

The West Bengal Municipal (Ward Committee) Rules, 2001

(As amended by Notification No. 18/MA/0/C-4/3C-2/2001,
dated 8.1.2003)

PART I

1. Short title, application and commencement.—(1) These rules, may be called the West Bengal Municipal (Ward Committee) Rules, 2001.

(2) They shall apply to all the Municipalities and Notified Area Authorities constituted under the West Bengal Municipal Act, 1993 (West Ben. Act XVII of 1993).

(3) They shall come into force from the date of their publication in the *Official Gazette*.

2. Definitions.—(1) In these rules unless the context otherwise requires,—

(1) "Act" means the West Bengal Municipal Act, 1993 (West Ben. Act XXII of 1993); XXII of 1993);

(1A) 'BR- family' means the family below the poverty lines, as determine by the Ministry of Urban Affairs and Employment, Government (India, from time to time, for identification of beneficiaries in poverty alleviation schemes;]

(2) "Chairman" means the Chairman of the Ward Committee:

(3) "Committee" means the Ward Committee constituted under these rules;

2 [(4) 'CDS' means the Community Development Society constituted in the municipal area for implementation of the Swarna Jayanti Sahari Rojgar Yojana]

(5) "Member" means a member of the Committee.

(2) The Words and expressions used in these rules and not defined she have the meaning respectively assigned to them in the Act.

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1. Ins. by rule (1) of the Notification No. 1.8/MA/0/C-4/3C-2/2001. dated 8.1.2(X
 2. Subs. by ibid, dated 8.1.2003, for "Member means a member of the Committee".

PART II

Composition and Constitution of Ward Committee

3. Constitution of Ward Committee.—(1) The Committee shall be constituted by the Municipality/Notified Area Authority within one month from the date of the first meeting of the Board of Councillors after a general election.

(2) After constitution of the Committee, the Councillor or the Municipality/Notified Area Authority shall place the names of the members of the Committee, selected by the Councillor as well as the Municipality/Notified Area Authority as per in the next general meeting of the citizens of the ward convened in terms of provisions of rule 8. The proposals, if any, from any general _ citizen of the ward regarding change of any name proposed by the Municipality of the, Councillor, as the case may be, or any other matter relating to constitution' of the Committee, shall be considered by the Councillor or the . Municipality/Notified Area Authority and if necessary the Councillor or the Municipality/Notified Area Authority, as the case may be, may replace any member of the Committee nominated under rule 4.

(3) In the case of any casual vacancy occurred in any post of any member, shall be filled up by the Councillor or the Municipality/Notified Area Authority, as the case may be, either in the annual general meeting or a general meeting of the citizens of the ward convened for the purpose, and for filling up any vacant post of any member the manner as prescribed in sub-rule (2) shall be followed.]

4. Composition of Ward Committee.—(1) The Committed shall consist of the elected Councillor and such other members as may be nominated by the elected Councillor of the ward and the Municipality/Notified Area Authority from among the residents of the ward.

(2) The elected Councillor of the ward shall be chairperson of the Committee. He shall preside over the meetings of the Committee. In his absence, the members present shall elect a President from among themselves to preside over the meeting.

(3) For nominating the members, in a Ward where the population is not more than two thousand and five hundred, the number of other members shall be four and, thereafter, there shall be one additional member for every five hundred population or part thereof, subject to a maximum number of fourteen.

Explanation.— In reckoning the number of additional members of the Committee exceeding four, any part of less than two hundred fifty (250) population may be ignored.

1. Subs. by the Notifications. 18/MA/0/C-4/3C-2/200, for the following :

"3. Constitution of Ward Committee.—The Committee shall be constituted by the Municipality/Notified Area Authority within one month from the date of first meeting of the Board of Councillors after general election."

[(4) The nomination of other members of the Committee shall be made in the following manner :-

Category	Total number of other members of the Ward Committee	To be nominated by the Councillor elected from the Ward	To be nominated by the Municipality
(1)	(2)	(3)	(4)
1.	7	5	2
2.	8	5	3
3.	9	6	3
4.	10	7	3
5.	11	8	3
6.	12	9	3
7.	13	10	3
8.	14	11	3
9.	15	11	4
10.	16	12	4
11.	17	13	4

Among the total number of members of the Committee the Councillor shall nominate, in the case of categories 1, 2 and 3 mentioned above, at least two representatives of the CDS, and in the cases of categories 4 to 11 mentioned above, three representatives of the CDS, who are the residents of the concerned ward:

Provided that any member of CDS shall not be nominated in more than one Committee:-

1. Subs. by rule (3) of Notification No. 18/MA/0/C-4/3C-2/2001, dated 8.1.2003 for the following:

(4) The nomination of other members of the Committee shall be made in the following manner—

Total number of other members of the Ward Committee	To be nominated by the Councillor elected from the Ward	To be nominated by the Municipality
4	3	1
5	3	2
6	4	2
7	5	2
8	6	2
9	7	2
10	8	2
11	9	2
12	9	3
13	10	3
14	11	3

The elected Councillor of the Ward or the Municipality/Notified Area Authority, as the case may be, shall have the right to remove any member, if considered necessary.

Provided further that where the members of CDS are not available, the members as specified in this rule shall be nominated from amongst the women' members of the BPL families from the ward concerned):

1((5) While nominating the other members of the Committee the aspect of proper representation of engineers, physicians, educationists, social workers, cultural activists, sports-persons, women, persons from economically backward section of society or any other person from among the residents of the ward, shall be made in such manner as may cover all sections of people of the ward as aforesaid. .

(i) after sub-rule (4), for sub-rule No. "(4)", substitute sub-rule No. "(5)"

(ii) after sub-rule (5), insert the following sub-rule—

2[(6) The elected Councillor of the ward or the Municipality/Notified Area Authority, as the case may be, shall have the right to remove any member nominated by it, if considered necessary.)

1[5. Tenure of the Committee.—(1) Tenure of the Committee shall be the same as that of the Board of Councillors of the Municipality/Notified Area Authority.'

(2) In case of any casual vacancy in the membership of the Committee caused by the following reasons, it shall be filled up by the councillor elected from the Ward or by the Municipality/Notified Area Authority, as the case may be, by fresh nomination:

- (a) death,
- (b) resignation, duly accepted by the Councillor elected from the Ward or by the Municipality/Notified Area Authority, as the case may be,
- (c) withdrawal of nomination by the Councillor elected from the Ward or by the Municipality/Notified Area Authority, as the case may be, or
- (d) shift of residence by any member from the ward to any other ward or elsewhere.

PART III

Rules of Business of the Ward Committee

6. First meeting of Ward Committee.—The first meeting of the Committee shall be convened by the Chairman of the Committee within fifteen days from the date of constitution of the Committee. Apart from normal business, the Committee shall, at its first meeting, select a Member-Secretary for the Committee from among the members who shall convene the subsequent meetings of the Committee in consultation with the Chairman and shall perform the secretarial functions of the Committee.

7. Ordinary meetings.—(1) The Committee shall meet at least once in every month.

(2) The Chairman shall fix the date, place and time of the meeting.

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- 1. Subs. by rule (3) of Notification No. 18/MA/0/C-4/3C-2/2001. dated 8.1.2003 "(5) or (4)".
 - 2. Ins. by ibid. dated 8.1.2003.

(3) No meeting shall be held unless at least seven clear days before the day of the meeting, notice specifying the date, place and time of such meeting and the business to be transacted there has been given to the members.

8. Annual General Meetings.—(1) The Committee shall convene an annual general meeting of the residents of the ward by intimating every resident of the ward and also by public proclamation intimating the time and venue of the meeting to be held within the 30th June every year to apprise them the activities of the Municipality/Notified Area Authority in general, and the ward in particular, during the preceding year and to assess the popular needs of the ward for the current year.

(2) For the annual general meetings, the Municipality/Notified Area Authority shall furnish the following documents to the Committee for public information and deliberation there on:

- (a) a detailed report about the activities of the Municipality/Notified Area Authority in the ward area during the preceding year;
- (b) a copy of the Annual Administration Report alongwith the Annual "Financial Statement of the Municipality/Notified Area Authority for the preceding year.

(3) Annual General Meetings shall be arranged preferably in a public place within the ward.

1[(4) Apart from the meeting as prescribed in sub-rule (1), the Committee shall convene a Half-yearly General Meeting of the residents of the Ward by intimating every resident of the Ward and also by public proclamation intimating the 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/Notified Area Authority in general, and the Ward 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.]

9. Minutes.—(1) Minutes of proceedings of the Ward 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 of the same shall be displayed in some conspicuous place of the concerned ward.

PART IV

Powers and Functions

10. General Functions.—(1) The Committee, subject to general supervision of the Borough Committee or the Municipality, as the case may be, shall, within the ward, supervise and monitor—

1. Ins. by Notification No. 18/MA/0/C-4/3C-2/2001 dated 8 1 2C

- a) detection of violation of various provisions of the Act such as unlawful construction, encroachments on municipal and public properties, public nuisance, evasion of taxes, unlicensed activities, and the like;
 - (b) arresting wasteful uses of various municipal services like tap-water, street hydrant, street light,, parks and playgrounds, community centres and libraries, and the like;
 - (c) collection and removal of garbage.
 - (d) removal of accumulated water on streets, public places due to rain, and other causes;
 - (e) health immunisation services;
 - (f) improvement of slums including its clearance wherever necessary;
 - (g) redressal of public grievances;
 - (h) maintenance of essential statistics;
 - (i) numbering of streets and premises;
 - (ii) execution of various obligatory and discretionary functions and functions transferred by the State Government to the Municipality/ Notified Area Authority as per provisions of the Act.
- (2) The Committee, as per directions of the Borough Committee or the Municipality/ Notified Area Authority, as the case may be, shall also monitor and supervise within the ward—
- (a) work of assessment, collection of property tax other taxes, fees and other sums due to the Municipality/Notified Area Authority;
 - (b) maintenance and repair of roads and drains;
 - (c) execution of public works;
 - (d) maintenance of sanitation and public health;
 - (e) the prevention and control of dangerous diseases;
 - (f) issue of birth and 'death certificates;
 - (g) all Urban Poverty Alleviation Programmes of the State and the Central Government;
 - (h) tree planting in the municipal properties;
 - (i) maintenance of parks, tanks, and other municipal properties;
 - (j) generation of internal resources; and
 - (k) literacy expansion programmes]

(3) The Committee shall perform other functions as may be entrusted to it by the - Municipality or the Borough Committee or the Act or the rules made thereunder and supervise implementation of decisions of the Municipality/ Notified Area Authority and the other Committees constituted under the Act in respect of all matters relating to the ward.

11. Planning.—(1) Within three months from the date of constitution of the Committee, the Committee shall prepare a list of the schemes for development of the ward during the next five years and also annual priority list of these schemes and submit the same to the Municipality/Notified Area Authority for incorporating them in the Development Plan of the Municipality/Notified Area Authority as per provisions of the Act.

1. Ins. by Notification No. 16/MA/0/C-4/3C-2/2001, deled 8.1.200:

(2) The priority list mentioned in sub-rule (1) shall be prepared after—

- (a) identifying problems of the ward, and
- (b) fixation of priority of problems so identified.

12. Execution of development schemes.—(1) When the Municipality/ Notified Area Authority executes any development scheme in the ward area, a beneficiary Committee consisting of the citizens of the ward, shall be constituted by the Committee, under its supervision, for looking after the work and making any suggestion related to the concerned work.

(2) The Committee shall make the work schedule of any development scheme available to the beneficiary Committee constituted under sub-rule (1) for the purpose.

13. Powers of the Committee.—(1) The Chairman shall be entitled to—

- (a) call for any information in so far as it relates to any matter within the ward,
- (b) call for any consideration all periodical statements relating to the receipts and disbursements.

(2) Any member may draw attention of the Chairman to any requirement of any locality or to any lapse in execution of the work or to any waste of the Municipal Fund or Municipal Property and may suggest any improvement which he considers desirable.

(3) The Committee may require, with the permission of the Municipality, any officer of the Municipality to attend any meeting of the Committee at which any matter dealt with by such officer in the course of his duties is being discussed. When any officer is thus required to attend any such meeting he may be called upon to make a statement of facts or furnish such information in his possession relating to any matter dealt with by him or produce any document or report as the Committee may require.

14. Duties of Municipality.—(1) The Municipality shall make available to the Committee the following information—

- (a) decisions of the Standing Committee;
- (b) decisions or resolutions of the Municipality;
- (c) ward-wise budgetary allocation made by the Municipality;
- (d) copy of the ward map;
- (e) details of municipal properties ward-wise;
- (f) Annual Financial Statement and Annual Administration Report;
- (g) demand and collection figures of tax and non-tax revenue of the ward; and
- (h) such other information as required by the Committee.

(2) The Municipality, on a written requisition from the Chairman of the Committee, shall make available an advance amount required to meet the emergent needs of natural calamity, accident or any other reason, and the Chairman of the Committee, within fifteen days from the date of receipt of such advance, shall submit a report of utilisation of such sum and refund the unspent portion of such advance, if any, to the Municipality/Notified Area Authority.

1[(3) The Municipality shall provide an office for each Committee.].

1. Ins. by Notification No. 18/MA/0/C-4/3C-2/2001, dated 8.1.2003.

PART V

Creation of Internal Resources

15. Proposals for creation of internal resources)) The Committee shall consider the opportunities for creation of new sources 'to augment municipal income by way of,—

- (i) using lands vested to the Government or Municipality/Notified Area Authority and any land belonging to any Government department subject to permission of such department for—
 - (a) tree plantation on long term and short term basis; or
 - (b) constructing market complexes, shops and buildings for commercial use; or
 - (c) integrating scattered small scale industries in industrial complexes; or
 - (d) constructing parking spaces for buses, trucks, cars etc.; or
 - (e) construction of housing complexes; or
 - (f) any other measure the Committee considers feasible
- (ii) using private, public water bodies for promotion of pisciculture or entertainment purposes;
- (iii) installing unconventional energy sources like solar electricity or bio- gas or any other alternative for commercial distribution;
- (iv) using private lands for commercial purpose on joint venture of - Municipality/Notified Area Authority and the concerned owner;
- (v) running municipal transport system on roadways and waterways for carrying goods and passengers in such routes which are not covered by adequate public system and are financially viable; and
- (vi) such other measures which the Committee considers feasible and viable.

(2) The Committee, shall submit a detailed proposal for creation of internal resources, as specified in sub-rule (1\$, to the Municipality/Notified Area

Authority :

Provided that if it is felt by the Committee that involvement of other ward/wards is necessary for such, creation of new resources, the Committee may interact with the Committee of such other ward/wards for finalisation of the proposal.

(3) It shall be obligatory on the part of the Municipality/Notified Area Authority to spend 60% of the income from the newly created internal resources, as per proposal of the Committee, in the ward/wards, where such new internal resources have been created, after deducting the cost for implementation of such project, if any.

16. Issue of general or special direction.—The State Government may issue such general or special directions, not inconsistent with the provisions of the Act or these rules, as may, in its opinion, be necessary for the purpose of giving effect to these rules or for removing any difficulty in this regard.