporation shall cause necessary registers and books to be maintained for entering the data relating to births and deaths.

(2) On an application from a person interested, the Registrar, as specified in sub-section (2) of section 451, shall issue an extract from any entry in a register, free of charge, if the event is registered within stipulated period as specified in section 457. If the registration is not, completed within the specified period of registration, it shall be done under section 13 of the Registration of Births and Deaths Act, 1969.].

Footnote:

1. Substituted by Section 17, of the Calcutta Municipal Corporation (Amendment) Act, 2001, (West Ben. Act VIM of 2001), w.e.f. 23.3.2001 which formerly stood as follows:

"453. Register books to be maintained.---(1) Such particulars as the Municipal Commissioner may, from time to time, specify regarding births and deaths shall be entered in separate register books of births and register books of deaths which shall be maintained by the Registrars.

(2) The Municipal Commissioner shall specify the forms of the registers required to be maintained under sub-section (1) and the manner in which such registers shall be maintained.

(3) On an application from a person interested, the Chief Registrar or a Registrar shall issue an extract from any entry in a register book on payment of such fees as may be determined by the Corporation by regulations.".

454. Registration of name of child or of alteration of name:-

(1) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within sixty months next after the registration of the birth, deliver to the [1][Registrar specified in sub-section (2) of section 451] of the area in which the birth was registered, such certificate as hereinafter mentioned, and the 1[Registrar specified in sub-section (2) of section 451] upon the receipt of the certificate shall, without any erasure of the original entry, forthwith enter in the register book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in such form as the Municipal Commissioner may, from time to time, specify and shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

Footnote:

1. Substituted by Section 18, of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001 for the word "Register".

455. Correction of errors in registers of births or deaths:-

(1) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorised in this behalf by the Municipal Commissioner.

(2) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Municipal Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the fact of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(3) Except as aforesaid, no alteration shall be made in any such register.

456. Information of births:-

It shall be the duty of the father or mother of every child born in Kolkata and, in default of the father or mother, of any relation, of the child living in the same premises and, in default of such relation, of the person having charge of the child to give, to the best of his or her knowledge and belief, [1][to the Registrar, as specified in sub-section (2) of section 451, of the area within twenty-one days from the date of such birth information containing such particulars as specified in the Registration of Births and Deaths Act, 1969, or the rules made thereunder:]

Provided that--

(a) in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the Registrar shall not enter in the register book the name of any person as father of such child except at the joint request of the mother and of the person acknowledging himself to be the father of such child; and such person shall in such case sign the register together with the mother;

(b) a person required to give information only in default of some other person shall not be bound to give such information if he believed and had reasonable grounds for believing that such information had been given;

(c) when a child is born in a hospital or a nursing home or a maternity home, none but the officer-in-charge thereof shall be bound to forward forthwith to the Registrar a report of such birth in such time and in such form as the [2][officer-in-charge] may from time to time specify.

Footnote:

1. Substituted by Section 19 (a) of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "to the Registrar of the area concerned within eight days after such birth information containing such particulars as may be prescribed in this behalf:".

2. Substituted by Section 19 (b), of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "Chief Registrar".

457. Information respecting finding of new-born child:-

In case any new born-child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, [1][to the officer-in-charge, as specified in sub-section (1) of section 451, or to the Registrar, as specified in sub-section (2) of section 451, within twenty-one days after the finding of such child,], such information of the particulars required to be registered concerning the birth of such child as the information possesses.

Footnote:

1. Substituted by Section 20 of Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "to the Chief Registrar or Registrar, within eight days after the finding of such child".

458. Information regarding deaths:-

It shall be the duty of the nearest relation present at the time of the death or in attendance during the last illness of any person dying in Kolkata and, in default of such relation, of any person present or in attendance at the time of the death and of the occupier of the premises in which to his knowledge the death took place and, in default of the person hereinbefore mentioned, of each inmate of such premises and of the undertaker or other person causing the corpse of the deceased person to be disposed of to give, to the best of his knowledge and belief, to the Registrar of the area within which the death took place information containing such particulars as may be prescribed in this behalf within twenty-four hours of its occurrence :

Provided that--

(a) if the cause of death is known to be a dangerous disease, the information as aforesaid shall be given within twelve hours of its occurrence;

(b) if the death of any person occurs in a hospital or a nursing home or a maternity home, it shall be the duty of none but medical officer or other officer-in-charge thereof to forward forthwith a report of such death in such form as the [1][officer-in-charge as specified in sub-section (1) of section 451] may from time to time specify.

Footnote:

1. Substituted by Section 21 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "Chief Registrar".

459. Medical practitioner to certify cause of death:-

In the case of a person who has been attended in his illness by a duly qualified medical practitioner, such practitioner shall, within three days of his becoming cognisant of the death of such person, sign and forward to the [1][officer-in-charge as specified in sub-section (1) of section 451] a certificate of the cause of such person's death in such form as shall from time to time be specified by the Municipal Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register together with the name of the certifying medical practitioner.

Footnote:

1. Substituted by Section 22, of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "Chief Registrar".

460. Duties of Police in regard to unclaimed corpses:-

It shall be the duty of the police to convey every unclaimed corpse to a registered burial or burning ground or other place for disposal of the dead or to a duly appointed mortuary and, thereafter, to inform the Registrar within whose jurisdiction such corpse was found.

461. Sextons, etc., not to bury, etc., corpse:-

A sexton or a keeper or a registered burial or burning ground or other place for disposal of the dead, whether situated in Kolkata or not, shall not bury, burn or otherwise dispose of or allow to be buried, burnt or otherwise disposed of the corpse unless such corpse is accompanied by a certificate in such form as may be prescribed and signed by a Registrar appointed under section 451 or by a registered medical practitioner or any other medical practitioner authorised by the State Government in this behalf.

Chapter XXVIII

Disposal of the Dead

462. Registration of places for disposal of the dead:-

(1) Every owner or person having control of any place already used for burying, burning or otherwise disposing of the dead but which is not vested in or owned by the Corporation or a Board appointed by the State Government for administration of such place shall apply to the Municipal Commissioner within a period of three months from the commencement of this Act to register the same and the Municipal Commissioner shall cause the same to be registered.

(2) Such application shall be accompanied by a plan, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor, of the place to be registered, showing the locality, boundaries and extent of the same. The application shall also contain information as regards the name of the owner or person or community interested therein, the system of management and such further particulars as the Municipal Commissioner may require.

(3) The Municipal Commissioner may, or receipt of such application and plan, register the said place in a register which shall be kept for this purpose.

(4) The Municipal Commissioner shall cause to be deposited in the office of the Corporation at the time of registration the plan referred to in sub-section (2).

(5) If the Municipal Commissioner is not satisfied with the plan or statement or particulars, he may refuse or postpone registration until his objections have been removed.

(6) Every place vesting in the Corporation or a Board appointed by the State Government for administration of such place used for burying, burning or otherwise disposing of the dead shall be registered in the register kept under sub-section (3) and shall be classified as public or private, and a plan showing the locality, extent and boundaries thereof and bearing the signature of an officer authorized by the Municipal Commissioner in this behalf shall be deposited in the office of the Corporation.

463. Provision for and registration of new places for disposal of the dead:-

(1) If any existing place for the disposal of the dead at any time appears to be insufficient, the Municipal Commissioner shall, with the sanction of the Mayor-in-Council, provide other fit and convenient place for the said purpose either within or outside Kolkata, and shall cause the same to be registered under the provisions of this Chapter.

(2) All the provisions of this Act or the rules or the regulations made thereunder shall apply to any place provided under sub-section (1) outside Kolkata and vesting in the Corporation as if such place were situated within Kolkata.

464. Permission for opening new place for disposal of the dead or reopening of place:-

(1) No place which has not previously been lawfully used or registered as a place for the disposal of the dead shall be opened by any person for the said purpose except in conformity with the provisions of the West Bengal Town and Country (Planning and Development) Act, 1979 (West Bengal Act XIII of 1979) and without the written permission of the Municipal Commissioner who, with the approval of the Mayor-in-Council, may grant or withhold such permission.

(2) Such permission may be subject to such conditions as the Municipal Commissioner may think fit to impose for the purpose of preventing any annoyance to, or danger to the health of, any person residing in the neighbourhood.

(3) No place for the disposal of the dead which has fallen into disuse shall be used again as such.

465. Power to require closing of burning and burial grounds:-

(1) Where the Municipal Commissioner, after making or causing to be made any local enquiry, is of the opinion that any burning or burial ground or other place for the disposal of the dead has become offensive to, or dangerous to the health of, persons residing in the neighbourhood or for any other reasons to be recorded in writing, he may, with the previous approval of the Mayor-in-Council and by notice in writing, require the owner or person in charge of such ground or place to close the same from such date as may be specified in the notice.

(2) No corpses shall be burnt or buried or otherwise disposed of at the burning or burial ground or place in respect of which a notice has been issued under this section.

466. Power to direct reopening of any place closed for the disposal of the dead:-

(1) If, at any time after personal inspection, the Municipal Commissioner is of the opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of this Chapter or under any other law or authority, has by lapse of time become no longer injurious to health and may without inconvenience or risk of danger be again used for the said purpose, he may submit his opinion as aforesaid with the reasons therefor to the Mayor-in-Council.

(2) Upon receipt of such information, the Mayor-in-Council, after such further enquiry, if any, as it shall deem fit to cause to be made, may direct that such place be reopened for the disposal of the dead.

467. Prohibitions regarding burial within places of worship and exhumation:-

(1) No person shall, without the written permission of the Municipal Commissioner under sub-section (2),--

(a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah, or any place of worship;

(b) make any interment or otherwise dispose of any corpse in any place which is closed under section 465;

(c) build, dig, or cause to be built or dig any grave or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered under this Chapter;

(d) exhume any body from any place for the disposal of the dead except under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force.

(2) The Municipal Commissioner may in special cases grant permission for any of the purposes as aforesaid, subject to such general or special orders as the State Government may from time to time make in this behalf.

(3) Any contravention of the provisions of sub-section (1) shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure, 1973 (2 of 1974).

468. Acts prohibited in connection with disposal of dead:-

No person shall--

(a) retain a corpse on any premises, within burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the community health as the Municipal Commissioner may by public notice, from time to time, think fit to require;

(c) except when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Municipal Commissioner in this behalf;

(d) remove a corpse or part of a corpse, which has been kept or used for purpose of dissection, otherwise, than in a closed receptacle or vehicle;

(e) while conveying a corpse or part of a corpse place or leave the same on or near any street without urgent necessity;

(f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as may cause the surface of the coffin or, when no coffin is used, of the corpse or part of the corpse to be at a depth of less than two metres from the surface of the ground;

(g) build or dig, or cause to be built or dug, any grave or vault in any burial ground at a distance of less than one half of a metre from the margin of any other grave or vault;

(h) build or dig, cause to be built or dug, grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Municipal Commissioner;

(i) without the written permission of the Municipal Commissioner reopen, for the interment of a corpse or of any part of a corpse, a grave or vault already occupied.

469. Disposal of dead animals:-

(1) Whenever any animal in charge of any person dies, the person in charge thereof shall, within twenty-four hours, either--

(a) convey the carcass to a place provided or appointed for this purpose under this Act for the final disposal of carcasses of dead animals, or

(b) give notice of the death to the Municipal Commissioner whereupon he shall cause the carcass to be disposed of.

(2) In respect of the disposal of the carcass of a dead animal under clause (b) of sub-section (1), the Municipal Commissioner may charge such fees as may be determined by the Corporation by regulations.

Chapter XXIX

Restraint of Infection

470. Corporation to take measures for prevention and checking of dangerous diseases:-

It shall be duty of the Corporation to take such measures as are necessary for preventing or checking the spread of any dangerous disease in Kolkata or of any epidemic disease among any animals therein.

471. Obligation to give information of dangerous disease:-

Any person being in charge of, or in attendance, whether as a medical practitioner or otherwise, upon, any person whom he knows or has reason to believe to be suffering from a dangerous disease, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering, shall forthwith give information respecting the existence of such disease to the Municipal Commissioner.

472. Power of Municipal Commissioner to inspect a place and take measures to prevent spread of dangerous disease:-

The Municipal Commissioner may at any time, by day or by night and without notice or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in with any dangerous disease is [1][reported] or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place, and shall forthwith submit a report to the State Government.

Footnote:

1. Substituted by Section 40 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the word "reputed".

473. Power of Municipal Commissioner to remove patient to hospital in certain cases:-

(1) If, in the opinion of the Municipal Commissioner, any person is suffering from a dangerous disease and is without proper lodging or accommodation or is lodged in such manner that he cannot be effectually isolated to prevent the spread of any infection, and the Municipal Commissioner considers that such person should be removed to a hospital or to a place at which patients suffering from such disease are received for medical treatment, he may direct or cause the removal of such person to such hospital or place :

Provided that any cost incurred for such removal or for treatment of such person shall be borne by the Corporation:

Provided further that if such person is a female, she shall not be removed to such hospital or place if there is no accommodation there for females.

(2) Every direction under sub-section (1) shall be obeyed by the person to whom such direction is given.

474. Power of Municipal Commissioner to disinfect building, tank, pool or well:-

(1) If the Municipal Commissioner is of the opinion that the cleansing or disinfection of any building or any part thereof or of any articles in such building or part thereof, which are likely to retain infection, or the renewal of flooring of any building or part thereof or the renewal of plastering of the walls thereof or the disinfection of any tank, pool or well adjacent to a building would tend to prevent or check the spread of any dangerous disease, he may by notice require the owner or occupier to cleanse and disinfect such building or part thereof or article of tank, pool or well or to renew such flooring and, if necessary, such plastering also within such time as may be specified in the notice.

(2) The Municipal Commissioner may, if he thinks fit, cause such cleansing or disinfection to be done by employees of the Corporation and may require the occupier of such building or part thereof to vacate the same for such time as he may specify in a written notice.

(3) The cost of cleansing or disinfecting under sub-section (2) shall be paid --

(a) in the case of any building or any part thereof or any article contained therein, by the occupier of such building or part thereof, and

(b) in the case of any tank, pool or well adjacent to a building, by the person in actual possession of such tank, pool or well or, if there is no such person, by the owner of such tank, pool or well :

Provided that if, in the opinion of the Municipal Commissioner, such occupier or person or owner is, owing to poverty, unable to pay the cost, the Municipal Commissioner may direct the payment thereof to be made from the Municipal Fund.

475. Power of Municipal Commissioner to destroy infectious huts or sheds:-

(1) Where the destruction of any hut or shed is, in the opinion of the Municipal Commissioner, necessary to prevent the spread of any dangerous disease, the Municipal Commissioner, may by notice in writing require the owner to destroy the

hut or shed and the materials thereof within such time as may be specified in the notice.

(2) Where the Municipal Commissioner is satisfied that the destruction of any hut or shed is immediately necessary for the purpose of preventing the spread of any dangerous disease, he may order the owner or occupier of the hut or shed to destroy the same forthwith or may himself cause it to be destroyed after giving not less than six hours' notice to the owner or occupier.

(3) Compensation may be paid by the Municipal Commissioner, in such case as he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed, but, except as so allowed by the Municipal Commissioner, no claim for compensation shall lie for any loss or damage caused by the exercise of any power under this section.

476. Power of Municipal Commissioner to close lodging and eating houses:-

The Municipal Commissioner may, on being satisfied that it is in the public interest so to do, by written order direct that any lodging house or any place where articles of food and drink are sold or prepared, stored or exposed for sale, being a lodging house or place in which a case of dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order :

Provided that such lodging house or place may be declared to be open if the Chief Municipal Health Officer certified that it has been disinfected or is free from infection.

477. Power of Municipal Commissioner to restrict or prohibit sale of food or drink:-

When Kolkata or any part thereof is visited or threatened by an outbreak of any dangerous disease, the Municipal Commissioner may, by public notice, restrict in such manner or prohibit for such period as may be specified in the notice the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of any flesh of any description of animal so specified.

478. Control over wells and tanks, etc:-

(1) If the Municipal Commissioner is of the opinion that the water in any well, tank or other place is likely, if used for drinking, to [1][endanger], or cause the spread of, any disease, he may--

(a) by public notice prohibit the removal or use of such water for drinking; or

(b) by notice in writing require the owner or person having control of such well, tank or place to take such steps as may be directed by the notice to prevent the public from having access to or from using such water; or

(c) take such other steps as he may consider expedient to prevent the outbreak or spread of any such disease.

(2) In the event of Kolkata or any part thereof being visited or threatened by an outbreak of a dangerous disease, the Municipal Commissioner or any person authorised by him in this behalf may, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be, taken for the purposes of drinking and may further take such steps as he may think fit to ensure the purity of the water or to prevent the use of the same for drinking purposes.

Footnote:

1. Substituted by Section 41 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the word "engender".

479. Special measures in case of outbreak of dangerous or epidemic diseases:-

(1) In the event of Kolkata or any part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Municipal Commissioner, if he thinks that the other provisions of this Act and the provisions of any other law for the time being in force are insufficient for the purpose, may, with the previous sanction of the Mayor-in-Council,--

(a) take such special measures, and

(b) by public notice, give such directions to be observed by the public or by any class or section of the public,

as he thinks necessary to prevent the outbreak or spread of the disease :

Provided that where, in the opinion of the Municipal Commissioner, immediate measures are necessary, he may take action without such sanction as aforesaid and, if he does so, shall forthwith report such action to the Mayor-in-Council.

(2) No person shall commit a breach of any direction given under subsection (1) and if he does so, he shall be deemed to have committed an offence under section 188 of the Indian Penal Code (45 of 1860).

480. Disposal of infectious corpses:-

Where any person has died from any dangerous disease, the Municipal Commissioner may, by notice in writing,--

(a) require any person having charge of the corpse to convey the same to mortuary thereafter to be disposed of in accordance with law, or

(b) prohibit the removal of corpses from the place where death occurred except for the purpose of being burnt or buried or being conveyed to a mortuary.

481. Means for disinfection:-

(1) The Municipal Commissioner shall--

(a) provide proper places with necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding and other articles which have been exposed to infection;

(b) cause conveyances, clothing and other articles brought for disinfection to be disinfected either free of charge or on payment of such charges as he may fix.

(2) The Municipal Commissioner may notify places at which articles of clothing, bedding and conveyances or other articles which have been exposed to infection shall be washed and if he does so, no person shall wash any such thing at any place not so notified without having previously disinfected such thing.

(3) The Municipal Commissioner may direct the destruction of any clothing, bedding or other article likely to retain infection and may give such compensation as he thinks fit for any article so destroyed.

482. Special conveyance for carrying of infected persons:-

(1) The Corporation may provide and maintain suitable conveyances for free carriage of persons suffering from any dangerous disease or of dead bodies of persons who have died of any such disease.

(2) When such conveyances have been provided, it shall not be lawful, without the sanction of the Municipal Commissioner, to carry any such person or dead body, or, for any such person to cause himself to be carried, in any other public conveyance.

483. Contamination and disinfection of public conveyance:-

(1) Whoever--

(a) uses a public conveyance while suffering from a dangerous disease, or

(b) uses a public conveyance for the carriage of a person who is suffering from any disease, or

(c) uses a public conveyance for the carriage of the corpse of a person who has died of any such disease, shall be bound to take proper precautions against the communication of the disease to other persons using or who may thereafter use the conveyance and notify such use to the owner, driver or person in charge of the conveyance and report without delay to the Municipal Commissioner the number of the conveyance and the name of the person so notified.

(2) Where any person suffering from or the corpse of any person who has died of a dangerous disease has been carried in public conveyance which ordinarily plies in Kolkata or any part thereof, the driver thereof shall forthwith report the fact to the Municipal Commissioner who shall forthwith cause the conveyance to be disinfected if that has not already been done.

(3) No such conveyance shall be again brought into use until the Chief Municipal Health Officer has granted a certificate stating that it can be used without causing risk of infection.

(4) Whoever fails to make to the Municipal Commissioner any report which he is required to make under this section shall be guilty of an offence.

484. Driver of conveyance not bound to carry persons suffering from dangerous disease:-

Notwithstanding anything contained in any law for the time being in force, no owner, driver or person in charge of a public conveyance shall be bound to convey or to allow to be conveyed in such conveyance in or in the vicinity of Calcutta any person suffering from a dangerous disease or the corpse of any person who has died from such disease unless such person pays or tenders a sum sufficient to cover any loss and expense which would ordinarily be incurred in disinfecting the conveyance.

485. Infected building not to be let without being first disinfected:-

(1) Where any building or part of a building is intended to be let and in which any person has, within six weeks immediately preceding, been suffering from a dangerous disease, the person letting the building or part thereof shall, before doing so, disinfect the same in such manner as the Municipal Commissioner may by general or special notice direct together with all articles therein liable to retain infection.

(2) For the purposes of this section the keeper of a hotel, hostel, lodging house or sarai shall be deemed to let to any person, who is admitted as a guest therein, that part of the building in which such person is permitted to reside.

486. Disposal of infected articles without disinfection:-

(1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he knows or has reason to believe has been exposed to contamination by any dangerous disease.

(2) Nothing in sub-section (1) shall apply to a person who transmits, with proper precautions, any such article for the purpose of having the same disinfected or medically examined.

487. Infected clothes not to be sent to washerman or laundry:-

(1) No person shall send or take to any washerman or to any laundry or to any place set apart for the exercise by washerman of their calling for the purpose of being washed or to any place for the purpose of being cleansed any cloth or other article which he knows to have been exposed to infection from a dangerous disease unless such cloth or article has been disinfected by or to the satisfaction of the Municipal Commissioner.

(2) The occupier of any building in which a person is suffering from a dangerous disease shall, if required by the Municipal Commissioner, furnish to him the address of any washerman to whom or any laundry or other place to which clothes and other articles from the building have been, or will be, sent during the continuance of the disease for the purpose of being washed or cleansed.

488. Prohibition of making or selling of food, etc., or washing of clothes by infected persons:-

No person while suffering from, or in circumstances in which he is likely to spread, any dangerous disease shall--

(a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food or drink or any medicine or drug for human consumption or any article of clothing or bedding for personal use or wear, or

(b) take any part in the business of washing or carrying of clothes.

489. Duty of person suffering from dangerous disease:-

No person shall,--

(a) knowing that he is suffering from a dangerous disease, expose other persons to the risk of infection by his presence or conduct in any public street or public place;

(b) having the care of a person whom he knows to be suffering from a dangerous disease, cause or permit such person to expose other persons to the risk of infection by his presence or conduct in any street or place as aforesaid;

(c) place or cause to be placed in a dustbin or other receptacle for the deposit of rubbish, any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly;

(d) throw or cause to be thrown into any latrine or urinal any matter which he knows to have been exposed to infection from a dangerous disease and which has not been disinfected properly.

Chapter XXX

Environmental Sanitation and Public Safety

490. Duties of Corporation in relation to environmental sanitation:-

Save as otherwise provided in this Act, the Corporation shall take adequate measures for each of the following matters:

(a) inspection, supervision, regulation and control of premises to ensure proper environmental sanitation;

(b) regulation of public bathing and washing;

(c) provision and maintenance of public conveniences;

(d) licensing of animals and control of stray animals;

(e) licensing of butchers and slaughter-houses; and

(f) control of nuisances.

491. Power to inspect premises for sanitary purposes:-

Subject to such regulation as may be made in this behalf, the Municipal Commissioner may cause any building or other premises to be inspected for the purpose of ascertaining the sanitary condition thereof.

492. Power to require cleansing and lime-washing of building to be done:-

If the Municipal Commissioner considers necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building, inspected under section 491, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally or both externally and internally.

493. Power to require improvement of insanitary huts and sheds:-

If the Municipal Commissioner is of the opinion that any hut or shed used either as a dwelling or as a stable or for any other purpose is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage or ventilation or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood or is for any reason likely to endanger the community health or safety, he may, by written notice which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof or the owner of the land on which such hut or shed stands to remove or alter such hut or shed or to take such order for the improvement thereof as the Municipal Commissioner deems necessary.

494. Power to require cleansing of untenanted premises:-

If any land or building, by reason of its being abandoned or unoccupied, becomes a resort of disorderly persons or is in a filthy or unwholesome state or, in the opinion of the Municipal Commissioner, has become a nuisance, the Municipal Commissioner, after due enquiry, may give written notice to the owner or to any person who is known or believed to claim to be the owner and shall affix a copy of such notice on the door of the building or on some other conspicuous part of the land, as the case may be, requiring such owner or person to secure, enclose, cleanse or clear or otherwise abate the nuisance.

495. Power to prohibit use of buildings or rooms in buildings unfit for human habitation:-

(1) If, for any reason, it appears to the Municipal Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying his intention to prohibit further use of the building or the room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier as aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid or if any objection raised by such owner or

occupier within such period appears to the Municipal Commissioner invalid or insufficient, he may, with the previous approval of the Mayor-in-Council and by an order in writing, prohibit further use of such building or room as a dwelling :

Provided that, before such approval is given, the owner or occupier as aforesaid shall have the right of appearing before the Mayor in person or by agent and of showing cause why such approval should not be given.

(2) When any such prohibition as aforesaid has been made, the Municipal Commissioner shall cause notice of such prohibition to be affixed to and the letters "U.H.H." (being the abbreviation of the whole words "Unfit for Human Habitation") to be painted on the door or on some conspicuous part of such building or room, as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Municipal Commissioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.

(3) The Municipal Commissioner shall, in each such case, give written instructions to the owner or occupier as to what modifications or alterations are required to be made for rendering such building or room fit for human habitation.

(4) The Municipal Commissioner may cause any person who uses any building or room in contravention of sub-section (2) to be removed from such building or room by any police officer.

(5) Where the Municipal Commissioner has prohibited the further use of a building or room, as the case may be, as a dwelling, the owner of such building shall, so far as may be necessary to prevent nuisance, keep the building or room clean and wholesome.

496. Power to direct the filling up, etc., of unwholesome wells, pool, etc:-

(1) When--

(a) any well, pool, ditch, tank, pond, pit or marshy or undrained ground, or

(b) any cistern, reservoir or water-butt or any other receptacle of place where water is stored or accumulates, or

(c) any waste or stagnant water, whether within any private enclosure or not,appears to the Municipal Commissioner to be or to be likely to become injurious to health or offensive to the neighbourhood or in any other respect a nuisance, he may, by written notice, require the owner or occupier of the land or building to which such well, pool, ditch, tank, pond, pit, ground, cistern, reservoir, water-butt, receptacle, place or water pertains to cleanse or to fill up the same or drain off or remove water therefrom or to take such other action as the Municipal Commissioner may deem necessary.

(2) No person shall keep or permit to be kept or maintained within any premises or land any collection of stagnant or flowing water which in the opinion of the Municipal Commissioner is, or is likely to become, a breeding place for mosquitoes, unless such collection water is treated in such manner as may effectively prevent the breeding of mosquitoes.

497. Power to regulate excavations:-

(1) The Municipal Commissioner may, by a general order or by an order to affect such portion of Calcutta as may be specified therein, prohibit--

(a) the making of excavations for the purpose of taking earth therefrom or of storing rubbish or offensive matter therein, and

(b) the digging of cesspools, tanks, ponds, wells or pits without his special permission.

(2) No person shall make any excavation referred to in clause (a) of subsection (1) or dig any cesspool, tank, pond, well or pit in contravention of any such order.

(3) If any such excavation, cesspool, tank, pond, well or pit is made or dug after the publication of any such order and without the permission required thereby, the Municipal Commissioner may, by written notice, require the owner or occupier of the land on which the same is made or dug to fill it up with earth or other material approved of by him.

498. Power to require trees, hedges, etc., to be trimmed:-

(1) The Municipal Commissioner may, if he thinks fit, by written notice require the owner or occupier of any land on which trees, shrubs or hedges are growing to keep the same in a trim condition, and remove any such tree, [1][shrub] or hedge, if it poses a danger to public safety or overhangs or obstructs any street causing inconvenience or danger to the passers-by.

(2) If it appears to the Municipal Commissioner that immediate action is necessary for public safety, he may, without notice, cause such tree, shrub or hedge to be removed from the land as aforesaid and the expenses thereof shall be paid by the owner or occupier of such land.

Footnote:

1. Substituted by Section 42 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the word "hrub".

499. Regulation of use of places for public bathing, etc:-

(1) The Municipal Commissioner may from time to time--

(a) set apart portions of any river or other suitable place vesting in the Corporation for use by the public for bathing or for washing animals or for washing or drying cloths;

(b) specify the times at which and the sex of persons by whom any such place may be used;

(c) prohibit, by public notice, the use by the public, for any of the purposes as aforesaid of any place not so set apart;

(d) prohibit by public notice the use by the public of any portion of any river or place not vesting in the Corporation for any such purpose;

(e) regulate by public notice the use by public of any portion of any river or other place vesting in the Corporation and set apart by him for any such purpose; and

(f) regulate by public notice the use by the public of any portion of any river or other place not vesting in the Corporation for any such purpose of or any work or water in any work, assigned and set apart under this Act for any particular purpose.

(2) The Municipal Commissioner may charge such fees as the Corporation may determine by regulation for the use of any place set apart under clause (a) of sub-section (1) by any specified class or classes of persons or by the public generally.

500. Prohibition of bathing, etc., contrary to order:-

Except as otherwise permitted by any order under this Act,--

(1) No person shall--

(a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well or any part of any river or other place vesting in the Corporation;

(b) wash or cause to be washed in or near any such place or work any animal, clothes or other article;

(c) throw, put or cause to enter into the water in any such place or work any animal or other thing;

(d) cause or suffer to drain into or upon any such place or work or to be brought therein to or thereupon anything or do anything whereby the water shall be in any degree fouled or corrupted;

(e) dry clothes in or upon any such place;

(2) No person shall--

(a) in contravention of any prohibition made by the Municipal Commissioner under section 499 use any portion of any river or any place not vesting in the Corporation for any purpose mentioned in that section;

(b) contravene provisions of any notice given by the Municipal Commissioner under section 499 for the use of any such portion of any river or any place for any such purpose.

501. Prohibition of corruption of water by steeping therein animal or other matter, etc:-

No person shall--

(a) steep in any tank, reservoir, stream, well or ditch any animal, vegetable of mineral matter likely to render the water thereof offensive or dangerous to health;

(b) whilst suffering from any contagious, infections or loathsome disease bathe on, in or near any bathing-platform, lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well.

502. Prohibition of corruption of water by chemicals, etc:-

No person engaged in any trade or manufacture, shall,--

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, dust or other place for water belonging to the Corporation or any drain or pipe communicating therewith any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(b) wilfully do any act connected with any such trade or manufacture as aforesaid whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

503. Prohibition against washing by washermen:-

(1) The Municipal Commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their callings except at such places as he may appoint for the purpose.

(2) When any such prohibition has been made, no person who is by calling a washerman shall in contravention of such prohibition wash clothes except for himself or for personal and family service or for hire on or within the premises of the hirer at any place other than a place appointed under sub-section (1).

504. Public latrines, urinals, etc:-

(1) The Municipal Commissioner shall provide and maintain in proper and convenient places and sufficient number of public latrines and urinals.

(2) Such public latrines and urinals shall be so constructed as to provide separate compartments for each sex and not to be a nuisance and shall be provided with all necessary conservancy establishments and shall regularly be cleansed and kept in proper order.

505. Construction of latrines and urinals:-

(1) It shall not be lawful to construct any latrine or urinal for any premises except with the written permission of Municipal Commissioner and in accordance with such terms not inconsistent with the provisions of this Act or any rules or regulations made thereunder as he may specify.

(2) In specifying any such term, the Municipal Commissioner may determine in each case--

(a) whether the premises shall be served by the service system or by the flush system or partly by the one and partly by the other; and

(b) what shall be the site or position of each latrine or urinal.

(3) If any latrine or urinal is constructed on any premises in contravention of the foregoing provisions, the Municipal Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, alter, reconstruct, close or demolish such latrine or urinal and the expenditure incurred by the Municipal Commissioner in so doing shall be recoverable from the owner or occupier as an arrear of tax under this Act.

506. Latrines and urinals, etc., in new buildings:-

(1) It shall not be lawful to erect any building or execute any work on or in relation to the building as aforesaid without providing such latrine and urinal accommodation

and accommodation for bathing or washing clothes and utensils on each floor of the building as the Municipal Commissioner may specify.

(2) In specifying any such accommodation, the Municipal Commissioner may determine in each case--

(a) whether such building shall be served by the service system or by the flush system or partly by the one and partly by the other;

(b) what shall be the site or position of each latrine, urinal, bathing or washing place or site and the number (on each floor) and their clear internal dimensions thereof.

(3) It shall not be lawful to erect a residential building composed of separate tenements on the flat system without providing at least one latrine and one bathing or washing place for servants on the ground floor of such building or at any other suitable place in the same premises.

(4) For the purposes of this section, the expression "to erect a building" shall have the same meaning as in section 390.

507. Latrines and urinals for labourers, etc:-

Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed latrines and urinals of such description and number as the Municipal Commissioner may by notice require and within such time as may be fixed in the notice and shall keep the same in clean and proper order.

508. Provision of latrines and urinals for markets, etc:-

The Municipal Commissioner may by notice require any owner or manager of a market, theatre, railway station, transport terminal and any other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex latrines and urinals of such description and number and in such position as may be specified in the notice and to keep the same in clean and proper order.

509. Other provisions as to private latrines:-

The Municipal Commissioner may, by written notice,--

(a) require the owner or other person having the control of any private latrine or urinal, which in the opinion of the Municipal Commissioner constitutes a nuisance, to remove the latrine or the urinal; or

(b) require any person having control whether as owner, lessee or occupier of any land or building--

(i) to have any latrine provided for the same shut out by a sufficient roof, wall or fence from the view of persons passing by or dwelling in the neighbourhood; or

(ii) to cleanse in such manner as the Municipal Commissioner may specify in the notice any latrine or urinal belonging to such land or buildings; or

(c) where any premises intended or used for human habitation are without any latrine or urinal accommodation or are provided with insufficient latrine or urinal accommodation, require the owner, lessee or occupier of such premises to provide such latrine or urinal accommodation or such additional latrine or urinal accommodation as he may specify by causing, if necessary, any part of such premises to be vacated and demolished in accordance with the rules or the regulations made in this behalf.

510. Prevention of adulteration of food, drugs and cosmetics:-

Subject to the provisions of the Prevention of Food Adulteration Act, 1954 (37 of 1954), and the Drugs and Cosmetics Act, 1940 (23 of 1940), as amended by the Prevention of Adulteration of Food, Drugs and Cosmetics (West Bengal Amendment) Act, 1973 (West Ben. Act XLII of 1973) and the notification by the State Government in this behalf, the Corporation shall function as an Authority under the said Acts.

511. Municipal Commissioner to provide for inspection of animals, etc., exposed for sale:-

(1) The Municipal Commissioner shall make provision for inspection of all animals which are intended for human consumption and are in the course of transit or are exposed or hawked about or deposited in or brought to any place for sale or preparation for sale, as the case may be.

(2) If, as a result of any inspection under sub-section (1), any prosecution is instituted under this Chapter, the burden of proving that any such animal was not exposed or hawked about or deposited in or brought to any place for sale or preparation for sale or was not intended for human consumption shall rest with the person prosecuted.

512. Control of pollution:-

Subject to the provisions of any other law in force for the time being and the notification by the State Government in this behalf, the Corporation may function as an Authority for the enforcement of such law as relates to air, water or noise pollution.

513. Stacking or collecting inflammable materials:-

The Municipal Commissioner may, by public notice prohibit in any case where such prohibition appears to him to be necessary for the prevention of danger to life or property the stacking or collecting of wood, dry grass, straw or other inflammable materials or the placing of mats or thatched huts or the lighting of fires in any place which may be specified in the notice.

514. Care of naked lights:-

No person shall set a naked light on or near any building in any public street or other public place in such manner as may cause danger of fire :

Provided that nothing in this section shall be deemed to prohibit the use of lights for the purposes of illumination on the occasion of any festival or public or private entertainment.

515. Discharging fireworks, fire-arms etc:-

No one shall discharge any fire-arm or let any fire works or fire-balloons or engage in any game in such manner as may cause or likely to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property.

516. Prohibition of nuisances:-

(1) No person shall--

(a) in any public street or public place--

(i) ease himself; or

(ii) carry meat exposed to public view; or

(iii) picket animals or polled carts; or

(iv) being engaged in the removal of rubbish, filth or other polluted and obnoxious matter wilfully or negligently permit any portion thereof to spill or fall or neglect to sweep away or otherwise effectually to remove any portion thereof which may spill or fall in such street or place; or

(v) without proper authority affix upon any building, monument, post, wall, fence, tree or other thing any bill, notice or other document; or

(vi) without proper authority deface or write upon or otherwise mark any building, monument, post, wall, fence, tree or other thing; or

(vii) without proper authority remove, destroy, deface or otherwise obliterate any notice or other document put up or exhibited under this Act or the rules or the regulations made thereunder; or

(viii) without proper authority displace, damage, or make any alteration in or otherwise interfere with, the pavement, gutter, storm water-drain, flags or other materials of any such street or any lamp bracket, direction-post, hydrant or water-pipe maintained by the Corporation in any such street or place or extinguish a public light; or

(ix) carry rubbish, filth or other polluted and obnoxious matter at any hour prohibited by the Municipal Commissioner by public notice or in any pattern of cart or receptacle which has not been approved for the purpose by the Municipal Commissioner or fail to close such cart or receptacle when in use; or

(b) carry rubbish, filth or other polluted and obnoxious matter along any route in contravention of any prohibition made in this behalf by the Municipal Commissioner by public notice; or

(c) deposit or cause or permit to be deposited earth or materials of any description or any rubbish or polluted and obnoxious matter in any place not intended for the purpose in any public street or public place or waste or unoccupied land under the management of the Corporation; or

(d) make any grave or burn or bury any corpse at any place not set apart for such purpose; or

(e) at any time or place at which the same has been prohibited by the Municipal Commissioner by public or special notice beat a drum or tom-tom or blow a horn or trumpet or beat any utensil or sound any brass or other instrument or play any music; or

(f) disturb the public peace or order by singing, screaming or shouting or by using any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker; or

(g) let loose any animal so as to cause, or negligently allow any animal to cause, injury, danger, alarm or annoyance to any person; or

(h) save with the written permission of the Municipal Commissioner and in such manner as he may authorise store or use night-soil, cow-dung, manure, rubbish or any other substance emitting an offensive smell; or

(i) use of permit to be used as a latrine any place not intended for such purpose.

(2) Every person shall take all reasonable means to prevent every child under the age of twelve years being in his charge from easing himself in any public street or public place.

(3) The owner or keeper of any animal shall not allow it straying in a public street or public place without a keeper.

(4) Any animal found straying as aforesaid may be removed by an officer or employee of the Corporation or by any police officer to a pound.

517. Power to require removal or abatement of nuisance:-

Where the Municipal Commissioner is of the opinion that there is a nuisance on any land or building, he may, by notice in writing, require the person by whose act, default or sufferance the nuisance arises or continues or the owner, lessee or occupier of the land or building or any one or more of these persons to remove or abate the nuisance by taking such measures in such manner and within such period as may be specified in the notice.

[1]**[517A. Power to remove nuisance:-**

Notwithstanding anything contained in section 517, if the Mayor-in-Council is of the opinion that immediate removal of any nuisance continuing on any land or building in contravention of the provisions of this Act is necessary, it may, for reasons to be recorded in writing, cause such nuisance to be removed forthwith.]

Footnote:

1. Inserted by Section 22 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

518. Power to require buildings, wells, etc., to be rendered safe:-

Where any building, or wall, or anything affixed thereto, or any well, tank, reservoir, pool, depression, or excavation, or any bank or tree, is, in the opinion of the Municipal Commissioner, in a ruinous state for want of sufficient repairs, protection

or enclosure, and is a nuisance or is dangerous to persons passing by or dwelling or working in the neighbourhood, the Municipal Commissioner may by notice in writing require the owner or part-owner or person claiming to be the owner or part-owner thereof or failing any of them the occupier thereof to remove the same or may require him to repair, protect or enclose the same in such manner as he thinks necessary; and if the danger is, in the opinion of the Municipal Commissioner, imminent, he shall forthwith take such steps as he thinks necessary to avert the same.

Chapter XXXI

Animals and Birds

519. Premises not to be used for keeping animals, birds, etc., without licence:-

No person shall use or permit to be used any land or premises for keeping horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof without or otherwise than in conformity with the terms of a licence granted by the Municipal Commissioner on payment of such fees as may be determined by the Corporation by regulations:

Provided that the fees shall not exceed,--

(a) in the case of a race horse, [1][eight hundred] rupees annually;

(b) in the case of any animal other than a race horse or birds one hundred rupees annually.

Footnote:

1. Substituted by Section 20 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989, for the words "four hundred".

520. Seizure of certain animals or birds:-

(1) If any horses, cattle or other four-footed animals or birds are kept on any land or premises in contravention of the provisions of section 519 or are found roaming or tethered on any street or public place or on any land belonging to the Corporation, the Municipal Commissioner or any officer or employee of the Corporation authorised by him in this behalf may seize such horses, cattle or other four-footed animals or birds and may cause them to be impounded or removed to and maintained in such place as may be appointed by the State Government or the Corporation for this purpose; and the cost of such seizure and impounding or removing and maintenance as aforesaid shall be recoverable by sale of such animals or birds by auction :

Provided that any person claiming such animals or birds may, within seven days of such seizure, get them released on his paying all the expenses incurred by the Corporation in seizing, impounding or removing, or maintaining such animals or birds and on his producing such evidence in support of his claim as the Municipal Commissioner may think sufficient.

(2) The proceeds of sale of any animal or bird by auction under subsection (1) shall be applied in meeting the expenses incurred on account of seizure, impounding or removal, and maintenance of such animal or bird and of holding such sale; and the surplus, if any, shall be held in deposit by the Municipal Commissioner and shall, if not claimed by the owner of such animal or bird within a period of ninety days from the date of sale, be credited to the Municipal Fund.

521. Registration and control of dogs:-

The Corporation may by regulations made in this behalf--

(a) require the registration to be done of all dogs kept within Kolkata;

(b) require that every registered dog shall wear a collar to which shall be attached a metal token to be issued by the Municipal Commissioner, and fix the fee payable for the issue thereof;

(c) require that any dog which has not been registered or which is not wearing such token shall, if found in any public place, be detained at a place set apart for the purpose; and

(d) fix the fee which shall be charged for such detention, and provide that any such dog shall be liable to be destroyed or otherwise disposed of unless it is claimed and the fee in respect thereof is paid within one week.

522. Power to destroy dogs or animals:-

The Municipal Commissioner may--

(a) cause to be destroyed, or to be confined for such period as he may direct, any dog or other animal which is, or is reasonably suspected to be, suffering from rabies, or which has been bitten by any dog or other animal suffering or suspected to be suffering from rabies;

(b) by public notice direct that after such date as may be specified in the notice, dogs which are without collars or without marks distinguishing them as private property and are found straying on the streets or beyond the enclosures of the houses of their owners, if any, may be destroyed and cause them to be destroyed accordingly.

523. Power to stop nuisances from animals:-

(1) Whenever the Municipal Commissioner is of the opinion that the user of any premises for keeping any animal or bird thereon is causing a nuisance and that such nuisance should immediately be stopped, the Municipal Commissioner may, by order, require the owner or the occupier of such premises to stop such nuisance within such period as may be specified in the order.

(2) If, at the end of such period, the nuisance is not stopped, the Municipal Commissioner or any other officer authorised by him in this behalf may cause such use of such premises stopped forthwith by posting police pickets or by such other means as he thinks fit at the cost of such owner or occupier.

(3) If, such owner or occupier does not deposit the cost as aforesaid within such time as may be specified by the Municipal Commissioner or the officer authorised by him in this behalf or if the nuisance is not abated, the nuisance shall be stopped by the Municipal Commissioner or by the officer authorised by him in this behalf and the cost may be realised by seizure and auction of the articles or properties found in the premises.

Chapter XXXII

Improvement

524. Removal of congested buildings:-

(1) Where it appears to the Municipal Commissioner that any block of buildings is in an unhealthy condition by reason of the manner in which the buildings are crowded together or the narrowness, closeness, or faulty arrangement of streets or the want of proper drainage and ventilation or the impracticability of cleansing the buildings or any other similar cause, he shall cause the block to be inspected by the Chief Municipal Health Officer and the Municipal Engineer-in-Chief who shall make a report in writing to him regarding the sanitary condition of the block.

(2) If, upon receipt of such report, the Municipal Commissioner considers that the sanitary condition of the block is likely to cause risk of disease to the inhabitants of the buildings or the neighbourhood or otherwise endanger the community health, he shall with the approval of the Mayor-in-Council, select the buildings which in his opinion should wholly or in part be removed in order to abate the unhealthy condition of the block, and may thereupon by notice in writing require the owners of such buildings to remove them within such period as may be specified in the notice :

Provided that before issuing the notice a reasonable opportunity should be afforded to the owner to show cause why the buildings should not be removed:

Provided further that Municipal Commissioner shall make compensation to the owner for any building so removed which may have been erected under proper authority.

(3) If a notice under sub-section (2) requiring any owner of a building to remove it is not complied with, then, after the expiration of the time specified in the notice, the Municipal Commissioner may himself remove the building required to be removed by the notice and recover from the owner of the building the expenses of such removal as an arrear of tax under this Act.

525. Power to require improvement of buildings unfit for human habitation:-

(1) Where the Municipal Commissioner upon information in his possession is satisfied that any building is in any respect unfit for human habitation, he may, unless in his opinion the building is not capable at a reasonable expense of being rendered fit, serve upon the owner of the building a notice requiring him within such time not being less than thirty days as may be specified in the notice to execute the works of improvement specified therein and stating that in his opinion those works will render the building fit for human habitation.

(2) In addition to serving a notice under this section on the owner, the Municipal Commissioner may serve a copy of the notice on any other person having an interest in the building, whether as a lessee, mortgagee or otherwise.

(3) In determining whether a building can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the work necessary to render it so fit and the estimated value which the building will have when the works are completed.

526. Enforcement of notice requiring execution of works of improvements:-

If a notice under section 525 requiring the owner of the building to execute works of improvement is not complied with, then, after the expiration of the time specified in the notice, the Municipal Commissioner may himself do the works required to be done by the notice and recover the expenses incurred in connection therewith as an arrear of tax under this Act.

527. Power to order demolition of buildings unfit for human habitation:-

(1) Where the Municipal Commissioner upon any information in his possession is satisfied that any building is unfit for human habitation and is not capable at a reasonable expense of being rendered fit, he shall serve upon the owner of the building and upon any other person having an interest in the building whether as a lessee, mortgagee or otherwise, a notice to show cause within such time as may be specified in the notice as to why an order of demolition of the building should not be made.

(2) If any of the persons upon whom a notice has been served under subsection (1) appears in pursuance thereof before the Municipal Commissioner and gives an undertaking to him that such person shall, within a period specified by the Municipal Commissioner, execute such works improvement in relation to the building as will, in the opinion of the Municipal Commissioner, render the building fit for human habitation or that the building shall not be used for human habitation until the Municipal Commissioner, on being satisfied that it has been rendered fit for that purpose, cancels the undertaking, the Municipal Commissioner shall not make an order of demolition of the building.

(3) If no such undertaking as is referred to in sub-section (2) is given, or if in a case where any such undertaking has been given, any work of improvement to which the undertaking relates is not carried out within the specified period or the building is used in contravention of the terms of the undertaking, the Municipal Commissioner shall forthwith make an order of demolition of the building requiring that the building shall be vacated within a period to be specified in the order not being less than thirty days from the date of the order and demolished within six weeks after the expiration of that period.

(4) Where an order of demolition of a building under this section has been made, owner of the building or any other person having an interest therein shall demolish that building within the time specified in that behalf in the order, and if the building is not demolished within that time, the Municipal Commissioner shall demolish the building and sell the materials thereof.

(5) Any expenses incurred by the Municipal Commissioner under sub-section (4), which cannot be met out of the proceeds of the sale of materials of the building, shall be recovered from the owner of the building or any other person having an interest therein as an arrears of tax under this Act.

(6) In determining, for the purposes of this section and section 525 whether a building is unfit for human habitation, regard shall be had to its condition in respect of the following matters, that is to say,--

(a) repair;

(b) stability;

(c) freedom from damp;

(d) natural light and air;

(e) water supply;

(f) drainage and sanitary conveniences;

(g) facilities for storage, preparation and cooking of food and for the disposal of rubbish, filth and other polluted matter;

and the building shall be deemed to be unfit as aforesaid if and only if it is so defective in one or more of the matters as aforesaid that it is not reasonably suitable for occupation in that condition.

(7) For the purposes of this section and section 525 and section 526, "work of improvement" in relation to a building shall include any one or more of the following works, namely;--

(a) necessary repairs;

(b) structural alterations;

(c) provision of light points and water taps;

(d) construction of drains, open or covered;

(e) provision of latrines and urinals;

(f) provision of additional or improved fixtures and fittings;

(g) opening up or paving of courtyard;

(h) removal of rubbish, filth and other polluted and obnoxious matter;

(i) any other work including the demolition of any building or any part thereof which, in the opinion of the Municipal Commissioner, is necessary for executing any of the works specified above.

(8) The provisions of this section and section 524, section 525 and section 526 shall not apply in relation to any building in any area which has been declared to be a slum area under the West Bengal Slum Areas (Improvement and Clearance) Act, 1972 (West Ben. Act X of 1972).

528. Improvement Scheme:-

Where the Municipal Commissioner upon information in his possession is satisfied as respects any area--

(a) that the buildings in that area are, by reason of disrepair or sanitary defects, unfit for human habitation or are, by reason of their bad arrangement or the narrowness or bad arrangement of the streets or the want of light, air, ventilation or proper conveniences, dangerous or injurious to the health of the inhabitants of the area, and

(b) that the most satisfactory method of dealing with the conditions in the area is the re-arrangement and reconstruction of the streets and buildings in the area in accordance with an improvement scheme.

he may frame an improvement scheme in respect of the area in accordance with the regulations made in this behalf.

529. Matters to be provided in an improvement scheme:-

(1) An improvement scheme may provide for all or any of the following matters, namely :

(a) the acquisition by agreement or under the Land Acquisition Act, 1894 (I of 1894) of any property necessary for or affected by the execution of the scheme;

(b) the relaying out of any land comprised in the scheme;

(c) the redistribution of sites belonging to owners of property comprised in the scheme;

(d) the closure or demolition of buildings or portions of buildings unfit for human habitation;

(e) the demolition of obstructive buildings or portions thereof;

(f) the construction and reconstruction of buildings;

(g) the construction and alteration of streets;

(h) the water supply, street lighting, drainage and other conveniences;

(i) the provision of open spaces for the benefit of any area comprised in the scheme;

(j) the sanitary arrangements required for the area comprised in the scheme;

(k) the provision of accommodation for any class of inhabitants;

(l) the provision of facilities for communication;

(m) the sale, letting or exchange of any property comprised in the scheme;

(n) any other matter for which, in the opinion of the Municipal Commissioner, it is expedient to make provision with a view to improving the area to which the scheme relates.

(2) Where any land is designated in an improvement scheme as subject to acquisition or is required by the scheme to be kept as an open space, then, if at the expiration of ten years from the date of sanction of the scheme by the State Government under sub-section (2) of section 530 the land is not acquired by the Municipal Commissioner, the owner of the land may serve on the Municipal Commissioner a notice requiring his interest in the land to be so acquired.

(3) If the Municipal Commissioner fails to acquire the land within a period of six months from the receipt of the notice, the improvement scheme shall have effect after the expiration of the said period as if the land were not designated as subject to acquisition by the Municipal Commissioner or were not required to be kept as an open space.

530. Submission of improvement scheme to the Corporation for approval and to the State Government for sanction:-

(1) Every improvement scheme shall, as soon as may be after it has been framed, be submitted by the Municipal Commissioner for approval to the Corporation, and the Corporation may either approve the scheme without modifications or with such modifications as it may consider necessary or reject the scheme with directions to the Municipal Commissioner to have a fresh scheme framed according to such directions.

(2) No improvement scheme approved by the Corporation under sub-section (1) shall be valid unless it has been sanctioned by the State Government.

531. Re-housing scheme:-

The Municipal Commissioner while framing an improvement scheme under this Chapter for any area may also frame a scheme (hereinafter in this Act referred to as the re-housing scheme) for the construction, maintenance and management of such and so many buildings as he may consider necessary for providing accommodation for persons who are likely to be displaced by the execution of the improvement scheme.

532. Improvement scheme and re-housing scheme to comply with the master plan and zonal development plan:-

No improvement scheme or re-housing scheme framed under this Chapter after a master plan for Kolkata or a zonal development plan for any part thereof has been prepared in accordance with the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979) shall be valid unless such scheme is in conformity with the provisions of the master plan or the zonal development plan.

533. Power to acquire land and building for improvement:-

Subject to the provisions of this Act, the Corporation may acquire any land or building, whether situated in Kolkata or not, for the purpose of--

(i) opening out any congested or unhealthy area or otherwise improving any portion of Kolkata; or

(ii) erecting sanitary dwellings for working and poorer people; or

(iii) executing any development plan or scheme for the benefit of persons residing in Kolkata.

534. Execution of an improvement scheme:-

Any improvement scheme framed under this Chapter may be executed by the Corporation itself or by person or authority as the Mayor-in-Council may select and on such terms and conditions as it may specify.

Chapter XXXIII

Acquisition and Disposal of Property

535. Acquisition of property:-

The Corporation shall, for the purposes of this Act, have power to acquire and hold movable and immovable property or any interest therein, whether within or outside the limits of Kolkata.

536. Acquisition of immovable property by agreement:-

(1) Whenever it is provided in this Act that the Municipal Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Municipal Commissioner shall acquire, any immovable property, such property may be acquired by the Municipal Commissioner on behalf of the Corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as may be approved by the Mayor-in-Council either generally for any class of cases or specially in any particular case.

(2) Whenever, under any provision of this Act, the Municipal Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms at such rates or prices or at rates or prices not exceeding such maxima as may be approved by the Mayor-in-Council either generally or in particular as aforesaid.

(3) The Municipal Commissioner may on behalf of the Corporation acquire by agreement any easement affecting any immovable property vested in the Corporation and the provisions of sub-sections (1) and (2) shall apply to such acquisition.

537. Procedure when immovable property cannot be acquired by agreement:-

(1) Whenever the Municipal Commissioner is unable under section 536 to acquire by agreement any immovable property or any easement affecting any immovable property vested in the Corporation or whenever any immovable property or any easement affecting any immovable property vested in the Corporation is required for the purpose of this Act, the State Government may, in its discretion, upon application of the Municipal Commissioner, made with the approval of the Mayor-in-Council and subject to other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation, as if such property or easement were land needed for public purpose within the meaning of the Land Acquisition Act, 1894 (I of 1894).

(2) Whenever in application is made under sub-section (1) for the acquisition of land for the purpose of providing a new street or for widening or improving an existing street, it shall be lawful for the Municipal Commissioner to apply for the acquisition of such additional land immediately adjoining the land to be accupied by such new street or existing street as is required for the sites of buildings to be erected on either side of the street, and such additional land shall be deemed to be required for the purposes of this Act.

(3) For the purpose of acquisition of immovable property under this section, the Land Acquisition Act, 1894, shall be subject to the amendment that the market-value of any land or building to be acquired shall be deemed, for the purpose of sub-section (1) of section 23 of that Act, to be the market-value determined according to the disposition of such immovable property at the date of declaration under sub-section (1) of section 4 thereof in respect of such immovable property.

(4) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Municipal Commissioner and thereupon such property shall vest in the Corporation.

538. Power to hire or take on lease immovable property:-

The Municipal Commissioner may pay rent for or take on lease on such terms and rates as the Mayor-in-Council may approve from time to time any land or building, whether situated in Kolkata or not which may, in his opinion, be needed for carrying out any of the purposes of this Act.

539. Disposal of property:-

With respect to the disposal of property belonging to the Corporation, the following provisions shall have effect, namely : --

(a) the Municipal Commissioner may, in his discretion, dispose of, by sale or otherwise, any movable property belonging to the Corporation not exceeding in value in each instance five thousand rupees or such higher amount as the Corporation may determine by regulations, or let out or hire any movable property or grant a lease of any immovable property belonging to the Corporation

including any right of gathering and taking fruits and the like for a period not exceeding one year at a time;

(b) the Municipal Commissioner may, with the sanction of the Mayor-in-Council,--

(i) dispose of, by sale or otherwise, any movable property belonging to the Corporation the value of which does not exceed ten thousand rupees; or

(ii) grant a lease (other than a lease in perpetuity) of any immovable property belonging to the Corporation; or

(iii) sell or grant a lease in perpetuity of any immovable property belonging to the Corporation the value of which does not exceed fifty thousand rupees or the annual rent of which does not exceed three thousand rupees;

(c) in cases not covered by clause (a) or clause (b), the Municipal Commissioner may, with the sanction of the Corporation, lease, sell, let out on hire or otherwise transfer any property, movable or immovable, belonging to the Corporation;

(d) the consideration for which any immovable property may be sold, leased or otherwise transferred shall not be less than the value at which such immovable property could be sold, leased or otherwise transferred in normal and fair competition;

(e) the sanction of the Mayor-in-Council or of the Corporation under the aforesaid clauses may be given either generally for any class of cases or specially for any particular case;

(f) subject to the conditions for limitations specified elsewhere in other provisions of, this Act, the foregoing provisions of this section shall apply to every disposal of property belonging to the Corporation made under or for any purpose of this Act;

(g) every case of disposal of property under clause (a) and clause (b) shall be reported by the Municipal Commissioner without delay to the Mayor-in-Council and the Corporation respectively.

540. Inventory of the properties of the Corporation:-

(1) The Municipal Commissioner shall maintain an inventory of the movable and immovable properties of the Corporation in such form and in such manner as may be determined by the Corporation by regulations.

(2) In the case of the inventory of immovable properties, the Municipal Commissioner shall prepare an annual statement of the revisions therein, and shall place such statement before the Mayor-in-Council.

(3) The Mayor-in-Council shall place statement under sub-section (2) along with its comments, if any, before the Corporation along with the budget estimate.

(4) The statement under sub-section (2) shall be included as an appendix in the Annual Report of the Corporation prepared under section 41.

Chapter XXXIV

Commercial Projects

541. Power to undertake commercial projects:-

Subject to the provisions of this Act, the Corporation may from time to time, incur expenditure and undertake works for the framing and execution of commercial projects including market development schemes in relation to lands and buildings vested in or in the possession of the Corporation.

542. Matters to be provided for by schemes for commercial projects:-

Subject to the provisions of this Act and the West Bengal Town and Country (Planning and Development) Act, 1979 (West Ben. Act XIII of 1979), a scheme for a commercial project may provide for all or any of the following matters :

(a) the acquisition by purchase, exchange or otherwise of any land or building necessary for the scheme;

(b) the laying out or relaying out of land;

(c) the raising, lowering or levelling of land;

(d) the laying out and constructing roads in the area;

(e) the construction and reconstruction of buildings;

(f) the sale, letting out, leasing or exchange of any property included in the scheme;

(g) the management of the scheme by the Corporation.

Chapter: XXXV

Procedure

543. Signature, conditions, duration, suspension, revocation, etc., of licences and written permissions:-

(1) Whenever it is provided in this Act or the rules or the regulations made thereunder that a licence or a written permission shall be signed by the Municipal Commissioner or by any other officer empowered to grant the same under this Act or the rules or the regulations made thereunder or by any other officer of the Corporation authorised by the Municipal Commissioner or officer empowered as aforesaid in this behalf shall specify in addition to any other matter required to be specified under any other provision of this Act or the rules or the regulations made thereunder--

(a) the date of the grant thereof;

(b) the purpose and the period (if any) for which it is granted;

(c) restrictions or conditions, if any, subject to which it is granted;

(d) the name and address of the person to whom it is granted; and

(e) the fee, if any, paid for the licence or written permission.

(2) Except as otherwise provided in the Act or the rules or the regulations made thereunder, for every such licence or written permission a fee may be charged at such rate as may from time to time be fixed by the Municipal Commissioner with the sanction of the Mayor-in-Council, and such fee shall be payable by the person to whom the licence or the written permission is granted.

(3) Save as otherwise provided in this Act or the rules or the regulations made thereunder any licence or written permission granted under this Act or any rules or regulations made thereunder may at any time be suspended or revoked by the Municipal Commissioner or the officer by whom it was granted, if he is satisfied that it has been secured by the grantee through misrepresentation or fraud, or if any of its restrictions or conditions has been infringed or evaded by the grantee, or if the grantee has been convicted for the contravention of any of the provisions of this Act or the rules or the regulations made thereunder relating to any matter for which the licence or permission was granted :

Provided that--

(a) before making any order or suspension or revocation, reasonable opportunity shall be accorded to the grantee of the licence or the written permission to show cause why it should not be suspended or revoked;

(b) every such order shall contain a brief statement of the reasons for the suspension or the revocation of the licence or the written permission.

(4) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the grantee shall, for the purposes of this Act or the rules or the regulations made thereunder, be deemed to be without a licence or written permission until such time as the order suspending or revoking the licence or the written permission is rescinded or until the licence or the written permission is renewed.

(5) Every grantee of any licence or written permission granted under this Act shall, at all reasonable times while such licence or written permission remains in force, if so required by the Municipal Commissioner or by the other officers by whom it was granted, produce such licence or written permission.

544. Powers of entry and inspection:-

The Municipal Commissioner or any other officer or employee of the Corporation authorised by the Municipal Commissioner or empowered by or under this Act in this behalf may enter into or upon any land or building with or without assistants or workmen--

(a) for the purpose of ascertaining whether there is or has been in connection with the land or the building any contravention of the provisions of this Act or the rules or the regulations made thereunder;

(b) for the purpose of ascertaining whether or not circumstances exist which render it necessary for or require the Municipal Commissioner or any other officer or employee of the Corporation authorised or empowered in this behalf to take any action or execute any work under this Act or the rules or the regulations made thereunder;

(c) for the purpose of taking any action or executing any work authorised or required by this Act or the rules or the regulations made thereunder;

(d) to make such inquiry, inspection, examination, measurement, valuation or survey as may be authorised or required by or under this Act or necessary for the proper administration of this Act;

(e) generally for the purpose of efficient discharge of the functions by any of the authorities under this Act or the rules or the regulations made thereunder.

545. Power to enter land, adjoining land in relation to any work:-

(1) The Municipal Commissioner or any person authorised by him or empowered by or under this Act, in this behalf may enter upon any land within one hundred meters of any work authorised by or under this Act with or without assistants or workmen for the purpose of depositing thereon any soil, gravel, stone or other materials or for

obtaining access to such work or for any other purpose connected with the execution of the same.

(2) Every person so authorised shall, before entering upon any such land state the purpose thereof, and shall if so required by the owner or the occupier thereof, fence off so much of the land as may be required for such purpose.

(3) Every person as aforesaid shall, in exercising any power conferred by this section, do as little damage as may be, and compensation shall be payable by the Corporation in accordance with the rules or the regulations made under this Act in this behalf to the owner or the occupier of such land and or to both for any such damage, whether permanent or temporary.

546. Breaking into building:-

(1) It shall be lawful for the Municipal Commissioner, or any person authorised by him or empowered by or under this Act, in this behalf [1][to make any entry into, and to cause to be vacated, any place] and to open or cause to be opened any door, gate or other barrier,--

(a) if he considers the opening thereof necessary for the purpose of such entry; and

(b) if the owner or the occupier is absent or being present refuses to open such door, gate or barrier [2][or to vacate such place].

(2) Before making any entry into any such place or opening or causing to be opened any such door, gate or other barrier, the Municipal Commissioner or the person authorised or empowered in this behalf shall call upon two or more respectable inhabitants of the locality in which the place to be entered into is situate to witness the entry or the opening and may issue an order in writing to them or any of them so to do.

(3) A report shall be made to the Mayor-in-Council as soon as may be after any entry has been made into any place or any door, gate or other barrier has been opened under this section.

Footnote:

1. Substituted by Section 23 (a) of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, for "to make any entry into any place".

2. Inserted by Section 23(b), of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

547. Time of making entry:-

Save as otherwise provided in this Act or the rules or the regulations made thereunder no entry authorised by or under this Act shall be made except between the hours of sunrise and sunset:

Provided that if the Municipal Commissioner is satisfied that the erection of any building or the execution of any work has been commenced or is being carried on in contravention of the provisions of this Act in any premises between the period of sunset and sunrise, he may, if he considers it necessary so to do, enter such premises during such period accompanied by a police officer to make an inspection thereof and take such action as may be necessary under this Act.

548. Consent ordinarily to be obtained:-

Save as otherwise provided in this Act or the rules or the regulations made thereunder, no land or building shall be entered without the consent of the occupier, or if there is no occupier, of the owner thereof and no such entry shall be made without giving such owner or occupier, as the case may be, not less than twenty-four hours' written notice of the intention to make such entry :

Provided that no such notice shall be necessary, if the land or the building to be entered is a factory or workshop or trade premises or place used for any of the purpose specified in section 435 or stable for horses or shed for cattle or latrine or urinal or work under construction, or for the purpose of ascertaining whether any animal intended for human food is slaughtered on such land or in such building in contravention of this Act or the rules or the regulations made thereunder.

549. Regard to be had to social or religious usages:-

When any place used as a human dwelling is entered under this Act, due regard shall be paid to the social and religious customs and usages of the occupants of the place entered, and no apartment in the actual occupancy of the female shall be entered or broken open until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

550. Prohibition of obstruction or molestation in execution of work:-

No person shall obstruct or molest any person authorised or empowered by or under this Act, or with whom the Corporation or any of the municipal authorities referred to in section 3 has lawfully contracted, in the execution of his duty or anything which he is authorised or empowered or required to do by virtue or in consequence of any of the provisions of this Act or the rules or the regulations made there under, or in fulfilment of his contract, as the case may be.

551. Public notices how to be made known:-

Every public notice given under this Act or the rules or the regulations made thereunder shall be in writing under the signature of the Municipal Commissioner or any other officer of the Corporation authorised in this behalf by the Municipal Commissioner, and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within such locality or by any two or more of these means and by any other means that the Municipal Commissioner may think fit.

552. Newspapers in which advertisements or notices to be published:-

Whenever it is provided by this Act or the rules or the regulations made thereunder that notice shall be given by advertisement in local newspapers or a notification or information shall be published in local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers, and two vernacular newspapers published in Kolkata.

553. Proof of consent, etc. of Mayor-in-Council, Municipal Commissioner or any other officer of the Corporation:-

Whenever under this Act or the rules or the regulations made thereunder the doing of or the omission to do anything or the validity or anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of--

(a) the Mayor-in-Council;

(b) the Mayor; or

(c) the Municipal Commissioner or any other officer of the Corporation,

as the case may be, a written document signed,--

(i) in cases referred to in clause (a), by the Municipal Secretary, and

(ii) in cases referred to in clause (b) or clause (c), by the Municipal Commissioner or such other officer of the Corporation,

purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

554. Notices, etc. to fix reasonable time:-

Where any notice, bill, order or requisition issued or made under this Act or the rules or the regulations made thereunder requires anything to be done, for the doing of

which no time is fixed in this Act or the rules or the regulations made thereunder, such notice, bill, order or requisition shall specify a reasonable time for doing the same.

555. Signature on notices, etc., may be stamped:-

(1) Every licence, written permission, notice, bill, summons or other documents, which is required by this Act or the regulations made thereunder to bear the signature of the Municipal Commissioner or any other officer of the Corporation, shall be deemed to be properly signed if it bears a facsimile of the signature of the Municipal Commissioner of such officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund under section 126.

556. Notices, etc., by whom to be served or issued:-

Every notice, bill, summons or other document required by this Act or the rules or the regulations made thereunder to be served upon, or issued to, any person, shall be served or issued by an officer or other employee of the Corporation or by any person authorised by the Municipal Commissioner in that behalf.

557. Service of notices, etc:-

(1) Every notice, bill, summons requisition or other document required or authorised by this Act or the rules or the regulations made thereunder to be served or issued by or on behalf of the Corporations or by any of the Municipal Authorities referred to in section 3 or any officer, or employee of the Corporation shall, save as otherwise provided in this Act or the rules or the regulations, made thereunder be deemed to be duly served--

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either--

(i) sent by registered post, or

(ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business identifying it by the name or style under which its business is carried on, and is either,--

(i) sent by registered post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body, Corporation, society or other body, if the document is addressed to the secretary, treasurer or other officer of such body, Corporation or society at its principal office, and is either--

(i) sent by registered post, or

(ii) delivered at the office;

(d) in any other case, if the document is addressed to the person to be served and--

(i) is given or tendered to him, or

(ii) if such person cannot be found is affixed on some conspicuous part of his last known place of residence or business, if within Kolkata, or is given or tendered to some adult member of his family, or is affixed on some conspicuous part of the land or building, if any to which it relates, or

(iii) is sent by registered post to such person.

(2) Any document required or authorised to be served on the owner or the occupier of any land or building may be addressed to "the owner" or "the occupier", as the case may be, of such land or building (naming such land or building) without further name or description, and shall be deemed to be duly served,--

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document or a copy thereof so addressed, is delivered to some person on the land or the building or, where there is no such person to whom it can be delivered, is affixed to some conspicuous part of such land or building.

(3) Where a document is served on a partnership under this section, the document shall be deemed to be duly served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises, the Municipal Commissioner may by notice in writing require the occupier of such premises to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

(6) Nothing in sections 555 and 556 and in this section shall apply to any summons issued under this Act by any court.

(7) A servant is not a member of the family within the meaning of this section.

558. Time for complying with requisition or order, and power of Municipal Commissioner to enforce requisition or order in default:-

(1) When, under this Act or the rules or the regulations made thereunder, any requisition or order is made by a written notice issued by any municipal authority or any officer of the Corporation, such authority or officer shall specify in such notice such period, within which--

(a) such requisition or order shall be complied with, and

(b) any written objection thereto shall be received by such authority or officer,

as it or he may consider reasonable.

(2) If any such requisition or order or any portion thereof is not complied with within the period specified under sub-section (1), the Municipal Commissioner may, subject to the provisions of section 559 and such regulations as may be made by the Corporation in this behalf, take such measures or cause such measures or cause such work to be executed or such thing to be done as may, in his opinion, be necessary for causing due compliance with such requisition or order; and, except where otherwise expressly provided in this Act or the rules or the regulations made thereunder, the expenses, if any, incurred by such authority or officer in causing such compliance shall be paid by the person or persons to whom such notice is issued.

(3) The Municipal Commissioner may take any measure, execute any work or cause anything to be done under this section, notwithstanding any prosecution or punishment or liability to punishment of any person under this Act or the rules or the regulations thereunder for his failure to comply with such requisition or order.

559. Submission of objections to comply with notice:-

(1) Any person who has been served with a written notice in which a period for receiving objections has been specified under sub-section (1) of section 558 may, within such period, deliver to the municipal authority or the officer of the Corporation, as the case may be, a written objection setting forth the reasons which he may desire to urge for the withdrawal or modification of such notice.

(2) Every such objection shall be placed before the Municipal Commissioner for determination and, pending such determination, compliance with any requisition or order in accordance with such notice shall be stayed.

(3) The Municipal Commissioner or, if he so directs, any other officer of the Corporation of the rank of a Joint Municipal Commissioner, other than an officer who has issued such notice, shall, after hearing the person concerned or his agent duly authorised by him in writing in this behalf and after considering the circumstances of the" case, make such order, either confirming or modifying or cancelling the notice as he thinks fit.

(4) (a) Where the Municipal Commissioner or the other officer of the Corporation referred to in sub-section (3) makes an order under that sub-section, either confirming or modifying the notice, he may, if he thinks fit,--

(i) direct that a portion of the expenses, if any, to be incurred in complying with the notice as confirmed or modified shall be borne by the Corporation; and

(ii) fix a time within which the notice so confirmed or modified shall be complied with.

(b) If the notice as confirmed or modified is not complied with by the person concerned within the time fixed under sub-clause (ii) of clause (a), the Municipal Commissioner shall take such measures or cause such work to be executed or such thing to be done as may, in his opinion, be necessary for causing due compliance with such notice, and the expenses, if any, incurred by the Municipal Commissioner in this behalf shall be payable to the Municipal Commissioner on demand and if not paid within ten days after such demand, shall be recoverable as an arrear of tax under this Act.

560. Power of Corporation to enter into agreement for payment of expenses in instalments:-

(1) When, under this Act or the rules or the regulations made thereunder, the expenses of any measures taken or work executed or thing done by or under the order of any municipal authority or any officer of the Corporation or any Magistrate are payable by any person, the Municipal Commissioner may, if he thinks fit and with the approval of the Mayor-in-Council, notwithstanding anything to the contrary contained in this Act or the rules or the regulations made thereunder enter into an agreement with such person for payment of the same in such instalments and at such intervals as will secure the recovery of the whole amount due with interest thereon at such rate of interest as may be determined by the State Government from time to time within such period, not exceeding six years, as the Corporation may determine.

(2) Every such agreement shall provide for adequate security against the whole amount due from such person.

561. Power of Corporation to declare certain expenses to be improvement expenses:-

(1) If any expenses are to be recovered or are incurred on account of any work mentioned--

(a) in section 292, section 294 and section 295, or

(b) in the rules or the regulations made under this Act, the Corporation may, if it thinks fit, declare such expenses to be improvement expenses.

(2) A register shall be maintained by the Municipal Commissioner showing all expenses declared to be improvement expenses under this section, and such register shall be open to inspection by any person upon payment of such fee as may, from time to time, be determined by the Corporation.

562. Improvement expenses, how recoverable and by whom payable:-

(1) Any improvement expenses under section 561 shall be a charge on the premises in respect of which or for the benefit of which such expenses are incurred, and shall be recoverable in such instalments and at such intervals as may be sufficient to discharge such expenses with interest thereon at such rate as may be determined by the State Government from time to time within such period, not exceeding thirty years, as the Corporation may in each case determine.

(2) The improvement expenses shall be payable by the owner or the occupier of the premises on which such expenses are chargeable.

563. Recovery of improvement expenses paid by occupier:-

Notwithstanding anything contained in section 562 when the occupier of any premises pays any instalment of improvement expenses, he shall, subject to any agreement to the contrary between himself and the owner of such premises be entitled to deduct the amount of such instalment from the rent payable by him to such owner or to recover the same from such owner in pursuance of any order of a court of competent jurisdiction.

564. Right of owner or occupier to redeem charge for improvement expenses:-

At any time before the expiration of the period for payment of any improvement expenses, the owner or the occupier of the premises on which such expenses are chargeable may redeem such charge by paying to the Corporation such part of such expenses as is still payable.

565. Execution of work by occupier on the failure of owner:-

Whenever the owner of any land or building fails to execute any work which he is required to execute under this Act or the rules or the regulations made thereunder,

the occupier, if any, of such land or building may, with the approval of the Municipal Commissioner, execute such work and shall, subject to any agreement to the contrary between himself and the owner of such land or building, be entitled to recover from the owner the reasonable expenses incurred by him in the execution of the work and may deduct any amount thereof from the rent payable by him to such owner.

566. Relief to receivers, agents and trustees:-

(1) Whenever under this Act or the rules or the regulations made thereunder any person is, by reason of his--

(a) receiving the rent of any immovable property as receiver or agent or trustee of such property, or

(b) being such receiver or agent or trustee would receive the rent if such property were let to a tenant.

bound to discharge any obligation imposed on the owner of such property but has not at his disposal funds, belonging or payable to such owner, sufficient for the purpose of discharging such obligation, he shall, within a period of six weeks from the date of service upon him, by any municipal authority or officer of the Corporation empowered in this behalf under this Act, of any notice requiring him to discharge such obligation, apply to a court of competent jurisdiction for leave to raise such funds or for such directions as he may consider necessary for such purpose.

(2) If such receiver or agent or trustee fails to apply to a court of competent jurisdiction under sub-section (1) or, after the court has granted leave to raise funds or has issued directions, fails to discharge such obligation or to comply with such directions within twelve months of such leave or such directions, he shall be personally liable to discharge such obligation.

567. General power of Corporation to pay compensation:-

In any case not otherwise expressly provided for in this Act or the rules or the regulations made thereunder, the Municipal Commissioner with the prior approval of the Mayor-in-Council may pay compensation to any person who sustains damage by reason of the exercise of any power under this Act or the rules or the regulations made thereunder by any municipal authority or any officer or other employee of the Corporation.

568. Compensation to be paid for damage to property of Corporation:-

(1) Any person who has been convicted of an offence punishable under this Act or the rules or the regulations made thereunder shall, without prejudice to any

punishment to which he may be subject, be liable to pay such compensation for any damage to any property of the Corporation resulting from such offence as the Mayor-in-Council may consider reasonable.

(2) In the case of any dispute regarding the amount of compensation under sub-section (1), such amount shall, on an application, in writing, made by such person to the Magistrate who convicts such person of such offence, be determined by such Magistrate. If the amount of compensation so determined is not paid by such person, the same shall be recovered under a warrant from such Magistrate as if it were a fine imposed by him on the person liable therefor.

569. Reference by Corporation to Court of Small Causes or to High Court in certain cases of recovery of expenses:-

(1) If, in respect of any expenses referred to in section 560, any dispute arises, the Municipal Commissioner shall refer such dispute to the Court of Small Causes having jurisdiction or, if the amount of such expenses exceeds two thousand rupees, to the Right Court for determination.

(2) Upon such reference the Municipal Commissioner shall defer further proceedings for the recovery of such expenses and shall recover only such amount, if any, as may be determined by the Court of Small Causes or the High Court, as the case may be.

570. Application to Court of Small Causes or to High Court in certain cases of payment of expenses or compensation:-

Save as otherwise provided in this Act or the rules or the regulations made thereunder or in any other law in force for the time being, in the case of any dispute in respect of any expenses or any compensation payable to any person by any municipal authority or any officer or employee of the Corporation or any other person under this Act or the rules or the regulation made thereunder, the amount of such expenses or such compensation shall be determined by the Court of Small Causes having jurisdiction or, if such amount exceeds two thousand rupees, by the High Court on an application being made by such person to the Court of Small Causes having jurisdiction or the High Court, as the case may be, in this behalf at any time within one year from the date of such expenses or such compensation first becoming due.

571. Recovery of expenses or compensation determined under section 570:-

If the amount of any expenses or compensation determined under section 570 is not paid on demand, such amount shall be recoverable as if the same were due under a

decree of the Court of Small Causes having jurisdiction or High Court, as the case may be, or in the manner provided in Chapter XVI.

572. Recovery of expenses or compensation by suit in court:-

Notwithstanding anything contained in section 571, any expenses or compensation determined under section 570, may be recovered by a suit brought in a court of competent jurisdiction.

573. Recovery of certain dues of Corporation:-

Save as otherwise provided in this Act or the rules or the regulations made thereunder, any sum due to the Corporation on account of any charge, cost, expense, fee, rate or rent or on any other account under this Act or the rules or the regulations made thereunder shall be recoverable from the person from whom such sum is due as if it were a [1][property tax]:

Provided that no proceeding for the recovery of any such sum under this section shall be commenced after the lapse of three years from the date on which such sum becomes due.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

574. Application to Court of Small Causes by owner when occupier prevents from complying with Act, etc:-

(1) Any owner of any land or building may, if he is prevented by the occupier thereof from complying with any provision of the Act or the rules or the regulations made thereunder or any requirement under any such provision in respect of such land or building, apply to the Court of Small Causes having jurisdiction within the time fixed for compliance with such provision or requirement, and thereupon such owner shall not be liable for his failure to comply with such provision or requirement within the time fixed for such compliance.

(2) On receipt of any application under sub-section (1), the Court of Small Causes may make a written order requiring the occupier of the land or the building, as the case may be, to afford all reasonable facilities to the owner for complying with the

provision or the requirement as aforesaid, and may also, if it thinks fit, direct that the costs of such application and order shall be paid by the occupier.

(3) The occupier shall, within eight days from the date of any order under sub-section (2), afford all reasonable facilities to the owner in compliance with such order. In the event of any continued refusal by the occupier to do so, the owner shall be discharged, during the continuance of such refusal, from any liablility which he would otherwise have incurred by reason of his failure to comply with the provision or the requirement as aforesaid.

575. Procedure in Court of Small Causes:-

(1) Whenever under this Act any application, appeal or reference is made to a Court of Small Causes having jurisdiction, the Court may, for the purpose of any inquiry or proceeding in connection with such application, appeal or reference, summon and enforce the attendance of witnesses and compel them to give evidence or compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the Presidency Small Causes Courts Act, 1882 or the Provincial Small Cause Courts Act, 1887, as the case may be. And, in all matters relating to any such inquiry or proceeding, the Court shall be guided generally by the provisions of the Presidency Small Causes Courts Act, 1882 (15 of 1882) or the Provincial Small Cause Courts Act, 1887 (9 of 1887), as the case may be, so far as such provisions are applicable to such inquiry or proceeding.

(2) If, in any such inquiry or proceeding, any person summoned to appear before the Court fails to do so, the Court may proceed with such inquiry or proceeding in his absence.

(3) The cost of every such inquiry or proceeding shall be payable by such persons and in such proportions as the Court may direct, and the amount of such cost shall be recoverable as if the same were due under a decree of the Court.

576. Fees in proceedings before Small Causes Courts:-

(1) The State Government may prescribe a fee--

(a) for making under this Act any application, appeal or reference to a Court of Small Causes having jurisdiction; or

(b) for issue of any summons or other process in any inquiry or proceeding in connection with such application, appeal or reference :

Provided that the fee, if any, under clause (a) shall not, in a case where the value of any claim is capable of being estimated in money, exceed the fee leviable in a similar case under the Presidency Small Cause Courts Act, 1882 (15 of 1882) or the Provincial Small Cause Courts Act, 1887 (9 of 1887), as the case may be.

(2) No application, appeal or reference under this Act shall be received by a Court of Small Causes having jurisdiction until the fee, if any, under the clause (a) of sub-section (1) has been paid:

Provided that the Court may, in any case in which it thinks fit so to do,--

(i) receive such application, appeal or reference, or

(ii) issue summons or other process in connection with such application, appeal or reference,

without payment of such fee.

577. Repayment of half of fees on settlement before hearing:-

Whenever under this Act any application, appeal or reference to a Court of Small Causes having jurisdiction is settled by agreement between the parties concerned before hearing of such application, appeal or reference, half the amount of any fee paid by any of such parties under sub-section (2) of section 576 shall be repaid by the Court to such party.

578. Territorial jurisdiction of Courts of Small Causes:-

Notwithstanding anything to the contrary contained in any other law in force for the time being, the Court of Small Causes having jurisdiction shall, for the purpose of this Chapter, means,--

(a) in relation to any place within the local limits of the jurisdiction of the Court of Small Causes of Kolkata, that Court, and

(b) in relation to any place, the Court of Small Causes at Sealdah.

579. Municipal Magistrates:-

(1) The State Government may appoint one or more Judicial Magistrates of first class for the trial of offences against--

(a) this Act, and

(b) the rules or the regulations made there under,and may prescribe the time and the place at which such Magistrate or Magistrates shall sit for the conduct of business. Every such Magistrate shall exercise all other powers and discharge all other functions of a Magistrate as provided in this Act.

(2) Any Magistrate appointed under sub-section (1) shall be called Municipal Magistrate and shall, when functioning within the Presidency-town of Kolkata or within the limits or the Port of Calcutta, be deemed to be a Metropolitan Magistrate for the purposes of the Code of Criminal procedure 1973(2 of 1974).

(3) A Municipal Magistrate shall, if he is stipendiary, be paid by the State Government such salary, pension, leave and other allowances as it may, from time to time, determine.

(4) The Corporation shall pay to the State Government out of the Municipal Fund any amount paid by the State Government on account of salary, pension, leave and other allowances of a Municipal Magistrate under sub-section (2) together with the cost of establishment of such Magistrate and all other incidental charges in connection with such establishment.

(5) Each Municipal Magistrate shall have jurisdiction over the whole of Calcutta.

580. Cognizance of offences:-

All offences against this Act or the rules or the regulations made thereunder, whether committed within or outside Kolkata, shall be cognizable by any Municipal Magistrate having jurisdiction and such Magistrate shall not be deemed to be incapable of taking cognizance of any such offence or of any offence under any enactment repealed by this Act by reason only of his being--

(a) liable to pay under this Act any [1][property tax] or other tax, or

(b) benefited by the Municipal Fund.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

581. Power of Municipal Magistrate to hear cases in absence of accused summoned to appear:-

If, in any case, any person, who is summoned to appear before a Municipal Magistrate to answer any charge of an offence under this Act or the rules or the regulations made thereunder, fails to appear on the date and at the time and the place mentioned in the summons issued in this behalf or on any subsequent date to which the hearing of such case is adjourned, the Municipal Magistrate may, if--

(a) service of the summons is, to his satisfaction, proved to have been effected, and

(b) no sufficient cause is shown for non-appearance of such person, hear and determine such case in the absence of such person.

582. Limitation of time for prosecution:-

(1) No person shall be liable to any punishment for an offence under this Act or the rules or the regulations made thereunder unless a complaint of such offence is made before a Municipal Magistrate within six months next after,--

(a) the date of commission of such offence; or

(b) the date on which the commission or the continuance of such offence is first brought to the notice of the Corporation or the Municipal Commissioner.

(2) For the avoidance of doubts, it is hereby declared that any failure to take out a licence under this Act or to pay tax under section 199 shall, for the purpose of sub-section (1), be deemed to be a continuing offence until the expiration of the period for which such licence is required to be taken.

583. Complaint regarding nuisances and procedure therefore:-

(1) The Municipal Commissioner, or any other officer of the Corporation authorised by him in this behalf, or any person who resides or owns property in Kolkata, may complain of the existence of any nuisance to a Municipal Magistrate.

(2) Upon receipt of any such complaint, the Municipal Magistrate, after making such inquiry as he considers necessary, may, if he thinks fit, by a written order, direct the person responsible for such nuisance or the owner of the land or the building on which such nuisance exists to take, within such period as may be specified in the order, such measures for abating, preventing, removing or remedying such nuisance as may appear to the Municipal Magistrate to be practicable and reasonable and may direct the Municipal Commissioner to enforce any of the provisions of this Act or the rules or the regulations made thereunder for prevention of such nuisance. The Municipal Magistrate may further direct the person held responsible for the nuisance to pay to the complainant such reasonable cost of the complaint (including compensation for loss of time in prosecuting such complaint) as the Municipal Magistrate may determine :

Provided that where, in the opinion of the Municipal Magistrate, immediate action to prevent the nuisance is necessary, he may dispense with the inquiry and make forthwith such order as he considers necessary.

(3) If any person responsible for any nuisance or any owner of any land or building on which any nuisance exists fails to comply with any order under sub-section (2) within the period specified in the order, the Municipal Commissioner may, on the expiry of such period, proceed to take measures in accordance with the order, or may take such other measures to abate, prevent, remove or remedy the nuisance as he may consider necessary and the cost of any such measures shall be recovered from such person or such owner, as the case may be.

584. Power of Municipal Magistrate to direct payment of fine and demolition of unlawful work:-

If, under this Act or the rules or the regulations made thereunder, any person is, in respect of any unlawful work, liable--

(a) to pay any fine, and also

(b) to demolish such work,

a Municipal Magistrate may, in his discretion, direct such person to pay the fine and also to demolish the work.

585. Power to institute, etc., legal proceedings and obtain legal advice:-

The Municipal Commissioner may--

(a) take, or withdraw from, proceedings against any person who is charged with-

(i) any offence under this Act or any rule or regulation made thereunder, or

(ii) any offence which affects or is likely to affect any property or interest of the Corporation or the due administration of this Act, or

(iii) committing any nuisance whatsoever;

(b) contest or compromise an appeal against assessment of any [1][property tax] or other tax;

(c) take, or withdraw from, or compromise, proceedings under sections 568 and 570;

(d) withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the Municipal Commissioner on behalf of the Corporation;

(e) defend any suit or other legal proceeding brought against the Corporation or against any municipal authority or any officer or employee of the Corporation in respect of anything done or omitted to be done by the Corporation or such

authority or officer or employee under this Act or the rules and regulations made thereunder.

(f) with the approval of the Mayor-in-Council compromise any claim, suit or other legal proceeding brought against the Corporation or any municipal authority or any officer or employee of the Corporation in respect of anything done or omitted to be done as aforesaid;

(g) institute or prosecute any suit or other legal proceeding or with the approval of the Mayor-in-Council withdraw from or compromise any suit or claim, other than a claim referred to in clause (d), instituted or made, as the case may be, in the name of the Corporation or of the Municipal Commissioner;

(h) obtain, for any of the purposes mentioned in the foregoing clauses of this section of for securing lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any officer or employee of the Corporation, such legal advice and assistance as he may from time to time, consider necessary or expedient, or be required by the Corporation or the Mayor-in-Council, to obtain.

Footnote:

1. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

586. Notice, limitation and tender of amends in suits against the Corporation, etc:-

(1) No suit shall be instituted in any court having jurisdiction against any municipal authority or any officer or employee of the Corporation or any person acting under the direction of any municipal authority or any officer or employee of the Corporation in respect of any act done, or purporting to be done under this Act or the rules or the regulations made thereunder, until the expiration of one month next after a notice in writing has been delivered or left at the office of such authority or at the office or the residence of such officer or employee or person, stating--

(a) the cause of action,

(b) the name and residence of the intending plaintiff, and

(c) the relief which such plaintiff claims.

(2) Every such suit shall be commenced within four months next after accrual of the cause of action, and the plaint therein shall contain a statement that a notice has been delivered or left as required by sub-section (1).

(3) If the municipal authority, at the office of which, or the officer or the employee of the Corporation or the person acting under the direction of any municipal authority

or any officer or employee of the Corporation, at the office or the residence of whom, a notice has been delivered or left under sub-section (1), satisfies the court having jurisdiction that the relief claimed was tendered to the plaintiff before the institution of the suit, the suit shall be dismissed.

(4) Nothing in the foregoing sub-section shall apply to any suit instituted under section 38 of the Specific Relief Act, 1963 (47 of 1963).

587. Indemnity:-

No suits shall be maintainable against any municipal authority or any officer or employee of the Corporation or any person acting under the direction of any municipal authority or any officer or employee of the Corporation or of a Magistrate in respect of anything done lawfully and in good faith and with due care and attention under this Act or the rules or the regulations made thereunder.

588. Co-operation of the police:-

(1) The Inspector-General of Police, West Bengal, the Commissioner of Police, Kolkata, and their subordinates shall,--

(a) co-operate with the Corporation for carrying into effect and enforcing the provisions of this Act and for maintaining good order in and outside Kolkata, and

(b) assist the Corporation or the Municipal Commissioner or any other officer or employee of the Corporation in carrying out any order made by a Magistrate under this Act.

(2) It shall be the duty of every police-officer in or outside Kolkata--

(i) to communicate without delay to the Municipal Commissioner or any other officer of the Corporation any information which he receives in respect of any design to commit or any commission of any offence under this Act or the rules or the regulations made thereunder, and

(ii) to assist the Municipal Commissioner or any other officer or employee of the Corporation reasonably demanding his aid for the lawful exercise of any power vesting in the Corporation or the Municipal Commissioner or such officer or employee under this Act or the rules or the regulations made thereunder.

(3) Any officer or employee of the Corporation may, when empowered by a general or special order of the Inspector-General of Police, West Bengal or the Commissioner of Police, Kolkata, on the recommendation of the Corporation in that behalf, exercise the powers of a police-officer for such of the purposes of this Act as may be specified in such order.

589. Power of police to arrest offenders:-

(1) Any police-officer may arrest any person who commits, in his view, any offence under this Act or the rules or regulations made thereunder, provided that the name and address of such person are unknown to him and such person declines to give, on demand, his name and address or gives a name or address which the police-officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or without the order of a Magistrate, for a period longer than twenty-four hours from the time of arrest exclusive of the time necessary for the journey from the place of arrest to the court of such Magistrate.

(3) On the written application of the Municipal Commissioner or the Joint Municipal Commissioner or the Deputy Municipal Commissioner or the Municipal Engineer-in-Chief or the Chief Municipal Health Officer or any other officer authorised in this behalf by the Municipal Commissioner or any such officer, any police-officer above the rank of a constable shall arrest any person who obstructs the Municipal Commissioner or any officer or employee of the Corporation in the exercise of any power or performance of any function or discharge of any duty under this Act or the rules or the regulations made thereunder.

(4) On the written application of the Municipal Commissioner or a Joint Municipal Commissioner or a Duputy Municipal Commissioner or any other officer not below the rank of a Chief Municipal Architect authorised in this behalf by the Municipal Commissioner, any police-officer above the rank of a constable shall arrest any person who in violation of the order referred to in sub-section (1) or section 401 commences the erection of a building or execution of any work referred to in that sub-section or carries on such erection or such execution.

590. Validity of notices and other documents:-

No notice, order, requisition, licence, written permission or any other document issued under this Act shall be invalid merely by reason of defect of form.

591. Admissibility of document or entry as evidence:-

A copy of any receipt, application, plan, notice, order or other document or any entry in a register in the possession of any municipal authority shall, if duly certified by the legal keeper thereof or other person authorised by the Municipal Commissioner in this behalf, be admissible in evidence of the existence of the document or entry, and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent to which, the original document or entry would, if produced, have been admissible to prove such matters and transactions.

592. Evidence of officer or employee of the Corporation:-

No officer or other employee of the Corporation shall in any legal proceedings to which the Corporation is not a party, be required to produce any register or document the contents of which can be proved under section 591 by a certified copy, or to appear as a witness to prove any matter or transaction recorded therein save by order of the court made for special cause.

593. Prohibition against obstruction of Mayor or any municipal authority, etc:-

No person shall obstruct or molest [1][any municipal authority] or the Mayor or the Deputy Mayor or any Councillor or Alderman or any person employed by the Corporation [2][* * *] in the performance of its or his duty or of anything which it or he is empowered or required to do by virtue or in consequence of any provision of this Act or the rules or the regulations made thereunder.

Footnote:

1. Substituted by Section 43(a) of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the words. "the Corporation or any municipal authority".

2. Words "or any person with whom the Municipal Commissioner has entered into a contract on behalf of the Corporation" Substituted by Section 43(b), of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

594. Prohibition against removal of mark:-

No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or the rules or the regulations made thereunder.

595. Prohibition against removal or obliteration of notice:-

No person shall, without authority in that behalf, remove, destroy, deface or otherwise obliterate any notice exhibited by or under orders of the Corporation or any municipal authority or any officer or other employee of the Corporation specified by the Municipal Commissioner in this behalf.

596. Prohibition against unauthorised dealings with public place or materials:-

No person shall, without authority in that behalf, remove earth, sand or other material from or deposit any matter in or make any encroachment on, any land vested in the Corporation, or in any way obstruct the same.

597. Liability of Municipal Commissioner, etc., for loss, waste or misapplication of Municipal Fund or Property:-

(1) Every Councillor or Alderman, the Municipal Commissioner, or every other officer or employee of the Corporation shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the Corporation; if such loss, waste or misapplication is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the State Government or by the Corporation with the previous sanction of the State Government.

(2) Every such suit shall be instituted within three years from the date immediately following the date on which the cause of action arose.

598. Councillors and officers and other employees of the Corporation to be public servants:-

Every Councillor, every Alderman, the Municipal Commissioner, and every other officer or employee of the Corporation shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, and in the definition of "legal remuneration" in section 161 of that Code, the word "Government" shall, for the purpose of this section, be deemed to include the Corporation.

599. Other laws not to be disregarded:-

Save as otherwise provided in this Act, nothing contained in this Act shall be construed to authorise the Corporation or any municipal authority or any officer or other employee of the Corporation to disregard any law for the time being in force.

Chapter: XXXVI

Rules and Regulations

600. Power to make rules:-

(1) The State Government may, after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which under any provision of this Act are required to be prescribed or to be provided for by rules.

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as possible after they are made and shall be subject to such modification as the State Legislature may make during the session in which they are so laid. Any modification of the said rules made by the State Legislature shall be published in the Official Gazette, and shall, unless some later date is appointed by the State Government, come into force on the date of such publication.

601. Power to amend Schedule:-

The State Government may, or on the recommendation of the Corporation shall by notification, add to, amend, or alter any Schedule to this Act except Schedule I.

602. Power to make regulations:-

The Corporation may make regulations, not inconsistent with the provisions of this Act or the rules made thereunder for discharging its functions under this Act.

603. Condition precedent to the making of regulations:-

The power to make regulations under this Act is subject to the condition of the regulations being made after previous publication and to the following further conditions, namely :

(a) a draft of the regulations shall be published in the Official Gazette;

(b) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication or such longer period as the Corporation may appoint;

(c) for not less than one month during such period, a printed copy of such draft shall be kept at the office of the Corporation for public inspection, and any person shall be permitted at any reasonable time to peruse the same, free of charge; and

(d) printed copies of such draft shall be obtainable by any person requiring the same on payment of such fee as may be fixed by the Mayor-in-Council :

Provided that the provisions of this section shall not apply to any regulations under Chapter III.

604. Regulations to be subject to approval of State Government:-

(1) No regulation made by the Corporation under this Act shall have any validity unless and until it is approved by the State Government.

(2) Before approving any such regulation, the State Government may modify it:

[1][* * *]

Footnote:

1. Proviso omitted by Section 24 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995, which stood as under :

"Provided that the provisions of this section shall not apply to any regulations made under section 20.".

605. Power of State Government to cancel or modify regulations:-

(1) If the State Government is, at any time, of opinion that any regulation made by the Corporation under this Act should be cancelled or modified either wholly or in part, it shall cause the reasons of such opinion to be communicated to the Corporation, and shall appoint a reasonable period within which the Corporation may make such representation with regard thereto as it may think fit,

(2) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the period as aforesaid, the State Government may at any time, by notification, cancel or modify such regulation either wholly or in part.

(3) The cancellation or modification of any regulation under sub-section (2) shall take effect from such date as the State Government may specify in the notification under that sub-section or, if no such date is specified, from the date of publication of such notification, provided that such cancellation or modification shall not affect

anything done or suffered or omitted to be done under such regulation before such date.

(4) Any notification under sub-section (2) shall be published in local newspapers.

606. Supplemental provisions respecting regulations:-

Any regulation, which may be made by the Corporation under this Act, may be made by the State Government within one year of the establishment of the Corporation and any regulation so made may be altered or rescinded by the Corporation in exercise of its powers under this Act.

607. Penalty for breaches of regulation:-

(1) Any regulation made under this Act may provide that a contravention thereof shall be punishable--

(a) with fine which may extend to two thousand and five hundred rupees; or

(b) with fine which may extend to two thousand five hundred rupees and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention; or

(c) with fine which may extend to one hundred rupees for every day during which the contravention continues after the receipt of a notice from the Municipal Commissioner or any other officer of the Corporation, duly authorised in that behalf, by the person contravening the regulation requiring such person to discontinue such contravention.

(2) Any such regulation may also provide that a person contravening the same shall be required to remedy, so far as lies in his power, the mischief, if any, caused by such contravention.

608. Rules and regulations to be available for inspection and purchase:-

(1) A copy of all rules and regulations made under this Act shall be kept at the office of the Corporation and shall, during office hours, be open, free of charge, to inspection by any inhabitant of Kolkata.

(2) Copies of all such rules and regulations shall be kept at the office of the Corporation and shall be sold to the public at such price as the Mayor-in-Council may determine either singly or collectively at the option of the purchaser.

609. Doubts as to powers, duties or functions of municipal authorities:-

If any doubt arises as to the municipal authority to which any particular power, duty or function appertains, the Mayor shall refer the matter to the State Government and the decision of the State Government thereon shall be final.

Chapter: XXXVII

Offences and Penalties

610. Punishment for certain offences:-

[1][(1)] Whoever--

(a) contravenes any provision of any of the sections, sub-sections, clauses or provisos, or any other provision, of this Act mentioned in column 1 of Schedule VI, or

(b) fails to comply with any order or direction lawfully given to him or any requisition lawfully made to him under any such section, clause or proviso or other provision,

shall be punishable--

(i) with fine which may extend to the amount, or with imprisonment for a term which may extend to the period, specified in that behalf in column 3 of the said Schedule or with both, and

(ii) in the case of a continuing contravention of failure, with an additional fine which may extend to the amount specified in column 4 of the said Schedule for every day during which such contravention or failure continues after conviction for the first such contravention or failure.

[2][(2) Notwithstanding anything contained in sub-section (1) or in section 199 or elsewhere in this Act, within a period of six months from the date of coming into force of section 6 of the Calcutta Municipal Corporation (Amendment) Act, 1992 (hereinafter in this sub-section referred to as the said date), every person engaged on the said date in any profession, trade or calling in Kolkata as specified in Schedule IV, either by himself or by an agent or representative, shall obtain the certificate or enlistment referred to in sub-section (1) of section 199 in respect of the period from the 1st April, 1990 till the date immediately before the said date in accordance with the provisions of section 199 and the rules, if any, made under section 600.

(3) Whoever commits any offence by contravening the provisions of sub-section (2) shall be punished with fine in accordance with the provisions of this section].

Footnote:

1. Original section renumbered as sub-section (1) of that section. by Section 6 of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992).

2. Sub-sections (2) and (3) inserted by Section 6 of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992).

611. Punishment for acquiring share or interest in contract, etc., with the Corporation:-

Any Councillor or Alderman, or any member, not being a Councillor or Alderman, of any committee of the Corporation, who knowingly acquired, directly or indirectly, any share or interest in any contract made with, or any work done for, the Corporation not being a share or interest which is, under section 61 or section 101, permissible for such Councillor or Alderman or member to have without being thereby disqualified for being a Councillor or Alderman or member of any committee of the Corporation, and the Municipal Commissioner or any other officer or employee of the Corporation, who knowingly acquires, directly or indirectly, any share or interest, not being an interest referred to in the proviso to sub-section (1) of section 101, in any contract made with, or any work done for, the Corporation shall be deemed to have committed the offence punishable under section 168 of the Indian Penal Code (45 of 1860).

612. Fine for not paying tax under Chapter XII [1][* * *] or Chapter XIV

If any person--

(a) [2][.....]

(b) erects, exhibits, fixes or retains any advertisement referred to in Chapter XIV,

without paying any tax under that Chapter, he shall be punished with fine which--

(i) may extend to an amount equal to [3][five times] the amount payable as such tax, and

(ii) shall not ordinarily be less than an amount equal to [4][two times] such tax.

Footnote:

1. The words and figures "or Chapter XIII" omitted by Section 7(a) of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992), w.r.e.f. 1.4.1990.

2. Clause (a) omitted by Section 7(b) of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992), w.r.e.f. 1.4.1990, which stood as follows :

"(a) exercises or carries on in Calcutta, either by himself or by an agent or by a representative, on or after the first day of July in any year, any profession, trade or calling referred to in Chapter XIII, or".

3. Substituted by Section 21(a) of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989, for "three times".

4. Substituted by Section 21(b) of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989, for "one-and-a-half times."

613. Fine for putting building to any use other than that for which a licence has been granted:-

When any premises is used or is permitted to be used by any person for any purpose other than that for which a licence has been granted under sub-section (1) of section 435 or as a stable or a cattle-shed or a cow-house, then such person shall, without prejudice to any other penalty to which he may be subject, be liable to a fine which may extend, in the case of a masonry building to two hundred and fifty rupees and, in the case of a hut, to twentyfive rupees, and, in the case of continuance of such use, to a further fine which may extend, in the case of a masonry building, to fifty rupees and, in the case of a hut, to five rupees for each day during which such use continues after the first day.

614. Penalty for obstructing contractor:-

Whoever obstructs or molests any person with whom the Corporation has entered into a contract for execution of any work under this Act shall, on conviction, be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees.

615. Penalty for causing damage to property belonging to Corporation:-

No person shall cause any damage to any property belonging to the Corporation. Any person causing any damage to any property belonging to the Corporation shall, on conviction, be punished with fine which may extend to one thousand rupees.

616. Penalty on methors, etc. withdrawing from work without notice:-

If any methor or other employee of the Corporation referred to in section 342 withdraws from his duties in contravention of the provisions of that section, he shall, on conviction, be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to fifty rupees or with both and be liable to forfeit any salary that may be due to him.

617. Punishment of imprisonment in default of payment of fine:-

In every case where, under this Act, an offence is punishable with fine, or with imprisonment or fine, or with both and a person is sentenced by a Court having jurisdiction to pay a fine, it shall be competent for such Court to direct that in default of payment of fine, he shall suffer imprisonment for such term or, as the case may be, such further term, not exceeding six months, as the Court may fix.

618. General penalty:-

Whoever, in any case in which a penalty is not expressly provided by this Act, fails to comply with any notice, order or requisition issued under any provision thereof, or otherwise contravenes any of the provisions of this Act, shall be punishable with fine which may extend to one thousand rupees, and in the case of a continuing failure or contravention, with an additional fine which may extend to one hundred rupees for every day after the first during which he has persisted in such failure or contravention.

619. Offences by companies:-

(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation:- For the purposes of this section,--

(a) "company" means a body corporate, and includes a firm or other association of individuals; and

(b) "district" in relation to a firm means a partner in the firm.

[1]**[619A. Certain offences to be cognizable:-**

[2][(1)] The Code of Criminal Procedure, 1973 shall apply to--

(1) an offence under sub-section (5) of section 365 or section 392 or subsection (1) of section 393 or sub-section (1) of section 394 or section 400 or section 401 or section 402, and

(2) an offence under sub-section (1) of section 369 or sub-section (1) of section 371 or sub-section (1) of section 377 in relation to any street which is a public street, as if it were a cognizable offence--

(a) for the purpose of investigation of such offence; and

(b) for the purpose of all matters other than--

(i) the matters referred to in section 42 of that Code, and

(ii) the arrest of a person, except on the complaint of, or upon information received from, the Municipal Commissioner or any person authorised by him by general or special order in this behalf :

Provided that no offence of the contravention of any condition subject to which sanction was accorded for the erection of any building or the execution of any work shall be cognizable, if such contravention relates to any deviation from any plan of such erection or execution sanctioned by the Municipal Commissioner which is compoundable on payment of an amount under the rules and regulations relating to buildings made under this Act.]

[3][(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(3) Except as otherwise provided in sub-section (1), no court shall take cognizance of any offence punishable under this Act or of the abatement of any such offence--

(a) save on its own knowledge of the offence or police report of the facts which constitute the offence, or

(b) save on complaint made by the person aggrieved by the offence or the parent or other relative of such person or any recognised welfare institution or any recognised professional institution or organisation of engineers, architects or technocrats.

Explanation:- For the purpose of this sub-section, "recognised welfare institution" or "recognised professional institution or organisation of engineers, architects or technocrats" shall mean a welfare institution or, as the case may be, a professional institution or organisation of engineers, architects or technocrats, recognised by the Central Government or the State Government.]

Footnote:

1. Inserted by Section 22 of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989.

2. Renumbered as sub-section (1) by Section 25 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

3. Sub-sections (2) and (3) inserted by Section 25 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f. 4.12.1995.

620. Prosecutions:-

Save as otherwise provided in this Act, no court shall proceed to the trial of any offence punishable by or under this Act except on the complaint of, or upon information received from the Municipal Commissioner or any person authorised by him by general or special order in this behalf.

621. Compounding of offences:-

(1) The Municipal Commissioner or any person authorised by him by general or special order in this behalf may, either before or after the institution of any proceedings, compound any offence punishable by or under this Act :

Provided that no offence, which is committed by failure to comply with any notice, order or requisition issued by or on behalf of the Corporation or of any of the municipal authorities referred to in section 3, shall be compounded unless such notice, order or requisition has been complied with in so far as such compliance is possible.

(2) Where as offence has been compounded, the offender, if in custody, shall be discharged and no further proceeding shall be taken against him in respect of the offence so compounded.

Chapter: XXXVIII

Supplemental Provisions

622. Power of State Government to notify intention to extend Act to other areas:-

Notwithstanding anything contained in any other law in force for the time being, the State Government may, by notification and in such other manner as it may determine, declare its intention to extend, subject to such modifications and restrictions (if any) as may be specified in the notification, all or any of the provisions of this Act to any other area.

Explanation:- For the purposes of this section, "other area" shall include--

(a) the Municipality of Howrah,

(b) any other municipality as defined in the Bengal Municipal Act, 1932 (Ben. Act XV of 1932) and in the neighbourhood of Kolkata, and

(c) any Government Township as defined in the West Bengal Government Townships (Extension of Civic Amenities) Act, 1975 (West Ben. Act XLII of 1975), or any area under a notified area authority or a town committee, by whatever name called, and in the neighbourhood of Kolkata.

623. Power of State Government to extend Act after considering objections:-

(1) The Commissioners of a municipality or the Administrator of a Government Township or the notified area authority or the town committee of an area specified in the notification under section 622 or any inhabitants or rate-payers thereof may, if they object to such intention of the State Government declared by such notification, submit their objections in writing to the State Government within such period as may be specified in such notification; and the State Government shall take such objections into consideration.

(2) When the period as aforesaid has expired and the State Government has considered the objections (if any) under sub-section (1), the State Government may, by notification, extend to such municipality or Government Township or area or to such part thereof specified in such notification all or any of the provisions of this Act, subject to modifications and restrictions (if any) specified therein or subject to such other modifications or restrictions (if any) as the State Government may think fit and specify therein or without any modification or restriction.

624. Effect of extension of Act:-

(1) Upon the extension of all or any of the provisions of this Act to the Municipality of Howrah or to any other Municipality or to any Government Township or to any area or to any part thereof under section 623,--

(a) the Bengal Municipal Act, 1932, or the West Bengal Government Townships (Extension of Civic Amenities) Act, 1975, or the corresponding provisions of that Act, or of any other enactment in force for the time being, as the case may be, shall be deemed to be repealed in such municipality or Government Township or area or part thereof on and from the date of such extension; and

(b) except as the State Government may, by notification, otherwise direct, any rules, regulations or orders made or any directions issued or any powers conferred under the provisions of this Act as so extended, which are in force at the date of such extension, shall apply to such municipality or Government Township or area or part thereof in supersession of the corresponding rules, regulations or orders made or directions issued or powers conferred under the Bengal Municipal Act, 1932, or the West Bengal Government Townships (Extension of Civic Amenities) Act, 1975, or such enactment, as the case may be.

(2) For the avoidance of doubts, it is hereby declared that any extension of any provision of this Act to the Municipality of Howrah or to any other municipality or to any Government Township or to any area or to any part thereof under section 623 shall not have the effect of placing such municipality or Government Township or area or part thereof under the authority of the Corporation.

625. Power of State Government to include or exclude certain areas within Kolkata or from Kolkata:-

(1) The State Government may, by notification and in such other manner as it may determine, declare its intention to include any area in the neighbourhood of Kolkata, within the limits of Kolkata, to be administered by the Corporation under this Act, or to exclude any area from the limits of Kolkata.

(2) Any local authority or any inhabitants or rate-payers of such area, affected by such intention of the State Government declared by such notification, may, if they object to such intention, submit their objections in writing to the State Government within such period as may be specified in such notification; and the State Government shall take such objections into consideration.

(3) When the period as aforesaid has expired and the State Government has considered the objections (if any) under sub-section (2), and if the West Bengal Legislative Assembly has, by a resolution adopted in this behalf with or without amendment, approved of such intention, the State Government may, by notification, include such area or any portion thereof within the limits of Kolkata, to be administered by the Corporation under this Act, or exclude such area or any portion thereof from the limits of Kolkata, as the case may be, and thereupon Schedule I to this Act shall be deemed to be amended accordingly.

626. Effect of inclusion or exclusion:-

(1) Upon the inclusion of any area in the neighbourhood of Kolkata within the limits of Kolkata under section 625,--

(a) the Bengal Municipal Act, 1932, or the West Bengal Zilla Parishads Act, 1963, or the West Bengal Panchayat Act, 1973, or the West Bengal Townships (Extension of Civic Amenities) Act, 1975, as the case may be, if in force in such area, shall be deemed to be repealed therein; and

(b) except as the State Government may by notification, otherwise direct, any rules, regulations or orders made or any directions issued or any powers conferred under the provisions of this Act, which are in force at the date of such inclusion, shall apply to such area in supersession of the corresponding rules, regulations, or orders made or directions issued or powers conferred under the West Bengal Municipal Act, 1932 (West Ben. Act XV of 1932), or the West Bengal Zilla Parishads Act, 1963 (West Ben. Act XXXV of 1963), or the West Bengal Panchayat Act, 1973 (West Ben. Act XLI of 1973), or the West Bengal Townships (Extension of Civic Amenities) Act, 1975 (West Ben. Act XLII of 1975), as the case may be.

(2) Upon the exclusion of any area from the limits of Kolkata under section 625, this Act or any rules, regulations or orders made or any directions issued or any powers conferred under this Act shall cease to apply to such area.

(3) The State Government may issue such orders as it may consider necessary to give effect to the inclusion or the exclusion of any area within or from the limits of Kolkata, as the case may be, under section 625 or to any matter incidental or ancillary to such inclusion or exclusion.

627. Control by General Officer Commanding the Presidency District over Government landsand buildings:-

Notwithstanding anything contained in this Act, all land and buildings belonging to Government in that part of Hastings which is included in Kolkata shall be subject to the control of the General Officer Commanding the Presidency District :

Provided that this section shall in no way derogate from the powers vested in the Corporation or any other municipal authority under this Act enabling the Corporation or such authority in the interests of the public health to require the owner or occupier of any land or building in such part of Hastings to remedy or abate any sanitary defects on or in such land or building.

628. Sanction of Central Government required for erection of masonry building:-

The Corporation shall not give or be deemed to have given permission to erect a masonry building in that part of Hastings which is included in Kolkata unless and

until the sanction of the Central Government has been obtained; and such sanction shall not be applied for unless the plan of the building and the site-plan of the land are approved by the Commissioner of Police.

629. Demolition or alteration of buildings erected without such sanction:-

(1) If the erection of any masonry new building in that part of Hastings which is included in Kolkata is, after the commencement of this Act, commenced, carried on or completed without obtaining the sanction of the Central Government, the Municipal Commissioner shall, if requested by the General Officer Commanding the Presidency District to do so,--

(a) by written notice direct the owner to demolish or alter the building, or

(b) himself cause the building to be demolished or altered at the expense of the owner.

(2) No person shall be entitled to any compensation on account of such demolition or alteration.

630. Such sanction not to bar other provisions of Act:-

Notwithstanding anything contained in sections 628 and 629, permission to erect a masonry building in that part of Hastings which is included in Kolkata shall not be given so as to contravene, by rendering less strict, any of the provisions of this Act regulating the construction of buildings; and the provisions of section 629 shall be in addition to, and not in derogation of, any other powers of the Corporation or any other municipal authority under this Act to take proceedings for the demolition of any masonry new building erected in such part of Hastings after the commencement of this Act.

631. Savings as to certain suits and proceedings:-

(1) Any suit or legal proceeding instituted or which but for the passing of this Act have been instituted by or against the Corporation or the Commissioner under the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), may be continued or instituted by the Corporation or the Municipal Commissioner, as the case may be, constituted or appointed under this Act.

(2) For the purposes of such suit or legal proceeding and of all matters incidental thereto, the powers and duties of the Corporation and of the Commissioner under the Calcutta Municipal Act, 1951, shall vest in the Corporation and the Municipal Commissioner constituted and appointed respectively under this Act, and when any action has been taken under the Calcutta Municipal Act, 1951, such action shall be

deemed to have been taken by the corresponding authority under that Act, and the corresponding provisions of this Act shall be deemed to have been complied with.

(3) Save as provided in sub-section (2), the procedure laid down in this Act shall be followed in all proceedings relating to a contravention of the provisions of the Calcutta Municipal Act, 1951.

[1]**[631A. Saving as to holding of certain office:-**

Notwithstanding anything contained in this Act or in any other law for the time being in force, any person elected to the Corporation as Alderman and holding office as such immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994, shall continue to hold such office till the expiration of his term of office in accordance with the provisions of this Act in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994.

Explanation:- "Alderman" shall mean a person elected to the Corporation as Alderman by the Councillors referred to in clause (a) of sub-section (1) of section 5 in accordance with the provisions of this Act, and the rules made thereunder, in force immediately before the commencement of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994].

Footnote:

1. Inserted by Section 4(16) of the West Bengal Municipal Corporation Laws (Third Amendment) Act, 1994 (West Ben. Act XXXVI of 1994), w.e.f. 1.6.1994.

632. Provisions of this Chapter to override other provisions:-

The provisions of this chapter shall have effect notwithstanding anything to the contrary contained elsewhere in this Act.

633. Transitory provisions as to Howrah Municipality:-

The provisions of the Calcutta Municipal Act, 1923 (Ben. Act III of 1923), as extended to the Municipality of Howrah under that Act and in force immediately before the commencement of this Act shall continue to be in force subject to the modifications specified in Schedule VII until the provisions of this Act are extended to that Municipality under this Act.

634. Removal of difficulties:-

If any difficulty arises in giving effect to the provisions of this [1][Act], the State Government may, as occasion may require, by order do or cause to be done anything which may be necessary for removing the difficulty.

Footnote:

1. Substituted by Section 44 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, for the word "Chapter".

635. Repeal and Savings:-

(1) With effect from the date of coming into force of this Act, the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951) shall stand repealed.

(2) Notwithstanding such repeal,--

(a) every budget passed, loan taken, assessment or plan of a projected public street or measurement or division made, standard plan of a bustee approved, licence or permission or sanction granted, or debenture or notice issued under the Calcutta Municipal Act, 1923 or the Calcutta Municipal Act, 1951 and in force at the commencement of this Act shall be deemed to have been passed, taken, made, approved, granted or issued under this Act, and shall (unless altered, modified, cancelled, repealed, suspended, surrendered or withdrawn, as the case may be, under this Act) remain in force for the period (if any) for which it was so passed, taken, made, approved, granted or issued;

(b) all properties, movable or immovable, all rights of whatever kind used, enjoyed or possessed by, and all interest of whatever kind, owned by, or vested in, the Corporation of Kolkata as constituted under the Calcutta Municipal Act, 1951, shall, at the commencement of this Act, be deemed to be owned by, or vested in, the Corporation as constituted under this Act;

(c) all contracts made or liabilities incurred by the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1951 and legally subsisting against the said Corporation shall, at the commencement of this Act, pass to the Corporation as constituted under this Act;

(d) all officers or other employees appointed under the Calcutta Municipal Act, 1951 and continuing in office immediately before the commencement of this Act shall be deemed to have been appointed under this Act;

(e) any assessment of lands and buildings made in respect of any ward or group of wards under the Calcutta Municipal Act, 1951, shall continue to remain in force until assessment in respect of lands and buildings of such ward or group of wards is made under this Act, [1][and the payment of the [2][property tax] for any such

land or building for any quarter prior to the quarter commencing on the 1st day of April, 1984 shall be made in accordance with the provisions of that Act];

(f) the provision contained in Schedules III, VIII, IX, XI, XII, XIII, XIV, XV, XVI, XVII, XIX, XX, XXI and XXII of the Calcutta Municipal Act, 1951 shall continue to remain in force until corresponding provisions are made under this Act;

[3][(g) * * *]

[4][(h) The provisions of sections 216, 222, 229 (read with Schedule VIIA), 437, 442, 451, 460, 469 and 537 of the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951) shall continue to remain in force and shall be deemed always to have continued to remain in force until corresponding provisions are made by the Corporation by regulation in conformity with the provisions of this Act.]

Footnote:

1. Inserted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 1984 (West Ben. Act VIII of 1984), w.r.e.f. 11.1.1984.

2. Substituted by Section 2 of the Calcutta Municipal Corporation (Amendment) Act, 2001 (West Ben. Act VIII of 2001), w.e.f. 23.3.2001, for the words "consolidated rate".

3. Clause (g) omitted by Section 23(a) of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.e.f. 20.2.1989, which was earlier inserted by Section 45 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984 as follows :

"(g) Notwithstanding anything contained elsewhere in this Act, all matters relating to the sanction of building plans and to the insecure and unauthorised constructions in the erstwhile municipal areas of Jadavpur, South Suburban and Garden Reach Municipalities shall continue to be governed by the provisions of the Bengal Municipal Act, 1932 (Ben. Act XV of 1932) as were in force in those areas before coming into force of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), until corresponding building rules are framed under this Act. Such cases as may remain undisposed of on the coming into force of the corresponding building rules so framed may, however, be disposed of in accordance with the provisions of the Bengal Municipal Act, 1932."

4. Clause (h) Substituted by Section 23(b) of the Calcutta Municipal Corporation (Amendment) Act, 1988 (West Ben. Act XXI of 1988), w.r.e.f. 4.1.1984, which was earlier inserted by s. 45 of the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984, as follows :

"(h) The provisions of sections 216, 222, 229 (read with Schedule VIIA), 437, 442, 451, 460 and 469 of the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), shall continue to remain in force until corresponding provisions are made by the Corporation by regulation in conformity with the provisions of this Act."

[1]**[635A. Special provision for municipalities included within Kolkata:-**

Notwithstanding anything contained in this Act, any assessment of lands and buildings in respect of the whole or any area included within the limits of Kolkata, which, immediately before the coming into force of this Act, was comprised in any municipality, shall continue to remain in force until assessment in respect of such lands and buildings is made under this Act, and the payment of the consolidated rate, or of any amount entered in the preceding assessment list, for any such land or building for any period prior to the 1st day of April, 1984 shall be made in accordance with the provisions of the Bengal Municipal Act, 1932 (Ben. Act XV of 1932):

Provided that any application for review under section 148 of the Bengal Municipal Act, 1932 of the assessment as aforesaid pending before the Commissioners of any such municipality immediately before the coming into force of this Act shall be determined in accordance with such order as the State Government may make from time to time, and the payment of the amount assessed after such determinations shall be made in accordance with the provisions of that Act.]

Footnote:

1. Inserted by Section 3 of the Calcutta Municipal Corporation (Amendment) Act, 1984 (West Ben. Act VIII of 1984), w.r.e.f. 11.1.1984.

636. Transitory provision:-

[1][(1)] Notwithstanding anything to the contrary contained elsewhere in this Act, the State Government may appoint a person to be called the Administrator to exercise all the powers and discharge all the functions of the municipal authorities mentioned in section 3 for the period from the date of coming into force of this Act till the first meeting of the Corporation at which a quorum is present.

[2][(2) The Administrator appointed under sub-section (1) may constitute such number of Committees and for such period as he may deem fit.

(3) Each such Committee shall consist of not more than twenty-five persons, appointed on such terms and conditions as the Administrator may deem fit, and shall advise the Administrator in the discharge of his functions under this Act.]

Footnote:

1 . Original section 636 renumbered as sub-section (1) by Section 4 of the Calcutta Municipal Corporation (Amendment) Act, 1984 (West Ben. Act VIII of 1984), w.r.e.f. 11.1.1984.

2. Inserted by Section 4, of the Calcutta Municipal Corporation (Amendment) Act, 1984 (West Ben. Act VIII of 1984), w.r.e.f. 11.1.1984.

[1][Schedule I

[See sections 2(9), 601 and 625]

Boundaries

A line drawn along the outer edge of Pramanick Ghat Road, Kashinath Dutta Road, Kali Charan Ghosh Road and Ramkrishna Ghosh Road, thence southward along the western edge of the Eastern Railways where the boundary line meets the New Canal, thence eastward along the southern bank of the New Canal and Kestopur Canal up to the point where it meets the Eastern Metropolitan Bypass; thence southward along the Western edge of Eastern Metropolitan Bypass to the point where it meets the New Canal; thence southward along the eastern bank of the New Canal to the point where it meets the outlet for stormwater; thence south-east along the western edge of Dr. B. N. Dey Road to the end of Dhapa Mauza (J.L. No. 2); thence southward along the eastern boundary of Dhapa Mauza (J.L. No. 2); up to the point where it meets the southern boundary of Chowbhaga Mauza (J.L. No. 3); thence further west along the southern boundaries of Chowbhaga Mauza (J.L. No. 3); thence southward along the eastern boundaries of Chowbhaga (J.L No. 3); Nonadanga (J.L. No. 10), Madurdaha (J.L. No. 12); Kalikapur (J.L. No. 20); Barakhola (J.L. No. 21); mauza to the point where it meets the northern boundary of Chak Ganiagachi Mauza (J.L. No. 24); thence eastward along the northern boundary of Chak Ganiagachi Mauza (J.L. No. 24); to the point where it meets the north-eastern boundary of Nayabad Mauza (J.L. No. 25); thence south and westward along the eastern and southern boundaries of Nayabad Mauza (J.L. No. 25); to the point where it meets the northern boundary of Chak Garia Mauza (J.L. No. 26); thence south and westward along the eastern and southern boundaries of Chak Garia Mauza (J.L. No. 26); and southern boundaries of Briji (J.L. No. 27) and Baisnabghata (J.L. No. 28) Mauzas to the point where it meets the eastern boundary of Kamadahari Mauza (J.L. No. 49); thence southward along the eastern boundary of Kamadahari Mauza (J.L. No. 49), thence Westward along the southern boundaries of Kamdahari (J.L. No. 49), Brahmapur (J.L. No. 48), Rainagar (J.L. No. 47), Bansdroni (J.L. No. 45), Chakdah (J.L. No. 44) and Purba Putiari (J.L. No. 43) Mauzas to the point where it meets the eastern bank of Kaorapukur Khal; thence across the Kaorapukur Khal eastward to the point where it meets Dhalipara Road; thence westward along Dhalipara Road and along Dag Nos. 80, 81, 82, 83, 87, 88, 91, 92, 93, 96, 354, 353, 100, 103, 102 of Chak Thakurani Mauza (J.L. No. 24); thence southward along Dag Nos. 3563, 3564, 3813, 3565, 3566, 3585, 3584 up to Dag No. 3586 of Purba Barisha Mauza (J.L. No. 23); thence westward up to Dag No. 3612 of Purba Barisha Mauza (J.L. No. 23); thence again southward along Dag Nos. 3809, 3613, 3795, 3796, 3797, 3799, 3800, 3801 and 3802 of Purba Barisha Mauza (J.L. No. 23); thence westward along Mahatma Gandhi Road to the point where it meets Diamond Harbour Road; thence across Diamond Harbour Road and westward along the southern boundary of Mauza Paschim Barisha (J.L. No. 19) up to Dag No. 2161 of Paschim Barisha Mauza (J.L. No. 19); thence northward along Dag Nos. 2160, 2159, 2158, 2157, 2154, 2652, 2651, 2280, 2650,

2153, 2139, 2642, 2638, 2587, 2354 and 2353 of Mauza Paschim Barisha (J.L. No. 19); thence further north along Dag Nos. 2335, 2324, 2396, 2234, 2208 and 2215 of Mauza Sarsuna (J.L. No. 17); thence westward along Dag Nos. 2309, 2275, 2199, 2201, 2130, 2127, 2124, 2123, 2122, 2120, 2119, 2118, 2116, 2348, 2374, 745, 744, 742, 741, 739 and 738 of Mauza Sarsuna (J.L. No. 17); thence northward along Dag Nos. 737, 736, 735, 734 and 973 of Mauza Sarsuna (J.L. No. 17) and along Dag Nos. 177, 176, 175, 174, 173, 172 and 171 of Mauza Sonamukhi (J.L. No. 34); thence west and northward along Dag Nos. 726, 725, 722, 718, 717, 716, 699, 1648, 696, 682, 681, 680, 679, 678, 672, 671, 1652, 590, 591, 593, 594, 537, 533, 532, 531, 530, 529, 527, 526, 525, 524, 470, 473, 472 and 113 of Sarsuna Mauza (J.L. No. 17); thence westward along Dag Nos. 780, 779, 841, 812, 719 and 452 of Mauza Shibrampur (J.L. No. 18); thence northward and westward along the western boundary of Shibrampur Mauza and southern edge of Shibrampur Road to the point where it meets Ho Chi Minh Sarani; thence eastward along southern edge of the Ho Chi Minh Sarani to the point where it meets Kastodanga Road; thence further east along the northern edge of Ho Chi Minh Sarani to Dag No. 2588 of Mauza Sarsuna (J.L. No. 17); thence northward along the western edge of Beledanga Road up to Dag No. 2933 to Mauza Parui (J.L. No. 3); thence further north along Dag Nos. 2933, 2932, 2931, 2930, 2929, 2874, 2873, 2872, 2871, 2868, 2870, 2869, 2855, 2854, 2853, 2852 and 2849 of Mauza Parui (J.L. No. 3); thence eastward along Dag Nos. 2848, 2847, 2843, 2840, 2838, 3501 and 2836 of Parui Mauza (J.L. No. 3); thence northward along Dag Nos. 2835, 2834, 2833, 2832, 2831, 2824, 2823, 2813, 2809, 2808, 2807, 2806, 2802 and 2801 of Parui Mauza (J.L. No. 3); thence further north along Dag Nos. 768, 767, 765, 764, 763, 762, 761, 758, 757, 719, 1231, 714, 716, 715, 1189, 713, 1190, 703, 313, 330 and 329 of Behala Mauza (J.L. No. 2); thence westward along Dag Nos. 328, 327, 325, 320 and 317 of Behala Mauza (J.L. No. 2); thence northward along Dag Nos. 257, 256, 253, 251, 250, 127, 126, 120, 121, 66 and 65 of Mauza Behala (J.L. No. 2) to the point where it meets Budge Budge Road and thence westward along Budge Budge Road up to Hatchala Hindu Burial Ground; thence northward along the western boundary of the Port Commissioner's land up to the point where it meets Trenching Ground Road near its junction with Dinu Mistry Lane; thence westward along the northern boundaries of Ram Das Hati, Makhalhati and Panchur Mauzas to the point where it meets Kankhuli Road; thence southward along the eastern edge of Kankhuli Road to the point where it meets the western boundary of Panchur Mauza; thence west and northward and again westward along the eastern and northern boundaries of Panchur Mauza to the point where it meets Akra Road; thence across Akra Road and northward, eastward, again northward, westward, southward and again westward along eastern, northern and western boundaries of Akra Mauza to the point where it meets the river Hooghly; thence northward along the eastern bank of the river Hooghly and eastward along the southern bank of the river Hooghly up to the point where it meets eastern side road in continuation of Clyde Row; thence eastward along the southern edge of Clyde Row to the point where it meets St. George's Gate Road (Munsi Premchand Sarani); thence southward along the eastern edge of St. George's Gate Road (Munsi Premchand Sarani) to the point where it meets Kidderpur Road; thence northward along the western edge of Kidderpur Road and Red Road to the point where it meets Lawrence Road; thence westward along the southern edge of Lawrence Road and Eden Garden Road and a line drawn in continuation of Eden Garden Road to the river Hooghly; thence northward along the eastern bank of the river Hooghly to the western terminus of Pramanick Ghat Road.]

Footnote:

1. Substituted by Section 19 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984, for the original Schedule I.

[1][Schedule II

Wards of the Corporation

[See section 5(2)]

Ward no. 1	
On the north	Pramanick Ghat Road, Cossipore Road and Kashinath Dutta Road.
On the south	Khagendra Chatterjee Road and Rustomjee Parsee Road.
On the east	Barrackpore Trunk Road.
On the west	Cossipore Road, Rustomjee Parsee Road and the river Hooghly.
Ward no. 2	
On the north	Kalicharan Ghosh Road and Ramkrishna Ghosh Road.
On the south	Dum Dum Road.
On the east	Eastern Railway.
On the west	Barrackpore Trunk Road.
Ward no. 3	
On the north	Dum Dum Road, Umakanta Sen Lane, Paikpara Raja Manindra Road and Kshudiram Bose Sarani.
On the south	Jiban Krishna Ghosh Road.
On the east	Eastern Railway.
On the west	Anath Nath Deb Lane, Paikpara Row, Beerpara Lane and Indra Biswas Road.
Ward no. 4	
On the north	Dum Dum Road.
On the south	Paikpara Raja Manindra Road and Umakanta Sen Lane.
On the east	Paikpara Row and Beerpara Lane.
On the west	Barrackpore Trunk Road.
Ward no. 5	
On the north	Paikpara Raja Manindra Road and Jiban Krishna Ghosh Road.
On the south	Kshundiram Bose Sarani, the New Canal and the Circular

	Canal.
On the east	Anath Nath Deb Lane, Indra Biswas Road and Eastern Railway.
On the west	Barrackpore Trunk Road and Jiban Krishna Ghosh Road.
Ward no. 6	
On the north	Rustomjee Parsee Road and Khagendra Chatterjee Road.
On the south	The Circular Canal.
On the east	Rustomjee Parsee Road, Cossipore Road and Barrackpore Trunk Road.
On the west	The River Hooghly.
Ward no. 7	
On the north	The Circular Canal.
On the south	Bagbazar Street, Bosepara Lane, Nivedita Lane, Ramkanta Bose Street and Sarkarbari Lane.
On the east	Bidhan Sarani, Sachin Mitra Lane and Girish Avenue.
On the west	The river Hooghly.
Ward no. 8	
On the north	Sarkarbari Lane, Nivedita Lane, Bosepara Lane and Ramkanta Bose Street.
On the south	Bhupendra Bose Avenue, Shambazar Street, Raja Naba Krishna Street, Durga Charan Banerjee Street and Kumartuli Street.
On the east	Sachin Mitra Lane and Gopeswar Paul Street.
On the west	Girish Avenue, Rabindra Sarani and the river Hooghly.
Ward no. 9	
On the north	Kumartuli Street, Durga Charan Banerjee Street, Raja Naba Krishna Street and Shambazar Street.
On the south	Sovabazar Street and Aurobindo Sarani.
On the east	Jatindra Mohan Avenue and Rabindra Sarani.
On the west	Gopeswar Paul Street and the river Hooghly.
Ward no. 10	
On the north	Shambazar Street, Bhupendra Bose Avenue and Bagbazar Street.
On the south	Ramkanta Bose Street and Sri Aurobindo Sarani.
On the east	Bidhan Sarani.
On the west	Jatindra Mohan Avenue and Sachin Mitra Lane.
Ward no. 11	

On the north	Junction of Bidhan Sarani and Acharyya Prafulla Chandra Road.
On the south	Raja Rajkrishna Street.
On the east	Acharyya Prafulla Chandra Road.
On the west	Bidhan Sarani.
Ward no. 12	
On the north	The Circular Canal.
On the south	Sri Aurobindo Sarani.
On the east	The Circular Canal.
On the west	Acharyya Prafulla Chandra Road and Bidhan Sarani.
Ward no. 13	
On the north	The New Canal.
On the south	Bidhan Nagar Road and Harish Neogy Road.
On the east	Eastern Railway and Harish Neogy Road.
On the west	The Circular Canal.
Ward no. 14	
On the north	Harish Neogy Road, Bidhan Nagar Road and Biplabi Barin Ghosh Sarani
On the south	Bagmari Road and Satin Sen Sarani.
On the east	Ramkanta Sen Lane, Eastern Railway and Bagmari Road.
On the west	The Circular Canal and Harish Neogy Road.
Ward no. 15	
On the north	Sri Aurobindo Sarani.
On the south	Vivekananda Road.
On the east	The Circular Canal.
On the west	Acharyya Prafulla Chandra Road.
Ward no. 16	
On the north	Raja Rajkrishna Street.
On the south	Abhedananda Road.
On the east	Acharyya Prafulla Chandra Road.
On the west	Bidhan Sarani.
Ward no. 17	
On the north	Sri Aurobindo Sarani.
On the south	Beadon Street.
On the east	Bidhan Sarani.

On the west	Jatindra Mohan Avenue.
Ward no. 18	
On the north	Sri Aurobindo Sarani.
On the south	Beadon Street.
On the east	Jatindra Mohan Avenue.
On the west	Rabindra Sarani.
Ward no. 19	
On the north	Sovabazar Street.
On the south	Butto Kristo Paul Avenue, Ahiritola Street and its continuation up to the river Hooghly.
On the east	Rabindra Sarani.
On the west	The river Hooghly.
Ward no. 20	
On the north	Butto Kristo Paul Avenue, Ahiritola Street and its continuation up to the river Hooghly.
On the south	Nimtala Ghat Street and Port Trust Road leading to Nimtala Ghat.
On the east	Rabindra Sarani.
On the west	The river Hooghly.
Ward no. 21	
On the north	Port Trust Road leading to Nimtala Ghat and Nimtala Ghat Street.
On the south	Darpanarayan Tagore Street, Kali Krishna Tagore Street and the Port Trust Road leading to the river Hooghly.
On the east	Baishnab Sett Street, Prasanna Kumar Tagore Street, Jadoolal Mullick Road and Maharshi Debendra Road.
On the west	The river Hooghly.
Ward no. 22	
On the north	Port Commissoners' Road leading to the river Hooghly, Kali Krishna Tagore Street and Darpanarayan Tagore Street.
On the south	Port Commissioner's Road leading from the river Hooghly up to Mahatma Gandhi Road, Mahatma Gandhi Road and Cotton Street.
On the east	Jadoolal Mullick Road, Jogendra Kaviraj Row, Kalakar Street Jagamohan Mullick Lane and Netaji Subhas Road.
On the west	The river Hooghly and maharshi Devendra Road.
Ward no. 23	
On the north	Kali Krishna Tagore Street.

On the south	Bartala Street.
On the east	Rabindra Sarani.
On the west	Jagamohan Mullick Lane, Kalakar Street and Jogendra Kaviraj Row.
Ward no. 24	
On the north	Nimtala Ghat Street.
On the south	Kalikrishna Tagore Street.
On the east	Rabindra Sarani.
On the west	Baishnab Sett Street, Prasanna Kumar Tagore Street and Jadoolal Mullick Road.
Ward no. 25	
On the north	Nanda Mullick Lane and Vivekananda Road.
On the south	Madan Chatterjee Lane and Muktaram Babu Street.
On the east	Bidhan Sarani and Chittaranjan Avenue.
On the west	Rabindra Sarani and Chittaranjan Avenue.
Ward no. 26	
On the north	Beadon Street.
On the south	Vivekananda Road and Nanda Mullick Lane.
On the east	Bidhan Sarani.
On the west	Rabindra Sarani and Chittaranjan Avenue.
Ward no. 27	
On the north	Abhedananda Road.
On the south	Kailash Bose Street and Mahendra Sreemani Street.
On the east	Acharyya Prafulla Chandra Road.
On the west	Bidhan Sarani.
Ward no. 28	
On the north	Vivekananda Road.
On the south	Dr. M. N. Chatterjee Sarani.
On the east	The Circular Canal.
On the west	Acharyya Prafulla Chandra Road.
Ward no. 29	
On the north	Satin Sen Sarani, Matilal Sen Lane and Dhyan Debi Khanna Road.
On the south	Narikeldanga North Road, Sastitala Road and Eastern Railway.
On the east	Sastitala Road, Matilal Sen Lane, Narikeldanga North Road

	and Eastern Railway.
On the west	The Circular Canal.
Ward no. 30	
On the north	Satin Sen Sarani, Kankurgachi Road, Sastitala Road and Narikeldanga North Road.
On the south	Dhyan Devi Khanna Road and Matilal Sen Lane.
On the east	C.I.T. Road and Kankurgachi Road.
On the west	Sastitala Road, Matilal Sen Lane and Narikeldanga North Road.
Ward no. 31	
On the north	Satin Sen Sarani and Manicktala Main Road.
On the south	Narikeldanga Main Road and Kankurgachi Road.
On the east	Eastern Metropolitan Bypass.
On the west	Kankurgachi Road and C.I.T. Road.
Ward no. 32	
On the north	Crossing of Eastern Railway and the New Canal, Bidhan Nagar Road and Bagmari Road.
On the south	Satin Sen Sarani, Biplabi Barin Ghosh Sarani and Manicktala Main Road.
On the east	Eastern Metropolitan Bypass.
On the west	Ram Kanta Sen Lane, Eastern Railway and Bagmari Road.
Ward no. 33	
On the north	Narikeldanga Main Road.
On the south	The Beliaghata Canal and Hem Chandra Naskar Road.
On the east	Eastern Metropolitan Bypass.
On the west	Gagan Sarkar Road and Hem Chandra Naskar Road.
Ward no. 34	
On the north	Dr. Panchanan Mitra Lane and Abinash Sasmal Lane.
On the south	The Beliaghata Canal.
On the east	Hem Chandra Naskar Road and Gagan Sarkar Road.
On the west	Kankurgachi Road and Raja Rajendralal Mitra Road.
Ward no. 35	
On the north	Eastern Railway, Dhyan Debi Khanna Road and Hem Chandra Naskar Road.
On the south	The Circular Canal and Beliaghata Canal, Dr. Panchanan Mitra Lane and Abinash Sasmal Lane.

On the east	Hem Chandra Naskar Road, Raja Rajendra Lal Mitra Road and Kankurgachi Road.
On the west	Eastern Railway.
Ward no. 36	
On the north	Dr. M. N. Chatterjee Sarani.
On the south	Beliaghata Road.
On the east	The Circular Canal.
On the west	Acharyya Jagadish Bose Road and Acharyya Prafulla Chandra Road.
Ward no. 37	
On the north	Keshab Chandra Sen Street.
On the south	Suryya Sen Street.
On the east	Acharyya Prafulla Chandra Road.
On the west	Raja Rammohan Sarani
Ward no. 38	
On the north	Kailash Bose Street and Mahendra Sreemani Street.
On the south	Keshab Chandra Sen Street.
On the east	Acharyya Prafulla Chandra Road.
On the west	Bidhan Sarani.
Ward no. 39	
On the north	Muktaram Babu Street.
On the south	Mahatma Gandhi Road.
On the east	Bidhan Sarani and College Street.
On the west	Chittaranjan Avenue.
Ward no. 40	
On the north	Keshab Chandra Sen Street.
On the south	Siddheswar Chandra Lane, Madhu Gupta Lane and Surendralal Pyne Lane.
On the east	Raja Rammohan Sarani.
On the west	College Street.
Ward no. 41	
On the north	Madan Chatterjee Lane.
On the south	Syed Salley Lane and Balmukunda Mackkar Road.
On the east	Chittaranjan Avenue.
On the west	Rabindra Sarani.

Ward no. 42	
On the north	Mahatma Gandhi Road, Cotton Street and Bartala Street.
On the south	Biplabi Rash Behari Bose Road and Raja Woodmunt Road.
On the east	Rabindra Sarani.
On the west	Strand Road and C.I.T. Sch. L. Kalakar Street and Netaji Subhas Road.
Ward no. 43	
On the north	Balmukunda Mackkar Road and Syed Salley Lane.
On the south	Tarachand Dutta Street and C.I.T. Sch. LXVI.
On the east	Chittaranjan Avenue, Nawab Badruddin Street, Kanai Sil Street, Phears Lane and Srinath Babu Lane.
On the west	Rabindra Sarani
Ward no. 44	
On the north	C.I.T. Sch. LXVI, Tarachand Dutta Street and Mahatma Gandhi Road.
On the south	Bepin Behari Ganguly Street and Dr. Lalit Banerjee Sarani.
On the east	College Street and Chittaranjan Avenue.
On the west	Chittaranjan Avenue, Nawab Badruddin Street, Kanai Sil Street, Phears Lane, Srinath Babu Lane and Rabindra Sarani.
Ward no. 45	
On the north	Port Commissioner's Road leading from the river Hooghly up to Mahatma Gandhi Road, Raja Woodmunt Street and Biplabi Rash Behari Bose Road.
On the south	Lalbazar Street, Lawrence Road, Eden Garden Road and a line drawn in continuation of Eden Garden Road to the river Hooghly.
On the east	Strand Road, Rabindra Sarani, Dalhousie Square East, Old Court House Street, Government Place East and C.I.T. Sch. L.
On the west	River Hooghly.
Ward no. 46	
On the north	Lalbazar Street, Bipin Behari Ganguly Street, Lenin Sarani and Ganesh Chandra Avenue.
On the south	Nellie Sengupta Sarani and Outram Road.
On the east	Jawaharlal Nehru Road, Mirza Ghalib Street, Rani Rashmoni Road, Chandney Chowk Street, Khairu Place and Bow Street.
On the west	Red Road, Government Place East, Dalhousie Square East and Old Court House Street.
Ward no. 47	

On the north	Bepin Behari Ganguly Street and Dr. Lalit Banerjee Sarani.
On the south	Lenin Sarani and Ganesh Chandra Avenue.
On the east	Nirmal Chandra Street and College Street.
On the west	Chandney Chowk Street, Khairu Place, Bow Street and Chittaranjan Avenue.
Ward no. 48	
On the north	Surendralal Pyne Lane, Madhu Gupta Lane and Siddheswar Chandra Lane
On the south	Hidaram Banerjee Lane.
On the east	Sashi Bhusan Dey Street and Raja Rammohan Sarani.
On the west	Nirmal Chandra Street and College Street.
Ward no. 49	
On the north	Suryya Sen Street.
On the south	Bepin Behari Ganguly Street.
On the east	Acharyya Prafulla Chandra Road.
On the west	Raja Rammohan Sarani.

Ward no. 50	
On the north	Bepin Behari Ganguly Street.
On the south	Surendra Nath Banerjee Road.
On the east	Acharyya Jagadish Bose Road.
On the west	Puran Chand Nahar Avenue, Gokul Boral Street and Sashi Bhusan Dey Street.
Ward no. 51	
On the north	Hidaram Banerjee Lane.
On the south	Surendra Nath Banerjee Road.
On the east	Puran Chand Nahar Avenue, Gokul Boral Street and Sashi Bhusan Dey Street.
On the west	Nirmal Chandra Street and Rafi Ahmed Kidwai Road.
Ward no. 52	
On the north	Lenin Sarani.
On the south	Marquis Street.
On the east	Rafi Ahmed Kidwai Road.
On the west	Mirza Ghalib Street and Rani Rashmoni Road.
Ward no. 53	

On the north	Surendra Nath Banerjee Road.
On the south	Abdul Halim Lane, Taltala Lane, Dedar Baksh Lane and Haji Mohammed Mohosin Square.
On the east	Acharyya Jagadish Bose Road.
On the west	Rafi Ahmed Kidwai Road and Taltala Lane.
Ward no. 54	
On the north	C.I.T. Road and Dr. Suresh Sarkar Road.
On the south	Mufidul Islam Lane, Anjuman Road and Harekrishna Konar Road.
On the east	Dr. Suresh Sarkar Road and Hatibagan Road (North).
On the west	Harekrishna Konar Road and Acharyya Jagadish Bose Road.
Ward no. 55	
On the north	Beliaghata Road and Guripara Road.
On the south	Christopher Road, Convent Lane and Dr. Suresh Sarkar Road.
On the east	Convent Lane, Palmer Bazar Road and Eastern Railway.
On the west	Acharyya Jagadish Bose Road and Dr. Suresh Sarkar Road.
Ward no. 56	
On the north	Debendra Chandra Dey Road and Convent Lane.
On the south	Christopher Road.
On the east	Kankurgachi Road.
On the west	Eastern Railway, Convent Lane and Palmer Bazar Road.
Ward no. 57	
On the north	Beliaghata Road, Circular Canal and Beliaghata Canal.
On the south	Guripara Road, Debendra Chandra Dey Road and Sewage Outlet where it meets New Canal.
On the east	Western side of New Canal.
On the west	Beliaghata Road and Palmer Bazar Road.
Ward no. 58	
On the north	Debendra Chandra Dey Road and Sewage Outlet where it meets New Canal.
On the south	Christopher Road, Matheswartola Road, the western boundary of the former Bionchitola Union Board and Storm Water Outlet up to the point where it meets New Canal.
On the east	Topsia Road North and western boundary of New Canal.
On the west	Eastern Railway and the western boundary of the former Boinchitola Union Board.
Ward no. 59	

On the north	Christopher Road.
On the south	Topsia Road South, Tiljala Road and Gorachand Road.
On the east	Gobinda Chandra Khatik Road and Topsia Road South.
On the west	Topsia Road South, Tiljala and Dr. Sundari Mohan Avenue.
Ward no. 60	
On the north	Harekrishna Konar Road, Anjuman Road, Mafidul Islam Lane and Dr. Suresh Sarkar Road.
On the south	Suhrawardy Avenue, Beniapukur Lane and Park Street.
On the east	Dr. Sundari Mohan Avenue and Harekrishna Konar Road.
On the west	Jannagar Road, Crematorium Street, Harekrishna Konar Road, Acharyya Jagadish Bose Road and Hatibagan Road (North).
Ward no. 61.	
On the north	Muzaffar Ahmed Street and Beniapukur Lane.
On the south	Park Street.
On the east	Jannagar Road, Crematorium Street, Hare-krishna Konar Road and Acharyya Jagadish Bose Road.
On the west	Rafi Ahmed Kidwai Road
Ward no. 62	
On the north	Marquis Street, Haji Mohammed Square, Dedar Baksh Lane, Taltala Lane and Abdul Halim Lane.
On the south	Muzaffar Ahmed Street and Collin Lane.
On the east	Acharyya Jagadish Bose Road and Taltala Lane.
On the west	Rafi Ahmed Kidwai Road, Mirza Ghalib Street and Collin Street.
Ward no. 63	
On the north	Outram Road, Nellie Sengupta Sarani, Collin Lane and Park Street.
On the south	Acharyya Jagadish Bose Road and Tolly's Nullah.
On the east	The road connecting Acharyya Jagadish Bose Road and Belvedere Road, Acharyya Jagadish Bose Road, Rafi Ahmed Kidwai Road, Collin Street and Mirza Ghalib Street.
On the west	Kidderpore Road, Casurina Avenue, Chowringhee Road and Jawaharlal Nehru Road.
Ward no. 64	
On the north	Park Street, Suhrawardy Avenue and Gorachand Road.
On the south	Circus Avenue, Beckbagan Row, Shamsul Huda Road, Dr. Biresh Guha Street and Park Street.

On the east	Bright Street and Tiljala Road
On the west	Acharyya Jagadish Bose Road and Dr. Sundari Mohan Avenue.
Ward no. 65	
On the north	Shamsul Huda Road, Park Street and Tiljala Road.
On the south	Bondel Road, Picnic Garden Road and Tiljala Masjid Bari Lane.
On the east	Tiljala Road, Kustia Road and Topsia Road South.
On the west	Ashutosh Chowdhury Avenue, Syed Amir AN Avenue and Bright Street.
Ward no. 66	
On the north	Tiljala Masjid Bari Lane, Topsia Road South, Topsia Road North, Matheswartola Road and the southern boundary of former Boinchitala Union Board.
On the south	Picnic Garden Road.
On the east	Western boundary of Paschim Chowbhagha and former Boinchitala Union Board.
On the west	Tiljala Road, Kustia Road, Gobinda Chandra Khatik Road, Topsia Road and Topsia Road South.
Ward no. 67	
On the north	Picnic Garden Road.
On the south	Banku Behari Chatterjee Road and Rajkrishna Chatterjee Road.
On the east	Rajkrishna Chatterjee Road and a line drawn on the eastern edge of Dag Nos. 2139, 2136, 2135, 2113, 2112, 2108, 2107, 2095, 2094, 1968, 1967, 1956, 1955, 1954, 1952, 1951, 1948, 1917, 2164, 1914, 1995, 1694, 1692, 5018, 1691, 1689, 1688 of Kasba Mauza and 113, 115, 114, 61, 60, 59 of Laskarhat Mauza.
On the west	Eastern Railway.
Ward no. 68	
On the north	Bondel Road.
On the south	Ballygunge Station Road, Fern Road and Kankulia Road.
On the east	Eastern Railway and Kankulia Road.
On the west	Gariahat Road and Ashutosh Chowdhury Avenue.
Ward no. 69	
On the north	Acharyya Jagadish Bose Road, Circus Avenue and Beckbagan Row.
On the south	Hazra Road.
On the east	Syed Amir Ali Avenue and Ashutosh Chowdhury Avenue.

On the west	Sarat Bose Road.
Ward no. 70	
On the north	Acharyya Jagadish Bose Road.
On the south	Chakrabere Road South and Paddapukur Road.
On the east	Sarat Bose Road, Paddapukur Road and Chakrabere Road South.
On the west	Ashutosh Mukherjee Road and Chowringhee Road.
Ward no. 71	
On the north	Acharyya Jagadish Bose Road.
On the south	Suhasini Ganguli Sarani, Gobinda Bose Lane, Bijoy Bose Road and Tolly's Nullah.
On the east	Ashutosh Mukherjee Road, Debendralal Khan Road and Chowringhee Road.
On the west	Tolly's Nullah and the Road connecting Belevedere Road and Acharyya Jagadish Bose Road, Madan Pal Lane and Harish Mukherjee Road.
Ward no. 72	
On the north	Chakrabere Road South and Paddapukur Road.
On the south	Hazra Road.
On the east	Sarat Bose Road.
On the west	Shyamaprasad Mukherjee Road, Ashutosh Mukherjee Road, Chakrabere Road South and Paddapukur Road.
Ward no. 73	
On the north	Suhasini Ganguli Sarani, Gobinda Bose Lane and Bijoy Bose Road.
On the south	Hazra Road and Tolly's Nullah.
On the east	Shyamaprasad Mukherjee Road, Ashutosh Mukherjee Road, Harish Mukherjee Road and Madan Pal Lane.
On the west	Tolly's Nullah and Devendralal Khan Road.
Ward no. 74	
On the north	Tolly's Nullah.
On the south	Judge's Court Road, Chetla Hat Road and Eastern Railway.
On the east	Tolly's Nullah, Gopal Nagar Road and Alipore Road.
On the west	Diamond Harbour Road and Kidderpore Bridge Approach.
Ward no. 75	
On the north	Strand Road and a line drawn in continuation of the south side of Strand Road to the river Hooghly and Clyde Row.

On the south	Kabitirtha Sarani.
On the east	Canal Road, St. George's Gate Road, Kidderpore Bridge Approach and Karl Marx Sarani.
On the west	Garden Reach Road and the river Hooghly.
Ward no. 76	
On the north	Garden Reach Road and Kabitirtha Sarani.
On the south	Karl Marx Sarani and Sastitala Road.
On the east	Karl Marx Sarani.
On the west	Satya Doctor Road and Sastitala Road.
Ward no. 77	
On the north	Karl Marx Sarani
On the south	Kavi Mohammod Iqbal Road.
On the east	Diamond Harbour Road.
On the west	Bhukailash Road.
Ward no. 78	
On the north	Kavi Mohammod Iqbal Road.
On the south	Braunfeld Row and Hossain Shah Road.
On the east	Diamond Harbour Road.
On the west	Bhukailash Road.
Ward no. 79	
On the north	Karl Marx Sarani, Hossain Shah Road and Braunfeld Row.
On the south	Goragacha Road.
On the east	Bhukailash Road and Diamond Harbour Road.
On the west	Hide Road.
Ward no. 80	
On the north	The river Hooghly, Goragacha Road and former Garden Reach Municipality.
On the south	South Suburban Municipality, former Garden Reach Municipality and Karl Marx Sarani, Satya Doctor Road and Garden Reach Road.
On the east	Tolly's Nullah, Garden Reach Road, Sastitala Road, Satya Doctor Road, Hide Road and Diamond Harbour Road.
On the west	Former Garden Reach Municipality.
Ward no. 81	
On the north	Eastern Railway.
On the south	Circular Road (Tollygunge), S. N. Roy Road and a line drawn

	on the southern edge of new Alipore Plot Nos. 23A/47B, 23A/48C, 23A/48D, 23A/49C, 23A/51B, 23A/52, 23A/ 52A, 23A/53A, 23A/54, 23A/54A, 23A/55, 23A/55A, 23A/ 60F, 23A/60E, 23A/60D, 23A/60C, 23A/60B, 23A/60A, 23A/ 60/1 A, 23A/246. Plot Nos. 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279 of Block J and Plot Nos. 280, 282, 283, 284, 285, 286, 287, 289, 290, 291, 292, 293, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489 of Block K.
On the east	Deshpran Sasmal Road.
On the west	Diamond Harbour Road.
Ward no. 82	
On the north	Chetla Hat Road and Judges Court Road.
On the south	Eastern Railway.
On the east	Tolly's Nullah.
On the west	Alipore Road and Gopal Nagar Road.
Ward no. 83	
On the north	Hazra Road.
On the south	Rashbehari Avenue.
On the east	Shyamaprasad Mukherjee Road.
On the west	Tolly's Nullah.
Ward no. 84	
On the north	Hazra Road.
On the south	Rash Behari Avenue.
On the east	Sarat Bose Road.
On the west	Shyamaprasad Mukherjee Road.
Ward no. 85	
On the north	Hazra Road and Dover Lane
On the south	Rashbehari Avenue.
On the east	Garcha 1st Lane, Dover Terrace connecting Garcha 1st Lane, Dover Lane and Ramani Chatterjee Road.
On the west	Sarat Bose Road.
Ward no. 86	
On the north	Hazra Road and Rashbehari Avenue.
On the south	Dover Lane and Dr. Meghnad Saha Sarani.
On the east	Gariahat Road.
On the west	Lake View Road, Ramani Chatterjee Road, Dover Terrace connecting Dover Lane and Garcha 1st Lane.

Ward no. 87	
On the north	Rashbehari Avenue.
On the south	Eastern Railway.
On the east	Sarat Bose Road and Baroj Road.
On the west	Shyamaprasad Mukherjee Road.
Ward no. 88	
On the north	Rashbehari Avenue.
On the south	Eastern Railway.
On the east	Shyamaprasad Mukherjee Road.
On the west	Tolly's Nullah.
Ward no. 89	
On the north	Eastern Railway and Tollygunge Circular Road.
On the south	Charu Chandra Place East, Prince Anwar Shah Road and a link road between Deshpran Sashmal Road and Tolly's Nullah (on the adjacent north of Tollygunge Race Course).
On the east	Dr. Dauder Rahman Road and Charu Chandra Place East and Deshpran Sashmal Road.
On the west	Deshpran Sashmal Road and Tolly's Nullah.
Ward no. 90	
On the north	Rashbehari Avenue, Dr. Meghnad Sana Sarani, Kankulia Road, Fern Road and Ballygunge Station Road.
On the south	Eastern Railway.
On the east	Eastern Railway and Lake View Road.
On the west	Kankulia Road, Baroj Road and Sarat Bose Road.
Ward no. 91	
On the north	Rajkrishna Chatterjee Road, Banku Behari Chatterjee Road.
On the south	Sarat Ghosh Garden Road and Rajdanga Road.
On the east	Kasba Road and Rajdanga Road.
On the west	Eastern Railway.
Ward no. 92	
On the north	Sarat Ghosh Garden Road and Eastern Railway.
On the south	Jadavpur Station Road, Garfa Road and northern boundary of former Haltu Union Board.
On the east	Kalipada Roy Lane, Jheel Road, western boundary of former Haltu Union Board and Eastern Railway.
On the west	Raja Subodh Chandra Mullick Road and Gariahat Road.

Ward no. 93	
On the north	Eastern Railway and Charu Chandra Place East.
On the south	Jadavpur Central Road, Prince Golam Hossain Shah Road and Prince Anwar Shah Road.
On the east	Raja Subodh Chandra Mullick Road and Gariahat Road.
On the west	Prince Golam Mohammad Shah Road, Dr. Dauder Rahman Road and Charu Chandra Place East.
Ward no. 94	
On the north	Prince Anwar Shah Road.
On the south	Netaji Subhas Chandra Bose Road and Graham Road.
On the east	Deshpran Sashmal Road and Graham Road.
On the west	Prince Golam Mohammad Shah Road.
Ward no. 95	
On the north	Prince Golam Hossain Shah Road and Graham Road.
On the south	Raipur Road.
On the east	Jadavpur Central Road.
On the west	Prince Golam Mohammad Shah Road and Netaji Subhas Chandra Bose Road.
Ward no. 96	
On the north	Jadavpur Central Road.
On the south	Raipur Road.
On the east	Raja Subodh Chandra Mullick Road.
On the west	Jadavpur Central Road.
Ward no. 97	
On the north	A link road between Dashpran Sashmal Road and Tolly's Nullah and Graham Road.
On the south	Graham Road, Nagendra Narayan Dutta Road and Tolly's Nullah.
On the east	Deshpran Sashmal Road, Graham Road and Netaji Subhas Chandra Bose Road.
On the west	Tolly's Nullah.
Ward no. 98	
On the north	Nagendra Narayan Dutta Road and Raipur Road.
On the south	Naktala Road, Khanpur Road and a road from Netaji Subhas Chandra Bose Road up to Tolly's Nullah.
On the east	Raipur Road.
On the west	Netaji Subhas Chandra Bose Road, Tolly's Nullah and

	Khanpur Road.
Ward no. 99	
On the north	Raipur Road.
On the south	Raipur Road and Raipur Mondalpara Road.
On the east	Raja Subodh Chandra Mullick Road.
On the west	Raipur Road.
Ward no. 100	
On the north	Raipur Mondalpara Road and Khanpur Road.
On the south	Tolly's Nullah.
On the east	Raja Subodh Chandra Mullick Road.
On the west	Naktala Road, Khanpur Road and a road from Netaji Subhas Chandra Bose Road up to Tolly's Nullah.
Ward No. 101	
On the north	Baghajatin Station Road.
On the south	Link Road connecting Raja Subodh Mullick Road and Eastern Metropolitan Bypass.
On the east	Eastern Metropolitan Bypass and the Eastern Railway.
On the west	Raja Subodh Mullick Road.
Ward No. 102	
On the north	Jadavpur Station Road.
On the south	Baghajatin Station Road.
On the east	The Eastern Railway.
On the west	Raja Subodh Mullick Road.
Ward No. 103	
On the north	A straight line drawn in continuation of Santoshpur Avenue on the west up to the Eastern Railway, Santoshpur Avenue, Kalikumar Mazumder Road and New Santoshpur Main Road.
On the south	Crossing of the Eastern Railway and Pachanna-gram Canal.
On the east	Panchannagram Canal.
On the west	The Eastern Railway and Kalikumar Mazumder Road.
Ward No. 104	
On the north	Viveknagar Ward no. 3 Road, southern bank of southern Jheel northern bank of northern Jheel, Prince Anwar Shah Road Link Canal and Kalikapur Road.
On the south	A straight line drawn in continuation of Santoshpur Avenue on the west up to the Eastern Railway, Santoshpur Avenue, Kalikumar Mazumder Road and New Santoshpur Main Road.

On the east	Panchannagram Canal and Kalikumar Mazumder Road.
On the west	The Eastern Railway, Jheel Road and a line drawn from the northern bank of northern Jheel (along Sahidnagar Ward no. 6th Road) to the southern bank of southern Jheel.
Ward No. 105	
On the north	Sarat Ghosh Garden Road and Haltu Main Road.
On the south	Prince Anwar Shah Road Link Canal and northern bank of northern Jheel.
On the east	Garfa Main Road and Haltu Main Road.
On the west	K. P. Roy Lane, Sahidnagar Ward no. 6th Lane and Sahidnagar Ward no. 6th Road.
Ward No. 106	
On the north	Kayasthapara Main Road, P Mazumder Road and the Canal.
On the south	Prince Anwar Shah Road Link Canal and Kalikapur Road.
On the east	Panchannagram Canal and Eastern Metropolitan Bypass.
On the west	Garfa Main Road.
Ward No. 107	
On the north	Northern boundary of Nonadanga Mauza and Rajdanga Road.
On the south	Haltu Main Road, Kayasthapara Main Road, P. Mazumder Road and the Canal.
On the east	Eastern Metropolitan Bypass.
On the west	Kasba Road, a Pucca Road (Dag No. 1446 of Kasba Mauza) and a line drawn on the eastern edge of Dag No. 2139, 2136, 2135, 2113, 2112, 2108, 2107, 2095, 2094, 1968, 1967, 1956, 1955, 1954, 1952, 1951, 1948, 1917, 2164, 1914, 1695, 1694, 1692, 5018, 1691, 1689, 1688 of Kasba Mauza, 113, 115, 114, 61, 60, 59 of Laskarhat Mauza and 194, 195, 176, 143, 142, 141, 140, 139, 138, 108, 137, 136, 132, 131, 125, 124, 123, 203, 202, 201, 122, 15, 14 of Nonadanga Mauza.
Ward No. 108	
On the north	Northern boundary of Nonadanga Mauza, Storm Water Outlet and northern boundary of Dhapa Mauza.
On the south	Northern boundary of Kalikapur Mauza and southern boundaries of Chowbhaga and Dhapa Mauzas.
On the east	Eastern boundaries of Madurdaha, Nonadanga and Dhapa Mauzas.
On the west	Eastern Metropolitan Bypass and western boundary of Paschim Chowbhaga Mauza.
Ward No. 109	

On the north	Northern boundaries of Kalikapur and Chakganiagachhi Mauzas.
On the south	Southern boundaries of Kalikapur, Nayabad and Chakgaria Mauzas.
On the east	Eastern Metropolitan Bypass, eastern boundaries of Kalikapur, Barakhola, Chakganiagachhi, Nayabad and Chakgaria Mauzas.
On the west	Panchannagram Canal and the Eastern Railway.
Ward No. 110	
On the north	Link Road connecting Raja Subodh Mullick Road and Eastern Metropolitan Bypass.
On the south	Tolly's Nullah and southern boundary of Briji Mauza.
On the east	The Eastern Railway.
On the west	Raja Subodh Mullick Road and Eastern Metropolitan Bypass.
Ward No. 111	
On the north	Nathpara Road and Tolly's Nullah.
On the south	Southern boundaries of Kamdahari and Brahma-pur Mauzas.
On the east	Eastern boundary of Kamdahari Mauza.
On the west	Bidhan Palli Road, Bakshipalli Road, Rishi Rajnarayan Road and Shekhpara Road.
Ward No. 112	
On the north	Tolly's Nullah.
On the south	Nathpara Road, southern boundaries of Brahmapur and Raynagar Mauzas.
On the east	Bidhan Palli Road, Bakshipalli Road, Rishi Rajnarayan Road and Shekhpara Road.
On the west	H. L. Sarkar Road and Pirpukur Road.
Ward No. 113	
On the north	Tolly's Nullah.
On the south	Southern boundary of Bansdroni Mauza.
On the east	H. L. Sarkar Road and Pirpukur Road.
On the west	Bandipur Road and Anandapalli Road.
Ward No. 114	
On the north	Tolly's Nullah.
On the sout	Southern boundaries of Bansdroni, Chakdaha and Purba Putiari Mauzas.
On the east	Bandipur Road and Anandapalli Road.

On the west	Kaorapukur Khal.
Ward No. 115	
On the north	Raja Rammohan Roy Road and Tolly's Nullah.
On the south	Sodepur 2nd Lane and Haridevpur Road.
On the east	Kaorapukur Khal.
On the west	Moti Lal Gupta Road and Mahatma Gandhi Road.
Ward No. 116	
On the north	Roy Bahadur A. C. Roy Road and Pran Krishna Chandra Lane.
On the south	Pashupati Bhattacharjee Road.
On the east	Tolly's Nullah and B. L. Saha Road.
On the west	Bama Charan Roy Road and B. L. Saha Road.
Ward No. 117	
On the north	S. N. Roy Road and Circular Road (Tollygunge).
On the south	Roy Bahadur A. C. Roy Road and Pran Krishna Chandra Lane.
On the east	Tolly's Nullah.
On the west	Buda Shibtala Main Road and B. L. Saha Road.
Ward No. 118	
On the north	A line drawn on the south of New Alipore Plot Nos. 23A/ 47B, 23A/48C, 23A/48D, 23A/49C, 23A/51B, 23A/52, 23A/ 52A, 23A/53A, 23A/54, 23A/54A, 23A/55, 23A/55A, 23A/ 60F, 23A/60E, 23A/60D, 23A/60C, 23A/60B, 23A/60A, 23A/ 60/1A, 23A/246.
On the south	Roy Bahadur A. C. Roy Road and S. N. Roy Road.
On the east	Buda Shibtala Main Road.
On the west	Joy Krishna Paul Road, Sahapur Main Road and Barikpara Road.
Ward No. 119	
On the north	A Line drawn on the south of New Alipore Plot Nos. 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, and 279 of Block J and Plot Nos. 280, 282, 283, 284, 285, 286, 287, 289, 290, 291, 292, 293, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488 and 498 of Block K.
On the south	Roy Bahadur A. C. Roy Road.
On the east	Joy Krishna Paul Road, Sahapur Main Road and Barikpara Road.
On the west	Diamond Harbour Road.
Ward No. 120	
On the north	Roy Bahadur A. C. Roy Road.

On the south	Bhupen Roy Road.
On the east	Bamacharan Roy Road.
On the west	Diamond Harbour Road.
Ward No. 121	
On the north	Bhupen Roy Road and Pashupati Bhattacharjee Road.
On the south	Raja Rammohan Roy Road.
On the east	Raja Rammohan Roy Road and B. L. Sana Road.
On the west	Diamond Harbour Road and Bama Charan Roy Road.
Ward No. 122	
On the north	Raja Rammohan Roy Road, Sodepur 2nd Lane and Haridevpur Road.
On the south	Hem Chandra Mukherjee Road, Motilal Gupta Road and Dhalipara Road.
On the east	Mahatma Gandhi Road and Motilal Gupta Road.
On the west	Kalipada Mukherjee Road, Hem Chandra Mukherjee Road, Ishan Ghosh Road and a line drawn in continuation of the south up to Dhalipara Road.
Ward No. 123	
On the north	Raja Rammohan Roy Road, Hem Chandra Mukherjee Road and Motilal Gupta Road.
On the south	Chandi Charan Ghosh Road, James Long Sarani (Diamond Harbour Bypass), Vidya Sagar Sarani and a line drawn in continuation to the east where it meets the north-western boundary of Chakthkurani Mauza.
On the east	Kalipada Mukherjee Road, Hem Chandra Mukherjee Road, Ishan Ghosh Road and a line drawn in continuation on the south up to Dhalipara Road.
On the west	Diamond Harbour Road.
Ward No. 124	
On the north	Chandi Charan Ghosh Road, James Long Sarani (Diamond Harbour Bypass), Vidya Sagar Sarani and a line drawn in continuation to the east where it meets the north-west boundary of Chakthakurani Mauza.
On the south	Mahatma Gandhi Road.
On the east	Eastern boundary of Purba Barisha Mauza.
On the west	Diamond Harbour Road.
Ward No. 125	
On the north	Sashan Kalitola Road, Narayan Roy Road and K. K. Roy Road.
On the south	A line drawn along Dag Nos. 4564, 4563, 6817, 4555, 4546,

	4545, 4544, 3802, 3796, 3793, 3792, 4488, 4487, 4481, 1979, 2078, 1977, 2283, 2011, 2376, 2377, 2013, 2015, 2280, 2281, 2016, 2018, 2061, 2062, 2246, 2211, 2197, 2380, 2196 and 2197 of Paschim Barisha Mauza.
On the east	Diamond Harbour Road and along Dag Nos. 2078, 2079, 2208, 2185, 2183, 2182 and 2181 of Paschim Barisha Mauza.
On the west	Dakshin Behala Road and a line drawn in continuation across Ananda Nagore Colony up to Dag No. 2179 of Paschim Barisha Mauza.
Ward No. 126	
On the north	Ho Chi Minh Sarani.
On the south	Sashan Kalitola Road, Narayan Roy Road, K. K. Roy Road and Dag Nos. 2180, 2174, 2176, 2241, 2168, 2162 and 2163 of Paschim Barisha Mauza.
On the east	Dakshin Behala Road and a line drawn in continuation across Ananda Nagore Colony up to Dag No. 2179 of Paschim Barisha Mauza and Dag Nos. 2167, 2242, 2166, 2164 and 2163 of Paschim Barisha Mauza and Diamond Harbour Road.
On the west	A line drawn along Dag Nos. 2160, 2159, 2158, 2157, 2154, 2652, 2651, 2280, 2650, 2153, 2139, 2642, 2638, 2721, 2587, 2354 and 2353 of Paschim Barisha Mauza, 2335, 2324, 2396, 2234, 2208, 2215 and 2309 of Sarsuna Mauza, Baghpota Road, Jadav Ghosh Road and Sarsuna Main Road.
Ward No. 127	
On the north	Ho Chi Minh Sarani.
On the south	A line drawn along Dag Nos. 2275, 2199, 2201, 2130, 2127, 2124, 2123, 2122, 2120, 2119, 2118, 2116 and 2348 of Sarsuna Mauza 780, 779, 841, 912, 719, 452 and 793 of Sibrampur Mauza and Shibrampur Road.
On the east	Baghpota Road, Jadab Ghosh Road and Sarsuna Main Road.
On the west	A line drawn along Dag Nos. 2374, 745, 744, 742, 741, 739, 738, 737, 736, 735, 734 and 973 of Sarsuna Mauza, 177, 176, 175, 174, 173, 172 and 171 of Sonamukhi Mauza. Dag Nos. 726, 725, 722, 718, 717, 716, 699, 1648, 696, 682, 681, 680, 679, 678, 672, 671, 1652, 590, 591, 593, 594, 537, 533, 532, 531, 530, 529, 527, 526, 525, 524, 470, 473, 472 and 113 of Sarsuna Mauza. Dag No. 79 of Sibrampur Mauza.
Ward No. 128	
On the north	A line drawn along Dag Nos. 2853, 2852, 2849, 2848, 2847, 2843, 2840, 2838, 3501 of Pouri Mauza. Pouri Daspara Road, Pouri Kancha Road, Fakirpara Road and Dr. A. K.Paul Road.
On the south	Ho Chi Minh Sarani.
On the east	Diamond Harbour Road.

On the west	Beledanga Road and a line drawn along Dag Nos. 2933, 2932, 2931, 2930, 2929, 2874, 2873, 2872, 2871, 2868, 2870, 2869, 2855, 2854 of Pouri Mauza.
Ward No. 129	
On the north	Pallishri and Maharani Indiradebi Road.
On the south	Pouri Daspara Road and Pouri Kancha Road.
On the east	Kazipara Road, Goalapara Road, Gopal Mishra Road and Becharam Chatterjee Road.
On the west	A line drawn along Dag Nos. 2836, 2885, 2834, 2833, 2832, 2831, 2824, 2823, 2813, 2809, 2808, 2807, 2806, 2802 and 2801 of Pouri Mauza, Mohendra Banerjee Road and along Dag Nos. 768, 767, 765, 764, 763, 762, 761, 758, 757, 719, 1231, 714, 716 of Behala Mauza.
Ward No. 130	
On the north	Netaji Subhas Road.
On the south	Fakirpara Road and Dr. A. K. Paul Road.
On the east	Diamond Harbour Road.
On the west	Kazipara Road, Gopal Mishra Road and Becharam Chatterjee Road.
Ward No. 131	
On the north	Upendranath Banerjee Road and Bonomali Naskar Road.
On the south	Jingira Khal, Pallishri, Maharani Indiradebi Road and Netaji Subhas Road.
On the east	Diamond Harbour Road and Khudiram Bose Sarani.
On the west	Jingira Khal.
Ward No. 132	
On the north	Canal.
On the south	Upendranath Banerjee Road and Bonomali Naskar Road.
On the west	Diamond Harbour Road.
On the east	Junction of Upendranath Banerjee Road and the Canal.
Ward No. 133	
On the north	Rameshwarpur Road, Ramnagar Lane (West), Haribabu's Pally Bye-Lane, Paharpur Road and Mudialy 1st Lane.
On the south	Northern boundary of Ramdashati Mauza.
On the east	Metherpara Lane, Azaher Mollah Bagan, Haribabu's Pally Bye-Lane and Trenching Ground Road.
On the west	Mudialy 1st Lane, Fatehpur 2nd Lane and Fatehpur 1st Lane.
Ward No. 134	

On the north	Southern bank of river Hooghly and Garden Reach Road.
On the south	Garden Reach Road, Dhanksheti Khal, Haribabu's Pally Bye-Lane, Paharpur Road, Ramnagar Lane (West) and Circular Garden Reach Road.
On the east	Prince Dilwarjha Lane, western boundary of Port Commissioners land and Banerjee Bagan Lane.
On the west	Iron-gate Road, Dhanksheti Khal, Metherpara Lane, Azaher Mollah Bagan and Haribabu's Pally Bye-Lane.
Ward No. 135	
On the north	Southern bank of river Hooghly, Garden Reach Road and Dhanksheti Khal.
On the south	Ramnagar Lane (West), Rameshwarpur Road, Mudialy Road and Mudialy 1st Lane.
On the east	Iron-gate Road, Dhanksheti Khali, Mudialy 1st Lane and Mudialy Road.
On the west	Bichalighat Road and Mudialy Road.
Ward No. 136	
On the north	S. A. Farooquie Road (Akra Road) and Mudialy Road.
On the south	Northern boundary of Ramdashati Mauza.
On the east	Mudialy Road, Fatehpur 2nd Lane and Fatehpur 1st Lane.
On the west	Shimpukur Lane, Santoshpur Road and Mudialy Road.
Ward No. 137	
On the north	Southern bank of river Hooghly and Garden Reach Road.
On the south	Garden Reach Road, S. A. Farooquie Road (Akra Road) and Halderpara Lane.
On the east	Bichalighat Road.
On the west	Murray Road and Halderpara Lane and a line drawn between southern bank of river Hooghly and Garden Reach Road.
Ward No. 138	
On the north	Dr. Abdul Kabir Road, Garden Reach Road and Halderpara Lane.
On the south	S. A. Farooquie Road (Akra Road).
On the east	Murry Road and Halderpara Lane.
On the west	Railway siding, Railway siding (from Dr. Abdul Kabir Road to the point where it meets Panchpara Road) and Panchpara Road.
Ward No. 139	
On the north	S. A. Farooquie Road (Akra Road).

On the south	Northern boundaries of Panchur and Makalhati Mauzas.
On the east	Shimpukur Lane and Santoshpur Road.
On the west	Eastern boundary of Panchur Mauza.
Ward No. 140	
On the north	Jeliapara Road, Dr. Abdul Kabir Road, southern boundary of Akra Mauza and Kailash Mistry Lane.
On the south	S. A. Farooquie Road (Akra Road) northern boundary of Akra Mauza.
On the east	Railway siding (From Dr. Abdul Kabir Road to the point where it meets Panchpara Road), Panchpara Road and western boundary of Akra Mauza.
On the west	Jaliapara Road, Bagdipara Road, Eastern boundary of Akra Mauza and Bhanga Khal Road.
Ward No. 141	
On the north	Southern bank of river Hooghly.
On the south	Garden Reach Road, Dr. Abdul Kabir Road, Jeliapara Road and Kailash Mistry Lane.
On the east	A line drawn between southern bank of river Hooghly and Garden Reach Road, Jeliapara Road, Bagdipara Road and Bhanga Khal Road.
On the west	Eastern bank of river Hooghly.]

Footnote:

1. Substituted by Section 20 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben. Act XXXII of 1983), w.e.f. 4.1.1984, for the Original Schedule II.

[1][Schedule III]

Corrupt Practices

[See section 2(22)]

The following shall be deemed to be corrupt practices for the purposes of this Act:

Part I

1. Bribery

A gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever--

(a) with the object, directly or indirectly, or including--

(i) a person to stand or not to stand as, or to withdraw from being, a candidate, or

(ii) an elector to vote or refrain from voting at an election; or

(b) as to reward to--

(i) a person for having stood or for having not stood as a candidate or for having withdrawn his candidature, or

(ii) an elector for having voted or refrained from voting.

Explanation:- For the purposes of this clause, the term "gratification" shall not be restricted to any pecuniary gratification or any gratification estimable in money, and shall include all forms of entertainment and all forms of employment for reward, but shall not include the payment of any expenses bona fide incurred at or for the purposes of any election and duly entered in the return of election expenses prescribed by this Act.--

2. Undue influence

(1) Any direct or indirect interference or attempt to interfere on the part of a candidate, or his agent or of any other person with the connivance of the candidate or his agent by any of the means hereafter specified with the right of any person to stand or not to stand or to withdraw from standing as a candidate, or with the free exercise of the franchise of an elector.

(2) The means referred to above include--

(a) any violence, injury, restraint, or fraud and any threat thereof, or

(b) any threat to a person of inducement to a person to believe that he or any person in whom he is interested will become or be rendered an object of divine displeasure or spiritual censure.

but do not include any declaration of public policy or promise of public action.

3. Personation

The procuring or abetting or attempting to procure by a candidate or his agent; or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or by a person, who has voted once at an election, for a voting paper in his own name at the same election.

4. Publication of false statements

The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate or in relation to the candidate or

withdrawal of candidature of any candidate and which is reasonably calculated to prejudice such candidate's election.

Part II

1. Acts under Part I

Any act specified in Part I, when done by a person who is not a candidate or an agent of a candidate or a person acting with the connivance of a candidate or his agent.

2. Personation

The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name after he has already voted at such election.

3. Receipt of gratification

The receipt of, or the agreement to receive by a person for himself or for any other person, any gratification, whether as a motive or a reward--

(a) for standing or for not standing as a candidate, or for withdrawing his candidature, or

(b) for voting or refraining from voting, or for including or attempting to induce any elector to vote or refrain from voting or any candidate to withdraw his candidature.

4. Payment of conveyances

Any payment or promise of payment to any person on account of conveyances of any elector to or from any place for the purpose of recording his vote:

Provided that nothing contained in this Schedule shall prevent a conveyance being hired by an elector, or by several electors at their joint cost, for the purpose of conveying him or them to or from the poll.

5. Incurring expenses without authority

The incurring or authorization of expenses by any person other than a candidate or his election agent on account of holding any public meeting or upon any advertisement, circular or publication or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, unless he is authorised in writing so to do by the candidate.

6. Hiring of liquor shops

The hiring, using or letting, as a committee room or for purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

7. Issue of circulars, etc., without printers and publisher's name printed thereon

The issuing of any circular, placard or poster having reference to the election which does not bear on its face the name and address of printer and publisher thereof."

Footnote:

1. Schedule III omitted by Section 26 of the Calcutta Municipal Corporation (Amendment) Act, 1996 (West Ben. Act VI of 1996), w.r.e.f 4.12.1995.

Schedule IV

[1][Profession, Trade and Calling]

Sl. No.	Class of Persons	[2][* * *]
(1)	(2)	(3)

1. (a) Company registered under Companies Act, 1956

(b) Co-operative Societies.

2. Printer, Publisher, Lithographer, Engraver, Die-sinker, Xerox-copyist, Photographer, Photo-typer, Tutorial Home, Commercial School or College, Hotel-Keeper, Boarding House-Keeper, Lodging House-Keeper, Manufacturer, Laundry, Saloon, Dyer or Cleaner, Seller of Automobile Spare parts, Music or Dance School, Decorator, Order supplier, Retail Shop-Keeper or trader, Carriage Dealer or Horse Dealer, Simithy, Tuition in Group, Owner or Lessees of Depot, Godown, Store, Warehouse, Yard, Stock Yards, Restaurant Keeper, Eating House Keeper, Floatel Keeper, Binder and Radio, Television or Electronic Goods Keeper, every branch of a company, firm or individual concern, hire-purchase business or any other kind of business shop not mentioned else--

below Rs. 10

Rs. 10 or more, but below Rs. 20

Rs. 20 or more, but below Rs. 50

Rs. 50 or more, but below Rs. 100

Rs. 100 or more, but below Rs. 200

Rs. 200 or more, but below Rs. 400

Rs. 400 or more, but below Rs. 600

Rs. 600 and above

Provided that for:

(A) Decorator, Publisher, Hotelkeeper, Boarding House Keeper, Lodging Housekeeper, Manufacturer, Owner of a Tutorial Home, Commercial College, Dealer & seller of Automobile Spare parts, Owner of Hire Purchase business minimum tax is Rs. 150 per annum (even if they pay rent below Rs. 100 per month)

(B) Order Supplier, Retail Trader or shopkeeper, Keeper of a laundry minimum tax is Rs. 75/- per annum (even if the monthly rent is below Rs. 50/-per month)

3. (a) Medical practitioner, Licenciate in medicine or surgery, Homeopath Graduate of any Veterinary College, Dentist, Vakil or Advocate, Pleader, Solicitor, Average Adjuster, Statistical Reporter, Astrologer, Analyst, Shroff or Banian, Freight Broker or Negotiator, Engineers, Architects, Tax or Management Consultants, Consulting Physician, Practising Surgeon, Barrister, Attorney, Public Accountant or Chartered Accountant, Actuaries, Notary Public, Radiologist, Valuer, Typist, Copyist, Private Detective, Professional Draftsman, Surveyor (including building surveyor or measure).

(b) Chief Agents, Principal Agents, Special Agents, Insurance Agents and Surveyors or Loss Assessors registered or licenced under the Insurance Act 1938 (4 of 1938).

Where the annual gross income of the persons mentioned above is :--

(i) Rs. 12,000 or less

(ii) Rs. 12,001 or more, but less than Rs. 15,001

(iii) Rs. 15,001 or more, but less than Rs. 18,001

(iv) Rs. 18,001 or more, but less than Rs. 24,001

(v) Rs. 24,001 or more, but less than Rs. 36,001

(vi) Rs. 36,001 or more, but less than Rs. 60,001

(vii) Rs. 60,001 or more, but less than Rs. 96,001

(viii) Rs. 96,001 and above

4. Kabiraj or Hakim

Where the standing in the profession of the persons mentioned above is--

(i) Less than 3 years,

(ii) 3 years or more, but less than 6 years,

(iii) 6 years or more, but less than 9 years,

(iv) 9 years or more.

5. Sculptor, Painter, Stage or Film Actor or Actress, Singer, Musician Dancer, Impressario, Magician, Marriage Negotiator, Caterer--

(i) For persons mentioned above paying income tax under Income Tax Act, 1961.

(ii) For persons mentioned above paying income tax under Income Tax Act, 1961.

6. Owner of newspaper, magazine, periodical, other public media according as the circulation per issue is:

(i) Less than 5,000,

(ii) 5,000 and above, but below 20,000,

(iii) 20,000 and above, but below 50,000,

(iv) 50,000 or more

7. Estate Agents or Promoters or Brokers (including Share & Stock Exchange Brokers), Del Credere Agents or Mercantile Agents.

8. Business, Banker, Shipping Agent, Travel Agents, Commission Agent, Builder, Contractor, Auctioneer, Carrier, Detective Agencies.

9. Pathological Laboratory, X-Ray Clinic, Diagnostic Centre.

10. Dealer in precious stones, metals and articles.

11. Beauty parlour or Airconditioned hair dressing saloon, Health Resort, Slimming Centre.

12. Occupier of a cotton, jute, hide or other screw house or press house.

13. Owner or occupier of a private market according as the annual valuation of the premises is-

(i) Below Rs. 5,000,

(ii) Rs. 5,000 or more, but less than Rs. 10,000,

(iii) Rs. 10,000 or more, but less than Rs. 20,000,

(iv) Rs. 20,000 and above.

14. Owner, lessee, licensee of a cinema house, theatre hall, planetorium, place of public entertainment where such place of entertainment is--

(i) Air-conditioned,

(ii) Non-airconditioned.

15. Keeper or hydrotherapy bath or other clinic, Yoga, Physiotherapy.

16. Proprietor/Lessee or Licensee or Keeper of a Nursing Home.

17. Bullion Merchant, Money lender and Financier.

18. Sole Agent or Authorised Agent or Distributor of any merchandise or holder of dealership of any manufacturer or company.

19. Wholesale dealer/trader of any commodity, merchant or exporter or importer.

20. Keeper of a restaurant with floor shows or orchestra.

21. Cinema film distributor, cinema film producer or keeper of a cinema film studio.

22. Jaffa or Opera Party or Circus.

23. Book-maker or Turf Accountant, Professional horse breaker or race horse trainer.

24. Advertising Agent.

25. Stevedore or ship chandler or Clearing Agent and forwarding agent.

26. (i) Licensed foreign liquor vendors,

(ii) Licensed country liquor vendors,

(iii) Licensed Ganja, opium, Pachwai, toddy or bhang vendors.

27. Owner or lessee or petrol or diesel filling station and service stations and distributors including retail dealers or liquified petroleum gas.

28. Video Parlour and Video Library.

29. Owner of Video Games Establishment.

30. Keeper of a billiard room.

31. Race Horse Jocky.

32. Poddar or money changer, custom house agent, licensed shipping broker, boat supplier, manufacturer's representative, labour supplier.

33. Plumber, electric fitter, Gas-fitter where the standing in the profession of any of the persons mentioned above is--

(i) less than 5 years,

(ii) more than 5 years,

34. Owner of a steam ferry boat or steam cargo boat, chalani trader or purchaser of goods in Calcutta for transport and sale beyond the limits of Calcutta, practising apothecary, band supplier or stamp vendor.

35. Muktar, Agent for Government or non-Government Saving Schemes and units where the standing in the profession of any of the persons mentioned above is--

(i) less than 5 years,

(ii) more than 5 years,

36. Owner of jinrickshaw, cycle rickshaw, cart.

37. Owner of auto rickshaw.

38. Owner of cargo boat or buffalo cart or passenger boat.

39. Owner of three wheeler, taxi, contract (motor) car, Matador.

40. Owner of every bus, mini bus, lorry, contract car (other than a motor car).

41. Pedlar, Vendor of goods, Petition writer or bill writer.

42. Fortune teller and Palmist.

43. Individuals or Institutions conducting Chit Funds and Lotteries.

44. Authorised Stockists of Lottery tickets.

45. Persons engaged in the profession of Sales promotion, patent and trade mark.

46. Persons engaged in the profession of loading and unloading.

47. Owner or occupier or lessee or licensee of a Jute Mill, Rice Mill or Flour Mill.

48. Occupier of Factories as defined in the Factories Act, 1948-

(i) Where not more than 15 workers are working,

(ii) Where more than 15 workers are working,

49. Stall holder in an exhibition, a fare, a fete, or mela etc.

50. Organiser of an exhibition, a fare, a fete, or mela etc.

For persons engaged in profession, trade or calling but not mentioned elsewhere, quantum of tax may be fixed by the administrative department by notification not exceeding Rs. 900 per annum.

Footnote:

1. Substituted by Section 8(a) of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992), w.r.e.f. 1.4.1990, for the words "Profession, Trade and Calling and Rate of Annual Tax thereon".

2. The Third Column namely "Rate of annual tax" and entries under this column omitted by Section 8(b), of the Calcutta Municipal Corporation (Amendment) Act, 1992 (West Ben. Act IX of 1992), w.r.e.f. 1.4.1990.

Schedule V

(See section 435)

Part I

Purposes for Which Premises May Not Be Used Without Permission

Carrying out any of the following trades or operations connected with traders: --

1. Banking --
2. Cinematograph films. Shooting of --
3. Cinematograph films by any process whatsoever. Treating of --
4. Chilies or masala or corn or seeds. Grinding of by mechanical means --
5. Cloth, yarn or leather in indigo or in other colours. Dyeing or printing of --
6. Cloth or yarn. Bleaching --
7. Drugs, Retail sale of --
8. Eating house or catering establishment. Keeping of an --
9. Food, Retail sale of --
10. Grain, Parching --
11. Ground-nut-seeds, tarmarind seeds or any other seeds. Parching --
12. Hair dressing saloon or a barber's shop. Keeping of a --
13. Hides or skins, whether raw or dried. Tanning, pressing or packing --
14. Laundry shop. Keeping a --
15. Leather goods. Manufacturing of by mechanical means --
16. Litho press. Keeping a --
17. Lodging house. Keeping of a --
18. Metal. Casting --

19. Precious metals. Refining of or recovering of them from embroideries --

20. Printing press. Keeping a --

21. Sweetmeat shop except in premises already licensed as an eating house. Keeping --

22. Carrying on the trade or business of or any operation connected with the trade of --

(i) Autocar or autocycle servicing or repairing.

(ii) Blacksmithy.

(iii) Coppersmithy.

(iv) Electroplating.

(v) Glass leveling

(vi) Glass cutting.

(vii) Glass polishing.

(viii) Goldsmithy.

(ix) Marble cutting, grinding, dressing or polishing.

(x) Metal (ferrous or non-ferrous or antimony by excluding previous metal) cutting or treating metal by hammering, drilling, pressing, filling, polishing, heating or by any other process whatever or assembling parts of metal.

(xi) Photography-studio.

(xii) Radio (wireless receiving set) selling, repairing, servicing or manufacturing.

(xiii) Silversmithy.

(xiv) Spinning or weaving cotton, silk, art silk, or jute on wool with the aid of power.

(xv) Stone grinding, cutting, dressing or polishing.

(xvi) Timber or wood sawing or cutting by mechanical or electric power.

(xvii) Tinsmithy.

(xviii) Washerman's trade.

(xix) Welding of metal by electric, gas or any process whatsoever.

23. Manufacturing, parching, packing, pressing, cleaning, cleansings, boiling, melting, grinding or preparing by any process, whatever any of the following articles.

(i) Aerated waters.

(ii) Bakelite goods.

(iii) Bidies (indigenous cigarettes), snuff, cigars or cigarettes.

(iv) Bitumen.

(v) Blasting powder.

(vi) Bones.

(vii) Bricks or tiles by hand power.

(viii) Bricks or tiles by mechanical power.

(ix) Brushes.

(x) Candles.

(xi) Gatgut.

(xii) Celluloid or celluloid goods.

(xiii) Cement concrete designs or models.

(xiv) Charcoal.

(xv) Chemicals.

(xvi) Cinematograph films stripping in connection with any trade.

(xvii) Cosmetics or toilet goods.

(xviii) Cotton, cotton refuses, cotton waste, cotton yarn, silk, silk yarn, silk inclusive of waste yarn, art silk, art silk waste, art silk yarn, wool or woollen refuse or waste.

(xix) Cotton seeds.

(xx) Dammar (Resin).

(xxi) Drug.

(xxii) Dynamite.

(xxiii) Fat.

(xxiv) Fireworks.

(xxv) Flax.

(xxvi) Food.

(xxvii) Ink for printing, writing, stamping, etc.

(xxviii) Gas.

(xxix) Ghee.

(xxx) Glass or glass articles.

(xxxi) Gunpowder.

(xxxii) Hemp.

(xxxiii) Ice (including dry ice).

(xxxiv) Insecticide or disinfectants.

(xxxv) Leather cloth or rexina cloth or water-proof cloth.

(xxxvi) Lime.

(xxxvii) Linseed oil.

(xxxviii) Matches for lighting (including Bengal matches).

(xxxix) Mattresses and pillows.

(xl) Offal.

(xli) Oil-cloth.

(xlii) Oil other than petroleum (either by mechanical power or by hand power of ghani driven by bullock or any other animal).

(xliii) Pharmaceutical or medical products.

(xliv) Rubber or rubber goods.

(xlv) Paints.

(xlvi) Paper or cardboard.

(xlvii) Pickers from hides.

(xlviii) Pitch.

(xlix) Plastic goods.

(l) Pottery by hand power.

(li) Pottery by mechanical or any power other than hand power.

(lii) Sanitary-ware of china-ware.

(liii) Soap.

(liv) Sugar.

(lv) Sweetmeat and confectionary goods.

(lvi) Tallow.

(lvii) Tar.

(lviii) Varnishes.

(lix) Wooden furniture, boxes, barrels, khokas, or other articles of wood or of plywood or of sandalwood.

24. Keeping of horses, cattle or other quadruped animals or birds for transportation, sale or hire or for sale of the produce thereof.

Part II

Articles Which May Not Be Stored In Any Premises without Permission Except For Domestic Purposes

1. Asafoetida.

2. Ashes.

3. Bamboos.

4. Bidi leaves.

5. Blasting powder.

6. Blood.

7. Bones, bone meal or bone powder.

8. Camphor.

9. Carbide of calcium.

10. Cardboard.

11. Celluloid or celluloid goods.

12. Charcoal.

13. Chemicals, liquid.

14. Chemicals, non-liquid.

15. Chillies.

16. Chlorate mixture.

17. Cinematograph films--non-inflammable or acetate or safety base.

18. Cloth in pressed bales or boaras.

19. Cloth or clothes of cotton, wool, silk, art silk, etc.

20. Coal.

21. Cocoanut fibre.

22. Coke.

23. Compound gas, such as oxygen gas, hydrogen gas, nitrogen gas, carbon dioxide gas, sulpher dioxide gas, chlorine gas, acetylene gas, etc.

24. Copra.s

25. Cotton including Kahok, surgical cotton and silky cotton.

26. Cotton refuse of waste or cotton yarn refuse or waste.

27. Cotton seed.

28. Detonators.

29. Dry leaves.

30. Dynamite.

31. Explosive paint such as nitro-cellulose paint, lacquer paint, enamel paint, etc.

32. Fat.

33. Felt,

34. Fins.

35. Firewood.

36. Fireworks.

37. Fish (dried).

38. Flax.

39. Fulminate.

40. Fulminate of mercury.

41. Fulminate of silver.

42. Gelatine.

43. Gelignite.

44. Grass.

45. Gun-cotton.

46. Gunpowder.

47. Gunny bags.

48. Hair.

49. Hay or fodder.

50. Hemp.

51. Hesian cloth (gunny-bag cloth).

52. Hides (dried).

53. Hides (raw).

54. Hoofs.

55. Horns.

56. Incense or esas.

57. Jute.

58. Khokas boxes, barrels, furniture or any other article of wood.

59. Lacquer.

60. Leather.

61. Matches for lighting (including Bengal matches).

62. Methylated spirit, denatured spirit or French polish.

63. Nitro-cellulose.

64. Nitro-compound.

65. Nitro-glycerine.

66. Nitro-mixture.

67. Offal.

68. Oil, other than petroleum.

69. Oilseeds including almonds, but excluding cotton seeds.

70. Old paper or waste paper including old newspapers, periodicals, magazines, etc.

71. Packing stuff (paper cuttings, husk, saw dust, etc.)

72. Paints.

73. Paper other than old paper in pressed bales or loose of in reams.

74. Petroleum, other than dangerous petroleum, as defined in the Petroleum Act, 1934.

75. Phosphorus.

76. Plastic or plastic goods.

77. Plywood.

78. Rags, including small pieces or cuttings of cloth, hessian cloth, gunny-bag, cloth, silk, art silk or woollen cloth.

79. Rosin or dammar Battar otherwise known as Ral.

80. Safety fuses, fog signals, cartridges, etc.

81. Saltpetre.

82. Sandalwood.

83. Silk waste, or silk yarn waste, art silk waste, or art silk yarn waste.

84. Sisal fibre.

85. Skins (raw or dried).

86. Straw.

87. Sulphur.

88. Tallow.

89. Tar, pitch, dammer or bitumen.

90. Tarpauline.

91. Thinner.

92. Timber.

93. Turpentine.

94. Varnish.

95. Wool (raw).

96. Yarn other than waste yarn.

Schedule VI

Penalties

(See section 610)

Explanation.-- The entries under the heading "Subject" in the second column of the following table shall not beintended as definitions of the offences prescribed in the provisions mentionedin the first column or as abstract of those provisions but merely as referencesto the subject thereof:--

Section and subsection, Clause or proviso	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed
1	2	3	4
Section 101, sub-section (1)	Member of the Corporation taking part in discussion in matters in which he is interested.	Five hundred rupees	.....
Section 160, sub-section (3)	Requisition by auditors to produce documents, to appear in person or to make and sign declaration, to answer question to submit statement.	Two hundred rupees	Fifty rupees
Section 181	Requisition for return for purposes of assessment of annual valuation.	Three hundred rupees	.....
Section 183	Obligation to give notice of transfer of title in land or building.	Fifty rupees	Twenty-five rupees
[1][Section 199, sub-section (1)	Failure to take out certificate of enlistment.	One thousand rupees]	Ten rupees
Section 202, sub-	Prohibition of	One thousand	One hundred rupees

section (1)	advertisements without written permission of the Municipal Commissioner.	rupees	
Section 202, sub-section (3)	Prohibition for broadcasting advertisement without permission.	One thousand rupees	One hundred rupees
Section 203, sub section (1)	Prohibition for use of site without licence for purpose of advertisement.	One thousand rupees	One hundred rupees
Section 238, sub-section (2)	Improper use of wholesome water supplied for domestic purposes.	Seven hundred and fifty rupees	Seventy five rupees
Section 248, sub-section (1)	Sinking of tube-well without permission.	Five hundred rupees	Fifty rupees
Section 248, sub-section (2)	Sinking of tube-well in violation of conditions or without payment of fees.	Two hundred and fifty rupees	Ten rupees
Section 249, sub-section (1)	Refusal to sink a tube-well.	Five hundred rupees	One hundred rupees
Section 249, sub-section (2)	Refusal to take out license or violation of the conditions of licence or non-payment of licence fees.	Two hundred and fifty rupees	Ten rupees
Section 255, sub-section (2)	Refusal to lay separate supply pipe.	Two hundred and fifty rupees	Ten rupees
Section 264, sub-section (1)	Prohibition of fraud in respect of metres.	One thousand rupees	One hundred rupees
Section 265, sub-section (3)	Violating regulations for supply of water by metres	Five hundred rupees	Fifty rupees
Section 266	Newly constructed or reconstructed premises not to be occupied without arrangement of water supply.	One thousand rupees	One hundred rupees
Section 267	Requisition [on] to owner to obtain adequate supply of water from nearest main for his building.	Five hundred rupees	Fifty rupees

Section 269	Requisition to fill up well	Two hundred rupees	Twenty rupees
Section 270	Requisition to the owner of premises to set up pumps for supply of water	Five hundred rupees	Fifty rupees
Section 271	Improper use of filtered water supplied for domestic purposes.	Seven hundred and fifty rupees	Seventy five rupees
Section 272, sub-section (3)	Use of unfiltered water for domestic purposes or for any purpose not authorised.	Two hundred and fifty rupees	Ten rupees
Section 273	Prohibition of wasting or misuse of water.	Five hundred rupees	Twenty five rupees
Section 290	Unlawful connection of house drain with Municipal drain	One thousand rupees	One hundred rupees
Section 293, sub-section (1)	Unlawful erection or re-erection of premises and occupation thereof without drains.	One thousand rupees	One hundred rupees
Section 294, sub-section (1)	Failure of owner to arrange for drainage of undrained premises on requisition.	One thousand rupees	One hundred rupees
Section 294, subsection (2)	Requisition to owner to arrange for sufficient means of effectual drainage.	One thousand rupees	One hundred rupees
Section 295	Requisition to owners of different premises for compulsory connection of house drains with each other.	One thousand rupees	One hundred rupees
Section 297	Requisition to owner of premises to close or limit the use of house drain in certain cases.	Five hundred rupees	Fifty rupees
Section 298	Requisition to owner or owners of building to carry out certain works for satisfactory drainage.	Five hundred rupees	Twenty-five rupees
Section 299	Requisition to occupier to carry out work.	Two hundred rupees	Ten rupees

Section 300, sub-section (2)	Violation of notice to construct drains for huts by the owner of the land.	One thousand rupees	Fifty rupees
Section 301	Unlawful discharge of trade effluent by occupier.	One thousand rupees	Fifty rupees
Section 302	Violation of notice to drain trade effluent by the owner or occupier.	One thousand rupees	Fifty rupees
Section 303, sub-section (1)	Throwing, emptying or turning certain matters not to be passed through Municipal drains.	One thousand rupees	Fifty rupees
Section 308, sub-section (1)	Construction of cesspool in violation of provision.	Five hundred rupees	Twenty-five rupees
Section 308, sub-section (2)	Requisition on owner to fill up or remove unlawful cesspool.	Five hundred rupees	Twenty-five rupees
Section 309, sub section (1)	Construction of house drain, service privy, etc., within fifteen metres of tank, well, etc.	One thousand rupees	Fifty rupees
Section 315, clause (a)	Requisition to owner or owners to repair, etc., drains, privy, urinal, housegully, etc.	Five hundred rupees	Fifty rupees
Section 317, sub-section (1)	Unauthorised construction over or along municipal drains, sewer, water mains, etc.	One thousand rupees or six months' imprisonment or both	One hundred rupees
Section 318	Prohibition of certain Act in connection with drainage, etc.	Five hundred rupees	Fifty rupees
Section 320, sub-section (1)	Prohibition of execution of any work relating to house connection by persons other than licenced plumber.	Five hundred rupees	Thirty rupees
Section 320, sub-section (5)	Prohibition of licenced plumber demanding or receiving more than prescribed charge.	Seven hundred and fifty rupees	

Section 320, sub-section (8)	Prohibition of licensed plumber infringing rules, executing work carelessly or negligently, or using bad materials, appliances or fittings.	One thousand rupees	
Section 330, sub-section (2)	Failure to remove or deposit solid waste in the manner directed.	Five hundred rupees	Twenty-five rupees
Section 332, clause (b)	Failure to deposit rubbish or offensive matters in time or at the proper place.	Five hundred rupees	Twenty-five rupees
Section 333, clause (vii)	Failure to collect offensive matter etc., to a depot.	Five hundred rupees	Twenty-five rupees
Section 334, sub-section (1)	Failure to provide space for temporary deposit of rubbish, offensive matters, etc.	Five hundred rupees	Twenty-five rupees
Section 334, sub-section (4), clause (b)	Failure to cause all rubbish etc. to be deposited in public receptacles.	Five hundred rupees	Twenty-five rupees
Section 336, sub-section (1)	Non-compliance with the order of Municipal Commissioner to convert service privies to sanitary latrines.	Five hundred rupees	Twenty-five rupees
Section 336, sub-section (1)	Depositing or causing or permitting to be deposited or throwing solid waste on public street etc., in contravention of the provisions of the Act.	Five hundred rupees	Twenty-five rupees
Section 336, sub-section (2)	Depositing building rubbish on public street etc. otherwise than in conformity with the conditions of prior permission of the Municipal Commissioner.	Five hundred rupees	Twenty-five rupees
Section 356	Prohibition of the use of vehicular traffic in certain public streets.	One thousand rupees	

Section 357, sub-section (3)	Construction or reconstruction of building or boundary wall within the regular line of a street without proper permission.	One hundred rupees	
Section 358, sub-section (1)	Setting back of buildings to be repaired, rebuilt or pulled down within the regular line of the street.	One thousand rupees	
Section 360, sub-section (1)	Setting forward of buildings in rear of the regular line of the street at the time of repair, alteration or re-building.	One thousand rupees	
Section 364	Utilization or sale of land for construction of buildings without provision for streets giving access to the site.	One thousand rupees	
Section 365, sub-section (5)	Utilization or disposal of land or lay-out or making of any new street without or otherwise than in conformity with the orders of the Mayor-in-Council.	One thousand rupees	
Section 365, sub-section (6)	Registration of sale deed or any land without sanction of layout plans.	One thousand rupees	
Section 369, sub-section (2)	Structure of fixture erected in front of a building in contravention of the Act.	One thousand rupees	Fifty rupees
Section 370	Door, gate, bar or window on the ground floor opening outwards on a street.	One thousand rupees	Fifty rupees
Section 371, sub-section (1)	Erection of wall, fence or any structure on fixture in or upon any street, open channel, drain well or tank, etc.	One thousand rupees	
Section 373, sub-section (1)	Removal of wall, fence, etc. constructed in contravention of the Act	Five hundred rupees	Fifty rupees

	by owners or occupiers of contiguous buildings.		
Section 375, sub-section (2)	Filling in and re-instalment of ground in any public place.	Five hundred rupees	Fifty rupees
Section 376, sub-section (4)	Removal without permission, of fixtures set up during the construction or repair of roads.	One thousand rupees	
Section 377	Opening or breaking up of any street, depositing building materials thereon and setting up of scaffold or any temporary structure without permission.	One thousand rupees	
Section 378, sub-section (2)	Fencing and guarding of streets.	One thousand rupees	Fifty rupees
Section 380, sub-section (2)	Removal of bar, chain, or post from a street wholly or partly close to traffic and infringement of order prohibiting traffic.	One thousand rupees	
Section 385, sub-section (1) clause (e)	Requisition on owner to put up number of sub-number on premises.	Fifty rupees	Five rupees
Section 385, sub-section (3)	Removal, alteration or defacement of numbers or sub-numbers of streets.	Five hundred rupees	
Section 386, sub-section (1)	Repair, protection or enclosure to places dangerous or causing inconvenience to passengers along a street.	Five hundred rupees	Twenty-five rupees
Section 388, sub-section (1)	Breaking or damage to lamps or appurtenance to lamps.	Five hundred rupees	
Section 388, sub-section (2)	Wilful or negligent extinction of lights.	Five hundred rupees	
Section 392	Unauthorised erection of a building.	Two thousand and five hundred rupees or six months	One hundred rupees per square metre

		imprisonment or both	
Section 399	Continuance of construction of buildings or execution of work beyond the period specified in section.	One thousand rupees	One hundred rupees per square metre
Section 403, sub-section (2)	Occupation or use of any completed building without permission.	Five hundred rupees	Twenty-five rupees
Section 405, sub-section (2)	Alteration of buildings for satisfying conditions.	One thousand rupees	Twenty-five rupees
Section 407, sub-section (1)	Construction or reconstruction of roof, verandah, etc, with inflammable materials without permission.	One thousand rupees	
Section 408, sub-section (4)	Erection or re-erection of building in contravention of declaration.	Two thousand and five hundred rupees or six months imprisonment or both	One hundred rupees, per square metre
Section 409	Stoppage of excavation or any other operation for the purpose of construction of a building.	One thousand rupees	One hundred rupees
Section 410	Alteration to existing building for promoting public or occupier's convenience.	One thousand rupees	One hundred rupees
Section 411, sub-section (1)	Requisition on owners or occupiers to demolish, repair or secure building in a ruinous condition.	One thousand rupees	One hundred rupees
Section 411, sub-section (2)	Requisition on owners or occupiers to set up hoard or fence	One thousand rupees	One hundred rupees
Section 417, sub-section (5)	Prohibition of the use of premises in specified areas for specified purposes.	Two thousand and five hundred rupees or six moths' imprisonment or both	Two hundred rupees
Section 418, sub-section (1)	Establishing hospital, nursing home, etc.	Two thousand and five hundred	Two hundred rupees

	without permission or running the same otherwise than in conformity with the conditions.	rupees or six months' imprisonment or both	
Section 419, sub-section (1)	Establishing a factory without permission or running the same otherwise than in conformity with the conditions.	Five thousand rupees or six months' imprisonment or both	Two hundred rupees
Section 420, sub-section (1)	Altering, enlarging or extending warehouse etc. without permission.	Five thousand rupees or six months imprisonment or both	Two hundred rupees
Section 421, sub-section (1)	Using or permitting eating houses etc. without permission or running the same otherwise than in conformity with the permission.	Two thousand and five hundred rupees or six months' imprisonment or both	Two hundred rupees
Section 422, sub-section (1)	Using or permitting theatres, circuses, etc, without permission or running the same otherwise than in conformity with permission.	One thousand rupees	One hundred rupees
Section 423, sub-section (1)	Opening shops, markets, etc. in certain areas prohibited to be opened.	Five thousand rupees or six months' imprisonment or both	Two hundred rupees
Section 427, sub-section (1)	Sale in municipal market without permission.	One hundred rupees	
Section 428, sub-section (1)	Establishing new private market without sanction.	Five thousand rupees or six months imprisonment or both	Two hundred and fifty rupees
Section 428, sub-section (2)	Using place as a slaughter house out-side municipal slaughter house.	Five thousand rupees or six months' imprisonment or both	Two hundred and fifty rupees
Section 428 subsection	Failure to provide	Five thousand	Fifty rupees

(3)	Approach Road.	rupees or six months imprisonment or both	
Section 429, sub-section (1)	Carrying on business or trade within a radius of forty-five metres of a municipal market.	Two hundred and fifty rupees	Ten rupees
Section 435, sub-section (1)	Premises used for purposes other than residential without permission.	Five thousand rupees or six months' imprisonment or both	Two hundred rupees
Section 437, sub-section (1)	Keeping open any market which is prohibited.	Two thousand and five hundred rupees or six months' imprisonment or both	Two hundred rupees
Section 438	Selling goods in a prohibited market.	Two hundred and fifty rupees	Ten rupees
Section 439	Hawking or selling goods otherwise than in conformity with the terms of the licence.	Two hundred and fifty rupees.	Ten rupees
Section 440	Prohibition for selling of flesh, fish or poultry without licence.	Five hundred rupees	Twenty five rupees
Section 442	Requisition to owner of building requiring returns on lands or building, etc.	Five hundred rupees	Fifty rupees
Section 456	Failure of information of birth.	Two hundred and fifty rupees	
Section 458	Failure of information of death.	Two hundred and fifty rupees	
Section 462	Non-registration of place for disposal of the dead and depositing of plan in Municipal Office.	One hundred rupees	
Section 464, sub-section (1)	Opening of new place for disposal of the dead without permission.	One thousand rupees	One hundred rupees
Section 465, sub-section (2)	Non-compliance with the order of closer of burning and burial grounds.	One thousand rupees	One hundred rupees
Section 468	Committing acts	One thousand	One hundred rupees

	prohibited in connection with the disposal of the dead.	rupees	
Section 469	Failure to convey carcass to a place provided or give notice of death to Municipal Commissioner.	Five hundred rupees	
Section 471	Failure to give information of the existence of dangerous disease.	Five hundred rupees	
Section 474, sub-section (1)	Failure to disinfect building, tank, pool, or well.	Five hundred rupees	Fifty rupees
Section 474, sub-section (2)	Failure to vacate after requisition.	Five hundred rupees	Fifty rupees
Section 475	Failure to destroy infectious huts or sheds.	Five hundred rupees	Fifty rupees
Section 476	Using lodging and eating houses directed to be closed.	One thousand rupees	One hundred rupees
Section 477	Selling articles of food or drink restricted or prohibited.	One thousand rupees	One hundred rupees
Section 478, sub-section (1), clause (b)	Failure to take steps as directed with regard to well, tank or place.	One thousand rupees	One hundred rupees
Section 480, sub-section (1), clause (b)	Removal of infectious corps for purpose other than the purpose of being burnt or buried.	One thousand rupees	One hundred rupees
Section 481, sub-section (2)	Washing articles of clothing, bedding and conveyance and other articles in place not notified.	One thousand rupees	One hundred rupees
Section 482, sub-section (2)	Carrying infectious person or dead body in public conveyance.	One thousand rupees	One hundred rupees
Section 483, sub-section (1)	Failure to give information of number of infected conveyance	One thousand rupees	One hundred rupees
Section 483, sub-section (2)	Failure to report to the Municipal Commissioner in carrying any person or corpse suffering from	Two hundred and fifty rupees	

	dangerous disease.		
Section 483, sub-section (3)	Using infected public conveyance.	Five hundred rupees	
Section 485, sub-section (1)	Letting out infected premises.	One thousand rupees	
Section 486, sub-section (1)	Giving, lending, selling, etc., of premises without being disinfected.	One thousand rupees	
Section 487, sub-section (1)	Sending infected clothes to laundry.	Five hundred rupees	
Section 487, sub-section (2)	Failure to furnish the name of laundry	One hundred rupees	
Section 488	Infected person making or selling food, etc., or washing clothes or taking part in business etc.	Five hundred rupees	
Section 489	Exposing dangerous disease in public.	Five hundred rupees	
Section 492	Requisition to owner or occupier of any building directing cleansing and lime washing of building for sanitary reason.	Five hundred rupees	Twenty-five rupees
Section 493	Requisition to owner or occupier of huts and sheds or owner of the land to remove or alter the same for improvement and sanitary reasons.	Five hundred rupees	Fifty rupees
Section 494	Requisition to owner or persons claiming as owner for cleansing of untenated premises.	Two hundred and fifty rupees	Twenty rupees
Section 495, sub-section (1)	Requisition to owner or occupier to prohibit use of building or rooms in buildings unfit for human habitation.	One thousand rupees	One hundred rupees
Section 495, sub-section (3)	Requisition to owner or occupier to render building or room fit for human habitation on such modifications and alterations as may be instructed.	One thousand rupees	One hundred rupees

Section 495, sub-section (5)	Owner of building, the use of which is prohibited to prevent nuisance and keep the building or room clean and wholesome.	One thousand rupees	One hundred rupees
Section 496, sub-section (1)	Requisition to owner or occupier of land or building directing filling up etc. of unwholesome wells, pools, etc.	One thousand rupees	One hundred rupees
Section 496, sub-section (2)	Failure to maintain land effectively to prevent breeding of mosquitos.	One thousand rupees	One hundred rupees
Section 497, sub-section (3)	Requisition to owner or occupier of land where unlawful excavations are carried out.	One thousand rupees	One hundred rupees
Section 498, sub-section (1)	Requisition to owner or occupier of land requiring trees, hedges, etc. to be trimmed.	Five hundred rupees	Fifty rupees
Section 499	Unlawful use of places for public bathing etc.	Two hundred rupees	Fifteen rupees
Section 500	Prohibition of bathing etc. contrary to order.	Five hundred rupees	Twenty-five rupees
Section 501	Prohibition of pollution of water by steeping therein animal or other matter etc.	One thousand rupees	One hundred rupees
Section 502	Prohibition of pollution of water by chemicals etc.	Two thousand and five hundred rupees or six months imprisonment or both	Two hundred rupees
Section 503	Prohibition against washing by washerman.	Two hundred and fifty rupees	Twenty-five rupees
Section 505, sub-section (1)	Unlawful constructions of latrines and urinals.	Five hundred rupees	Fifty rupees
Section 506, sub-sections (1) and (3)	Unlawful construction of building without providing latrines, urinals etc.	One thousand rupees	One hundred rupees
Section 507	Failure to provide latrines and urinals for labourers	One thousand rupees	One hundred rupees

	etc.		
Section 508	Violation of provisions for latrines and urinals for markets etc.	One thousand rupees	One hundred rupees
Section 509, clause (b)	Requisition to owner, lessee or occupier of any land or building to maintain latrines properly.	Five hundred rupees	Fifty rupees
Section 509, clause (c)	Requisition to owner, lessee or occupier provided latrines or urinals accommodation etc.	One thousand rupees	Fifty rupees
Section 513	Prohibition for stacking or collecting inflammable materials.	One thousand rupees	Onehundred rupees
Section 514	Prohibition for setting naked light causing danger of fire.	Five hundred rupees	Fifty rupees
Section 515	Prohibition for discharging fire-works, fire-arms, etc.	One thousand rupees or three months' imprisonment or both	
Section 516	Prohibition of nuisances.	Five hundred rupees	Fifty rupees
Section 517	Requisition to persons etc. to remove or abate nuisance.	Five hundred rupees	Fifty rupees
Section 518	Requisition to owner etc. requiring buildings, well, etc. to be rendered safe.	Five hundred rupees	Fifty rupees
Section 519	Prohibition to use premises for keeping animals, birds, etc. without licence.	Five hundred rupees	Fifty rupees
Section 521	Registration and control of dogs.	Two hundred fifty rupees	Fifty rupees
Section 523, sub-section (1)	Requisition on owner or the occupier of premises to stop nuisances from animals.	Five hundred rupees	Fifty rupees
Section 524	Requisition to owner of building to remove unhealthy condition of	One thousand rupees	One hundred rupees

	building.		
Section 527, sub-section (1)	Requisition to owner of a building requiring him to execute works for improvement of buildings unfit for human habitation.	One thousand rupees	One hundred rupees

Footnote:

1.Substituted by s. 9 of the Calcutta Municipal Corporation (Amendment) Act, 1992(West Ben. Act IX of 1992) for-

"Section 200 subsection (5)	Failure to apply for obtaining certificate of enlistment for payment of tax on profession, trade and calling	One hundred and fifty rupees."

Schedule VII

(See section 633)

Modification of the Calcutta Municipal Act, 1923, As Extended To the Municipality Of Howrah

In the Calcutta Municipal Act, 1923 (Ben, Act III of 1923), as extended to the Municipality of Howrah.--

(a) Section 127 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following subsection shall be inserted:

"(2) The value of any plant or machinery excepting those enumerated in Schedule VIA or furniture which may be on any land or in any building shall not be taken into consideration in estimating the annual value of such land or such building under this section :

Provided that--

(a) if any dispute arises as to whether any parts of a plant or a combination of plant and machinery should be included in estimating the annual value of any land or building as coming with the enumeration in Schedule VIA, the Commissioners at a meeting may, of their own motion or at the request of the owner or the occupier of such land or such building, refer the dispute to a reference named in a panel of references appointed by the State Government in this behalf;

(b) the referee shall thereupon decide the dispute after giving the Commissioners, the owner and the occupier an opportunity of being heard, and after considering the facts and circumstances of the case and, if necessary, after inspection of the plant or machinery, and the decision of the referee shall be final and conclusive;

(c) the cost of the reference shall be borne by the Commissioners and the owner or both the owner and the occupier in such proportion as the referee may direct."

(b) in section 189, after sub-section (3), the following sub-section and Explanation shall be inserted :

"(4) If the amount for which any bill has been presented under this section is paid within seven days from such presentation into the municipal office or to a municipal officer appointed to receive the same, a rebate of three and one-eighth per cent of such amount shall be allowed to the payer.

Explanation:- Without prejudice to the provisions of section 504, a bill shall be deemed to be presented under this section if it is sent by post under certificate of posting to the person liable and in such case the date borne on such certificate of posting shall be deemed to be date of presentation of the bill to the person liable."

(c) after section 190, the following section shall be inserted: --

"190A. Grant of special rebate for payment of outstanding dues within September, 1978.--Notwithstanding anything to the contrary contained in this Chapter, if a person liable for the consolidated rate in respect of any permises, pays within 30th September, 1978, the entire outstanding amount on account of such consolidated rate due up to 31st March, 1977, a special rebate of--

(i) fifteen per cent. of such outstanding amount for the premises used wholly for residential purpose, and

(ii) seven and a half per cent. of such outstanding amount for the premises used wholly or partly for purposes other than residential shall be allowed to such person."

(d) after clause (xiii) of section 477, the following clause shall be inserted and shall be deemed always to have been inserted: --

"(xiiia) the payment of grants to colleges or other educational institutions imparting higher education :

Provided that after the commencement of the Calcutta Municipal (Second Amendment) Act, 1964, no such grant shall be made without the previous approval of the State Government."

(e) in Schedule VI, in paragraph I;

(i) all entries against the items bearing serial Nos. 46 and 73 shall be omitted and shall be deemed to have been omitted as from the 1st day of April, 1951.

(ii) in entries against the item bearing serial, No. 80D, for the words "Dyer or cleaner, order supplier" the words "Order supplier" shall be substituted and shall be deemed always to have been substituted;

(f) after Schedule VI, the following Schedule shall be inserted : --

"Schedule VIIA

[See section 127(2)]

Parts of Plant or Of Combination of Plant and Machinery in Certain Cases Not To Be Excluded In Calculating the Annual Value of Any Land or Building

The following parts of a plant or combination of plant and machinery whenever and only to such extent as any such part is, or is in the nature of, a building or structure:--

Acid Concentrators,

Bins and Hoppers,

Blast Furnaces.,

Burners, Forges, Furnaces, Kilns, Ovens and Stoves, Chambers for--

Absorption of gases or fumes,

Aerographing and Spraying,

Bleaching,

Chemical Reaction,

Conditioning or Treatment,

Cooling,

Dyeing,

Dust or fume Collecting,

Fibre separation (Wool Carbonising),

Fluming,

Impregnating,

Refrigerating,

Sandblasting,

Sterilising,

Sulphuric Acid,

Chimneys,

Cooking ovens,

Condensers and Scrubbers--

Acid,

Alkali,

Gas,

Oil,

Tar,

Conveyor Gantries;

Cooling Ponds,

Crane Grantries,

Cupolas,

Economisers;

Elevators and Hoists;

Evaporaters;

Fan Drifts.

Floating Docks and Pontoons with any Bridges or Gangways not of a temporary nature used in connection therewith;

Flues;

Flumes and Conduits;

Foundations Settings, Gantries, Supports, Platforms and Stagings for plant and machinery;

Gas--

Holders,

Producers and Generator,

Purifiers and Cleansers;

Head gear--

Mine, Quarry and Pit,

Hydraulic Accumulators,

Well;

Pits, Beds and Bays--

Casting,

Cooling,

Drop,

Inspecting or Testing,

Liming, Soaking, Tanning, or other treatment, Settling;

Rack;

Refuse, Destructions and Incinerators;

Restorts;

Ship Construction and Repair--

Cradles,

Grids,

Slipways,

Uprights;

Silos,

Stages, Staithes and Platforms for loading, unloading and handling materials;

Stills;

Superheaters;

Tanks;

Towers for--

Absorption of gases or fumes;

Chemicals Reaction;

Cooling;

Oil Refining and Condensing Treatment;

Water;

Transport Gantries;

Transversers and Turntables;

Vats;

Weighbridges;

Wireless Masts."

[1][Schedule VIII

[See section 174(4A)]

Parts of Plant or Of Combination of Plantand Machinery in Certain Cases Not To Be Excluded In Calculating the Annual Value of Any Land or Building

The following parts of a plant or combination of plant and machinery whenever and only to such extent as any such part is, or is in the nature of, a building or structure:

Acid Concentrators,

Bins and Hoppers,

Blast Furnaces,

Burners, Forges, Furnaces, Kilns, Ovens and Stoves, Chambers for--

Absorption of gases or fumes,

Aerographing and Spraying,

Bleaching,

Chemical Reaction,

Conditioning or Treatment,

Cooling,

Dyeing,

Dust or Fume Collecting,

Fibre Separation (WoolCarbonising),

Fuming,

Impregnating,

Refrigerating,

Sandblasting,

Sterilising,

Sulphuric Acid,

Chimneys,

Cooking Ovens;

Condensers and Scrubbers--

Acid,

Alkali,

Gas,

Oil,

Tar;

Conveyor Gantries;

Cooling Ponds;

CraneGrantries;

Cupolas;

Economisers;

Elevators and Hoists;

Evaporaters;

Fan Drifts;

Floating Docks and Pontoons with any Bridges or Gangways not of a temporary nature used in connection therewith;

Flues;

Flumes and Conduits;

Foundations, Settings, Gantries, Supports, Platforms and Stagings for plant and machinery;

Gas--

- Holders,
- Producers and Generators;
- Purifiers and Cleansers

Head Gear--

- Mine, Quary and Pit;
- Hydraulic Accumulators;
- Well;

Pits, Beds and Bays--

- Casting;
- Cooling;
- Drop;
- Inspecting or Testing;
- Liming, Soaking, Tanning, or other treatment, settling;

Rack;

Refuse, Destructors and Incinerators;

Restors;

Ship Construction and Repair--

- Cradles;
- Grids;
- Slipways;
- Uprights;
- Silos;
- Stages, Staithes and Platforms for loading, unloading and handling materials;

Stills;

Superheaters;

Tanks.

Towers for--

Absorption of gases or fumes;

Chemicals Reaction;

Cooling;

Oil Refining and Condensing Treatment;

Water;

Transporter Gantries;

Transversers and Turntables;

Vats;

Weighbridges;

Wireless Masts.]

Footnote:

1. Added bys. 21 of the Calcutta Municipal Corporation (Amendment) Act, 1983 (West Ben.Act XXXII of 1983), w.e.f. 4.1.1984.

[1][Schedule IX]

Tax on Cart

(See section 209A)

[2][1. On every cart other than a Cycle van fitted with pneumatic tyres--Rupees thirty.

2. On every Cycle van fitted with pneumatic tyres--Rupees fifteen.

3. On every car fitted with solid rubber tyres--Rupees forty.]

Tax on Carriages

(See section 209F)

1. On every four-wheeled carriage (not being a hackney-carriage) drawn by two horses--Rupees forty.

2. On every four-wheeled hackney-carriage drawn by two horses--Rupees twenty-four.

3. On every two-wheeled carriage drawn by one or more animals--Rupees fifteen.

4. On every jin-rickshaw or cycle rickshaw--[2][Rupees fifteen.]

Footnote:

1. Inserted by the Calcutta Municipal Corporation (Second Amendment) Act, 1984 (West Ben. Act XIII of 1984), w.e.f. 15.5.1984.

2. Substituted by Notification No. 851/C-5/CC/1A-4/86, dated 11.9.1986.