

## NOTIFICATION

No. 470/MA/O/C-4/3R-6/2009

Dated, Kolkata the 22nd day of September, 2009

In exercise of the power conferred by section 417, read with section 23A of the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993) (hereinafter referred to as the said Act.), the Government is pleased hereby to make, after previous publication, as required by sub-section (1) of section 417 of the Act. the following rules :

### **The West Bengal Municipal (Area Sabha) Rules, 2009**

#### **Part-I**

#### **Preliminary**

##### **1. Short title and commencement :**

1. These rules may be called the West Bengal Municipal (Area Sabha) Rules, 2009
2. They shall apply to all the Municipalities and Notified Area Authorities constituted under the West Bengal Municipal Act. 1993.
3. They shall come into force on the date of their publication in the *Official Gazette*.

##### **2. Definitions :**

1. In these rules the context otherwise requires
  - a) "Act." means the West Bengal Municipal Act 1993 (West Bengal Act. XXII of 1993)
  - b) "Area Sabha" means the Area Sabha constituted under these rules.
  - c) "Chairman" means the Chairman of Area Sabha.
  - d) "Committee" means the Area Sabha Committee constituted under these rules.
  - e) "Member" means a member of Area Sabha Committee other than the Chairman.

- f) "Polling Booth" means a polling booth assigned for holding election in the area.
- g) "Rule" means a rule of these rules.
- h) "Ward Committee" means the Ward Committee constituted under the West Bengal Municipal (Ward Committee) Rules, 2001.
2. The words and expressions used in these rules and not defined, shall have the meaning respectively assigned to them in the Act.

## **Part-II**

### **Composition of Area Sabha**

#### **3. Constitution of the Area Sabha :**

1. The Board of Councillors shall divide every ward into such number of Area Sabha or Area Sabhas as admissible under these rules.
2. The Area Sabha in every ward shall comprise the entire geographical territory of one or more polling booths, subject to the condition that the maximum number of electors in the polling booth area or areas within an Area Sabha shall not exceed 3000.

Provided that where there is only one polling booth in any ward, the Ward Committee of the concerned ward, in addition to its assigned functions shall act as the Area Sabha for such areas.

3. The Area Sabha shall be constituted by the Municipality within one month from the date of the first meeting of the Board of Councillors after a general election.

#### **4. Constitution of Area Sabha Committees :**

1. There shall be an Area Sabha Committee for each Area Sabha.
2. The elected councillor of the ward shall be the ex-officio chairman of the Area Sabha Committee. In an Area Sabha, where the number of electors is not more than five hundred, the number of members in the committee shall be seven and hereafter, there shall be one additional member for every two hundred and fifty (250) electors, subject to a maximum of seventeen members.

Explanation—In reckoning the number of additional members of the Area Sabha Committee exceeding seven any part of less than two hundred fifty (250) electors may be ignored.

3. After selecting the members of the Area Sabha Committee, the Councillor shall place the names of the members, selected by him as well as by the Municipality as per provisions of rule 4 in a general meeting of the Area Sabha, to be

convened for the purpose, for approval. The proposal if any is received in writing from any elector within the Area Sabha present in the said general meeting regarding change of any name proposed by the Municipality or the Councillor as the case may be shall be considered by the Councillor or the Municipality and if necessary the Councillor or the Municipality as the case may replace any member of the committee nominated under rule 4.

4. If any casual vacancy occurs in the post of any member in the committee, it shall be filled up by the Councillor or the Municipality, as the case may be, in a meeting of the committee to be convened for the purpose, and for filling up any vacant post of any member the manner as specified in sub-rule (3) of this rule shall be followed.

**5. Selection of members :**

1. Members shall be selected from among the registered electors of the polling booth or booths comprising the Area Sabha concerned. The nomination of the members of the committee shall be made in the following manner :

Category	Range of the number of electors	Total number of members of the Area Sabha Committee	To be nominated by the Councillor elected from the ward	To be nominated by the Municipality
1.	Upto 500	7	4	3
2.	From 501 to 750	8	5	3
3.	From 751 to 1000	9	5	4
4.	From 1001 to 1250	10	6	4
5.	From 1251 to 1500	11	7	4
6.	From 1501 to 1750	12	7	5
7.	From 1751 to 2000	13	8	5
8.	From 2001 to 2250	14	8	6
9.	From 2251 to 2500	15	9	6
10.	From 2501 to 2750	16	9	7
11.	Above 2750	17	10	7

2. Out of the total number of members the Councillor shall nominate in the case of categories 1, 2 and 3 mentioned in the table of sub-rule (1) at least one representative of the CDS or Thrift and Credit Group and in the cases of categories 4 to 11 two representatives of CDS Thrift and Credit Group who are the residents of the concerned Area Sabha

Provided that a member of CDS or Thrift and credit group shall not be nominated in more than one Area Sabha.

Provided further that where the member of CDS or Thrift and credit group are not available the members as specified in this rule shall be nominated from amongst the women members of the BPL families from the Area Sabha concerned.

Explanation-i) "CDS" means the 'Community Development Society' constituted in the municipal area for implementation of the Swarna Jayanti Sahari Rojgar Yojana.

ii) "BPL family" means the family below the poverty lines, as determined by the Government of India or State Government.

iii) "Thrift and Credit Group" means a Thrift and Credit Group constituted under Swarana Jayanti Sahari Rojgar Yogana within the jurisdiction of Area Sabha concerned.

3. In case of categories 1 to 6 mentioned in sub-rule, (1) of this rule there shall be mandatory representation of one women, excepting the women mentioned in sub-rule, (2) and one senior citizen each in every committee, and in case of category 7 to 11 there shall be mandatory representation of two women excepting the women mentioned in sub-rule, (2) and two senior citizens each in every committee.

4) Amongst the other members of the committee apart from the members mentioned in sub-rule, (2) there shall be representation from the Educationists, Engineers, Physicians, Poverty Experts, Teachers, Social workers, Women, Senior citizens, persons from economically backward classes of society, retired Government or Semi Government officials wherever available.

#### 5. Term of office of members :

A members of the committee shall hold office for a duration that is co-terminous with that of the Board of Councillors concerned.

Provided that a member shall cease to hold office as a member

- a) if he remains absent in three consecutive meetings of the Area Sabha or
- b) if his name is deleted from the electoral roll of the polling booth consisting the Area Sabha or
- c) if he has been adjudged by a competent court to be of unsound mind, or
- d) if he is elected as the Councillor of the ward concerned or any other ward of the Municipality or as a member of the Legislative Assembly or the Parliament or
- e) if the area of polling booth or booths of the Area Sabha is merged with any other polling booth, or the area is included within the jurisdictional limits of any other ward of the same Municipality, or in any other Municipality or Municipal Corporation or Notified Area or Industrial Township or Gram Panchayat.



Note : If a member submits his resignation from office in writing to the Chairman, such resignation shall take effect from the date of acceptance of resignation by the Committee.

### **Part-III**

#### **Conduct of Business of Area Sabha and Area Sabha Committee**

##### **6. First meeting of the Area Sabha Committee :**

The first meeting of the committee shall be convened by the chairman within one month from the date of constitution of the committee concerned. Apart from normal business, the committee in its first meeting shall select a member secretary from among the members who shall convene the subsequent meetings of the committee in consultation with the chairman and shall perform secretarial functions of the committee.

##### **7. Ordinary meeting :**

- 1) The committee shall meet at least once in every month.
- 2) The chairman shall fix the date, time and place of the meeting.
- 3) No meeting shall be held unless at least seven days notice, specifying the date place and time of such meeting and the business to be transacted therein has been given to the members
- 4) The meetings shall generally be presided over by the chairman but in case of absence of the chairman the members of the committee shall select one from amongst themselves for presiding over the meeting.

##### **8. Annual and half yearly general meeting :**

- 1) The committee shall convene an annual general meeting of the residents of the area within the jurisdiction of Area Sabha by intimating every resident of the area and also by public proclamation intimating the date time and venue of the meeting to be held within the 30th June every year to apprise them the activities of the Municipality in general and the area within the jurisdiction of Area Sabha in particular, during the preceding year and to assess the popular needs of the area within the jurisdiction of Area Sabha for the current year.
- 2) For annual general meetings, the Municipality shall furnish the following documents to the Area Sabha for public information and deliberation thereon :

- a) A detailed report about the activities of the Municipality in the area within the jurisdiction of Area Sabha during the preceding year and
  - b) A copy of the Annual Administrative Report alongwith the Annual Financial Statement of the Municipality for the preceding year.
- 3) Apart from the meeting as prescribed in sub-rule (1) the committee shall also convene an half yearly general meeting of the residents of area within the jurisdiction of Area Sabha by intimating every resident of the area and also by public proclamation intimating the date, time and venue of the meeting, to be held in the month of October-November each year to apprise them the activities of the Municipality in general, and area within the jurisdiction of Area Sabha in particular during the period from the date of holding of last preceding Annual General Meeting and to discuss the proposals for preparation of the development plan for the next year.
- 4) The Annual General Meeting and the half yearly general meeting under this rule shall be arranged preferably in a public place within the jurisdiction of Area Sabha.

#### 9. Minutes :

- 1) Minutes of proceedings of the meetings of the committee shall be entered in the "Minute Book" specifying the names of the members who attended the meeting the business transacted the decision of the committee on each item of business the date of the meeting and the time of commencement and closing of the meeting.
- 2) The minutes shall be written by the member secretary of the committee and signed by the chairman and a copy each of the same be submitted to the ward committee and the municipality concerned and a copy shall be displayed in some conspicuous place within the jurisdiction limits of the Area Sabha.

Functions of Area Sabha

10.Functions of Area Sabha :

An Area Sabha may, having regard to its managerial, technical, financial and organizational capacity and the actual conditions obtaining in the Municipality area perform the discharge the following functions and as a recommendation body it shall submit its recommendations to the ward committee in the following matters :

- a) generating proposals and determine the priority of schemes and development programmes to be implemented in the jurisdiction of the Area Sabha and forward the same to the ward committee and in its absence to the Municipality for inclusion in the development plans of the ward committee or the Municipality as the case may be :
- b) to identify with the help of the community organizers of the community development society if any the most eligible persons from the jurisdictions of Area Sabha for beneficiary oriented schemes on the basis of criteria fixed by the Government and prepare list of eligible beneficiaries :
- c) to assist the activities of public health centres in the area specially in disease prevention and family welfare and create arrangements to report on the incidents of epidemics and natural calamities.
- d) to provide and mobilize voluntary labours and contribution of cash and kind for development programmes and to supervise such development works through voluntary teams.
- e) to assist the Municipality in Sarba Siksha Abhijan Programme and to prevent dropping out of school students.
- f) to assist the Municipality in midday meal programme.
- g) to preserve and conserve greenery and also to look after the environment related matters.
- h) to suggest names of beneficiaries in different schemes.

- i) to promote sports and culture.
- j) to co-operate with the ward committee or the Municipality as the case may be in the provision of sanitary arrangements in the area.
- k) to suggest the location of streetlights, street or community water taps, public wells, public sanitation units and such other public amenity schemes within the area of the Area Sabha.
- l) to identify the deficiencies in the water supply and street lighting arrangements in the Area Sabha jurisdiction and suggest remedial measures.
- m) to impart awareness on matters of public interest such as cleanliness preservation of environment and prevention of pollution etc.
- n) to promote harmony and unity among various groups of people in the area of the Area Sabha and arranging cultural festivals and sports meets to give expression to the talents of the people of the locality and
- o) to perform such other functions as may be delegated by the ward committee or the Municipality in accordance with the provisions of the Act.

By order of the Governor

Sd/- K. C. Mondal

Spl. Secy. to the Govt. of West Bengal

No. 470/1(200)/MA/O/C-4/3R-6/2009 Dated, Kolkata, the 22nd day of September, 2009

Copy forwarded for information to the

- 1) Chairman \_\_\_\_\_ Municipality/Notified Area  
Authority, \_\_\_\_\_ P.O.  
\_\_\_\_\_ Dist \_\_\_\_\_
- 2) District \_\_\_\_\_ Magistrate  
\_\_\_\_\_ P.O. \_\_\_\_\_  
Dist. \_\_\_\_\_



3)

DMDO \_\_\_\_\_ RO \_\_\_\_\_ Dist \_\_\_\_\_

- 4) Director of Local Bodies, West Bengal, Purta Bhaban, Salt Lake, Kolkata-91
- 5) Joint Director, ILGUS, ILGUS Bhaban, Sector-III, Salt Lake, Kolkata-106
- 6) Member Secretary, West Bengal Valuation Board, Mayukh (Ground Floor), Bidhannagar, Kolkata-91
- 7) Principal Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata-700001
- 8) Principal Accountant General (Audit-I), West Bengal, 4, Brabourne Road, Kolkata-700001
- 9) Private Secretary to the Minister-in-charge, Municipal Affairs Department, West Bengal.
- 10) Cell \_\_\_\_\_ of this Department.
- 11) Guard file of cell-4.

Sd/-

Special Secretary

22.09.09